

**DEPARTMENT OF DEVELOPMENT SUPPORT AND ENVIRONMENTAL MANAGEMENT**



**435 NORTH MACOMB STREET, 2<sup>ND</sup> FLOOR  
TALLAHASSEE, FLORIDA 32301  
[www.leonpermits.org](http://www.leonpermits.org)**

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**Development Review, Septic System, Environmental Management,  
Driveway and Street Connection, and Building  
Permit Application Requirements**

**SINGLE FAMILY HOMES**

Leon County staff are committed to processing permit applications in the shortest time possible. In order to prevent delays in processing, applicants must furnish *all* of the required documents before processing of the permit application can begin. Staff is available to answer any questions regarding application requirements.

This handout provides a detailed explanation of permit application requirements for Septic System, Environmental Management, Driveway and Street Connection, and Building Permits. For your convenience, all permit applications, fees, and inspections required for your single family home, with the exception of water and/or sewer system charges, are administered at 435 North Macomb Street, Tallahassee, Florida, 32301.

**TELEPHONE NUMBERS**

BUILDING PLANS REVIEW & INSPECTION	606-1300
TO SCHEDULE BUILDING AND DRIVEWAY INSPECTIONS	606-1306
DEVELOPMENT SERVICES	606-1300
ENVIRONMENTAL SERVICES	606-1300
LEON COUNTY HEALTH DEPARTMENT	606-8350
PROPERTY APPRAISER	488-6102
PUBLIC WORKS	606-1500

## SINGLE FAMILY HOMES

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The following pages contain valuable information on permitting a single family home. Becoming familiar with this material will save you time and money.

### TABLE OF CONTENTS

	PAGE
CHECKLIST & FEES	3
ZONING SETBACK TABLE	4
STEP 1: COLLECT AND PREPARE REQUIRED INFORMATION AND DOCUMENTS	5
STEP 2: BUILDING AND/OR ENVIRONMENTAL MANAGEMENT PERMIT APPLICATION	7
STEP 3: DEVELOPMENT REVIEW	7
STEP 4: SEPTIC SYSTEM PERMIT REQUIREMENTS	8
STEP 5: DRIVEWAY AND STREET CONNECTION PERMIT REQUIREMENTS	8
STEP 6: INSPECTIONS	9
SEPTIC INSPECTIONS	9
ENVIRONMENTAL INSPECTIONS	9
DRIVEWAY INSPECTIONS	9
BUILDING INSPECTIONS	9
STEP 7: CERTIFICATE OF OCCUPANCY	12
STATE CONSTRUCTION LAW	12
FLORIDA'S CONSTRUCTION LIEN LAW	13
FOUR STEPS TO DRAWING A SITE PLAN	16
SAMPLE SITE PLAN	17
LEON COUNTY INTERACTIVE VOICE RESPONSE SYSTEM	18

## SINGLE FAMILY HOMES

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### APPLICATION PACKAGE CHECKLIST

A COMPLETE APPLICATION PACKAGE MUST INCLUDE THE FOLLOWING DOCUMENTATION AND INFORMATION:

- \_\_\_\_\_1. Parcel Identification (Tax ID) Number
- \_\_\_\_\_2. Current, scaled site plan
- \_\_\_\_\_3. Legal access to the property
- \_\_\_\_\_4. Flood letter signed, sealed and dated by a Florida Registered Professional Engineer
- \_\_\_\_\_5. Floodplain Declaration of Covenants, Conditions, and Restrictions, if required
- \_\_\_\_\_6. Soil test signed, sealed and dated by a Florida Registered Professional Engineer
- \_\_\_\_\_7. Florida Energy Form 1100A and equipment sizing calculations
- \_\_\_\_\_8. Septic System Permit Application or waiver letter from Health Department
- \_\_\_\_\_9. Building/Environmental Permit Application
- \_\_\_\_\_10. Driveway and Street Connection Permit Application
- \_\_\_\_\_11. Application fees
- \_\_\_\_\_12. Notice of Commencement form
- \_\_\_\_\_13. One complete sets of house plans
- \_\_\_\_\_14. Wind load analysis form completed by a Florida Registered Engineer
- \_\_\_\_\_15. Ownership/Builder Exemption Affidavit (if applicable)
- \_\_\_\_\_16. Roof Truss Layout

### FEES

Addressing Fee	\$156
Development Review*	\$120
Septic System Permit	\$400
Driveway and Street Connection	\$185
Environmental Permit Fee	\$372
Building Permit Fee**	\$1600 and up

\* Property must comply with Zoning and Subdivision/Site Plan Regulations. If not, additional application reviews and fees may be necessary. Also, certain fees will sometimes vary according to the location and characteristics of your site and will have to be calculated when specific information is provided.

\*\* Building permit fees will vary based upon the square footage of the home, the number of plumbing, electrical fixtures and mechanical mechanical systems installed.

**NOTE: If you will be applying for a permit in a recorded or unrecorded subdivision, please check for additional regulations contained within your deed restrictions. These regulations are a private matter between subdivision property owners and are legally binding. As such, they are a private civil matter and Leon County has no legal standing to enforce them. It is possible to obtain a permit that complies with Leon County Land Development Regulations which may be in conflict with private deed restrictions.**

## SINGLE FAMILY HOMES

### ZONING

- A. Your property must be zoned Rural, Urban Fringe, Lake Talquin Recreation/Urban Fringe, Rural Community, Lake Protection, Residential Preservation, or one of the residential zoning designations listed in the table below in order to construct a single family home. Please check with Development Services to determine if any additional regulations may be applicable.
- B. Buildings must be set back from each property line a specific minimum distance. Listed below are the building setbacks for single family detached residential units for each zoning district.

