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2
3 **ORDINANCE**
4 **NUMBER 2024-1**
5

6 **AN ORDINANCE OF LEVY COUNTY, FLORIDA,**
7 **AMENDING CHAPTER 50 (LAND DEVELOPMENT CODE)**
8 **AND APPENDIX B (SCHEDULE OF FEES, RATES AND**
9 **CHARGES) OF THE COUNTY CODE OF ORDINANCES**
10 **RELATED TO THE DIVISION AND UNIFICATION OF**
11 **LAND; BY REVISING SEC. 50-1 DEFINITIONS; BY**
12 **DELETING SEC. 50-496 LINEAL HEIR HOMESTEAD**
13 **DENSITY EXEMPTION AND SEC. 50-497 VARIANCES,**
14 **RECORDATION AND ERROR; BY CREATING A NEW**
15 **SEC. 50-538 CORRECTION OF PLAT ERRORS OR**
16 **OMISSIONS; BY RETITLING ARTICLE XI SUBDIVISIONS**
17 **AND CREATING A NEW DIVISION 4 THEREIN TITLED LOT**
18 **SPLITS; BY DELETING SEC. 50-680 RECONFIGURING A**
19 **PARENT PARCEL OR PARCEL OF RECORD THAT IS NOT**
20 **LOCATED WITHIN A RECORDED SUBDIVISION; BY**
21 **REVISING SEC. 50-776 UNITY OF TITLE; AND REVISING**
22 **APPENDIX B SCHEDULE OF FEES, RATES AND**
23 **CHARGES; PROVIDING FOR INCLUSION IN THE CODE;**
24 **PROVIDING A SEVERABILITY CLAUSE; PROVIDING A**
25 **REPEALING CLAUSE; AND PROVIDING DIRECTIONS TO**
26 **THE CLERK AND AN EFFECTIVE DATE.**
27

28 **WHEREAS**, Section 1, Article VIII of the Florida Constitution and Chapter 125,
29 Florida Statutes, vests the Board of County Commissioners of Levy County, Florida (the
30 “Board”) with the authority to adopt county ordinances that are not inconsistent with state
31 general or special law and provide the required procedures to adopt such ordinances;
32

33 **WHEREAS**, in 1990, the Board adopted the Levy County Comprehensive Plan
34 pursuant to the provisions of Chapter 163, Florida Statutes, which Comprehensive Plan
35 has been amended through adoption of subsequent ordinances (the “Comprehensive
36 Plan”);
37

38 **WHEREAS**, in 1991, the Board adopted the Levy County Land Development
39 Regulations, which have been subsequently amended and are now codified as Chapter
40 50 of the Code of Ordinances of Levy County (the “Land Development Code”);
41

42 **WHEREAS**, Section 163.3179, Florida Statutes, titled “Family Homestead” states
43 “a local government may include in its comprehensive plan a provision allowing the use

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

1 of a parcel of property solely as a homestead by an individual who is the grandparent,
2 parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild
3 of the person who conveyed the parcel to said individual, notwithstanding the density or
4 intensity of use assigned to the parcel in the plan. Such a provision shall apply only once
5 to any individual”;

6
7 **WHEREAS**, Policy 1.13 of the Future Land Use Element in the Comprehensive
8 Plan includes the statutory “Family Homestead” density language and further states “The
9 adopted Land Development Regulations, Chapter 50, Zoning, will establish the
10 performance standards to implement this policy”;

11
12 **WHEREAS**, Section 50-496 titled “Lineal heir homestead density exemption” was
13 adopted in 1999 and amended in 2003 to provide the County’s standards to implement
14 Policy 1.13;

15
16 **WHEREAS**, recognizing issues with the existing ““Lineal heir homestead density
17 exemption” standards and process, on May 23, 2023, the Board approved Zoning-in-
18 Progress (aka Pending Ordinance Doctrine) to pause accepting applications for “Lineal
19 heir homestead density exemptions,” so that County staff could draft Code revisions for
20 the Board to consider;

21
22 **WHEREAS**, this Ordinance repeals the prior standards and provides a lot split
23 process to implement Policy 1.13 by allowing the creation of family homestead lots. In
24 addition, the lot split process provides for the one time split of parent parcels and the
25 creation of right-of-way lots and public utility lots;

