

**ORDINANCE  
NUMBER 2023-6**

**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.**

**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;

**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

10  
11       **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners  
12 of Levy County, Florida, that:

13  
14       **Section 1.** A new Section 50-776 is created to read as set forth below.

15  
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 meet 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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development requirement(s). If approved by the zoning official or designee, the county will provide a declaration of unity of title document and upon proper signature by all property owners, the county will record the declaration in the public records and return a copy to the applicant.

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

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

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

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

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

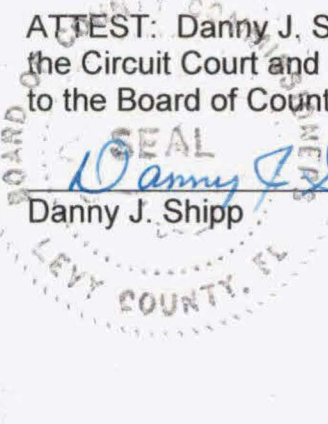
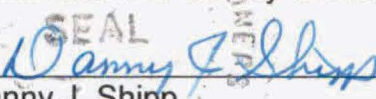
17  
18 **Section 6. Effective Date.** In accordance with Section 125.66, Florida Statutes, the  
19 Clerk to the Board of County Commissioners is directed to file this ordinance with the  
20 Florida Department of State within 10 days after adoption and upon such filing, this  
21 ordinance shall become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

22  
23 Adopted this 11<sup>th</sup> day of April, 2023.


24 BOARD OF COUNTY COMMISSIONERS  
25 OF LEVY COUNTY, FLORIDA

26   
27 \_\_\_\_\_  
28 Matt Brooks, Chairman

29  
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 \_\_\_\_\_  
36 Danny J. Shipp

37 Approved as to form and legal sufficiency

38   
39 \_\_\_\_\_  
Nicolle M. Shalley, County Attorney

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AFFP

0323 LC BOCC ORD 2023-6

## Affidavit of Publication

STATE OF FLORIDA }  
COUNTY OF CITRUS }

SS

0323 LC BOCC ORD 2023-6

NOTICE OF  
ORDINANCE 2023-6

Before the undersigned authority personally appeared Deborah McPherson, who on oath says that she is an Accounting Clerk of the Levy Citizen, a weekly newspaper published at 17 NE 3rd Street, Chiefland, FL in Levy County, Florida; that the attached copy of advertisement, being a legal notice in the matter of 0323 LC BOCC ORD 2023-6, was published in said newspaper by print in the issues of March 23, 2023 or by publication on the newspaper's website, if authorized, on March 23, 2023.

Affiant further says that the newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY FLORIDA, NOTICE IS HEREBY GIVEN the proposed Ordinance Amending Chapter 50 of The Land Development Code of Levy County, Florida, the title for which here after appears, will be considered by the Board of Levy County Commissioners, at a public hearing on Tuesday, April 11, 2023 at 9:00 a.m., or as soon thereafter as the same may be heard, at the Levy County Government Center Auditorium, 310 School Street, Bronson, Florida. Copies of said Ordinance may be inspected by any member of the public at the Office of the Board of Levy County Commissioners located at 310 School Street, Bronson, Florida, during regular business hours or contact by phone at (352) 486-5218. On the date, time and place first above- mentioned, all interested persons may appear and be heard with respect to the proposed Ordinance.

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Deborah McPherson

Affiant

Sworn to and subscribed before me this 23rd day of March 2023, by Deborah McPherson who is personally known to me.

All persons are advised that, if they decide to appeal any decisions made at this public hearing, they will need a record of the proceedings and, for such purpose, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. Any person requiring reasonable accommodations to participate in this meeting should contact the County Commissioners Administration Office at (352) 486-5218. Matt Brooks, Chairman Levy County Board of County Commissioners

Maria A. Parks

Maria A. Parks, Notary Public 4/20/2025

Published on March 23, 2023



MARIA A. PARKS  
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50000415 50059301 (352)486-3492

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