#### ZONING SETBACKS MEASURED IN FEET

DISTRICT	FRONT	REAR	SIDE INTERIOR	SIDE CORNER
R-1	25	25	7.5*	15
R-2	25	25	7.5*	15
R-3	20	25	7.5*	15
R-4	20	25	7.5*	15
R-5	15	25	7.5	15
Residential Acre	35	25	15**	25
Rural Community	25	50	10	20
Rural	30	50	20	30
Urban Fringe	30	50	20	30
Lake Protection	25	25	15	25
Residential Preservation	*	*	*	*
Lake Talquin/Urban Fringe	30	50	20	30
MH	X	X	X	X
MR-1	15	25	7.5**	15
OR-1	15	25	7.5**	15
OR-2	15	25	7.5**	15
OR-3	15	25	7.5**	15
NBO	20	25	7.5**	15
MRCN	50*** 15' otherwise	25	7.5**	15

- \* Standards must be consistent with existing requirements within developed areas.
- \*\* Any combination of 15 feet, so long as either side is no less than 5 feet.
- \*\*\* When abutting Mahan Drive.

**NOTE:** The table above is for low density residential, non-cluster standards. Standards for cluster options are different in most districts. Please check with Development Services to determine if any additional regulations may be applicable.

- C. **BUFFERS:** Under certain conditions, such as building next to a different type of land use, buffers such as shrubs, trees or fences are required. If you are required to install or preserve a buffer, staff will notify you prior to issuing a permit.

## SINGLE FAMILY HOMES

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### SEVEN STEPS TO OBTAINING PERMITS AND COMPLETING CONSTRUCTION OF A SINGLE FAMILY HOME

#### STEP 1: COLLECT AND PREPARE REQUIRED INFORMATION AND DOCUMENTS

- \_\_\_\_\_1. **Parcel Identification Number.** Must be the current tax ID number for your parcel of land and can be obtained from the Property Appraiser's Office (488-6102) or from your most recent ad valorem (property) tax notice.
- \_\_\_\_\_2. **Flood Letter.** Signed, sealed and dated by a Florida Registered Professional Engineer and formatted to County standards.
- \_\_\_\_\_3. **Site Plan.** A site plan is a scaled drawing of your property and must depict the actual configuration of the property as identified on the Leon County Property Appraiser's database.. The site plan must include the following information (see page 17 for an example):
  - \_\_\_\_\_A. North directional arrow.
  - \_\_\_\_\_B. Indicate whether property is a corner or interior lot.
  - \_\_\_\_\_C. Property boundary lines.
  - \_\_\_\_\_D. Location of *all* existing and proposed structures and their distances from all property lines and each other (See Zoning Table, page 4).
  - \_\_\_\_\_E. Location of driveways, streets and utility easements.
  - \_\_\_\_\_F. Location of septic system (proposed and existing).
  - \_\_\_\_\_G. Type and location of water system: well or public system.
  - \_\_\_\_\_H. Location of any wells within 200 feet of the septic system, even if wells are located on adjacent property.
  - \_\_\_\_\_I. Location of any fill material.
  - \_\_\_\_\_J. Limits of clearing activity.
  - \_\_\_\_\_K. Location of grading activity.
  - \_\_\_\_\_L. If the Flood Letter indicates any portion of the property is in a flood zone, show location of flood boundary line, the established benchmark, and the required height of the finished floor of all structures.
  - \_\_\_\_\_M. Location of any Longleaf Pine or Live Oak tree having a diameter at breast height (DBH) of 12 inches or greater, any dogwood tree 4 inches or greater, or any other tree having a DBH of 18 inches or greater.
  - \_\_\_\_\_N. Location of any on-site or nearby wetlands such as lakes, ponds, swamps, marshes, sinkholes, or shallow depressions.
  - \_\_\_\_\_O. An arrow indicating the direction of any slopes.
  - \_\_\_\_\_P. Location of all natural or constructed water conveyance features such as ravine, ditch, swale, culvert, canal, stream, or springs/seeps.
  - \_\_\_\_\_Q. Location of special development restrictions such as easements, natural areas required undisturbed, or land use buffers.
- \_\_\_\_\_4. **Required Plans:**
  - \_\_\_\_\_A. **Elevations.** Elevations are drawings (a horizontal view) showing what the outside walls of your house will look like when finished. Show exterior wall finish (wood siding, stucco, etc.), window and door locations, porches, decks, stairs, guard rails, hand rails, roof design, chimney heights, roof ventilation, and so forth, drawn to scale.

