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4 **ORDINANCE NUMBER 2025-3**
5

6 **AN ORDINANCE OF LEVY COUNTY, FLORIDA, AMENDING THE CODE**
7 **OF ORDINANCES OF LEVY COUNTY, FLORIDA RELATING TO THE**
8 **COUNTY DEVELOPMENT DEPARTMENT AND PLANNING AND**
9 **ZONING DEPARTMENT; BY REPEALING OBSOLETE CODE**
10 **PROVISIONS; BY AMENDING APPENDIX B “SCHEDULE OF FEES,**
11 **RATES AND CHARGES”; BY AMENDING SECTION 50-718 TO**
12 **TRANSFER AUTHORITY FOR PERMITTING TEMPORARY**
13 **EXCAVATION AND FILL ACTIVITY FROM THE DEVELOPMENT**
14 **DEPARTMENT TO THE PLANNING AND ZONING DEPARTMENT;**
15 **PROVIDING FOR INCLUSION IN THE CODE; PROVIDING A**
16 **SEVERABILITY CLAUSE; PROVIDING A REPEALING CLAUSE;**
17 **PROVIDING DIRECTIONS TO THE CLERK AND PROVIDING AN**
18 **EFFECTIVE DATE.**
19

20 **WHEREAS**, at its Regular Meeting on February 4, 2025, the Board of County
21 Commissioners received a presentation from County staff and directed staff to prepare
22 this Ordinance;
23

24 **WHEREAS**, with the adoption and enforcement of a uniform Florida Building Code,
25 the provisions in Secs. 50-773 and 50-774 of the County Code regarding Building Permits
26 and Certificates of Occupancy have been rendered obsolete;
27

28 **WHEREAS**, Florida law authorizes counties to adopt reasonable fees, rates and
29 charges for various county services and functions that are requested by and of benefit to
30 private persons/entities;
31

32 **WHEREAS**, in accordance with State law, including specifically Section 125.56(2),
33 Florida Statutes, the fees proposed in this ordinance are recommended by County staff
34 as reasonable and reflective of the cost of providing the services and functions for which
35 the fees are charged, and in the case of the fees related to enforcement of the Florida
36 Building Code, will be separately accounted for and administered as required by Section
37 553.80, Florida Statutes;
38

39 **WHEREAS**, in reviewing the fees for the Development Department, County staff
40 determined that the permit for excavation and fill activity is a County zoning permit for a
41 temporary use and is not a permit issued pursuant to the Florida Building Code. As such,
42 this Ordinance moves the fee and revises the associated language in Sec. 50-718(4) to
43 the County Planning and Zoning Department;
44

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

1 **WHEREAS**, at least ten (10) days' notice has been given once by publication in a
2 newspaper of general circulation notifying the public of this proposed ordinance and of a
3 public hearing in the Levy County Government Center in Bronson, Florida; and
4

5 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners
6 of Levy County, Florida, that:
7

8 **SECTION 1.** Section 50-773 of the Code is repealed in its entirety as follows:
9

10 ~~**Sec. 50-773. Building permits.**~~
11

12 ~~(a) — *Generally.* No building or structure shall be erected, added to, or structurally~~
13 ~~altered until a permit therefor has been issued by the building official. Except upon a~~
14 ~~written order of the board of adjustment, no such building permit or certificate of~~
15 ~~occupancy shall be issued for any building where such construction, addition or alteration~~
16 ~~or use thereof would be in violation of any of the provisions of this article. The department~~
17 ~~of development will conduct an analysis of concurrency and certify as to the analysis of~~
18 ~~concurrency prior to issuing any permits.~~
19

20 ~~(b) — *Application.* All persons desiring to undertake any new construction or structural~~
21 ~~alteration of a building shall apply to the building official for a building permit by filling out~~
22 ~~the appropriate application form and by submitting the required fee. The building official~~
23 ~~will then either issue or refuse the building permit or refer the application to the board of~~
24 ~~adjustment. After the building permit has been received by the applicant, he may proceed~~
25 ~~to undertake the action permitted in the building permit and, upon completion of such~~
26 ~~action, shall apply to the building official for a certificate of occupancy. If the building~~
27 ~~official finds that the action of the applicant has been taken in accordance with the building~~
28 ~~permit, he will then issue a certificate of occupancy allowing the premises to be occupied.~~
29

