

1 **Summary of Ordinance**

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3 The purpose of this Ordinance is to amend 1) Section 14.11.02, Lake County Code, Appendix E,
4 Land Development Regulations, entitled *Family Density Exceptions*, to clarify that family density
5 exceptions are only allowed in the following future land use categories: Rural, Rural Transition,
6 Wekiva River Protection Area A-1-20 District, and Wekiva River Protection Area Overlay A-1-
7 40 District; 2) Sections 14.11.01, 14.11.02 and 14.01.03, Land Development Regulations, will be
8 amended to clarify that once a lot split is completed, further subdivision of the property must be
9 done by plat; and 3) Sections 14.11.01 and 14.11.02, Land Development Regulations, will also be
10 amended to clarify that in the event the proposed lot split contains parcels greater than twenty (20)
11 acres in size, a sketch of the description for the land area containing such parcels shall be accepted
12 instead of a boundary survey. The Ordinance proposes to also make other minor changes for
13 clarification.

14
15 Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing
16 Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains
17 unchanged (excluding any renumbering or re-lettering that might be needed).

18
19 **ORDINANCE NO. 2022-___**

20
21 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE**
22 **COUNTY, FLORIDA; AMENDING SECTION 14.11.00, LAKE COUNTY CODE,**
23 **APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED *MINOR LOT***
24 ***SPLITS, FAMILY DENSITY EXCEPTIONS AND AGRICULTURAL LOT SPLITS;***
25 **CLARIFYING THAT FAMILY DENSITY EXCEPTIONS ARE ONLY PERMITTED IN**
26 **THE RURAL, RURAL TRANSITION, WEKIVA RIVER PROTECTION A-1-20 AND A-**
27 **1-40 FUTURE LAND USE CATEGORIES; PROVIDING THAT ONLY ONE LOT SPLIT**
28 **IS PERMITTED UNDER THESE REGULATIONS; PERMITTING A SKETCH OF THE**
29 **DESCRIPTION TO BE PROVIDED FOR PROPOSED LOT SPLITS CONTAINING**
30 **PARCELS GREATER THAN TWENTY (20) ACRES IN SIZE IN LIEU OF A**
31 **BOUNDARY SURVEY; PROVIDING FOR SEVERABILITY; PROVIDING FOR**
32 **INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF**
33 **STATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

34
35 **WHEREAS**, Section 163.3179, Florida Statutes, allows local governments to include in
36 their comprehensive plan a provision allowing for the use of a parcel of property solely as a
37 homestead for certain specified family members, notwithstanding the density or intensity of the
38 assigned use; and

39
40 **WHEREAS**, in Ordinance 2017-40, the Board of County Commissioners adopted an
41 amendment to the Lake County Comprehensive Plan to permit the development of land in rural
42 areas for the use of family members; and

43
44 **WHEREAS**, Comprehensive Plan Policy I-1.2.10, specifically states that properties within
45 the Green Swamp Area of Critical State Concern were excluded from this provision; and
46

1 **WHEREAS**, the corresponding Land Development Regulations should be updated to
2 reflect the exclusion of the Green Swamp Area of Critical State Concern from the processing of
3 family density exception applications; and
4

5 **WHEREAS**, all lot split processes were intended to be for single use with further
6 subdivision of the properties to be accomplished through the platting process; and
7

8 **WHEREAS**, the amendments and modifications contained herein are in the best interest
9 of the residents of Lake County, Florida.
10

11 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of
12 Lake County, Florida as follows:
13

14 **Section 1. Legal Findings of Fact.** The foregoing recitals are hereby adopted as
15 legislative findings of the Board of County Commissioners and are ratified and confirmed as being
16 true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.
17

18 **Section 2. Amendment.** Section 14.11.02, Lake County Code, Appendix E, Land
19 Development Regulations, entitled *Family Density Exception*, is hereby amended to read as
20 follows:
21

22 **14.11.02 Family Density Exception.**

23 A. Generally. The County may approve a family density exception of a legally created lot
24 that conforms to the requirements of this Subsection. An applicant for a family density
25 exception Shall have twelve (12) months ~~from the date the application is submitted to the~~
26 ~~County to finalize the family density exception~~from the date the application receives
27 conditional approval to receive final approval by either: (1) obtaining a certificate of
28 occupancy for each single family dwelling unit constructed on the newly created lot(s);
29 or (2) providing evidence that the Property Appraiser has granted an agricultural
30 classification for the newly created lot(s), unless the applicant has been granted an
31 extension of time on the building permit. An application for family density exception will
32 be finalized upon the applicant receiving a certificate of occupancy for the structures. The
33 twelve (12) month limitation may be extended if the applicant is granted an extension of
34 time on the building permit.