## SINGLE FAMILY HOMES

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- \_\_\_\_\_B. **Foundation Plan.** This is a scaled drawing of exactly how the foundation of your home will be constructed. It must show the type of foundation (concrete slab or wood floor system). It must show details of all footers, slabs, piers, interior grade beams including reinforcing steel. If your soil test indicated unsuitable soil conditions such as pipe clay, organic material, or a high water table, you must have this plan prepared by a Florida Registered Professional Engineer.
- \_\_\_\_\_C. **Floor Plan.** A floor plan is a scaled drawing of the room layout in your home. The floor plan must include the following information:
- \_\_\_\_(1) Number, type and location of all rooms.
  - \_\_\_\_(2) Total square feet of heated and cooled area.
  - \_\_\_\_(3) Number of heavy loading devices on septic system, such as washing machines, dishwashers, etc.
  - \_\_\_\_(4) Location of mechanical air handler.
  - \_\_\_\_(5) Location of all interior shear walls.
- \_\_\_\_\_D. **Electrical Plan.** This plan is usually drawn on a copy of the floor plan described above and shows the location of all interior and exterior electrical features such as lights, switches, power outlets, smoke detectors, panel box, and meter location.
- \_\_\_\_\_E. **Plumbing Plan.** This plan is also usually drawn on a copy of the floor plan. Show the location of all plumbing fixtures including toilets, tubs, showers, sinks, washer hook ups, and hose outlets.
- \_\_\_\_\_F. **Wall Section Detail.** This is a detailed drawing that shows the cross section of a typical exterior wall. Show wall detail from the foundation through the roof. All plans must contain the following information:
- \_\_\_\_(1) Wall stud species (spruce-pine-fir, southern yellow pine, etc.), height, and spacing.
  - \_\_\_\_(2) Roof overhang at eaves.
  - \_\_\_\_(3) Type of roof decking proposed and roof slope.
  - \_\_\_\_(4) Type of roof covering proposed.
  - \_\_\_\_(5) Type of wall bracing proposed.
  - \_\_\_\_(6) Wind load analysis form signed, sealed and dated by a Florida Registered Design Professional.

If your house is two or more stories, the wall section must show the details of all stories. In order to ensure compliance with the wind loading requirements of the Florida Building Code, the following calculations must be submitted: method of calculation, design wind speed, importance factor, exposure category, internal pressure coefficients, design pressure of components and cladding, connector tables, and design pressure of main resisting systems. These calculations should be performed by a Florida Registered Design Professional.

- \_\_\_\_\_G. **Stair Detail.** This is a detailed drawing of how the stairs in a multiple story house are to be constructed. It must show the height of risers and width of the treads and the location and height of the hand rail.

## SINGLE FAMILY HOMES

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- \_\_\_\_\_H. **Roof Framing Plan.**
  - \_\_\_\_(1) Spacing of structural members.
  - \_\_\_\_(2) Size of structural members.
  - \_\_\_\_(3) Ridge beam sizes
  - \_\_\_\_(4) Valley rafter sizes and spacing
- \_\_\_\_\_I. **Truss Layout Plans from Manufacturer (if utilizing a trussed roof system).**
- \_\_\_\_\_J. **Wall Section Detail of Separation Wall.**
  - \_\_\_\_(1) Townhouse
  - \_\_\_\_(2) Duplex

\_\_\_\_\_5. **Florida Energy Form 405-10 and Equipment Sizing Calculations.**

\_\_\_\_\_6. **Soil Test.**

\_\_\_\_\_7. **Floodplain Declaration of Covenants, Conditions, and Restrictions (Flood Indemnification).** All applicants for development orders pertaining to any parcel on which a structure is currently located partially or wholly within the 100-year floodplain, or on which a structure will be constructed, erected, installed or placed partially or wholly within a 100-year floodplain, or on which any part of a vehicular use is partially or wholly within the 100-year floodplain, as determined by a flood certificate.

\_\_\_\_\_8. **Flood Letter.**

\_\_\_\_\_9. **Legal Access.** This is your right to enter and exit your property to a public or private street. These rights are created by deed or easements recorded in the public records. If you cannot prove this right, you must obtain and record the proper documents *before* your permit can be approved.

\_\_\_\_\_10. **Completed applications and payment of fees:**

- \_\_\_\_\_A. On-site Sewage Disposal System Construction Permit Application Form.
- \_\_\_\_\_B. Driveway and Street Connection Permit Application Form.
- \_\_\_\_\_C. Building Permit/Environmental Management Permit Application Form.

### **STEP 2: BUILDING PERMIT AND/OR SINGLE FAMILY ENVIRONMENTAL MANAGEMENT PERMIT APPLICATION**

#### **PERMIT TECHNICIAN**

- \_\_\_\_\_1. Take all information, documents, affidavits, and completed application forms with appropriate fees to the receptionist for assignment to a Permit Technician.
  - \_\_\_\_\_A. The Permit Technician will review your applications for completeness and will advise you if any additional materials are required.
  - \_\_\_\_\_B. If your applications are complete, you will be notified when your permits are ready.
- \_\_\_\_\_2. The Permit Technician will answer any questions on permit application requirements. The Permit Technician will need your Parcel Identification Number in order to forward your application for review.

## SINGLE FAMILY HOMES

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### STEP 3: DEVELOPMENT REVIEW

During the routing of your permit, Development Services staff will review your application for the placement of a home on your property consistent with the Leon County Land Development Regulations (LDRs).

- A. If property is zoned for a single family home, staff will determine if your development is compatible with the local Comprehensive Plan and the LDRs. This is called a Project Status Determination. If *not compatible*, staff will advise and assist you in attempting to bring your property into compliance with all County regulations.
- B. If a single family home *is not* allowed under a particular circumstance, staff will advise you if there is an alternative.

**NOTE:** Florida law requires that each county and municipality have a local Comprehensive Plan. These plans must describe how communities will grow over the next twenty years. All development must either be exempt from the plan, or consistent with the plan's allowable land uses, and within a community's ability to provide infrastructure and services. Leon County and the City of Tallahassee jointly adopted the Tallahassee-Leon County Comprehensive Plan on July 16, 1990. Development Services staff or the Tallahassee-Leon County Planning Department staff will answer questions regarding how your property is affected by our local Comprehensive Plan.