30 ~~(c) — *Building permit types.* Under the terms of this article, the following classes of~~
31 ~~building permits may be issued:~~
32

33 ~~(1) A building permit for a permitted use may be issued by the building official on~~
34 ~~his own authority.~~

35 ~~(2) A building permit for a special exception use may be issued by the building~~
36 ~~official after review by the planning commission and upon the order of the board of~~
37 ~~county commissioners.~~

38 ~~(3) A building permit may be issued by the building official upon the order of the~~
39 ~~board of adjustment and after a public hearing held by the board of adjustment for~~
40 ~~the purpose of deciding upon the appeal or a request for a variance.~~
41

42 ~~(d) — *Necessary application information.* There shall be submitted with all applications~~
43 ~~for building permits two copies of a layout or plot plan drawn to scale showing the actual~~
44 ~~dimensions of the lot to be built upon, the exact size and location on the lot of the building~~

Note: Additions shown underlined, deletions shown stricken.

1 and accessory building to be erected, and such other information as may be necessary
2 to determine and provide for the enforcement of this article, including a certificate of
3 zoning compliance.

4
5 ~~(e) — *Public record.* One copy of such layout or plot plan shall be returned when~~
6 ~~approved by the building official together with such permit to the applicant upon the~~
7 ~~payment of a fee as indicated in this article. The second copy with a copy of each~~
8 ~~application with accompanying plan shall become a public record after a permit is issued~~
9 ~~or denied.~~

10
11 ~~(f) — *Water and sewage disposal.* All water supply and sewage disposal installations~~
12 ~~shall conform with the state department of health regulations and all applicable county~~
13 ~~ordinances. No plot plan shall be approved by the building official in any zone unless such~~
14 ~~conformity is certified on the plan. Drainage affected adjacent properties shall be~~
15 ~~considered by the building official before issuing a building permit, including possible~~
16 ~~runoffs to adjacent properties.~~

17
18 ~~(g) — *Issuance of permits.* It shall be the duty of the building official to issue a building~~
19 ~~permit, provided he is satisfied that the structure, building, sign parking area of premises,~~
20 ~~and the proposed use thereof, conform with all requirements of this article, and that all~~
21 ~~other reviews and actions, if any, called for in this article have been complied with and all~~
22 ~~necessary approvals secured therefore. All building permits shall be issued in duplicate~~
23 ~~and one copy shall be kept conspicuously on the premises affected and protected from~~
24 ~~the weather whenever construction work is being performed thereon. No owner,~~
25 ~~contractor, workman or other person shall perform any building operations of any kind~~
26 ~~unless a building permit covering such operation has been displayed as required by this~~
27 ~~article, nor shall they perform building operations of any kind after notification of the~~
28 ~~revocation of such building permit.~~

29
30 ~~(h) — *Permit fees.* Fees shall be paid according to a schedule maintained in the offices~~
31 ~~of the building and zoning officials.~~

32
33 ~~(i) — *Denial of permits.* When the building official is not satisfied that the applicant's~~
34 ~~proposed development will meet the requirements of this article, he shall refuse to issue~~
35 ~~a building permit and the applicant may appeal to the board of adjustment for a reversal~~
36 ~~of the building official's decision.~~

37
38 ~~(j) — *Expiration of building permit.* A building permit shall expire after six months if the~~
39 ~~applicant fails to implement his application as filed with the building official. The~~
40 ~~construction permit shall become null and void after one year, but may be extended one~~
41 ~~additional year if requested by the applicant and a fee of 50 percent of the original fee is~~
42 ~~paid prior to the expiration date. Move on permits shall expire one year from date of~~
43 ~~purchase.~~

