AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BAKER COUNTY, FLORIDA, AMENDING THE BAKER COUNTY LAND DEVELOPMENT REGULATIONS, SPECIFICALLY CHAPTER 24, SECTION 24-41, SECTION 24-77, SECTION 24-159, SECTION 24-161, SECTION 24-189, SECTION 24-190, SECTION 24-191, SECTION 24-192, SECTION 24-193, SECTION 24-204, AND SECTION 24-456, RELATING TO BORROW PITS, FISH PONDS AND MINING REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING DIRECTION TO STAFF; PROVIDING DIRECTION TO THE CODIFIER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in 1985 the State of Florida adopted the Local Government Comprehensive Planning and Land Development Regulations Act and Growth Management Act which required local governments to adopt comprehensive land use plans; and

WHEREAS, following implementation of said regulations by the State of Florida, the Board of County Commissioners of Baker County, Florida adopted the Baker County Comprehensive Plan and Baker County Land Development Regulations; and

WHEREAS, the Board of County Commissioners of Baker County, Florida now desires to amended the portion of the land development regulations which will regulate borrow pits, fish ponds and mining; and

WHEREAS, during publically notices meetings, the Baker County Land Planning Agency has considered, workshopped and discussed the proposed amendments for more than a year and a half in order to include the opinions and comments of the citizens of Baker County and any other interested parties; and
WHEREAS, the amendments herein were presented to and were reviewed by the Baker County Land Planning Agency at a public hearing on June 15th, 2016; and

WHEREAS, the amendments herein were presented to and were reviewed by the Baker County Commission during numerous publically noticed workshops and at a public hearing for a first reading on July 6th, 2017; and

WHEREAS, the Board of County Commissioners of Baker County, Florida finds that the amendments herein are in compliance with and supports the goals, objectives and policies of the Baker County Comprehensive Plan; and

WHEREAS, the Board of County Commissioners of Baker County, Florida finds that the adoption of this ordinance is in the best interest of Baker County, Florida and its citizens.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Baker County, Florida as follows;

Section 1. Adoption and Incorporation of Recitals. The Board of County Commissioners of Baker County, Florida adopts the recitals outlined above and incorporates them herein as a part of this ordinance.

Section 2. Authority for and Purpose of Ordinance. This ordinance is adopted by the Board of County Commissioners of Baker County, Florida pursuant to the authority established and granted by Florida law, specifically, Section 163.3174, Florida Statutes, and is enacted with the purpose of amending the existing Baker County Land Development Regulations so as to provide consistency with the goals, objectives and policies of the 2020 Baker County Comprehensive Plan.
Section 3. Land Development Regulations Amended. The Board of County Commissioners of Baker County, Florida hereby amends the Baker County Land Development Regulations as follows:

CHAPTER 24
ARTICLE II. - DEFINITIONS AND RULES OF CONSTRUCTION
Sec. 24-41. - Definitions.

Borrow pit means any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land for any purpose other than that necessary for and incidental to site grading or building construction or for use onsite. No processing on site is involved, except for the use of scalping screen to remove large rocks, wood and other debris. Construction, modification or expansion of a borrow pit shall comply with Chapter 62-330, Florida Administrative Code. Such a borrow pit with a total surface area of less than ten (10) acres in size may be permitted in agricultural and industrial zoning districts and by special exception if ten (10) acres or more in size. Borrow Pits are not considered mining, mineral extraction or excavation activities and shall be regulated pursuant to section 24-161.

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Contouring means the returning of the affected land to a topographical state similar to the land's appearance and surface elevations of the ground prior to any mining activities in accordance with County's approved reclamation plan.

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Excavation means the digging, stripping, or removal by any process of natural materials or deposits from their natural state and location, said materials and deposits
include oil, gas, rock, stone, minerals, shell, sand, marl, peat and soil, but not sod or nursery trees or plants. The term "excavation" shall not include fish ponds, borrow pits or the creation of water bodies undertaken as a part of a planned unit development or other subdivision or activities associated with the construction of stormwater management facilities, excludes excavations solely in aid of on-site farming or on-site construction

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Fish pond means, generally, any natural or artificial area which has a discernible shoreline and ordinarily or intermittently contains water and which surface area generally spans less than two acres in size, and which exists for the purpose of supporting marine aquatic life for casual harvesting or ornamental and/or landscaping design. Such a fish pond with a total surface area less than two acres in size may be permitted in any zoning district and shall comply with the following conditions:

(a) the fish pond site is situated no closer than ten feet (10’) from the nearest property line or structure; and

(b) the fish pond is at least one hundred feet (100’) from the nearest water body, including other fish ponds; and

(c) the fish pond is created and maintains no steeper than a 4:1 slope from grade.