### STEP 4: SEPTIC SYSTEM PERMIT REQUIREMENTS

- \_\_\_\_ 1. If you need to install a septic system, take all information and documents to the Leon County Health Department.
  - \_\_\_\_ A. Leon County Health Department staff will visit your site and conduct a soil test to ensure the proper septic system is installed.
    - \_\_\_\_ (1) If septic system permit *is* issued, GO TO STEP 5.
    - \_\_\_\_ (2) If septic system permit *is not* issued, consult with staff for alternatives.
    - \_\_\_\_ (3) If a mounded septic system is required, additional review will be required by both the County Health Department and Development Support & Environmental Management.
  - \_\_\_\_ B. If a new septic system is not required, obtain an Existing System Approval from the County Health Department and GO TO STEP 5.

### STEP 5: DRIVEWAY AND STREET CONNECTION PERMIT REQUIREMENTS

- \_\_\_\_ 1. A driveway and street connection permit shall be required for the following:
  - \_\_\_\_ A. All *new or existing* driveways connecting to the *public* street system (even if a development currently exists on the site).
  - \_\_\_\_ B. All modifications to existing driveways (by the property owner) resulting in a change to the driveway dimensions, location, profile, movement of vehicular or pedestrian traffic or stormwater.
  - \_\_\_\_ C. All modifications that affect the safe and efficient operation of the driveway(s)
  - \_\_\_\_ D. All new *public or private* roads that intersect with a public road.\*



## SINGLE FAMILY HOMES

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- \_\_\_\_\_E. All modifications to private roads desired by the property owner.\*
- \_\_\_\_\_F. All sidewalk or bikeway connections to the public street system crossing a drainage ditch will require installation of a pipe.
- \_\_\_\_\_G. A temporary driveway accessing either vacant parcels of land or building construction sites not served by a permanent driveway.

\* Approval of final construction plans by Public Works *will* serve as driveway approval and no separate permit is required.

- \_\_\_\_\_2. Design and application requirements are attached to the permit application form.

### STEP 6: INSPECTIONS

#### SEPTIC SYSTEM INSPECTIONS

- \_\_\_\_\_1. In most cases, the company that installs your system will arrange all inspections by contacting the Leon County Health Department.
- \_\_\_\_\_2. If you are installing your own system, call for an inspection *before* covering the system.
- \_\_\_\_\_3. *To schedule an inspection, please call 606-8350.*

#### ENVIRONMENTAL INSPECTIONS

- \_\_\_\_\_1. Environmental Inspectors will inspect your home site during construction at regular intervals. *Unless your permit was conditioned, you do not need to request an environmental inspection.*
- \_\_\_\_\_2. If your permit approval was conditioned to require a preconstruction conference with an Environmental Inspector on the site, *you must call 606-1300 and ask for "Environmental Inspection" to schedule this important on-site conference.* Staff will discuss additional inspection requirements with you at that time.

#### DRIVEWAY AND STREET CONNECTION INSPECTIONS

- \_\_\_\_\_1. Two (2) inspections are required for driveway and street connection permits.
  - \_\_\_\_\_A. The first inspection is the rough inspection. It is scheduled after the forms, reinforcement bar, etc. are in place but *before* pouring concrete or spreading asphalt (inspection code 801).
  - \_\_\_\_\_B. The final inspection is scheduled after pouring concrete or spreading asphalt (inspection code 909).
- \_\_\_\_\_2. *To schedule a driveway inspection, please call 891-1800. Please have the permit number and inspection code ready when you call. You will need to follow the Interactive Voice Response System information as listed on the last page of this booklet.*

#### BUILDING INSPECTIONS

Building inspections are required to ensure that your home complies with the Florida Building Code. A key to understanding the inspection process is to remember that nothing may be permanently covered without an inspection being completed and approved. *Approved building plans must be on the job site for all inspections.* No inspections can be approved until a copy of the Notice of

## SINGLE FAMILY HOMES

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Commencement that has been filed with the Clerk of the Court (located at the Bank of America Annex directly behind the courthouse) is received by our office. The following inspections are required.

- \_\_\_\_\_A. **Footer Inspection.** This is the first inspection required. The footing is the lowest part of the foundation and must be inspected before placing concrete.
- \_\_\_\_\_B. **Plumbing Slab Inspection.** If you are building a home on a slab, or "monolithic" foundation, the first plumbing inspection to schedule is the rough plumbing inspection. This inspection must be scheduled before concrete is placed, and includes the plumbing that will be enclosed in the slab. All water lines will be pressure tested for leaks. At the time of inspection, all drain lines must be exposed and full of water.
- \_\_\_\_\_C. **Slab Inspection.** This inspection is required for either a wood floor system with compacted fill or a monolithic slab.
  - \_\_\_\_\_(1) *Before* requesting a foundation inspection, the soil under the foundation must be pre-treated for termite protection, or an alternative method approved.
  - \_\_\_\_\_(2) All reinforcing steel must be in place and the slab design verified against the approved foundation plans. The slab or foundation is inspected before concrete is placed.
  - \_\_\_\_\_(3) If the building is to be built in a flood zone, a Certificate of Elevation must be complete and available to the inspector to verify that the slab is at the minimum elevation required in the flood letter.
- \_\_\_\_\_D. **Lintel Inspection.** Off-grade foundations that use block foundation walls 4' or higher with "lintel block" on the top course may be required in the foundation design. It is inspected to ensure that it has the required reinforcing steel. If located in a flood zone, a Certificate of Elevation must be completed and available for the inspector to verify that the finished floor will be at the minimum elevation required in the flood letter.
- \_\_\_\_\_E. **Rough Inspections.** The next group of inspections are called the "*rough*" inspections. "*Rough*" is defined as incomplete or unfinished. *Remember, do not permanently cover anything until the internal components have been inspected.* The rough inspections are as follows:
  - \_\_\_\_\_(1) **Rough Electrical.** Schedule when all of the required wiring for the electrical service has been installed to the rough stage.
  - \_\_\_\_\_(2) **Rough Plumbing/Tub Set.** Schedule when all water and drain pipes have been installed. If building has a wood flooring system, the rough plumbing/tub set is scheduled at the frame stage instead of the foundation stage and all drain piping is inspected at this time. The tub set inspection requires all tubs and all shower pans to be installed and full of water.
  - \_\_\_\_\_(3) **Exterior Sheathing.** Performed after all roof sheathing, wall sheathing and sheathing fasteners are installed. To be called in before roof and wall sheathing is concealed.