44
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1 ~~(k) — *Revocation of permits.* If it shall appear at any time to the building official that the~~
2 ~~application or accompanying plot plan is in any material respect false or misleading, or~~
3 ~~that work is being done upon the premises differing materially from that called for in the~~
4 ~~application filed with him under existing laws or ordinances, he may forthwith revoke the~~
5 ~~building permit, whereupon it shall be the duty of the person holding the building permit~~
6 ~~to surrender it and all copies thereof to the building official. After the building permit has~~
7 ~~been revoked, the building official, in his discretion, before issuing the new building~~
8 ~~permit, shall require the applicant to file an indemnity bond in the favor of the county with~~
9 ~~sufficient surety conditioned for compliance with this article and all building laws and~~
10 ~~ordinances then in force and in a sum sufficient to cover the cost of removing the building~~
11 ~~if it does not so comply.~~

12
13 ~~(l) — *Special exception uses.* All such applications shall be accompanied by plans and~~
14 ~~such other information as maybe required in this article.~~

15
16 **SECTION 2.** Section 50-774 of the Code is repealed in its entirety as follows:

17
18 **~~Sec. 50-774. — Certificate of occupancy.~~**

19
20 ~~(a) *General.* No land shall be occupied or used and no building hereafter erected, altered~~
21 ~~or extended shall be used or changed in use until a certificate of occupancy shall have~~
22 ~~been issued by the building official, stating that the buildings or proposed use thereof~~
23 ~~complied with the provisions of this article.~~

24
25 ~~(b) *Application for certificate of occupancy.* All certificates of occupancy shall be applied~~
26 ~~for coincident with the application for a building permit. Such certificate shall be issued~~
27 ~~within ten days after completion of the erection or alteration and after it shall have been~~
28 ~~approved as complying with the provisions of this article.~~

29
30 ~~(c) *Record.* The building official shall maintain a record of all certificates and copies shall~~
31 ~~be furnished upon request to any person having a proprietary or tenancy interest in the~~
32 ~~building affected.~~

33
34 ~~(d) *Application mandatory.* No permit for excavation of, or the erection or alteration of, or~~
35 ~~repairs to any building shall be issued until an application has been made for a certificate~~
36 ~~of occupancy.~~

37
38 ~~(e) *Rental units.* It is the intent of this article that substandard rental dwelling units pose a~~
39 ~~threat to the public health, safety and general welfare, and should be eliminated in a~~
40 ~~manner which causes the least hardship to the occupants thereof. To accomplish this:~~

41 ~~(1) No rental unit when vacated may be re-rented or reoccupied unless it has~~
42 ~~posted a certificate of occupancy issued within the past 12 months.~~

43 ~~(2) No rental unit when vacated may be resupplied with electrical power, public~~
44 ~~water, public sewer, gas or any other services unless it has posted a certificate of~~

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1 ~~occupancy issued within the past 12 months.~~

2
3 **SECTION 3.** Sec. 1. - Development Department within Appendix B - "Schedule of Fees,
4 Rates and Charges" is amended to read as follows:
5

APPENDIX B – SCHEDULE OF FEES, RATES AND CHARGES

Development Department

Note regarding refunds: Once an application is filed with the County and the associated fees, rates or charges are paid to the County, no refunds will be issued to the applicant, unless a refund is specifically provided for in this Appendix or unless the permit was issued in error by the County.

Note regarding additional costs: The permit fees do not include additional costs to be paid by applicant for the services of engineers, legal counsel, or other professional consultants that are retained by the County in connection with review of any application or permit.

Note 1 - For the purpose of determining fees, floor area shall be the gross overall outside area of a building at each story, including all portions under roofs.

Note 2 – The building permit fee for a new building or addition includes flat work, such as stoops, sidewalks, patios, garage aprons or other walking surfaces incidental to the building, provided that no foundations are incorporated in the flat work.

Note 3 - A separate building permit is required for each building, structure, or improvement of existing buildings, even when located on the same lot, tract, or parcel.

Note 4 - Where a fee is based on value of the improvement and the valuation is not provided by the applicant, valuation will be determined by the County Development Department based on valuation data published by Southern Building Code Congress International or International Code Council, multiplied by the appropriate regional modifier. When the applicant provides the valuation, the County Development Department reserves the right to review and require documentation to support the valuation as reasonable and appropriate.