26
27 **WHEREAS**, this Ordinance also eliminates plat variances, relocates the existing
28 language regarding the correction of plat errors and omissions to a more appropriate
29 location in the Code, and creates additional types of unity of title as a tool for property
30 owners to eliminate unlawful lots of record and to reconfigure parent parcels;

31
32 **WHEREAS**, as required by Part II of Chapter 163, Florida Statutes and Section
33 50-55 of the Land Development Code, this proposed ordinance has been reviewed by the
34 County Planning Commission for consistency with the Comprehensive Plan and the
35 Planning Commission recommendation has been forwarded to the Board; and

36
37 **WHEREAS**, at least ten (10) days’ notice has been given once by publication in a
38 newspaper of general circulation notifying the public of this proposed ordinance and of a
39 public hearing in the Levy County Government Center in Bronson, Florida.

40
41 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners
42 of Levy County, Florida, that:

43
Note: deletions shown ~~stricken~~, additions shown underlined.

1 **Section 1.** Sec. 50-1. Definitions is amended as set forth below. Except as amended
2 herein, all other definitions within Sec. 50-1 remain in full force and effect.

3
4 **Chapter 50. Land Development Code**

5 **Article I. In General**

6 **Sec. 50-1. Definitions**

7
8 Development Review Committee (DRC) means the staff committee that reviews site
9 plans and other development proposals for purposes of providing technical expertise and
10 guidance to the zoning official who is charged with reviewing and rendering a decision.
11 The DRC may include the county engineer, road department, development director, and
12 other county staff whose technical expertise is relevant to the development proposal.

13
14 Flood hazard area means the greater of the following two areas:

15
16 (1) The area within a floodplain subject to a one-percent or greater chance of
17 flooding in any year.

18 (2) The area designated as a flood hazard area on the community's flood hazard
19 map, or otherwise legally designated.

20
21 Lot of record, legal means a parent parcel or a lot that was created in accordance with
22 applicable county code at the time the lot was recorded by plat or deed in the office of the
23 clerk of the court.

24
25 Lot of record, unlawful means a lot that does not meet the definition of legal lot of record.
26 An unlawful lot of record is not eligible for building permits or other development permits
27 unless its unlawful status is remedied in accordance with this code.

28 ~~Parent parcel means a lot that existed on December 31, 1989, the date of the original~~
29 ~~adoption of the Levy County Comprehensive Plan, and which lot is reflected in the~~
30 ~~1989 parent parcel maps on file in the county planning and zoning office, or which lot~~
31 ~~is proven by the owner to have been created by deed(s) recorded in the public records~~
32 ~~of Levy County, Florida, on or before December 31, 1989.~~

33 ~~Yard means an open space which lies between the foundation of the principal building or~~
34 ~~group of buildings and the nearest lot line, and area, on the same lot with a building, that~~
35 ~~is unoccupied and unobstructed from the ground upward except as permitted in this~~
36 ~~chapter. The diagram below illustrates the concept of lot line, yard and setback.~~

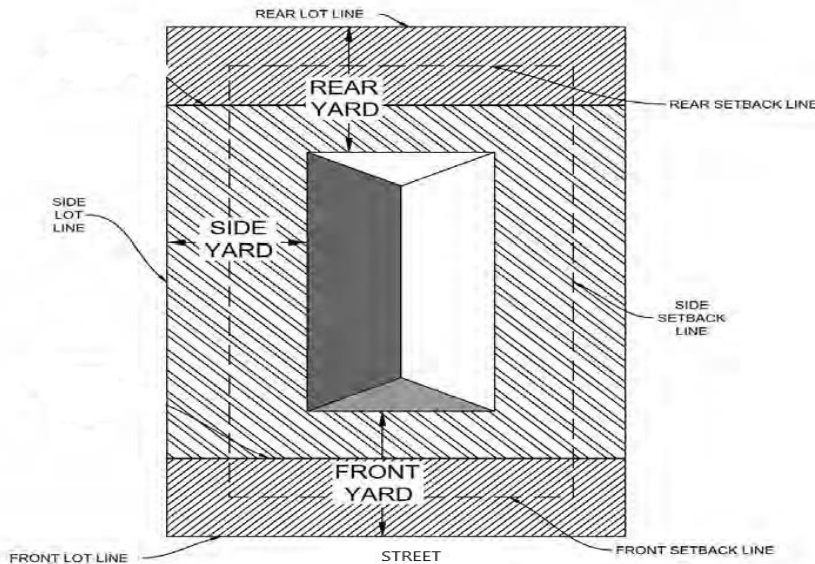
37
38 (1) Yard, front, means the yard extending across the full width of the lot from the
39 front lot line to the principal structure. an open space which lies between the
40 principal building or group of buildings and the front lines, unoccupied and
41 unobstructed from the ground upward exclusive of shrubs or fences.