## SINGLE FAMILY HOMES

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- \_\_\_\_(4) **Roofing.** Shall include roof dry-in, roof coverings, fasteners and flashing. To be called in before the interior finishes (usually sheetrock) are installed.
  - \_\_\_\_(5) **Rough Frame Inspection.** All internal structural components are reviewed for code compliance during the rough frame inspection. This inspection must be scheduled after the rough plumbing and electrical inspections. If a fireplace is being installed, it must be *roughed-in* for the framing inspection.
  - \_\_\_\_(6) **Rough Mechanical/Insulation.** Rough-in of all energy systems as specified on your Florida Energy Code Compliance Form, including heating and air conditioning equipment, wall insulation, and sealing of all penetrations on exterior walls and wooden floors.
- \_\_\_\_F. **Final Inspections.** A final inspection is required before a Certificate of Occupancy may be issued.
- \_\_\_\_(1) **Final Electrical Inspection.** This inspection is required before the electricity can be turned on. Complete an application for electrical power with the City of Tallahassee Utilities Division or Talquin Electric Cooperative (depending on your service provider). Label the electrical panel and have all switches, lights and receptacles installed with cover plates. *NOTE: After the electrical components have passed the final electrical inspection, County staff will contact the appropriate utility provider and release a work order to have power connected.*
  - \_\_\_\_(2) **Final Plumbing Inspection.** The entire plumbing system is inspected at this time. Leave the pipe leading to the septic tank exposed at the point of connection to the tank to allow the inspector to check for proper installation. If system is connected to sanitary sewer, you may backfill according to your schedule.
  - \_\_\_\_(3) **Final Building Inspection.** All plumbing, heating and air conditioning, and electrical systems must be complete and operational before scheduling this inspection.
  - \_\_\_\_(4) **Final Mechanical Inspection.** To be made after the building is complete, the mechanical systems are in place, properly functioning and the structure is ready for occupancy.
  - \_\_\_\_(5) **Final Environmental Inspection.** All required environmental regulations must be completed before scheduling this inspection.
  - \_\_\_\_(6) If utilizing a septic system, a Final Approval Inspection is required. Water lines and plumbing connected to septic tank must remain uncovered for inspection. A Certificate of Occupancy shall not be issued without final approval of septic system.

## SINGLE FAMILY HOMES

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If you need assistance from our Building Inspectors, they may be reached by telephone throughout the business day at the following numbers:

John Morgan	933-8283	Claude Bruce	933-8280
Andy Weaver	933-8281	Park Walker	933-8285
Jerry Estes	933-8289	Doug Perdue	879-3798
David White	933-8279	Justin Poole	354-2545

### STEP 7: CERTIFICATE OF OCCUPANCY

- \_\_\_\_\_1. After all of the inspections listed above are completed you may come by the DSEM office or call 606-1300 to receive a Certificate of Occupancy (CO). The building code requires that you receive a CO prior to moving into your new home.

**NOTE:** *Certificates of Occupancy cannot be issued until all final inspections are completed and approved and any environmental issues are mitigated.*

### STATE CONSTRUCTION LAWS

The State of Florida Contracting Laws allow you to obtain a permit to build your own residence. However, you may build no more than one home for your own occupancy every two years. We require that you sign an affidavit during the permit application process that states you have not built another home within the last two years for personal use. Any contractors you employ to perform work on your home must be licensed and insured.

OR

A Contractor may pull a permit to build a home for you. *You may not pull a permit in your name so that an unlicensed contractor can build your home.* To do so may violate contractor licensing laws. Also, according to Chapter 455.228 of the Florida Statutes, consumers who hire unlicensed construction contractors could face a fine of up to \$5,000.

**NOTE:** *Any changes to the site plan or building plans after issuance of a building permit must be approved by the Building Plans Examiner, Environmental Services Division, Development Services Division, and Environmental Health Department before making the changes on the site. Failure to do so may result in an enforcement action.*

## SINGLE FAMILY HOMES

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### **Florida's Construction Lien Law Protect Yourself and Your Investment**

According to Florida law, those who work on your property or provide materials, and are not paid-in-full, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.

If your contractor fails to pay subcontractors or material suppliers or neglects to make other legally required payments, the people who are owed money may look to your property for payment, even if you have paid your contractor in full.

This means if a lien is filed against your property, it could be sold against your will to pay for labor, materials or other services which your contractor may have failed to pay.

This document explains Florida Statute 713, Part 1, as it pertains to home construction and remodeling, and provides tips on how you can avoid construction liens on your property.