Note 5 - Separate permit fees are required for electrical, plumbing, mechanical, fuel gas, or other permits shown elsewhere in this schedule, unless otherwise indicated.

Note 6 – All permits are subject to the state DBPR fees, as applicable.

Note 7 – Permit fees for projects that do not fit squarely within one of the permit categories identified below, but nonetheless require review under the Florida Building

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<u>Code, will be determined by the Building Official. Such fees shall be reasonable and reflective of the staff time and resources necessary to process the permit.</u>	
1. Minimum fee for any building permit	\$125.00
2. Fee for <u>additional inspection/reinspection trips</u> <u>Note: Each permit includes one inspection trip. The number of additional inspection trips required for each project will be determined by the plans examiner. Inspection trip fees are in addition to the permit fee, unless otherwise stated in the specific permit section.</u>	<u>\$70.00 per trip for initial additional required inspection, and for the 1st reinspection or 2nd reinspection</u> <u>\$120.00 per trip for 3rd or subsequent reinspection</u> <u>In accordance with Sec. 553.80(2)(c), F.S., after an initial inspection and first reinspection for the same building code violation, specifically and continuously noted in each rejection, each subsequent reinspection will require a \$280 fee</u>
3. Manufactured (Mobile) move-on permits – residential and commercial <u>Note: Also requires building plans review fee in 19 below.</u>	\$720.00 <u>790.00 for residential and \$915.00 for commercial, includes plans review, 2 inspections and all subcontractor fees</u>
4. Used manufactured (Mobile) pre-inspections – <u>residential and commercial</u> <u>Note: The structure must be inspected PRIOR TO moving it onto the site. A \$500.00 penalty will be charged for moving it onto the site prior to inspection and, if it fails inspection, the structure must be moved off-site within 30 calendar days.</u>	<u>\$125.00 in county</u> <u>\$125.00, plus \$0.67 per mile travel (calculated from the development department office), for out of county</u> \$150.00 out of county
5. New construction, renovation, addition or remodel of building – Residential <u>Note: Also requires building plans review fee in 19 below.</u> <u>Note: This permit includes plumbing, electrical and mechanical, a separate permit/fee is not required.</u>	
First \$1,000 of value of improvement	\$125.00

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Each additional \$1,000 of value, up to \$100,000	\$8.00
Each additional \$1,000 of value, up to \$400,000	\$7.00
Each additional \$1,000 of value that exceeds \$400,000	\$5.00
6. New construction, renovation, addition or remodel of building – Commercial Note: <u>Also requires Fire review/inspections are additional, contact the development department for current fire review fees.</u> Note: <u>Also requires building plans review fee in 19 below.</u> Note: <u>This permit includes plumbing, electrical and mechanical, a separate permit/fee is not required.</u>	
First \$1,000 of value of improvement	\$250.00
Each additional \$1,000 of value, up to \$100,000	\$8.00
Each additional \$1,000 of value, up to \$400,000	\$7.00
Each additional \$1,000 of value that exceeds \$400,000	\$5.00
7. New construction, renovation, addition or remodel of structures other than buildings <u>any accessory structure, screened enclosure, carport or metal building</u> Note: <u>Also requires building plans review fee in 19 below.</u>	
First \$1,000 of value of improvement <u>Up to 1,000 square feet</u>	\$250.00 <u>, includes 2 inspections</u>
Each additional \$1,000 of value, up to \$100,000 <u>Each additional 100 square feet, over the initial 1,000 square feet</u>	\$8.00
Each additional \$1,000 of value, up to \$400,000	\$7.00