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

1
2 (2) *Yard, rear*, means the yard extending across the full width of the lot from the
3 rear lot line to the principal structure. ~~an open space extending the full width of the~~
4 ~~lot between a principal building and the rear lot line, unoccupied and unobstructed~~
5 ~~from the ground upward.~~

6 (3) *Yard, side*, means the yard extending across the full depth of the lot from any
7 side lot line to the principal structure. ~~an open space extending from the front yard~~
8 ~~to the rear yard between a principal building and the nearest side lot line,~~
9 ~~unoccupied and unobstructed from the ground upward.~~

10
11 ((Note to codifier: insert the diagram below))
12



13
14
15 **Section 2.** Section 50-496. "Lineal heir homestead density exemption" and Section 50-
16 497. "Variances, recordation and error" are deleted in their entirety. Except as amended
17 herein, the remainder of Division 1 remains in full force and effect.
18

19 **Chapter 50. Land Development Code**
20 **Article XI. Subdivisions**
21 **Division 1. Generally**

22 **Sec.50-496. Reserved. ~~Lineal heir homestead density exemption.~~**

23 (a) ~~It is the intent of this section to provide for the subdivision and conveyance of land~~
24 ~~to immediate family members for their primary residence in accordance with the~~
25 ~~technical standards of this section. The purpose of this section is to preserve the~~
26 ~~ability of property owners to convey lands to lineal heirs by providing for an~~
27 ~~exception to the density assigned to the parent parcel, where such divisions create~~
28 ~~parcel sizes that are generally prohibited by the county's comprehensive plan.~~

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

- 1 ~~(b) The subdivision of land under the provisions of this section shall be applied in a~~
2 ~~manner that creates the least extent and number of nonconforming lots or parcels.~~
- 3 ~~(1) Retention of the maximum number of conforming parcel sizes shall be~~
4 ~~encouraged while providing for the equal division of the remaining acreage.~~
- 5 ~~(2) Division of parent tracts that do not conform to the density standard assigned~~
6 ~~to parcel shall be divided to create parcels of equal size.~~
- 7 ~~(3) Minimum parcel size is one acre in a nonflood zone, two acres in a flood zone.~~
- 8 ~~(4) The minimum parcel size shall apply to any parcel created pursuant to this~~
9 ~~section.~~
- 10 ~~(5) This section shall not be allowed more than one time for each family member.~~
- 11 ~~(6) With the exception to density requirements, the division of land under the~~
12 ~~provisions of this section shall meet all other applicable standards in the land~~
13 ~~development regulations including, but not limited to, access design, road~~
14 ~~construction (if applicable), length to width ratio, easement standards and~~
15 ~~section line dedication when deemed appropriate by the review committee.~~
16 ~~Consideration shall be given to existing land development patterns and to the~~
17 ~~future needs identified on the adopted future traffic circulation map when~~
18 ~~requiring right-of-way dedication.~~
- 19 ~~(c) Lineal heir homestead density exceptions are prohibited in the following areas:~~
- 20 ~~(1) R-2(LDR), R-3(MDR), R-4(HDR), commercial C-1 through C-4 (C), and~~
21 ~~industrial (I) zoning and land use districts.~~
- 22 ~~(2) Type II subdivisions (until the roads are constructed to county specifications) or~~
23 ~~any tract located on a private easement less than 60 feet in width and serves~~
24 ~~two or more unrelated landowners.~~
- 25 ~~(3) Lots in recorded subdivisions.~~
- 26 ~~(d) Eligibility standards are as follows:~~
- 27 ~~(1) Eligible persons or lineal heirs recipient: Grandparent, parent, stepparent,~~
28 ~~sibling, child, stepchild, adopted child or grandchild of the person conveying~~
29 ~~the parcel. Applicants for building permits must submit a notarized affidavit~~
30 ~~identifying their relationship to the parent parcel owners.~~
- 31 ~~(2) Eligible parcels: Parent parcels of record under the ownership of the grantee~~
32 ~~for a period of time no less than five years.~~
- 33 ~~(e) Platting requirements are as follows:~~
- 34 ~~(1) A plat (survey) prepared on a minimum 11-inch by 17-inch sheet, at an~~
35 ~~acceptable scale by a licensed professional surveyor and mapper or~~
36 ~~professional engineer shall be prepared, showing the relationships of the~~
37 ~~parcels transferred to the un-platted lands of the grantee, all easements for~~

