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.

**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 (CELDMD) $590.00
  B. Capacity Encumbrance Letter- Alternate Data- submitting traffic study
     - Public Works – Storm water: $30.00 (CELPWSD)
     - Public Works- Transportation: $915.00 (CELPWTDT)
     - Administration- Parks, SW: $110.00 (CELDMD) $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.
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 __________________________________________________________
Name ___________________________________ Signature __________________________
Address ________________________________________________________________
_________ Street __________________________ City __________________________ State ________ Zip Code ________
Email Address __________________________________________________________

Applicant Information:

Name ___________________________________ Signature __________________________
Address ________________________________________________________________
_________ Street __________________________ City __________________________ State ________ Zip Code ________
Email Address __________________________________________________________

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_____.

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**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

Signature
Print Name of Property Owner
Date

State of Florida
County of Lake

Sworn to (or affirmed) and subscribed before me by means of □ physical presence or □ online notarization, this ______________ day of ____________________________, 20___, by _______________________________.

Personally Known OR Produced Identification
Type of Identification Produced _______________________________

(SEAL) Notary Signature

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 Lake

Sworn to (or affirmed) and subscribed before me by means of □ physical presence or □ online notarization,
this ______ day of __________________________, 2020, by __________________________________________.

Personally Known OR Produced Identification

Type of Identification Produced __________________________

Notary Signature

(SEAL)
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:  

Signature: ____________________________  
Print Name: ____________________________  
Signature: ____________________________  
Print Name: ____________________________  
Signature: ____________________________  
Print Name: ____________________________  

Declarant(s):  

Signature: ____________________________
Print Name: ____________________________
Signature: ____________________________
Print Name: ____________________________
Signature: ____________________________
Print Name: ____________________________

Witnesses:  

Signature: ____________________________
Print Name: ____________________________
Signature: ____________________________
Print Name: ____________________________
Signature: ____________________________
Print Name: ____________________________

State of Florida  
County of Lake
Sworn to (or affirmed) and subscribed before me by means of □ physical presence or □ online notarization, this ____________ day of _______________, 2020, by _____________________________.

Personally Known OR Produced Identification
Type of Identification Produced ____________________________
Notary Signature
(SEAL)

State of Florida  
County of Lake
Sworn to (or affirmed) and subscribed before me by means of □ physical presence or □ online notarization, this __________ day of _______________, 2020, by _____________________________.

Personally Known OR Produced Identification
Type of Identification Produced ____________________________
Notary Signature
(SEAL)
EXHIBIT “D”
(List the name and relationship of the ascending and descending family member(s))
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.

To be completed by County staff:
Staff Name: ________________________________
Date Received: ________________ Address #: ____________________ Project Name: ________________