



**Family Density Exception
Section 14.11.02**

The County may approve a Family Density Exception (FDE) of a legally created lot that conforms to the requirements of the Land Development Regulations. A FDE shall not be approved within a platted subdivision when such density exception changes the character of the subdivision, or where the density exception increases the density, beyond the general nature of the subdivision. An applicant for a FDE shall have 12 months from the date the application is submitted to the County to finalize the FDE, unless the applicant has been granted an extension of time on the building permit. An application for a FDE will be finalized upon the applicant receiving a certificate of occupancy for the structures.

Initial Submittal

The County shall consider a proposed FDE upon the submittal of the following materials:

- An application form provided by the County.
- One paper copy with a sketch of the proposed large lot split not to exceed 11" x 17" in size, with the original parcel shown with the boundary(ies) of each parcel being created identified.
- A statement indicating whether water and/or sanitary sewer service is available to the property.
- A sketch on a soil survey map with the boundary(ies) of each lot indicated. (Obtainable at US Department of Agriculture Service Center, 1725 David Walker Dr, Suite C, Tavares, FL (352) 343-2481 ext. 6)
- A parcel sketch on two aerial photos with the boundary(ies) of each lot indicated. (The aerial photos may be obtained at the Lake County Public Works Department, 437 Ardice Avenue, Eustis, FL (352) 483-9000)
- Current property record card.
- Current warranty deed for the subject property.
- Proof of ascending or descending relationship and ages of family members, i.e. birth certificate.
- Federal Emergency Management Agency (FEMA) flood insurance map with property boundaries overlain. (A flood determination may be obtained at the Lake County Public Works Department, 437 Ardice Avenue, Eustis, FL (352) 483-9000)
- Preliminary Lot Split review fee – Growth Management \$150.00, Public Works \$165.00, and Lake County Environmental Health \$50.00, Total - \$365.00**, Make check payable to Lake County Board of County Commissioners.
- You may pay with a debit or credit card, however, an additional fee equal to 1% of the transaction total will be added for the convenience of using a debit or credit card.
- If you have any further concerns or question please contact our office at phone: 352-343-9641 fax: 352-343-9767

Standards

The creation of parcels for family members, as provided for in the Lake County Comprehensive Plan, shall not require adherence to the minimum lot dimensions for the land use category or zoning district where the lots are located, but shall conform to the following standards:

1. Only as many lots may be created as are the number of descendants and ascendants plus one for the subdividing family member. In order to qualify, a descendant must be 18 years of age or older.
2. Each proposed lot shall be a minimum of one acre of uplands.
3. Parcels created for family members shall only be allowed in the Suburban, Transitional, Rural, Rural/Conservation, and Core/Conservation land use districts, as well as the A-1-20 and A-1-40 overlay districts in the Wekiva River Protection Area.
4. If any lot abuts a publicly maintained road that does not conform to the right-of-way specifications provided or adopted by reference in the Land Development Regulations, the owner may be required to dedicate the right-of-way width necessary to meet the minimum design standards. Such dedication shall be determined based upon the criteria set forth in the Land Development Regulations.
5. Each proposed lot shall front on a paved private road, a publicly maintained road, or an easement.
6. If an easement is utilized, the easement shall:
 - a. Be non-exclusive for ingress and egress
 - b. Be dedicated to the public for road, utility, and drainage purposes, if satisfying the criteria set forth in the Land Development Regulations and accepted by the BCC. However, a private easement may be permitted if it is determined that there is no need for a future road corridor
 - c. Connect to a publicly maintained road
 - d. Have a minimum width of 50 feet
 - e. Not obligate the County to maintain the easement
 - f. Have road name signs installed in accordance with applicable County regulations

7. Flag lots are prohibited.
8. If a paved private road or easement is utilized, then deed restrictions, which require the property owners to maintain the paved private road or easement, shall be recorded prior to the recordation of the lot split.
9. Parcels created for family members must be retained by the family members for five years, pursuant to County approved deed restrictions recorded in the public records. This requirement shall not apply to institutional lenders who obtain ownership as a result of foreclosure or deed in lieu of foreclosure.
10. Only one lot shall be created for each family member, regardless of where the lot is located or the amount of time that has passed.
11. If a residence is to be constructed on a parcel created for a family member, such parcel must be intended to be used as a residence by the ascending or descending family member. Parcels created for family members shall be contingent upon the issuance of a Building Permit and Certificate of Occupancy, or being classified as agricultural lands by the property appraiser, pursuant to the Florida Statutes, for each parcel to be created. For example, if an applicant requests that a five acre, vacant lot, in the Rural Land Use category, be subdivided into a three acre lot and a two acre lot, then the applicant would have to submit a FDE application concurrent with two Building Permit applications or show proof of being granted the agricultural exemption. The FDE would not be finalized until Certificates of Occupancy were issued for both dwelling units.
12. Easements created pursuant to this section shall comply with the Federal Emergency Management Agency (FEMA) regulations and Lake County floodplain management regulations.