Note: deletions shown stricken, additions shown underlined.

- 1 utilities, egress and ingress and their relation to a public road right-of-way and
2 shall include a legal description by fractional calls and/or metes and bounds for
3 each of the lots or parcels created.
- 4 ~~(2) Every parcel must have a permanent means of ingress and egress. These~~
5 ~~parcels created that do not front a public road shall provide access by a~~
6 ~~recorded Deed or non-exclusive easement prior to the issuance of building~~
7 ~~permits.~~
- 8 ~~(3) The provision of ingress and egress shall conform to standards in the definition~~
9 ~~"easement" in section 50-1. No easement created under this section may be~~
10 ~~less than 30 feet wide for the purpose of ingress and egress, exclusive of utility~~
11 ~~easements.~~
- 12 ~~(4) Utility easements shall be a minimum of ten feet wide, in addition to the~~
13 ~~required minimum egress and ingress easement.~~
- 14 ~~(5) Any roads constructed for dedication to the county must meet the minimum~~
15 ~~requirements of the county road department for local roads.~~
- 16 ~~(6) Private roads (i.e. roads that are not constructed to county specifications,~~
17 ~~dedicated to the public and included in a MSTU or some other funding~~
18 ~~mechanism for maintenance) will not be accepted into the county road~~
19 ~~maintenance system, regardless of the type of construction.~~
- 20 ~~(7) All plats or surveys containing constructed roads shall provide construction~~
21 ~~plans that have been approved by the appropriate water management district~~
22 ~~for drainage.~~
- 23 ~~(8) Prior to application for building permits, all easements created for ingress and~~
24 ~~egress must be surveyed out, cleared, and stabilized with limerock, gravel, or a~~
25 ~~clay mix to provide a durable surface for the passage of a two-wheel drive~~
26 ~~vehicle.~~
- 27 ~~(9) Any road, easement or driveway that ties in or connects to a public road or~~
28 ~~right-of-way will require a permit that will require the driveway or turnout from a~~
29 ~~private road or easement to be constructed to county specifications.~~
- 30 (f) Applications may be obtained from the development department. The following
31 documentation is required prior to the processing and review of applications for
32 lineal heir subdivisions:
- 33 (1) *Proof of ownership.* The applicant shall submit a deed and legal description of
34 the parent parcel.
- 35 (2) *Description of property division.* The applicant shall submit three certified
36 boundary surveys/plat maps showing all proposed division of the property,
37 ingress and egress, easements for utilities, tie-ins to a public road right-of-way,
38 and metes and bounds description of each parcels/lots created by the division.

Note: deletions shown stricken, additions shown underlined.

1 ~~(3) *Lineal heir affidavit.* The applicant shall obtain, complete and submit a lineal~~
2 ~~heir relationship affidavit to the development department, at the time of~~
3 ~~application for a lineal heir homestead density exception, for all recipients of a~~
4 ~~lineal heir homestead density exception parcel.~~

5 ~~(g) Deeds with an attached plat map shall be recorded prior to the issuance of a~~
6 ~~building permit. Such deeds shall include language giving notice that the~~
7 ~~subdivision of land is in accordance to the lineal heir homestead density exception~~
8 ~~and of the prohibition of additional density conveyance addressed in subsection (h)~~
9 ~~of this section.~~

10 ~~(1) Recording of the deeds or plat map of any parcel created pursuant to these~~
11 ~~regulations shall not be allowed until such time as the plat review committee~~
12 ~~has reviewed and approved such plat.~~