Fish ponds with a surface area totaling two acres or more in size may be permitted by special exception in agricultural zoning districts, provided that: the parcel of land on which the fish pond is situated is at least ten acres in size; the applicant
complies with policies E.1.5.1, and E.1.5.3 of the county comprehensive plan; the fish pond site is situated no closer than 100 feet from an existing public roadway and no closer than 500 feet from any adjacent development or landowner; and the applicant obtains all necessary permits from the applicable water management district. See also section 24-159(i) 24-159(a). Construction, modification or expansion of a fish pond shall comply with Chapter 62-330, Florida Administrative Code.

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Heavy Minerals means resources found with sand deposits which have a specific gravity of not less than 2.8, and include an admixture of resources such as titanium, zircon and staurolite.

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Heavy Mineral Mining means a specialized type of mining which includes excavation, restoration and reclamation activities necessary for the extraction of Heavy Minerals; excludes the process of searching, prospecting, exploring, or investigating for heavy minerals.

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Mine means an area of land on which mining operations have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

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Mining operation means all functions, work, facilities and activities in connection with the development, extraction (whether primary or secondary) or processing of mineral deposits on lands subject to the provisions of F.S. ch. 211, pt. II (F.S. § 211.30 et
seq.) and all uses reasonably incident thereeto. Examples include, but are not limited to the construction of roads or other means of access, pipelines, waste disposal and storage, and recirculating water systems. The term "processing" shall not include rock drying or the processing of rock in a chemical processing plant.

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Mining unit means the number of acres which an operator will disturb or affect as part of the mining operation during the year's period covered by a reclamation application.

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Operator means the person engaged or seeking to be engaged in a mining (including reclamation) operation or any other person who is obligated to reclaim mined lands pursuant to F.S. § 211.32.

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Overburden means the earth and other minerals which overlie the ore and which must be removed to gain access to the ore body.

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Re-vegetation means provision of either a diverse vegetation, native to the area, capable of self-regeneration at least equal in permanence to the natural vegetation or an agricultural or silvicultural crop suitable to the reclamation program and the surrounding areas.

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Reclamation means the reshaping of land disturbed or affected by mining operations to an appropriate contour considering the
type of use prior to mining operations, during the mining operation, and planned use after reclamation, and the surrounding topography and shall include re-vegetation of the lands in an approved manner.

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Restoration means the return of the natural function of lands, waters, or a particular habitat or condition as nearly as possible to the state in which it existed prior to mining or excavation operations being commenced.

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Water body means those natural areas identified by the state or county as a lake, river, creek, stream or estuary as those bodies of water meandered or are altered by the government.

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Wetlands means those areas identified as jurisdictional wetlands under state law, by rule of the Department of Environmental Protection and/or the St. Johns River Water Management District, the Suwannee River Water Management District and/or U.S. Army Corps of Engineers.

ARTICLE III. - ZONING
DIVISION 1. GENERALLY
Sec. 24-77. - Definitions.

Excavation see definition in section 24-41 means the digging, stripping, or removal by any process of natural materials or deposits from their natural state and location, said materials and deposits to include oil, gas, rock, stone, minerals, shell, sand, marl, peat and soil, but not including sod. The term "excavation" shall
not include fish ponds or the creation of water bodies undertaken as a part of a planned unit development or other subdivision nor shall it include activities associated with the construction of stormwater management facilities.

