



# Office of Planning and Zoning

## Family Density Exception Guide

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 lot split drawn to scale 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, 350 N. Sinclair Avenue, Tavares, Florida (352) 253-6000.
- Current property record card(s).
- Current warranty deed(s) 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, 350 N. Sinclair Avenue, Tavares, Florida (352) 253-6000. Please be advised that a flood determination may be required.
- Family Density Exception Preliminary Review Fee** – Office of Planning and Zoning \$150.00, Public Works Department \$165.00, Florida Department of Health \$50.00 and Office of Public Safety Support \$51.00, **Total - \$416.00**. 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 or via email at [zoning@lakecountyfl.gov](mailto:zoning@lakecountyfl.gov).

### **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. The creation of a lot wholly within the 100-year flood zone is prohibited.
4. Parcels created for family members shall be allowed within all Future Land Use Categories with the exception of the Green Swamp Area of Critical State Concern.
5. 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.
6. Each proposed lot shall front on a paved private road, a publicly maintained road, or an easement.
7. 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.
  9. 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.
  10. 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.
  11. 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 drawn to scale.  
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 Final Review Fee - \$450.00.** Make check payable to Lake County Board of County Commissioners.
- 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 or B) (Required if creating five (5) or more lots)
  - A. Capacity Encumbrance Letter- No Alternate Data- not submitting traffic study
    - Public Works- Storm water: \$30.00 (CELPWS)
    - Public Works- Transportation: \$450.00 (CELPWT)
    - 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)
    - 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 \$78.00.



# Office of Planning and Zoning

## Family Density Exception Application

Date \_\_\_\_\_

**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.

### Property Owner(s) Information:

Name \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_  
Street City State Zip Code

Email Address \_\_\_\_\_ Phone \_\_\_\_\_

Name \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_  
Street City State Zip Code

Email Address \_\_\_\_\_ Phone \_\_\_\_\_

### Applicant Information:

Name \_\_\_\_\_ Signature \_\_\_\_\_

Address \_\_\_\_\_  
Street City State Zip Code

Email Address \_\_\_\_\_ Phone \_\_\_\_\_

### Property Information:

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Alternate Key # \_\_\_\_\_

Property is: Vacant \_\_\_\_\_ Improved \_\_\_\_\_

Size of property \_\_\_\_\_ Acres \_\_\_\_\_ Square Feet. Dimensions \_\_\_\_\_

### Utilities (Utility Notification):

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 Wekiva RPA? Yes \_\_\_\_\_ No \_\_\_\_\_
- 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**

File# \_\_\_\_\_ Project# \_\_\_\_\_  
Address # \_\_\_\_\_ AR# \_\_\_\_\_  
Concurrency required? Yes \_\_\_\_\_ No \_\_\_\_\_ Address # \_\_\_\_\_

Preliminary review comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Development Review Staff sign-off/comments**

Office of Planning and Zoning: \_\_\_\_\_  
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 \_\_\_\_\_



# Office of Planning and Zoning

## Agent Authorization Form

I/we, (print property owner name(s)) \_\_\_\_\_, as the property owner(s) of the real property described as follows, \_\_\_\_\_, do hereby authorize \_\_\_\_\_ (print agent's name) to act as my/our agent, to execute any petitions or other documents necessary to affect the application approval requested and more specifically described as follows, \_\_\_\_\_, and to appear on my/our behalf before any administrative or legislative body in the County considering this application and to act in all respects as our agent in matters pertaining to the application. I/we hereby grant permission for staff to conduct a site visit in conjunction with this application.

Signature	Print Name of Property Owner	Date
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Signature	Print Name of Property Owner	Date
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State of Florida  
County of Lake

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did \_\_\_\_\_ or did not \_\_\_\_\_ take an oath.

(Seal)

\_\_\_\_\_  
Notary Public (Signature)

My Commission Expires: \_\_\_\_\_

Legal Description(s), Alternate Key Number(s), or Physical Address is required:
Alternate Key or Physical Address:
Legal Description:

**NOTE:** All Applications shall be signed by the Owner(s) of the Property or some person duly authorized by the Owner to sign. The authority authorizing such person other than the Owner to sign must be attached.



# Office of Planning and Zoning

## 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 (5) 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 \_\_\_\_\_ as identification and who did (did not) take an oath.

(SEAL)

\_\_\_\_\_  
Notary Public

# Deed Restrictions

**KNOWN ALL MEN BY THESE PRESENTS**, that \_\_\_\_\_ hereinafter referred to as “Declarant” declare that following restrictions and limitations on use an development, which shall bind each and all subsequent owners, whether holders of legal or equitable title, or both, and which shall constitute covenants running with the land legally described in Exhibit “A”, attached hereto and incorporated herein by reference.