13 ~~(2) Building permits shall only be issued to the recipients of the homestead density~~
14 ~~exception parcels for his or her primary residence.~~

15 ~~(h) No parcel created by this exception process may receive additional density~~
16 ~~exceptions for future offspring of the grantee, nor future owners of the parcel.~~

17
18 **Sec. 50-497. Reserved. Variances, recordation and error.**

19 ~~(a) *Variances.* If the enforcement of any of the provisions of this article would be~~
20 ~~impracticable or would work an undue hardship upon any person, following an~~
21 ~~application for variance from the provisions of this article by the applicant, and~~
22 ~~following recommendation by the planning commission on the application for~~
23 ~~variance, the board of county commissioners may waive any of the provisions of~~
24 ~~this article and grant such variance. Any such waiver shall not be deemed a~~
25 ~~continuing waiver of such provisions, nor shall such waiver abrogate or impair the~~
26 ~~effectiveness of such provisions.~~

27 ~~(b) *Recordation.* The county clerk shall record in the public land records of the county~~
28 ~~any map prepared and adopted by the department of transportation or any other~~
29 ~~governmental agency as its official right-of-way map after the map has been~~
30 ~~approved. The county clerk shall use special plat books provided by the appropriate~~
31 ~~governmental authority for such maps, and which shall be kept with the plat books.~~
32 ~~The county clerk shall make available to the public a full size copy of the right-of-~~
33 ~~way maps at a reasonable fee.~~

34 ~~(c) *Error.* If an appreciable error or omission in the data shown on any plat duly~~
35 ~~recorded under the provisions of this article is detected by subsequent examination~~
36 ~~or revealed by a retracement of the lines run during the original survey of the lands~~
37 ~~shown on such recorded plat, the land surveyor who was responsible for the survey~~
38 ~~and the preparation of the plat as recorded may file an affidavit confirming that such~~
39 ~~error or omission was made. However, the person making the affidavit must state~~
40 ~~that he made a resurvey of the subject property in the recorded subdivision within~~

Note: deletions shown strikethrough, additions shown underlined.

1 ~~the last ten days and that there is no evidence that would conflict with corrections~~
2 ~~as stated in the affidavit. The affidavit shall describe the nature and extent of such~~
3 ~~error or omission and the appropriate correction that, in his opinion, should be~~
4 ~~substituted for the erroneous data shown on such plat or added to the data on such~~
5 ~~plat. Where such an affidavit is filed, it is the duty of the county clerk to record such~~
6 ~~affidavit and he may place in the margin of such recorded plat a notation that the~~
7 ~~affidavit has been filed, the date of filing, and the book and page where it is~~
8 ~~recorded. The affidavit shall have no effect upon the validity of the plat or on the~~
9 ~~information shown thereon.~~

10
11 **Section 3.** A new Sec. 50-538 titled “Correction of plat errors or omissions” is created to
12 read as set forth below.

13
14 **Chapter 50. Land Development Code**

15 **Article XI. Subdivisions**

16 **Division 2. Platting**

17 **Subdivision II. Procedures**

18
19 **Sec. 50-538. - Correction of plat errors or omissions.** As stated in F.S. §177.141, in
20 the event an error or omission in the data shown on any plat duly recorded under the
21 provisions of this article is detected by subsequent examination or revealed by a
22 retracement of the original survey of the lands shown on such recorded plat, the
23 professional surveyor and mapper or legal entity responsible for the survey and the
24 preparation of the plat as recorded may file an affidavit confirming that such error or
25 omission was made. If applicable, the affidavit must state that the professional surveyor
26 and mapper or legal entity made a resurvey of the subject property in the recorded
27 subdivision within the last ten days and that no evidence existed on the ground that would
28 conflict with corrections as stated in the affidavit. The affidavit shall describe the nature
29 and extent of such error or omission and the appropriate correction that in the affiant’s
30 professional opinion should be substituted for the erroneous data shown on such plat or
31 added to the data on the plat. When such an affidavit is filed, it is the duty of the circuit
32 court clerk to record the affidavit, and he or she must place in the margin of the recorded
33 plat a notation that the affidavit has been filed, the date of filing, and the official book and
34 page where it is recorded. The notation must also be placed on all copies of the plat used
35 for reproduction purposes. The affidavit shall have no effect upon the validity of the plat.