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

Each additional \$1,000 of value that exceeds \$400,000	\$5.00
8. Re-roofing and roof-over permits Note: For structural re-roofs, the fee schedule in 5 (for residential) or 6 (for commercial) above shall apply.	<u>\$155.00 for manufactured (mobile) residential, includes 2 inspections</u> \$225.00 for <u>site-built</u> residential, includes 2 inspections \$300.00 for <u>any</u> commercial, includes 2 inspections
9. Dock and sea wall permits Note: Separate permits are required for any dock that has separate electrical service and/or electrical wiring. <u>Note: Also requires building plans review fee in 19 below.</u>	\$225.00 for residential, includes 2 inspections See fee schedule in 7 above <u>\$450.00</u> for commercial, includes 2 inspections
10. Screened enclosures, carports, gazebos and DBPR pre-manufactured shed, gazebo and other buildings permits Note: Also requires building plans review fee in 22 <u>19</u> below.	\$125.00; plus \$8.00 per each 100 square feet and plus \$.01 per square foot for state surcharge
11. Swimming pool permit Note: Pool permit includes pool construction, child resistant barrier, <u>electrical, plumbing,</u> and water circulation equipment only. Separate permits are required for electrical wiring, electrical upgrade of service, separate electrical services, pool water heaters, gas piping to water heaters, <u>fuel gas,</u> screen enclosures and other amenities or trades. <u>Note: Also requires building plans review fee in 19 below.</u>	\$400 <u>650.00</u> for residential, includes plans review and 2 inspections \$900 <u>1,400.00</u> for commercial, includes plans review, fire inspection and review and 2 inspections
12. Public amusement device permit	\$125.00

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

Note: this includes, but is not limited to, mechanical ride, slide, sailing, swinging; but not applicable to temporary/mobile carnivals, circuses, or amusements.	
13. Demolition of building permit	\$125.00, includes 2 inspections
14. Minor excavation or fill permit	\$125.00
15 <u>14. Sign permit</u> Note: Separate permits required for electrical permit for lighting and for zoning review.	\$250.00, includes plans review
16 <u>15. Plumbing permit</u>	\$125.00 for residential, includes 1 inspection \$250.00 for commercial, includes 1 inspection
17 <u>16. Electrical permit</u>	\$125.00 for residential, includes 1 inspection \$250.00 for commercial, includes 1 inspection
18 <u>17. Heat, vent, air conditioning Mechanical and refrigeration permit</u> Note: Window units (25,000BTUs or less) do not require a permit	\$125.00 for residential, includes 1 inspection \$250.00 for commercial, includes 1 inspection
19 <u>18. Fuel gas or fuel tank permit</u>	\$125.00 for residential, includes 1 inspection \$250.00 for commercial, includes 1 inspection
20. Bulk fuel tank installation or replacement permit Note: Separate permits are required for electrical and/or mechanical systems or devices.	\$125.00 for propane, includes 1 inspection \$250.00 for all other fuel types, includes 1 inspection

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

21. Mechanical/gas permit	<p>\$125.00 for residential, includes 1 inspection</p> <p>\$250.00 for commercial, includes 1 inspection</p>
22 <u>19</u>. Building plans review Note: The minimum building plans review fee is \$70.00	<p>20 <u>10</u>% of building permit fee for residential</p> <p>30% of building permit fee for commercial</p> <p><u>In accordance with Sec. 553.80(2)(b), F.S., after the 3rd rejection of plans for failure to correct a building code violation, each subsequent review will require a fee that is four times the plans review fee.</u></p>
23 <u>20</u>. Renewal/t <u>T</u>ransfer of building permit <p>a) Building permits that have expired because construction was not commenced within six months of issuance, or because more than six months have elapsed since passing a required inspection, may be renewed for 50% of the original building permit fees (excluding impact fees and service fees such as zoning review, site plan approval, flood hazard determination and plans review); but only if the request for renewal is submitted within six months of the date the building permit expired.</p> <p>b) Building permits that have expired because construction was not commenced within 12 months of issuance, or because construction has ceased for more than 12 months, or because more than 12 months have elapsed since passing a required inspection, may be renewed for 100% of the original building permit fees (excluding impact fees, service fees such as zoning review, site plan approval, flood hazard determination, and plans review fees); but only if the request for renewal is submitted within 24 months of the date the building permit expired.</p> <p>c) Building permits that have expired because construction was not commenced within 24 months, or because construction has ceased for more than 24 months, or because more than 24 months have elapsed since passing a required inspection, are null and void and may not be renewed. Any subsequent application will be treated as a new application and all fees (other than impact fees) must be paid. Whenever construction has ceased for 5 years or more, impact fees must be paid.</p>	