#### **Protecting Yourself**

If you hire a contractor, you should know the following:

- You may be liable if you pay your contractor and he then fails to pay his suppliers or subcontractors. **There is a way to protect yourself:** a Release of Lien is a written statement that removes your property from the threat of a lien. Before you make any payment, be sure you receive this waiver from suppliers and subcontractors covering the materials used and work performed.
- Request from the contractor, via certified or registered mail, a list of all subcontractors and suppliers who have a contract with the contractor to provide services or materials to your property.
- If your contract calls for partial payments before the work is completed, get a Partial Release of Lien covering all workers and materials used to that point.
- Before you make the last payment to your contractor, obtain an affidavit that specifies all unpaid parties who performed labor, services, or provided materials to your property. Make sure that your contractor obtains releases from these parties before you make the final payment.
- Always file a Notice of Commencement before beginning a home construction or remodeling project that has a direct contract price greater than \$2,500. The local authority that issues building permits is required to provide this form. You must record the form with the Clerk of the Circuit Court in the county where the property being improved is located. Also, post a certified copy at the job site. In lieu of a certified copy, you may post an affidavit stating that a Notice of Commencement has been recorded. Attach a copy of the Notice of Commencement to the affidavit.
- In addition, the building department is prohibited from performing the first inspection if the Notice of Commencement is not also filed with the building department. You can also supply a notarized statement that the Notice has been filed, with a copy attached.

The Notice of Commencement notes the intent to begin improvements, the location of the property, description of the work, and the amount of bond (if any). It also identifies the property owner, contractor, surety, lender and other pertinent information. Failure to record a Notice of Commencement or incorrect information on the Notice could contribute to your having to pay twice for the same work or materials.

## SINGLE FAMILY HOMES

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### **Notice to Owner**

Prior to filing a lien, a lienor (except those contractors or suppliers in direct privy) must serve the owner a document titled "Notice to Owner." The Notice to Owner must state the lienor's name and address, a description of the real property, and the nature of the services or materials being furnished. The Notice to Owner must be served before commencing, or within 45 days of commencing, to furnish the services or materials. A lien cannot be enforced unless the lienor has served the Notice to Owner as described above.

### **Whose responsibility is it to get these releases?**

You can stipulate in the agreement with your contractor that he must provide all releases of lien. If it is not a part of the contract, however, or you act as your own contractor, YOU must get the releases.

If you borrow money to pay for the improvements and the lender pays the contractor(s) directly, instruct the lender to get releases before making any payments. If your lender then fails to follow the legal requirements, the lending institution may be responsible to you for any loss.

### **What can happen if I don't get releases of lien?**

You will not be able to sell your property unless all outstanding liens are paid. Sometimes a landowner can even be forced to sell his property to satisfy a lien.

### **Who can claim a lien on my property?**

Contractors, laborers, materials suppliers, subcontractors and professionals such as architects, landscape architects, interior designers, engineers, or land surveyors all have the right to file a claim of lien for work or materials. Always get a release of lien from anyone who does work on your home.

### **Contesting a lien**

A lien is valid for one year, unless a lienor files a lawsuit to enforce the lien prior to the expiration of the year. An owner has the right to file a Contest of Lien during the one year period. Upon the filing of a Contest of Lien, a lienor must file a lawsuit to enforce the lien within 60 days. Failure of the lienor to file the lawsuit renders the lien invalid.

### **Additional tips on home construction**

- Verify that your contractor is properly licensed, is insured, and carries worker's compensation insurance for his employees. Information regarding licensing can be found below.
- If you intend to get financing, consult with your lender or an attorney before recording your Notice of Commencement.
- Insist that the contractor/remodeler secures a building permit and adheres to all building codes and ordinances.

### **Information all construction contracts should contain**

- The contractor's name, address, telephone number, and contractor's license number.
- A precise description of the work and materials to be supplied. The contract should specify the grade of construction, flooring and trim materials to be used. Don't accept the phrase "or equivalent"; the contract should specify appliance models and alternates for models not available.
- A beginning date and completion date.
- A complete list of companies or individuals supplying the contractor with labor or materials. Be sure they are insured so you are protected against theft or damage to their supplies or work.
- Financing information and the payment schedule.
- All necessary building permits or licenses.
- Agreement regarding site clean up and debris disposal.
- All warranty agreements.

## SINGLE FAMILY HOMES

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Ask for explanations and clarifications of legal terms or confusing language. Be sure you understand completely what you are signing: **Remember**, promises are difficult to enforce unless they are in writing. Even for small jobs, have a written contract spelling out the details. Be wary of anyone who says, “We don’t need to bother putting it in writing,” or “You pull the permit; it will save you money.”

Some contractors require a down payment of 10-30 percent of the total and an additional payment at the halfway point. Pay only when the work is done to your satisfaction and you have releases of lien as described above. If the completion date is critical, like a swimming pool planned for summertime use, link payment to on-time performance. Changes to a contract after the construction has begun can cost you. Specify in the contract how changes are to be handled and insist that all change orders be in writing and signed by both you and the contractor.

### **Cancellation of contracts**

Some home repair/improvement contracts can be canceled in writing (preferably by certified mail) without penalty or obligation by midnight of the third business day after signing. They include:

- Those signed anywhere other than the seller’s normal place of business.
- Those signed as a result of door-to-door solicitation, except emergency home repairs.
- Those paid on an installment basis.

Other contracts are binding as soon as they are signed, so be sure before you sign.

### **Things you should know before starting**

The most frequently cited complaints concerning home remodeling, home improvements, and home repair are cost overruns, missed deadlines, and inferior workmanship. Another persistent problem is “fly-by-night” contractors who take deposits or payments before finishing or starting work.