36
37
38 **Section 4.** Article XI. Is retitled “Subdivisions and Lot Splits” and a new Division 4 titled
39 “Lot Splits” is created as set forth below.

40
41 **Chapter 50. Land Development Code**

42 **Article XI. Subdivisions and Lot Splits**

43 **Division 4. – Lot Splits**

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

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

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

4
5 (a) General requirements. Each lot split must:

6
7 (1) Comply with the specific requirements in sec. 50-601 applicable to the type of
8 split requested;

9
10 (2) Provide legal access to the new lot and the remnant lot by: (a) direct connection
11 to an existing public road, or (b) direct connection to a recorded private road or
12 recorded easement that connects directly to an existing public road. The recorded
13 private road or recorded easement must be located outside of a flood hazard area
14 and must be a minimum of 30 feet in width, at least 18 feet of which must be cleared
15 and stabilized sufficiently to provide a firm and unyielding surface that is passable
16 during inclement weather conditions by its anticipated users, all as reviewed by the
17 development review committee and approved by the zoning official. The county may
18 require that the legal access be conveyed to the county for public right-of-way. Any
19 required driveway connection to a public road must be approved by the appropriate
20 jurisdiction;

21
22 (3) Identify whether the remnant lot meets all lot requirements, such as minimum lot
23 size, width, depth and setbacks and lot coverage (as to any existing improvements)
24 and will therefore be deemed a legal lot of record; or does not meet all such lot
25 requirements and will therefore be deemed an unlawful lot of record; and

26
27 (4) Comply with other applicable requirements in this code.

28
29 (b) Process.

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

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

36 a. Proof of ownership. A current (dated within 1 month of the date the
37 application is submitted) ownership and encumbrance report prepared by a
38 title company or attorney for the lot being split (the original lot) and the legal

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1 access (if provided by private road or easement). The property owner,
2 outstanding mortgagees and holders of other interests in the lot or legal
3 access must join or consent to the application.

4 b. *Sketch or Boundary Survey and Legal Descriptions.* A sketch (if the land
5 is vacant) or boundary and location survey (if the land has improvements
6 that appear to be located near required setbacks) prepared by a Florida
7 licensed surveyor that depicts: the original lot, the proposed split (the new
8 lot and the remnant of the original lot), existing and/or proposed access,
9 above ground utilities, existing structures and flood hazard areas (if any).
10 Legal descriptions must be provided for each lot created by the split (the
11 new lot and the remnant of the original lot).

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

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

18 (3) *Review; denial or approval.* Upon receipt, the zoning official or designee will
19 review the application for completeness. If additional information is needed, the
20 zoning official or designee will inform the applicant and allow a reasonable time for
21 the applicant to provide the additional information. Upon finding the application is
22 complete, the zoning official or designee will review the application for compliance
23 and will issue a written denial (with a brief statement of reasons) or approval in the
24 section of the application reserved for that purpose.

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

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

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

8 **Sec. 50-601. Types of lot splits.**
9

10 (a) One time split of a parent parcel. Through the process in sec. 50-600, a parent parcel
11 may be split one time to create two lots that meet all lot requirements, such as minimum
12 lot size, width, depth and setbacks and lot coverage (as to any existing improvements).
13 Any parent parcel that was previously split one time may reconfigure that split upon
14 application made by the current owners of both parcels.

15
16 (b) Lot split for utilities. Through the process in sec. 50-600, any lot of record (legal or
17 unlawful) may be split to create a new lot for any utilities that are allowed in that zoning
18 district. The utilities lot is not required to meet all lot requirements, such as minimum lot
19 size, width, depth, setbacks and lot coverage; however, such a lot will be deemed a legal
20 lot of record solely for utilities use and may not be used or developed for any other use.

21
22 (c) Lot split for right-of-way. Any lot of record (legal or unlawful) may be split by recorded
23 deed (it is not required to follow the process set forth in sec. 50-600) that conveys land
24 for public right-of-way to the federal, state, county or municipal government. If the remnant
25 lot does not meet all lot requirements, the property owner may request a variance as set
26 forth in sec. 50-851 to allow reasonable use of the lot.