35 B. Initial Submittal. The County Shall consider a proposed family density exception upon
36 the submittal of the following materials:

- 37 1. An application form provided by the County.
- 38 2. One (1) paper copy of the proposed lot split.
- 39 3. A statement indicating whether water and/or sanitary sewer service is available to
40 the property.
- 41 4. Soils map showing the proposed lot split boundaries overlain.
- 42 5. Two (2) aerial photographs no older than the most recent aerials available from the
43 County Manager or designee showing the proposed lot split boundaries overlain.

- 1 6. Current property record card for the subject property.
- 2 7. Current warranty deed for the subject property.
- 3 8. Proof of ascending or descending relationship and ages of family members, i.e., birth
- 4 certificate.
- 5 9. Federal Emergency Management Agency (FEMA) flood insurance map with
- 6 property boundaries overlain.

7 C. Review Procedure.

- 8 1. The County Manager or designee Shall transmit a copy of the proposed family
- 9 density exception to any other appropriate departments of the County for review and
- 10 comments.
- 11 2. If the proposed family density exception meets the conditions of this subsection and
- 12 otherwise complies with all applicable laws and ordinances, the County Manager or
- 13 designee Shall approve the family density exception.
- 14 3. Any other information as is required by the County Manager or designee.

15 D. Standards. The creation of parcels for family members, as provided for in the

16 Comprehensive Plan, Shall not require adherence to the minimum lot dimensions for the

17 land use category or zoning district where the lots are located, but Shall conform to the

18 following standards:

- 19 1. Only as many lots may be created as are the number of qualifying family members
- 20 ~~descendants and descendants~~ plus one (1) for the subdividing family member. In
- 21 order to qualify as a family member under this section, a descendant must be
- 22 eighteen (18) years of age or older and must be a grandparent, parent, stepparent,
- 23 adopted parent, sibling, child, stepchild, adopted child, or grandchild of the owner.
- 24 2. Each proposed lot Shall be a minimum of one (1) acre of uplands.
- 25 3. The creation of a lot wholly within the 100-year flood zone is prohibited.
- 26 4. ~~Parcels created for family members Shall be allowed only in the Suburban,~~
- 27 ~~Transitional, Rural, Rural/Conservation, and Core/Conservation land use districts, as~~
- 28 ~~well as the Wekiva River Protection A-1-20 and A-1-40 overlay districts in the~~
- 29 ~~Wekiva River Protection Area. Parcels created for family members shall be allowed~~
- 30 ~~only in the Rural, Rural Transition, Wekiva River Protection Area A-1-20 District,~~
- 31 ~~and Wekiva River Protection Area Overlay A-1-40 Future Land Use Categories.~~
- 32 54. If any lot abuts a publicly maintained road that does not conform to the right-of-way
- 33 specifications provided or adopted by reference in these regulations, the owner may
- 34 be required to dedicate the right-of-way width necessary to meet the minimum design
- 35 standards. Such dedication Shall be determined based upon the criteria set forth in
- 36 subsection 14.00.08, Land Development Regulations.
- 37 65. Each proposed lot Shall front on a paved private road, a publicly maintained road, or
- 38 an easement.
- 39 76. If an easement is utilized in subsection 14.11.02.D.5, the easement Shall be:

- 1 a. Non-exclusive easement for ingress and egress, dedicated to the public for road,
2 utility, and drainage purposes, if satisfying the criteria set forth in Section
3 14.00.08, Land Development Regulations, and accepted by the Board of County
4 Commissioners. However, a private easement may be permitted if it is
5 determined that there is no need for a future road corridor.
- 6 b. Connect to a publicly maintained road.
- 7 c. Have a minimum width of fifty (50) feet.
- 8 d. Not obligate the County to maintain the easement.
- 9 e. Have road name signs installed in accordance with applicable County
10 regulations.
- 11 ~~87.~~ Flag lots are prohibited.
- 12 ~~98.~~ If a paved private road or easement is utilized in subsection 14.11.02.D.5, then deed
13 restrictions, which require the property owners to maintain the paved private road or
14 easement, Shall be recorded prior to the recordation of the lot split.
- 15 ~~109.~~ Parcels created for family members must be retained by the family members for five
16 (5) years, pursuant to County approved deed restrictions recorded in the public
17 records. This requirement Shall not apply to institutional lenders who obtain
18 ownership ~~as a result~~ because of foreclosure or deed in lieu of foreclosure.
- 19 ~~110.~~ Only one (1) lot Shall be created for each family member, regardless of where the
20 lot is located or the amount of time that has passed.
- 21 ~~121.~~ If a residence is to be constructed on a parcel created for a family member, such
22 parcel must be intended to be used as a primary residence by the ~~ascending or~~
23 ~~deseending~~ family member. Parcels created for family members Shall be contingent
24 upon the issuance of a building permit and certificate of occupancy, or being
25 classified as agricultural lands by the property appraiser, pursuant to Section
26 193.461, Florida Statutes, for each parcel to be created. For example, if an applicant
27 requests that a five (5) acre, vacant lot, in the Rural land use category, be subdivided
28 into a three (3) acre lot and a two (2) acre lot, then the applicant would have to submit
29 a family density exception application concurrent with two (2) building permit
30 applications or show proof of being granted the agricultural exemption for one or
31 both lots. ~~The family density exception would not be finalized until certificates of~~
32 ~~occupancy were issued for both dwelling units.~~
- 33 ~~1312.~~ Easements created pursuant to this section Shall comply with the Federal
34 Emergency Management Agency (FEMA) regulations and Lake County floodplain
35 management regulations.
- 36 ~~1413.~~ A family density exception Shall not be approved within a platted subdivision when
37 such density exception changes the character of the subdivision, or where the density
38 exception increases the density, beyond the general nature of the subdivision.
- 39 ~~1514.~~ A family density exception which authorizes the development of five (5) or more
40 lots or dwelling units Shall not be approved by the County Manager, or designee,
41 unless the School Board has provided a certification in accordance with ~~Chapter V-~~

~~A~~Section 5-A.01.01 of these regulations ~~indicating that there is or will be sufficient school capacity to provide education services for the students who will live in dwelling units placed or constructed on such lots.~~

~~46~~15. All other Sections of the Land Development Regulations, and all requirements of the Comprehensive Plan Shall otherwise apply.

E. Final Submittal.

1. Prior to final approval, and in addition to any other requirements, legal descriptions, acreage, and square footage of the original and proposed lots together with the legal description of any existing or proposed easements Shall be shown on a boundary survey prepared by a professional land surveyor registered in the State of Florida. In the event the proposed lot split contains parcels greater than twenty (20)~~forty (40)~~ acres in size, a sketch of description for the land area containing such parcels Shall be accepted instead of a boundary survey. However, a boundary survey Shall be required for the land area containing parcels forty (40)~~twenty (20)~~ acres or less in size. (Example: A fifty (50) acre parcel being split into a twenty (20) acre parcel and a thirty (30) acre parcel would require a boundary survey of the fifty (50)~~twenty (20)~~ acre parcel and a sketch of description of the thirty (30) acre parcel,~~but a fifty (50) acre parcel being split into a forty five (45) acre parcel and a five (5) acre parcel would only require a boundary survey of the five (5) acre parcel.~~) The survey must show all structures, easements, surface water bodies, flood zones with base elevation, wetlands, and amount of acreage inside and outside of the wetland jurisdiction line.
2. 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.
3. In the case where a residence will be constructed on a Family Density Exception parcel, an affidavit from the ascending or descending relative family member indicating that he or she intends that the residence Shall be their primary residence Shall be required.

F. Exceptions to the Five-Year Retention Requirement. Upon meeting the requirements of D. and E. of this Section, a variance may be applied for from the requirement that the property be retained by family members for a period of five (5) 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.; and
2. Without granting such variance, substantial hardship would be placed on the property owner.

G. 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

1 documents and Shall, at the applicant's expense, record the family density exception, and
2 easement, if necessary, in the public records of Lake County, Florida.

3 H. No Further Subdivision Permitted. Once the family density exception is approved and
4 recorded, neither the parent parcel nor the newly created parcels will be eligible for any
5 further lot splits under Section 14.01.00 of these regulations. Any further subdivision of
6 the properties shall be through the platting process.

7 I. Prohibited Land Uses. Family density exceptions shall not be permitted within the Green
8 Swamp Area of Critical State Concern, as described in Chapter 28-28, Florida
9 Administrative Code, nor shall it be permitted within the Urban Future Land Use Series.