Fish pond see definition in section 24-41. means, generally, any natural or artificial area which has a discernible shoreline and ordinarily or intermittently contains water and which surface area generally spans less than two acres in size, and which exists for the purpose of supporting marine life for casual harvesting or ornamental and/or landscaping design. Such a fish pond with a total surface area less than two acres in size may be permitted in any zoning district. Fish ponds with a surface area totaling more than two acres in size may be permitted by special exception in agricultural zoning districts, provided that: the parcel of land on which the fish pond is situated is at least ten acres in size; the applicant complies with policies E.1.5.1, E.1.5.3 of the county comprehensive plan; the fish pond site is situated no closer than 100 feet from an existing public roadway and no closer than 500 feet from any adjacent development or landowner; and the applicant obtains all necessary permits from the applicable water management district. See also section 24-159(1) regarding fish ponds.

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ARTICLE III. - ZONING

DIVISION 3. PERFORMANCE STANDARDS AND RESTRICTIONS ON SPECIFIC USES
Sec. 24-159. - Mineral extraction and mining.

(a) Mineral extraction defined. Mineral extraction shall include all activity which removes from the surface or beneath the surface of the land some material mineral resource, natural resource or other element of economic value, by means of mechanical excavation necessary to separate the desired material from an undesirable one; or to remove the strata or material which overlies or is above the desired material in its natural condition and position. Open pit mining includes, but is not limited to the excavation necessary to the extraction of sand, gravel, topsoil, limestone, sandstone, clay, oil and titanium. Mineral extraction excludes borrow pits which receive a permit under section 24-161 or fish ponds allowed under section 24-41.

(b) Mining defined. The term "mining" means all functions, work, facilities and activities in connection with development, mineral extraction (whether primary or secondary) or processing of mineral deposits on land and all uses reasonably incident thereto. Examples include, but are not limited to such as the construction of roads or other means of access, pipelines, waste disposal and storage, excavation and recirculating water systems but excludes borrow pits, fish ponds, excavation solely in aid of onsite farming, onsite construction and the process of searching, prospecting, exploring and investigating for minerals. The term "processing" shall not include rock drying or the processing of rock in a chemical processing plant. All mining, excavation and mineral extraction activities shall require a Mine Permit (see
section 24-159(g)) to be approved by board of county commissioners as a planned development. All mining, excavation and mineral extraction activities must be located in an industrial zoning district or as a permissible use by mine permit and must comply with policies A.1.4.9, A.1.4.10, E.1.5.1, E.1.5.2, and E.1.5.3 of the county comprehensive plan. Heavy mineral mining includes excavation activities necessary for the extraction of titanium materials, zircon and staurolite.

(c) Intent. It is the County’s intent of this section to provide for the control of conditions relating to mining, excavation or mineral extraction activities within the county in order to protect the health, safety, welfare, environment and natural resources of the citizens of Baker county. It is the further intent of this section further, the County intends to advance the clearly articulated, affirmatively expressed and actively supervised state policy as expressed in F.S. ch. 211. The criteria within this section are declared to be the minimum necessary to protect the health, safety and welfare of the citizens of the county. Approval for mining, excavation and mineral extraction activities through permissible use and by mine permit (see section 24-159(g)) in the review process.

(d) Additional definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Excavation means the digging, stripping, or removal by any process of natural materials or deposits from their natural state and location, said materials and deposits to include oil,
gas, rock, stone, minerals, shell, sand, marl, peat and soil, but not including sod. The term "excavation" shall not include the creation of water bodies undertaken as a part of a planned unit development or other subdivision nor shall it include activities associated with the construction of stormwater management facilities.

Mine means an area of land on which mining operations have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

Mining operation means all functions, work, facilities and activities in connection with the development, extraction (whether primary or secondary), or processing of mineral deposits on lands subject to the provisions of F.S. ch. 211, pt. II (F.S. § 211.30 et seq.) and all uses reasonably incident thereto such as the construction of roads or other means of access, pipelines, waste disposal and storage, and recirculating water systems. The term "processing" shall not include rock drying or the processing of rock in a chemical processing plant.

Mining unit means the number of acres which an operator will disturb or affect as part of the mining operation during the year's period covered by a reclamation application.

Operator means the person engaged or seeking to be engaged in a mining or reclamation operation or any other person who is obligated to reclaim mined lands pursuant to F.S. § 211.32.
Overburden means the earth and other minerals which overlie the ore and which must be removed to gain access to the ore body.

Revegetation means provision of either a diverse vegetation, native to the area, capable of self-regeneration at least equal in permanence to the natural vegetation or an agricultural or silvicultural crop suitable to the reclamation program and the surrounding areas.