When you need something done to your home, choose a contractor carefully. Be wary of door-to-door salespeople and telephone solicitors promising “this-month-only” bargains. Make sure your contractor is properly licensed, insured, and that a Notice of Commencement has been filed with the Leon County Clerk of the Court.

**THE CONSTRUCTION LIEN LAW IS COMPLEX AND CANNOT BE COVERED COMPLETELY IN THIS DOCUMENT. WE RECOMMEND THAT WHENEVER A SPECIFIC PROBLEM ARISES, YOU CONSULT AN ATTORNEY.**

**To register a complaint (or learn if complaints have been filed against a prospective contractor), contact the Florida Department of Business and Professional Regulation’s Customer Contact Center at: (850) 487-1395, or [CallCenter@dbpr.state.fl.us](mailto:CallCenter@dbpr.state.fl.us).**

**Or write to: Florida Department of Business and Professional Regulation  
1940 North Monroe Street  
Tallahassee, Florida 32399-1027**

**Or visit online at: [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com)**

License verification is available 24/7 by calling our Customer Contact Center at (850) 487-1395 or going online to [www.MyFloridaLicense.com](http://www.MyFloridaLicense.com) > *Search for a Licensee*.

You may also contact your local building department or the Better Business Bureau.

## SINGLE FAMILY HOMES

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### FOUR STEPS TO DRAWING A SITE PLAN

An accurate site plan gives staff the critical information needed to process your permit application rapidly. While some applicants use professionals (contractors, engineers, architects, etc.) to help with the permit application and site plan, others don't. The following are four steps to prepare a site plan with a drawing of what the plan might look like at the end all four steps.

In order to draw your site plan you need to be familiar with your site including lot and house dimensions, size and location of driveway and sidewalk, location of well and septic tank (including distance between), size and location of protected trees, slope of site, limits of clearing, sediment controls, and environmentally sensitive features.

**STEP 1.** Using graph paper, choose a scale of measurement for the plan drawing. To ensure all information will fit on the page and be easy to read, a good example would be to have each block of the graph paper equal five (5) feet (or 1 inch = 25 feet). After choosing your scale of measurement, draw lot lines then place the house, driveway and any sidewalks on the plan. Write in the closest distances in feet of the lot lines to the house (i.e. building setbacks), and draw an arrow pointing north.

**STEP 2.** Locate the well and septic tank (with drainfield) on the site plan. Show the distance in feet between them (minimum distance is 75 feet) and the distance from any wells or septic tanks located on adjacent properties as required by the Environmental Health Department.

**STEP 3.** Identify any environmentally sensitive features (i.e. wetlands, sinkholes, 100-year floodplain, etc.) that may be located on your property. These features are listed at the top of page 2 of the permit application. Also, locate and identify the protected trees on site by drawing a small circle and writing the name and size of the tree by it. On the site plan, protected trees to be removed should be crossed out. Protected trees include any Dogwood tree having a diameter at breast height (DBH) of 4 inches or greater, Longleaf Pine tree or Live Oak tree DBH of 12 inches or greater, and any other tree having a DBH of 18 inches or greater. In addition, trees within the preservation features, such as a Canopy Road Protection Zone (CRPZ), Bradfordville rural road, wetland, floodplain, and the restrictions associated with the Special Development Zone (SDZ).

- \* To measure the diameter of a tree at breast height (DBH), measure inches around the tree at the height of 54 inches above the ground, then divide the number of inches by 3.14. The resulting number equals the diameter of the tree (DBH).

During construction, all areas surrounding the tree trunk of a protected tree within a minimum of 75% of the radius of the critical protection zone (CPZ) must be protected from all development activity, including material stockpiling, parking, and other related construction activity. How do you measure the CPZ? The CPZ is the area surrounding a tree within a circle described by a radius of one foot for each one inch of the tree's diameter at 54 inches above the ground (DBH). Seventy-five percent of the CPZ is protected against encroachment by development or related activity.