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11 **Section 3. Amendment.** Section 14.11.01, Lake County Code, Appendix E, Land
12 Development Regulations, entitled *Minor Lot Splits*, is hereby amended to read as follows:

13
14 14.11.01 Minor Lot Splits.

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17 E. Final Submittal. Prior to final approval, in addition to any other requirements the
18 following Shall be required:

19 1. Legal descriptions, acreage, and square footage of the original and proposed lots
20 together with the legal description of any existing or proposed easements Shall be
21 shown on a boundary survey prepared by a professional land surveyor registered in
22 the State of Florida. In the event the proposed lot split contains parcels greater than
23 ~~forty (40)~~twenty (20) acres in size, a sketch of description for the land area
24 containing such parcels Shall be accepted instead of a boundary survey. However,
25 a boundary survey Shall be required for the land area containing parcels ~~forty~~
26 ~~(40)~~twenty (20) acres or less in size. (Example: A fifty (50) acre parcel being split
27 into a twenty (20) acre parcel and a thirty (30) acre parcel would require a boundary
28 survey of the ~~fifty (50)~~twenty (20) acre parcel; and a sketch of description for the
29 thirty (30) acre parcel~~but a fifty (50) acre parcel being split into a forty five (45)~~
30 ~~acre parcel and a five (5) acre parcel would only require a boundary survey of the~~
31 ~~five (5) acre parcel.~~) The survey must show all structures, easements, surface water
32 bodies, flood zones with base elevation, wetlands, and amount of acreage inside
33 and outside of the wetland jurisdiction line.

34 2. A title opinion of an attorney licensed in Florida or a certification by an abstractor
35 or a title company dated through the date of final approval, showing all person or
36 entities with an interest of record in the property, including but not limited to, the
37 record fee owners, easement holders, mortgage, and lien holders. The report shall
38 include the tax identification number(s) for the property and copies of all
39 documents such as deeds, mortgages, etc. referenced in the title opinion.

40 F. Recordation. Upon approval of the minor lot split, the County shall record the minor lot
41 split on the appropriate maps and documents, and shall, at the applicant's expense, record
42 the minor lot split in the public records of Lake County, Florida.

1 G. No Further Subdivision Permitted. Once the minor lot split is approved and recorded,
2 neither the parent parcel nor the newly created parcels will be eligible for any further lot
3 splits under Section 14.01.00 of these regulations. Any further subdivision of the
4 properties shall be through the platting process.

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6 **Section 4. Amendment.** Section 14.11.03, Lake County Code, Appendix E, Land
7 Development Regulations, entitled *Agricultural Lot Splits*, is hereby amended to read as follows:
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9 14.11.03 Agricultural Lot Splits.

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13 G. No Further Subdivision Permitted. Once the agricultural lot split is approved and
14 recorded, neither the parent parcel nor the newly created parcels will be eligible for any
15 further lot splits under Section 14.01.00 of these regulations. Any further subdivision of
16 the properties shall be through the platting process.

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19 **Section 5. Severability.** If any section, sentence, clause, or phrase or word of this
20 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by
21 any court of competent jurisdiction, then said holding shall in no way affect the validity of the
22 remaining portion of this Ordinance; and it shall be construed to have been the Commissioners’
23 intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and
24 the remainder of this Ordinance, after the exclusion of such part or parts shall be deemed and held
25 to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions
26 thereof shall be held inapplicable to any person, groups of persons, property, kind of property,
27 circumstances or set of circumstances, such holding shall not affect the applicability thereof to any
28 other person, property or circumstances.
29

30 **Section 6. Inclusion in the Code.** It is the intent of the Board of County
31 Commissioners that the provisions of this Ordinance shall become and be made a part of the Lake
32 County Code and that the sections of this Ordinance may be renumbered or re-lettered and the
33 word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase
34 in order to accomplish such intentions.
35

36 **Section 7. Filing with the Department of State.** The Clerk shall be and is
37 hereby directed forthwith to send an electronic copy of this Ordinance to the Secretary of State for
38 the State of Florida in accordance with Section 125.66, Florida Statutes.
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41 **Section 8. Effective.** This Ordinance shall become effective as provide for by law.

42 Enacted this _____ day of _____, 2022.

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44 Filed with the Secretary of State _____, 2022.
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ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

Gary J. Cooney, Clerk of the
Board of County Commissioners
of Lake County, Florida

Sean M. Parks, Chairman

This ____ day of _____, 2022.

Approved as to form and legality:

Melanie Marsh
County Attorney