Reclamation means the reshaping of land disturbed or affected by mining operations to an appropriate contour considering the type of use prior to mining operations, during the mining operation, and planned use after reclamation, and the surrounding topography and shall include re-vegetation of the lands in an approved manner.

Restoration means the return of the natural function of lands, waters, or a particular habitat or condition as nearly as possible to the state in which it existed prior to minor operations being commenced.

Water body means those areas identified by the county as a lake, river, creek, stream, or estuary, as those bodies of water meandered or are altered by the government.

Wetlands means those areas identified by rule of the Department of Environmental Regulation and/or the St. Johns River Water Management District and/or U.S. Army Corps of Engineers.

Permitted uses. Activities associated with normal excavation and mining.
excavation, reclamation, contouring, heavy mineral mining and mining operation activities as defined herein are permitted by right or as a permissible use by Mine Permit subject to the terms and conditions of Baker County's Land Development Regulations.

(e) Uses not permitted. Any use not described in subsection (e)(d) of this section as determined by the Community Development Director or his designee.

(f) Location criteria.

(1) Minimum lot-size area is five ten acres.

(2) Access to a public right-of-way.

(3) The area to be mined must be located a minimum of 500 feet from an off-site water body, or at a minimum distance from any water body so as not to adversely impact the minimum flows and levels established pursuant to section 373.042, F.S., as amended, which maintain the water resources or ecology of the area for any affected water body, to maintain its ecological health and ecological community structure, whichever is greater.

(g) Application requirements for Mine Permits.

(1) The applicant shall be required to attend a pre-application conference with the Community Development Department staff. The director shall invite, as a minimum, representatives from the St. Johns River Water Management District, and the Department of Environmental Protection to attend the conference.
(2) The applicant shall complete the appropriate application forms as provided by the Community Development Department which shall include: a boundary survey or sketch of the area to be mined; a legal description of the property; the name and address of the owner and, if applicable, evidence of the assignment of any agent who represents the owner; a topographic map at an appropriate scale showing existing contour lines, including all existing buildings, wooded areas, and unique natural features; the location of any habitat of threatened, endangered or special concern plant and animal species; the location of any wellfields on the property; the location of any high aquifer recharge areas; the location of floodplain within the property, approximate location of wetlands, environmentally sensitive lands and proposed setbacks, boundary survey including the U.S.D.A. Baker County soil survey, soil mapping units of all mining units.

The applicant shall provide sufficient information including, but not limited to onsite data and engineering calculations so as to provide reasonable assurance the proposed activity shall not degrade or threaten nor violate state water quality standards in the Floridan Aquifer, during and post mining at the site. This shall include a description of spill potential, normal mining operations, or sinkholes and any other direct threat to the Floridan Aquifer from mining operations.

The applicant shall pay the applicable fee.
(3) The applicant shall complete a site plan substantially in conformance with the requirements of section 24-456(c)(5). The specific requirements will be determined at the pre-application conference.

(4) The applicant shall prepare an environmental assessment report that describes the effects of the proposed mining operation on the groundwater quantity and quality as a result of the mining operation, fugitive dust control measures and the land use within one mile of the site.

The assessment shall also address the impact of the proposed mining operation both onsite and offsite on the local jurisdictional wetland flora and fauna for wet and dry seasons (based on historic precipitation data) for pre- and post-mining conditions due to decreased or increased groundwater or surface water elevations at the site.

(5) The applicant shall receive at least conceptual or preliminary approval from the any appropriate state agencies having jurisdiction. A proposed contour map shall be provided to the Community Development Department depicting topographic and drainage characteristics.

(6) The applicant shall post a financial assurances performance bond in the amount of 100 percent of the cost of contouring, reclamation, restoration and re-vegetation as defined in the "Reclamation Plan" to ensure compliance with all state and local regulations. The applicant, at his option, may provide the amount as established by the board of county commissioners upon the advice of the
Community Development Director, in ease, an irrevocable letter of credit, negotiable certificate of deposit, or escrow agreement, to ensure that the excavation shall be performed in conformance with all state and local regulations. The provision of financial assurances to the state or a water management district pursuant to an Environmental Resource Permit shall be deemed to satisfy this requirement.