27
28 (d) Lot split for a family homestead. As authorized by F.S. §163.3179, the following
29 standards implement policy 1.13 of the future land use element in the comprehensive
30 plan. These standards authorize the creation of a family homestead lot by deed to an
31 eligible family member who is ready to establish their homestead residence on the lot
32 within 3 years.

33
34 (1) Eligibility standards.

35 a. Eligible lot means a legal lot of record that is not within a platted
36 subdivision, is not within a municipal service district, and has a zoning
37 designation of F/RR, A/RR or RR.

38 b. Eligible grantor means a natural person who has owned the eligible lot
39 for three consecutive years or more.

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

1 c. Eligible grantee means the eligible grantor's grandparent, parent,
2 stepparent, adopted parent, sibling, child, stepchild, adopted child, or
3 grandchild, who has not previously received a family homestead lot (or
4 formerly a lineal heir homestead density exemption parcel) within the
5 county.

6 (2) Family homestead lot; conditions and limitations; transfer certificate.
7

8 a. The family homestead lot is not required to meet the minimum lot size
9 (density) required within that zoning district; however, the family
10 homestead lot must be a minimum of 2 acres in a flood hazard area and
11 1.25 acres in a non-flood hazard area, meet the setback requirements for
12 its zoning designation, and must have sufficient area for a permitted onsite
13 sewage treatment and disposal system and potable water well, unless
14 connected to a central water and wastewater system.

15
16 b. Notwithstanding sec. 50-712, an accessory dwelling unit is not allowed
17 on a family homestead lot that does not meet the minimum lot size
18 (density) required within its zoning district.

19
20 c. The family homestead lot is created solely for use as the homestead
21 residence of the eligible grantee. As such, the grantee must establish a
22 permanent residence on the lot, obtain homestead exemption from the
23 property appraiser within three years from the recording date of the lot
24 split certificate, and maintain homestead exemption for a period of five
25 consecutive years. Upon satisfying the foregoing conditions, the lot will be
26 deemed a legal lot of record.

27
28 d. If the grantee does not satisfy the conditions in c, the lot will be deemed
29 an unlawful lot of record. The unlawful status may be remedied by
30 obtaining a transfer certificate. A request for a transfer certificate must be
31 made on the application form provided by the county and accompanied by
32 the applicable fee in appendix B. If approved, the zoning official or
33 designee will issue a transfer certificate and, upon property owner
34 signature, will record the transfer certificate in the public records of the
35 county. The zoning official or designee is authorized to issue transfer
36 certificates that allow:

37
38 i. Conveyance of the lot back to the original grantor, provided they
39 still own the remnant lot. Upon such conveyance, the family
40 homestead lot previously created is extinguished;
41

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

1 ii. Conveyance of the lot to an eligible grantee (of either the grantee
2 or the original grantor) who then satisfies the conditions in c above; or

3
4 iii. Conveyance of the lot to a third party (not the original grantor or
5 another eligible grantee), but only when the grantee established a
6 residence on the family homestead lot and is unable to complete the
7 homestead requirement due to documented circumstances beyond
8 their control, such as divorce, death, or relocation due to job change.

9
10 (3) Remnant lot; conditions and limitations.

11 a. If the remnant lot meets all lot requirements, such as minimum lot size,
12 width, depth and setbacks and lot coverage (as to existing improvements),
13 it will be deemed a legal lot of record.

14
15 b. If the remnant lot does not meet all lot requirements, it may be:

16 1. Occupied as the homestead (as evidenced by homestead
17 exemption) of the eligible grantor for a period of five consecutive
18 years after the family homestead lot split, upon which it will be
19 deemed a legal lot of record; or

20 2. Conveyed (in whole or in part) as additional family homestead
21 lots through the process in sec. 50-600.

22
23 **Section 5.** Section 50-680 is deleted in its entirety.

