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### FAMILY EXCEPTION SUBDIVISION APPLICATION

The applicant shall complete the information contained below for review by the Planning Division to ensure the property and lots created shall conform to the requirements of the Gadsden County Comprehensive Plan and Land Development Code (LDC) (Subsections 6700, 7103 & 7104 of the LDC).

#### GRANTOR/GRANTEE INFORMATION

1. Grantor - Property Owner of Parent Parcel:

Grantor: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone #: \_\_\_\_\_ E-Mail: \_\_\_\_\_

*\*Note: If more than two property owners are involved, submit the above information for the additional property owners on a separate sheet of paper.*

2. Immediate Family Member (Grantee - Recipient of Family Exception Parcel):

Grantee: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone #: \_\_\_\_\_ E-Mail: \_\_\_\_\_

#### PARCEL INFORMATION:

3. Parent Parcel ID. #: \_\_\_\_\_

Address: \_\_\_\_\_

4. Area of Parent Parcel: \_\_\_\_\_ Future Land Use Category: \_\_\_\_\_

5. Number and Acreage of Each Family Exception Parcel:  
\_\_\_\_\_

7. Access: \_\_\_\_\_ Public Road \_\_\_\_\_ Private Road \_\_\_\_\_ Ingress/Egress Easement

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#### Submittal Requirements:

The following items are required for a complete application:

- \_\_\_\_\_ A. \$100 fee (Cash, Check or Money Order payable to the Gadsden County Board of County Commissioners (Res. #2014-014).
- \_\_\_\_\_ B. Proof of application for a Residential Development Order & Building Permit.

- \_\_\_\_\_ C. Title opinion, deed or equivalent with legal description verifying ownership.
- \_\_\_\_\_ D. Proof of current homestead exemption status by the grantor.
  
- \_\_\_\_\_ E. An affidavit (attached) verifying compliance with Section 6700, Family Exception of the Gadsden County Land Development Code (LDC):
- \_\_\_\_\_ F. Draft Conveyance with draft deed restrictions (Subsection 6604.A).
- \_\_\_\_\_ G. Three (3) copies of all existing & proposed survey documents, conveyance, legal descriptions and other pertinent legal documents (8 1/2"x 11" or 14"), signed and sealed by a surveyor registered in the State of Florida containing the following:
  - 1) Legal descriptions and a deed with real covenants that run with the land. Said restrictions shall include language that addresses the following and must be recorded:
    - a. Resale. A negative covenant which prohibits the sale of the created lot(s) outside of the immediate family of the owner of record of the parent tract for a period of three (3) years from approval.
    - b. This parcel shall comply with the requirements for a Family Exception pursuant to the Gadsden County Land Development Code.
  - 2) Legal access to each lot and required access easements, as applicable;
  - 3) The location of all existing structures, driveways, wells, and septic systems;
  - 4) The 100-year floodplain location, if applicable; and,
  - 5) The location of any wetlands or other environmentally sensitive lands, if applicable; and,
- \_\_\_\_\_ H. Provide Water Table boring (soils test) per the Environmental Health Department (Subsection 7103.E) for lots less than three (3) acres.

The undersigned acknowledges that grantor as owner of the parent parcel and the grantee(s) immediate family members to whom the Family Exception parcels are to be created for will comply with the requirements for Family Exceptions pursuant to Section 6700 of the Gadsden County Land Development Code.

\_\_\_\_\_  
**Signature of Property Owner (Grantor)** \_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Immediate Family Member (Grantee)** \_\_\_\_\_  
**Date**

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.

NOTARY PUBLIC:

Notary Seal

\_\_\_\_\_  
 Signature of Notary

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

## Family Exception Affidavit

The property owner (grantor) of Parcel I.D. Number \_\_\_\_\_ and \_\_\_\_\_ an immediate family member who is to be the recipient of a parcel (grantee) to be created as the product of a 'Family Exception' subdivision from parent Parcel I.D. Number \_\_\_\_\_, from the afore-referenced property located in Gadsden County, in the State of Florida, attest that:

1. The Grantor and Grantee are related Immediate Family members as required by Subsection 6602(A) of the Gadsden County Land Development Code pertaining to Family Exception Subdivision; and,
2. This affidavit acknowledges that the subject grantor and grantee shall not transfer any property(s) subject to a 'Section 6600. Family Exception' Subdivision within a three (3) year period from the date of approval; and,
3. The grantee must homestead said parcel or lot;
4. Once subdivided or created, the new parcels cannot be further subdivided until such time as an amendment to the FLUM is adopted; and,
5. It is acknowledged that all documents, required by Subsection 6600. Family Exception will be recorded with the Gadsden County Clerk of the Court within 90 days of a Notice of Approval.

\_\_\_\_\_  
Signature of Grantor

\_\_\_\_\_  
Print Name of Grantor

\_\_\_\_\_  
Signature of Grantee (Immediate Family Member)

\_\_\_\_\_  
Print Name of Grantee

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.