(7) The applicant shall prepare a contouring, reclamation, restoration and re-vegetation plan ("reclamation plan") that would meet the requirements of a conceptual plan under Florida law as specified herein and set the cost of reclamation as described hereafter. The reclamation plan shall include information necessary to confirm compliance with State and County reclamation requirements. The county hereby adopts F.A.C. ch. 62C-16 as the minimum criteria for excavation reclamation. For Heavy Mineral Mining, the information required for reclamation plans under Florida Administrative Code Rule 62C-37.003 shall be included in the application unless otherwise approved by the County Manager. For reclamation of solid resources other than phosphate, limestone, heavy minerals and Fuller's Earth, the information required for reclamation plans under Rule Chapter 62C-39.008, Florida Administrative Code shall be included in the application unless otherwise approved by the County Manager. All such reclamation plans shall include information necessary to meet County requirements as set forth herein, as well as the state requirements for reclamation.
(8) In no case shall excavation occur within 100 feet of any public roadway except those roads on site or within 100 feet of the property line, and except where the approved mine area includes the crossing of a public roadway or the relocation of a public roadway.

(9) Copies of the annual permits required by the department of natural resources and those that may be required by other state agencies shall be submitted concurrently to the planning and zoning director.

(10) Mine Permit General Conditions. All Mine Permits shall comply with each of the following protections:

a. Reclamation Plan. All mining, excavation, reclamation, restoration, contouring, heavy mineral mining and mining operations shall be consistent with the County's approved reclamation plan for the proposed mine operation. The Community Development Director shall require, at the applicant's expense, an independent written review by an appropriately licensed professional with mining experience, preferably with reclamation plan experience, to meet the requirements of the reclamation plan, which reviews compliance with this chapter. Supervision of the reclaimed site shall be under the supervision of an appropriately licensed professional with mining experience preferably with reclamation plan experience, to ensure the site(s) are returned, stabilized and suitable for future
use as detailed in the approved reclamation plan.

b. Air Quality. All mining, excavation, reclamation, contouring, heavy mineral mining and mining operations shall undertake fugitive dust control measures as specified herein. Where the operations area is within 500 feet of an existing residence, such area shall be buffered from the residence to address air, noise and other potentially negative impacts. Air pollution modeling or other county approved calculation of potential small particle transport and human exposure potential shall be provided to the county for consideration relating to the issuance or denial of the permit. Examples include a minimum 150 foot buffer of mature trees or natural or planted vegetation at least six feet in height or a stabilized earthen berm having at least four feet in height to remain in place until reclamation activities are undertaken in the area. No land clearing or non-prescribed burning shall take place within the buffer areas. No buffer is required where mining is adjacent to undeveloped land or silviculture. All buffering measures shall be approved by the Community Development Director.

c. Land Resources. All excavation, mining and mineral extraction shall require reclamation, restoration and re-vegetation through the use of mulch, liquid, resinous adhesives with hydroseeding, sod, or
supplemental seeding with native ground cover. All topographical features, drainage patterns and contouring shall be restored in accordance with the conceptual reclamation plan approved as part of the Mine Permit. Depending on climatic conditions, fertilizers will be added to stimulate ground cover.

d. Water Resources. All excavation, mining and mineral extraction shall comply with federal, state and local laws, rules and regulations to ensure water quality is monitored and maintained. The mining activity shall not impact the natural groundwater surface elevations beyond the boundary of the applicant’s property. The proposed mining activity shall not adversely affect wetland flora, and the functional value provided to fish and wildlife and listed species by jurisdictional wetlands and other surface waters within the applicant’s property unless mitigation is provided. The mining activity during and post mining shall not degrade water quality in the Floridan Aquifer. The mining activity shall comply with the state water quality standards of discharge at the point(s) of discharge from the applicant’s property in groundwater or Class Standards of surface waters at the point of discharge into any affected water body. The permit holder shall send copies of groundwater monitoring reports quarterly through the completion of mining activities or as provided for in the permit.
e. Wetlands. All mined wetlands shall be reclaimed or mitigated as specified in the approved reclamation plan. When possible, and consistent with state and federal regulations, mitigation shall be onsite or within the boundaries of Baker County.