24
25 **~~Sec. 50-680. - Reconfiguring a parent parcel or parcel of record that is not located~~**
26 **~~within a recorded subdivision.—~~**

27 ~~Parent parcels or parcels of record that are described by metes and bounds legal~~
28 ~~description and are not located within a recorded subdivision may be re-configured in size~~
29 ~~and shape; provided that the reconfiguration:~~

30 ~~(1) Either adds acreage to the parent parcel to come closer to meeting density; or~~
31 ~~maintains the existing acreage and better configures the shape of the parent~~
32 ~~parcel to meet or come closer to meeting other zoning requirements, such as~~
33 ~~lot width or setbacks.~~

34 ~~(2) Does not create additional parcels;~~

35 ~~(3) Does not cut off or alter rights-of-way or other areas dedicated for public use;~~
36 ~~and~~

37 ~~(4) Does not leave any residual land that does not meet density or other zoning~~
38 ~~requirements.~~

39
Note: deletions shown ~~stricken~~, additions shown underlined.

1 ~~Parent parcels that are reconfigured under this section result in a new parent~~
2 ~~parcel designation that is irrevocable and will be reflected in the records of the county~~
3 ~~planning and zoning department.~~

4
5 **Section 6.** Section 50-776 is revised to read as set forth below.

6
7 **Article XIII. Zoning**

8 **Division 4. Permits and Nonconformities**

9 **Subdivision I. Permits and Certificates**

10
11 **Sec. 50-776 - Unity of title; release; fees.**

12
13 *(a) Purpose.* The unity of title process is created to recognize the unification of two or
14 more contiguous lots that are under common ownership into one lot in order to meet
15 certain county development requirements. Unity of title may be used (although not in all
16 circumstances) to meet minimum area or dimensions required by this code; to ensure
17 that a planned or phased development is maintained as a unified project; to allow
18 accessory uses or structures; to allow structures within setback areas; to provide access;
19 to combine a legal lot of record with an unlawful lot of record (thus eliminating the unlawful
20 lot) and to meet other applicable requirements in this code. No land which is submerged
21 or unbuildable under this land development code, or state or federal law, may be unified
22 for the purposes of determining lot area, depth or width or density of the development.
23 This process is not an alternative to platting or replatting.

24 *(b) Process for Unity of Title.* In order to be processed, a complete application packet for
25 unity of title must be submitted to the planning and zoning department. A complete
26 application includes all required information, all required attachments and payment of the
27 fee set forth in appendix B. All lots being combined must be under common ownership
28 and property taxes must be paid with no delinquent amounts owed or tax certificates
29 outstanding. Upon receipt, the planning and zoning department will review the
30 application for completeness and determine whether unity of title is necessary and
31 appropriate to meet the specific development requirement(s). If approved by the zoning
32 official or designee, the county will provide a declaration of unity of title document and
33 upon proper signature by all property owners, the county will record the declaration in the
34 public records and return a copy to the applicant.

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

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1 county. Unity of title does not extinguish or deal with any private restrictions or
 2 encumbrances, such as easements, deed or plat restrictions or homeowners association
 3 covenants.

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

18 **Section 7.** Appendix B of the Code is revised as set forth below. Except as amended
 19 herein, the remainder of Appendix B remains in full force and effect.

20 **Chapter 50. Land Development Code**
 21 **Appendix B. Schedule of Fees, Rates and Charges**
 22 **Sec. 2. Planning and zoning department.**

APPENDIX B—SCHEDULE OF FEES, RATES AND CHARGES PLANNING AND ZONING DEPARTMENT	
12. Unity of Title	
a) Application for Unity of Title	\$75.00 <u>150.00</u>
b) Application for Release of Unity of Title	\$150.00
<u>13. Lot Splits</u>	
a) <u>One time split of parent parcel</u>	<u>\$300.00</u>
b) <u>Lot split for utilities</u>	<u>\$300.00</u>

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

c) <u>Lot split for family homestead</u>	<u>\$300.00 for each approval certificate and \$150.00 for each transfer certificate</u>

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Section 8. The provisions of Sections 1 through 7 of this Ordinance shall become and be made a part of the Levy County Code, and the sections of this Ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section,” “article,” “regulation,” or other appropriate word or phrase in order to accomplish the codification.

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

Section 10. 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 11. 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 April _____, 2024.

BOARD OF COUNTY COMMISSIONERS
OF LEVY COUNTY, FLORIDA

Desiree Mills, Chair

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

Danny J. Shipp

Approved as to form and legal sufficiency

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

1
2

Nicolle M. Shalley, County Attorney

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