Note: Additions shown underlined, deletions shown stricken.

d) a) Upon written notarized authorization by the permit holder, a valid or otherwise active building permit may be transferred to another applicant with the payment of an administration fee of 25% of the original building permit fees paid (~~excluding impact fees and service fees such as zoning review, site plan approval, flood hazard determination, and plans review.~~) In no case shall the administration fee to transfer a valid or otherwise active building permit be less than \$30.00.

SECTION 4. Sec. 2. - Planning and Zoning Department within Appendix B - "Schedule of Fees, Rates and Charges" is amended to add a fee (formerly listed in Sec. 1 Development Department) as set forth below. Except as amended herein, the remainder of Sec. 2 remains in full force and effect.

APPENDIX B – SCHEDULE OF FEES, RATES AND CHARGES
Planning and zoning department

<u>15. Temporary use permit - excavation and fill activity</u>	<u>\$125.00, plus actual cost of external consultant review</u>
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SECTION 5. Portions of Sec.50-718(4) titled "Excavation and fill activity" are amended to change the authority for permitting from the Development Department to the Planning and Zoning Department. Except as amended herein, the remainder of Sec. 50-718 remains in full force and effect.

Division 3. – ZONING DISTRICT REGULATIONS
Subdivision IV. Temporary uses
Sec.50-718. (4) Excavation and fill activity

(c) *Application.* An application for an excavation and fill permit must be submitted on the form provided by the county. The following information must be provided in or with the application that must be submitted to the county development planning and zoning department:

(d) *Completeness determination; approval or denial.* Upon receipt of a permit application, county staff will review the application for completeness. The applicant will be notified if any additional information is required in order to process the application. Upon finding the application to be complete, the application will be reviewed by county staff for compliance with this section. If compliant, the county development planning and zoning director or designee, will issue a permit or written denial (with a brief statement of the reasons therefor). No excavation and fill permit may be approved for an operation

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1 that, in the opinion of the county staff, presents a threat to the public health, safety or
2 general welfare of adjacent properties or the community.

3
4 **SECTION 6. Inclusion in the Code.** The provisions of Sections 1 through 5 of
5 this Ordinance shall become and be made a part of the Levy County Code, and the
6 sections of this Ordinance may be renumbered or relettered and the word "ordinance"
7 may be changed to "section," "article," "regulation," or such other appropriate word or
8 phrase in order to accomplish the codification.

9
10 **SECTION 7. Severability.** If any section, subsection, sentence, clause, phrase,
11 portion or provision of this ordinance is for any reason declared or held invalid or
12 unconstitutional by any court of competent jurisdiction, such section, subsection,
13 sentence, clause, phrase, portion or provision shall be deemed a separate, distinct and
14 independent provision, and the remainder of this ordinance shall be not affected by such
15 declaration or holding.

16
17 **SECTION 8. Repeal.** All ordinances or parts of ordinances and all resolutions or
18 parts of resolutions of Levy County that are in conflict with this Ordinance are, to the
19 extent of the conflict, hereby repealed.

20
21 **SECTION 9. Effective Date.** In accordance with Section 125.66, Florida Statutes,
22 the Clerk to the Board of County Commissioners is directed to file this Ordinance with the
23 Florida Department of State within 10 days after adoption and upon such filing, this
24 Ordinance shall become effective.

25
26 **PASSED AND ADOPTED** on March 18, 2025.

27 **BOARD OF COUNTY COMMISSIONERS**
28 **OF LEVY COUNTY, FLORIDA**

29
30
31 _____
32 Desiree Mills, Chair

33 **ATTEST:** Clerk of the Circuit Court
34 and Ex-Officio Clerk to the Board
35 of County Commissioners

36 _____
37 Matt Brooks

38
39 Approved as to form and legal sufficiency

40
41 _____
42 Nicolle M. Shalley, County Attorney

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