Final Submittal

Prior to final approval, in addition to any other requirements the following shall be required:

- Boundary survey or sketch of description

In the event the proposed lot split contains parcels greater than 40 acres in size, a sketch description for the land area containing such parcels shall be accepted instead of a boundary survey. However, a boundary survey prepared by a professional land surveyor registered in the State of Florida shall be required for the land area containing parcels 40 acres or less in size. The survey must include and identify:

 - The overall legal description of the original parcel and proposed lots
 - The legal description of all existing or proposed easements
 - All existing structures
 - The 100 year flood zone and elevation
 - Wetlands and amount of acreage inside and outside of the jurisdictional wetland line and/or environmental easement
- A title opinion of an attorney licensed in Florida or a certification by an abstractor or a title company dated through the date of final approval, showing all persons or entities with an interest of record in the property, including but not limited to, the record fee owners, easement holders, mortgage and lien holders. The report shall include the tax identification number(s) for the property and copies of all documents such as deeds, mortgages, etc., referenced in the title opinion.
- In the case where a residence will be constructed on a FDE parcel, an affidavit from the ascending or descending relative indicating that he or she intends that the residence shall be their primary residence shall be required.
- Family Density Exception fee - \$450.**
- Exceptions to the five year retention requirement.** A variance may be obtained from the requirement that the property be retained by family members for a period of five years if the following can be demonstrated by the property owner.
 1. Circumstances beyond the control of the property owner have caused a need for the property owner to sell the property, including but not limited to death, divorce, employment obtained elsewhere, military service, etc.
 2. Without granting such variance, substantial hardship would be placed on the property owner.
- Capacity Encumbrance letter Review** (select one from A-B) (optional)
 - A. Capacity Encumbrance Letter- No Alternate Data- not submitting traffic study
 - Public Works- Storm water: \$30.00 (CELPWS)
 - Public Works- Transportation: \$450.00 (CELPWT)
 - Growth Mgmt Administration- Parks, SW \$110.00 (CELDM) \$590.00 _____
 - B. Capacity Encumbrance Letter- Alternate Data- submitting traffic study
 - Public Works – Storm water: \$30.00 (CELPWSD)
 - Public Works- Transportation: \$915.00 (CELPWTD)
 - Growth Mgmt Administration- Parks, SW: \$110.00 (CELADMD) \$1055.00 _____

Recordation

Upon approval of the Family Density Exception, the County shall record the Family Density Exception, and easements if necessary, on the appropriate maps and documents and shall, at the applicant's expense, record the Family Density Exception, and easement if necessary, in the public records of Lake County. Recording fees may average to \$70.

FAMILY DENSITY EXCEPTION AFFIDAVIT

THIS Affidavit, made this _____ day of _____, 20 _____,

by; _____
Name of Property Owner(s)

of Lot Split Application File # _____ County of _____

State of _____, being first duly sworn, deposes and says:

This Affidavit is for the following described real property located in Lake County, Florida, to wit:

(Alternate Key: _____) (Section ___ Township ___ Range ___)

Legal description (attach additional sheet if necessary): _____

Check one of the below:

_____ By signing this affidavit, the spouse or ascending/descending (18 years of age or older) family member(s) indicate that they intend to make the residence being constructed at the above address their primary residence. All parcels created through the family density exception must be retained by for five years.

Print Name Signature Address

Print Name Signature Address

Print Name Signature Address

_____ This property is deemed agriculturally exempt by the Lake County Property Appraiser's office (documentation attached) and will remain agriculturally exempt for five years. If during the five year retention period the property ceases to be agriculturally exempt, the spouse or ascending/descending family member must construct a residence on the parcel(s) and make it their primary residence for the remaining time period of the five year retention.

The applicant declares that they have read this affidavit and that the facts stated in it are true.

Signature of Owner(s)

State of Florida
County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by _____, who is personally known to me or who has produced (Name of Person Acknowledged)

_____ as identification and who did (did not) take an oath. (Type of Identification)

Notary Public
My Commission Expires: _____

(SEAL)

FAMILY DENSITY EXCEPTION APPLICATION

DATE _____

File # _____

_____ **Family Density Exception** – create lots for ascending/descending family members. Parcels created for family members shall be contingent upon the issuance of a building permit and certificate of occupancy within one year, or being classified as agricultural lands by the property appraiser, pursuant to s. 193.461, Florida Statutes, for each parcel to be created.

Owner(s) of Property _____

Name _____ Signature of Owner(s) _____ Phone _____

Address _____
Street City State Zip Code

Name _____ Phone _____

Address _____
Street City State Zip Code

Representative Name _____ Phone _____

Address _____
Street City State Zip Code

Property information:

Section _____ Township _____ Range _____ Alternate Key # _____

Property is: Vacant _____ Improved _____

Size of property _____ Acres _____ Square Feet. Dimensions _____

Utilities: Property is serviced by central sewer _____ septic system _____ central water _____ well _____
Is the property within 1,000 feet of a central sewer system? _____
Is the property within 300 feet of a central water system? _____

Frontage:

() County maintained road? Name _____ Number _____
Paved _____ Clay _____

() Easement? Length of easement _____ Width _____

Property Information:

1. Is the subject property a Lot of Record? Yes _____ No _____
2. Current Zoning _____ Future Land Use designation _____
3. Has this property been granted a variance? _____ If yes, Case # _____
4. Number of Lots being created: _____
5. Size of lots being created: Acres _____ Square Feet _____
6. Is the property located in the Green Swamp ACSC? _____ Wekiva RPA? _____
7. Have Impact Fees been prepaid? Yes _____ No _____
8. Affordable Housing Projects: Estimated value of structure(s) and land for each lot. Structure(s):
\$ _____ + Land \$ _____ = \$ _____. Project meets affordable housing expedited review criteria: Yes _____ No _____

To be Completed by Staff Only

Zoning Division

Application# _____

Concurrency required? Yes _____ No _____

Address # _____

Preliminary review comments: _____

Development Review Staff sign-off/comments

Zoning Division: _____

Development Processing: _____

Environmental: _____

Addressing: _____

Environmental Health: _____

Public Works: _____

Right-Of-Way: _____

Access Management: _____

Stormwater Management: _____

Recording

Deed Restrictions: Recorded in ORB _____ Page _____

Easement: Recorded in ORB _____ Page _____

Affidavit: Recorded in ORB _____ Page _____

Mapping

Drawn on map by _____ Date _____

File name used _____