1. Release Obligation. Lake County, a political subdivision of the State of Florida, shall never be obligated to maintain the easement or paved private road legally described in Exhibit “C”, attached hereto and incorporated herein by reference.
2. Road Maintenance. Each property owner covenants and agrees, by acceptance of a deed (whether or not specifically expressed in such deed), for themselves, their heirs, successors, and assigns, that such easement or paved private road shall be maintained by the property owners, jointly and severally, so as to provide free and passable ingress and egress to the nearest County maintained road. This covenant shall specifically benefit any mortgage holder of a property and all other property owners, hereinafter referred to as “Protected Parties.” Upon default of a property owner’s maintenance obligation, any of the Protected Parties, are authorized to perform necessary maintenance at the defaulting property owner’s expense, the cost of which shall be a lien against the property owner’s property until paid at the highest legal rate of interest. In any action brought by any of the Protected Parties to enforce these restrictions against any property owner, the prevailing party shall be entitled to reasonable attorney’s fees and costs in the prosecution or defense of such action and all appeals there from the losing party.
3. Selling and Leasing Restrictions. The owner(s) of property legally described in Exhibit “A” is prohibited from selling, leasing, or transferring the property, other than to the family members listed in Exhibit “D”, attached hereto and incorporated herein by reference, for a period of five (5) years from the date that these deed restrictions are recorded in the Public Records of Lake County, Florida. However, the owner and family members are permitted to mortgage said parcels during the five (5) year period without violating these deed restrictions.
4. Use Restriction. The property shall be used for single family residential or agricultural purposes only for a period of five (5) years from the date that these deed restrictions are recorded in the Public Records of Lake County, Florida. 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 Section 193.461, Florida Statutes, for each parcel to be created.
5. Mortgage. In the event any owner of the property causes a mortgage to be placed on the property, the County does hereby subordinate these deed restrictions to those rights created by the mortgage. In the event a mortgage holder is required to foreclose on the property, then paragraph 3 set out above shall not be enforceable.
6. Code Enforcement Board. These deed restrictions may be enforced by the Lake County Code Enforcement Board. Any liens imposed by the Board shall be superior in right to any mortgages recorded after the date that these deed restrictions are recorded in the Public Records of Lake County, Florida.
7. Variance Permitted. Lake County, a political subdivision of the State of Florida, at its sole discretion, may grant a variance and release, in writing, from the requirements of these deed restrictions.
8. Recordation. These deed restrictions shall be recorded in the Public Records of Lake County, Florida.
9. Violation. If any of the properties described in Exhibit ‘B’ violate any of the restrictions stated above, the created lot(s) in violation shall cease to be recognized as a legally created lot on the Lake County Zoning Map.

**Witnesses:**

**Declarant(s):**

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

**Witnesses:**

**Declarant(s):**

Signature: \_\_\_\_\_

Family Member Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Family Member Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_,  
who is personally known to me or who has produced \_\_\_\_\_,  
as identification and who did\_or did not\_take an oath.

(SEAL)

\_\_\_\_\_  
Public Notary Signature

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

The foregoing instrument was acknowledged before this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_,  
who is personally known to me or who has produced \_\_\_\_\_,  
as identification and who did\_or did not\_take an oath.

(SEAL)

\_\_\_\_\_  
Public Notary Signature



# **EXHIBIT “D”**

**(List the name and relationship of the ascending and descending family member(s))**



# Office of Planning and Zoning

## Utility Notification

In an effort to assure governmental cooperation and assistance in the use of approved utility facilities, Lake County shall, per Land Development Regulations, Section 6.12.00, require connection to those facilities upon development, within 1,000 feet of an approved central sewage system and/or within 300 feet of an approved central water system.

The owner of the following property has either a pending public hearing, commercial project under review or is in the process of obtaining a permit. It is understood that a one-day turn around for this information is required so that delays for issuance will be minimized.

Please acknowledge the availability to serve the following property with central utility systems.

**The applicant is proposing the following:**

Single-Family Dwelling \_\_\_\_\_ Multi-Family Units \_\_\_\_\_ Duplex \_\_\_\_\_ Commercial \_\_\_\_\_  
Administrative Lot Split \_\_\_\_\_ Commercial Project \_\_\_\_\_ Rezoning \_\_\_\_\_

**Legal description:** Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_ Alt Key # \_\_\_\_\_

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Additional Legal attached \_\_\_\_\_

Hook up to Central Sewage \_\_\_\_\_ within 1,000 feet of the above described property.  
(is or is not)

Hook up to Central Water \_\_\_\_\_ within 300 feet of the above described property.  
(is or is not)

The City of \_\_\_\_\_, will provide immediate hook up to this property for:

Central Sewage: Yes \_\_\_\_\_ No \_\_\_\_\_ Central Water: Yes \_\_\_\_\_ No \_\_\_\_\_  
Will the connection to the central sewage system be via a \_\_\_\_\_ gravity line or a \_\_\_\_\_ force main/pump?

**Wellfield Protection:**

To protect the principal source of water in Lake County, per section 6.03.00 of the Land Development Regulations, the area within 1,000 feet radius shall be considered a wellhead protection area.

This property is \_\_\_\_\_ or is not \_\_\_\_\_ within 1,000 feet of an existing or future wellhead.

Please attach any conditions that affect the availability of provision of service to this property.

City Official or Private Provider Signature \_\_\_\_\_

Print Name and Title: \_\_\_\_\_ Date \_\_\_\_\_

**Please return this completed form to the Office of Planning & Zoning via facsimile to (352) 343-9767, or email it to [zoning@lakecountyfl.gov](mailto:zoning@lakecountyfl.gov).**

To be completed by County staff: Staff Name: _____
Date Received: _____ Address #: _____ Project Name: _____