**NOTARY PUBLIC:**

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

SEAL

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

# Gadsden County Land Development Code

## Chapter 2 Definitions and Interpretations

### Subsection 2102. Specifically

**Family Exception:** A process for conveying a parcel to an immediate family member.

**Grantee:** A person to whom a grant or conveyance is made.

**Grantor:** A person or institution who makes a grant or conveyance.

**Immediate Family Member:** The parent, step-parent, grandparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild, of a person.

## CHAPTER 6. SUBDIVISION OF LAND

### SECTION 6600. FAMILY EXCEPTION

**Subsection 6601. Purpose and Intent.** In accordance with the provisions of §163.3179, Florida Statutes, Policy 1.1.6 of the Comprehensive Plan and this Section, a Family Exception may be granted on a parcel designated Agricultural on the County Comprehensive Plan's Future Land Use Map, without meeting the density standards of the corresponding Agricultural land use designation, when the criteria of this Section are met.

**Subsection 6602. Applicability.** Any newly created parcels or lots created within the requirements of this section shall only be conveyed to an immediate family member and shall not be conveyed to any person other than a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild.

- A. Conveyance to relative.** Once the property, parcel or lot is conveyed to the relative as defined above (aka grantee), the grantee must homestead the said property, parcel or lot.
- B. Ownership.** Each parcel created by Family Exception shall be owned and homesteaded by the grantee for at least three (3) years from the date of County approval.
- C. Grantee.** The provisions of this Section shall only apply once to each grantee individual immediate family member, as defined above.

**Subsection 6603. Standards and Restrictions.** The creation of parcels or lots under the parameters of this section must meet the following criteria:

- A. Previously platted parcels, lots or subdivisions.** Family Exception parcels shall not be permitted from previously platted parcels, recorded plat(s), or subdivisions
- B. Land Use.** Any property located outside of an Agriculture land use category is ineligible for this Family Exception.
- C. Minimum size.** Lots created from the parent parcel shall be three (3) acres or more in size. The parent parcel shall retain a minimum of three (3) acres.
- D. Maximum number of lots.** Under this exception, no more than four (4) lots shall be created in perpetuity including the original parent parcel.
- E. Further divisions.** Once subdivided or created, the new parcels cannot be further subdivided until such time as an amendment to the Future Land Use Map is adopted by ordinance to a land use category that allows smaller lot sizes.
- F. Transferability.** The Family Exception parcel(s) shall not be transferable to an individual or entity outside of the immediate family before three (3) years after the County approval date.
- G. Non-conforming parcels.** Any parcel(s) made non-conforming as a result of any adoption of a Comprehensive Plan amendment by the County, with less than the minimum lot size required in the

corresponding Agricultural land use category, shall be allowed only when no resulting parcel is less than three (3) acres.

- H. Frontage requirements.** All parcels must have frontage on an existing publicly maintained road, or:
1. Provide a recorded easement for a joint driveway access to a public road, which shall be restricted to the use of two lots; or
  2. Have obtained joint access to a private recorded easement as follows:
    - a) For only one driveway access point, Section 6003(G)6 shall apply.
    - b) For two or more access points Section 6003(F)5 shall apply.

Section 5611(G) shall apply to the creation of access points.

**Subsection 6604. Restrictions.** Lots created per the Family Exception shall include a legal description and a deed with real covenants that run with the land. Said restrictions shall include language that addresses the following, and must be recorded.

- A. Resale.** A negative covenant which prohibits the sale of the created lot outside of the immediate family of the owner of record of the parent tract for a period of three (3) years from approval.

**Subsection 6605. Procedures.** The creation of a lot or lots through the Family Exception shall require the following. The application shall be reviewed as a Level I Review.

- A. Application.** A complete application as provided by the County shall be submitted in accordance with Section 7100 this Code, and additionally shall include the submittal of:
1. Copies of all existing survey documents, legal descriptions and other pertinent legal documents.
  2. All applicable fees.
  3. The draft deed restrictions.
  4. Proof of ownership.
  5. Proof of current homestead exemption status by the grantor.
  6. An affidavit verifying that:
    - a) The grantor and grantee of the properties are related as defined in Subsection 6602(A).
    - b) Acknowledgement that the grantor and grantee shall not transfer any property subject to this Section within a three (3) year period from the date of approval.
- B. Incomplete applications.** In regard to deficient or incomplete applications, the applicant shall have 90 days from the date of the issuance of comments from the County to the applicant to make required corrections to the application and resubmit said application for review. Failure to resubmit a revised application within 90 days shall have the same effect as denial of the application without prejudice.
- C. Recording of documents.** Copies of all survey documents, legal descriptions and recorded deeds with restrictions must be recorded in the public records with the Clerk of the Court and provided to the Planning & Community Development Department within 90 business days of a Notice of Approval. Failure to record the Family Exception parcels in a timely manner shall result in the approved application becoming null and void.
- D. Application for building permit, requirement.** Applications for building permits shall include an official copy of the deed covenants and restrictions with the required language as specified in Subsection 6604.