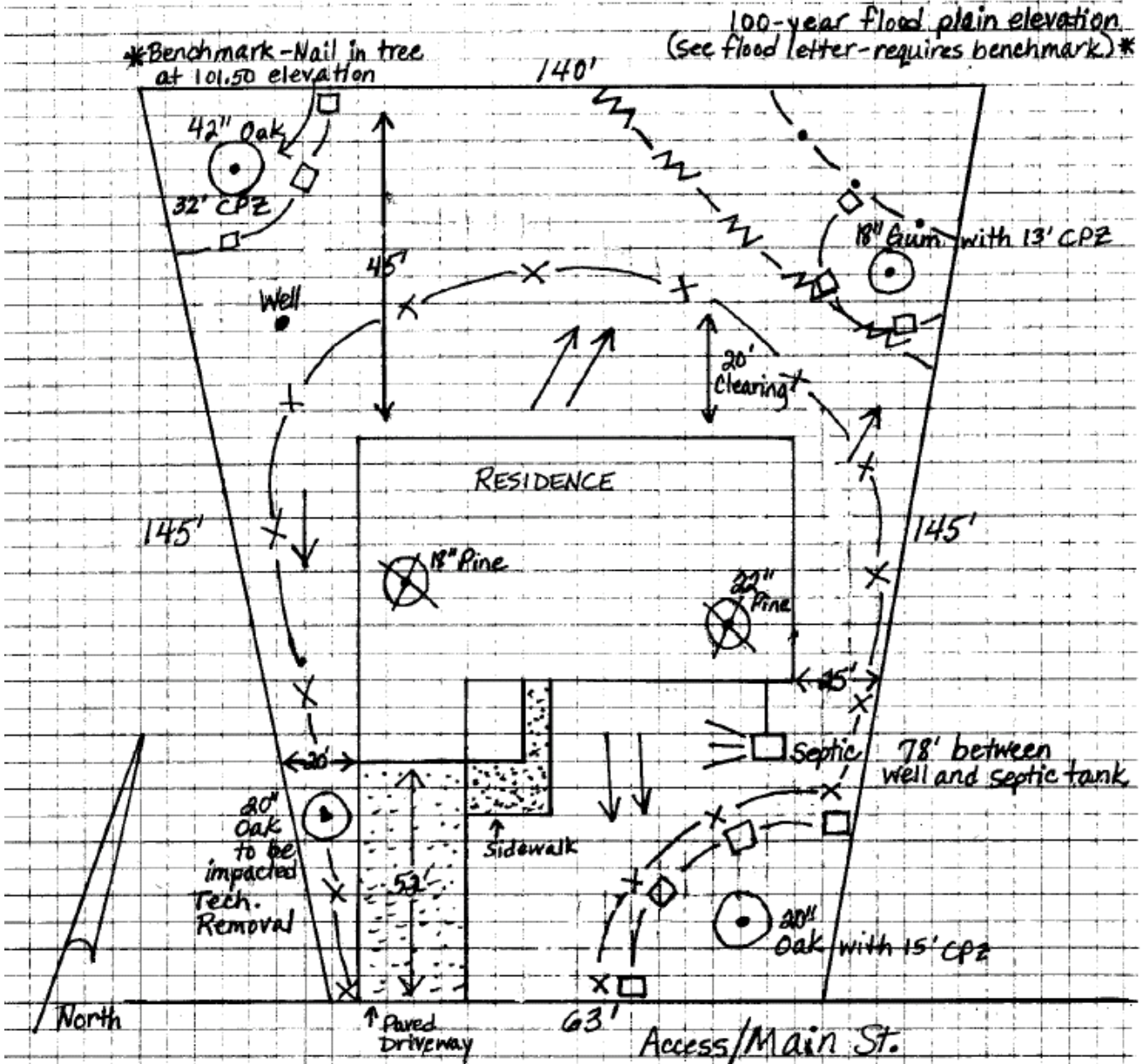
**STEP 4.** Identify and draw the area of the site that will contain the proposed construction activity (defined as the limits of clearing). Then show the slope of pattern of stormwater runoff of the site with arrows pointing downhill in the direction of the stormwater runoff. Then, locate and draw the sediment controls (hay bales or silt fences) and tree barricades needed for protecting your trees, your neighbors, and environmental features.

An example of a drawn site plan is shown on the following page. Please feel free to contact Development Services or Environmental Compliance staff with any questions you may have regarding drawing your site plan.



# SINGLE FAMILY HOMES

## SAMPLE SITE PLAN



Scale 1" = 25 Ft.

### Legend

- ⊙ Tree to remain
- ⊗ Tree to be removed
- Tree Protection Barricade
- Easement or Code Protected Area (ex: Floodplain)
- x—x—x Limits of Clearing
- w—w Sediment Controls/Silt Fence

## SINGLE FAMILY HOMES

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### Leon County Interactive Voice Response System (IVRS) CALL PLAN 606-1306

**HOW TO:** The telephone number to call the interactive voice response system is **606-1306**. At the opening menu, press the keys listed below. NOTE: Experienced users don't have to wait for each menu prompt to key in the request. Inspections can be requested 7 days a week from 5:00 am to 12:00 midnight. Inspection requests called in by 12:00 midnight will be made the following workday.

1. **To schedule an inspection:** Press 2, 1, 2, permit number and # key, inspection code, 1 (1 to leave a message for an inspector or 2 if no message for an inspector), and 1.
2. **To cancel an inspection:** Press 2, 2, 2, permit number and # key, inspection code, 1, 1, and 1.
3. **To hear inspection results:** Press 2, 3, 2, permit number and # key, inspection code, 1, and 1.
4. **To hear plan review status:** Press 2, 4, 2, permit number and # key, and 1.

#### BUILDING INSPECTIONS

<u>CODE</u>	<u>DESCRIPTION</u>
100	Footing
101	Setbacks
102	Re-Bar
103	Lintel
104	Roof
105	Slab
106	Exterior Sheathing
107	Framing
108	Sprinklers
109	Insulation
110	Drywall
111	Pool Wall
112	Fence Gate
909	Final Driveway
800	Rough Driveway
900	Final Building
906	Final Signs
908	Final Fire
916	Pool Final

#### ELECTRICAL INSPECTIONS

<u>CODE</u>	<u>DESCRIPTION</u>
200	Electrical Rough-In
201	Rough Ceiling
202	HVAC Changeout
203	Service Changeout
204	Pool Electrical Bonding
205	Underground Electric
500	Temporary Power
501	Service Only Power
901	Final Electrical
904	Mobile Home

#### MECHANICAL INSPECTIONS

<u>CODE</u>	<u>DESCRIPTION</u>
300	Gas Piping Test
301	Ductwork
302	Range Hood
303	Refrigeration
304	Ventilation
305	HVAC
307	Boiler
309	Underground Gas
502	Res. Gas Meter
503	Comm. Gas Meter
902	Final Gas
903	Final Mechanical

#### PLUMBING INSPECTIONS

<u>CODE</u>	<u>DESCRIPTION</u>
400	Building Sewer/Septic
401	Slab rough-In
402	Rough In (Stackout)
403	Tub-Set
404	Water Heater
405	Percolation
406	Septic Tank
407	Water System
905	Final Plumbing