f. Historical and Archaeological. Should regionally significant historical and archaeological resources be discovered in the course of development, the Community Development Director shall be notified immediately to investigate the significance of the findings.

g. Wildlife and Plant Habitat. All mining, excavation, reclamation, contouring, heavy mineral mining and mining operations shall comply with federal and state laws, rules and regulations as set forth in federal or state permits issued to the applicant to conserve or improve the status of endangered and threatened animal species and preserve endangered, threatened, and commercially exploited plants.

h. Prior to the commencement of excavation, mining and mineral extraction activities, any conceptual mine reclamation plan required by the Florida Department of Environmental Protection or other federal agencies or state agencies, as applicable, shall identify the reclamation and restoration requirements for the area to be mined. Copies of the
permits issued by the Department of Environmental Protection and those that may be required by other state agencies shall be submitted to the Community Development Director when issued by such agencies.

(h) **Action by the board of county commissioners.** In addition to the requirements of sec. 24-159(g), the applicant shall provide all relevant factual data, materials and/or oral testimony to support the action requested in the application for a mine permit. The board of county commissioners shall also review written and/or oral comments from the public in accordance with its established procedures.

After notice and two public hearings, the first of which may be conducted by the LPA, in accordance with Article X of this chapter and the county comprehensive plan, the board of county commissioners may enact an ordinance establishing a Mine Permit including any special conditions related thereto, after consideration of the following and based upon findings that:

1. The proposed Mine Permit does not affect adversely the environment or orderly development of the county and does not adversely impact surrounding land use in accordance with this section.

2. The proposed Mine Permit is consistent with the County’s goals, objectives and policies contained in the comprehensive plan. The board of county commissioner shall consider: the physical characteristics of the subject parcel and surrounding lands; impact on the surrounding transportation network; the availability and capacity of public
services; and applicable development standards promulgated by the board of county commissioners.

(3) The proposed Mine Permit will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use of adjacent properties or the general neighborhood.

(4) If the proposed reclamation would result in significant changes to the post mining topography, the County shall consider whether the proposed reclamation maintains or improves the uses and functions present on the site prior to commencement of the mining operations or provides alterations which serve a public purpose, such as enhancement of aquifer recharge, changes which maintain or improve the land's suitability for economic development, utilization by wildlife or recreational purposes. If the proposed reclamation would result in the creation of one or more permanent lakes, the County may consider whether the lakes are shaped at their banks in a manner similar to naturally occurring lakes in the Baker County area, and whether the slopes are designed and shaped to be stable and afford opportunities for future access and use, and whether the proposed reclamation plan incorporates reasonable future uses of the lake(s).

(5) If the board of county commissioners enacts an ordinance approving a Mine Permit, the Mine Permit area shall be indicated on the official zoning map. All maps, plans, documents, agreements, stipulations, conditions, and safeguards constituting the development plan are finally
approved shall be placed on file with the Community Development Department and shall constitute the regulations for the specific Mine Permit that has been approved. All mining activities within the boundaries of the Mine Permit as approved shall take place in accord with such regulations.

(6) Approval of an application for a Mine Permit by the board of county commissioners shall be contingent upon acceptance by the applicant within 30 days.

(i) Approval of the Mine Permit. If a Mine Permit is approved with conditions which modify the development plan submitted for final approval, then after approval by the board of county commissioners, the applicant shall submit a revised development plan to the Community Development Director for review. The Community Development Director shall review the development plan for conformance with the ordinance passed under subsection (h) of this section. Action to approve, modify or deny the site development plan shall be taken by the Community Development Director within 30 days of receipt of the plan.

(j) Appeals. Any injured or "aggrieved party" by the final actions of the board of county commissioners may present to the circuit court of the county a petition for writ of certiorari to review such final action as provided in section 125.018, F.S. Such petition shall be presented to such court within thirty (30) days after the date of such final action by the county. The appeal shall be in writing and shall identify with particularity the reasons why the decision of the County should be overturned based upon the applicable County criteria. Failure to file an appeal within
said thirty (30) days shall be deemed a waiver of all appellate rights.

(k) Limitations. No written application by an owner of real property for a mine permit for a particular parcel of property, or part thereof, shall be filed with the Community Development Department until the expiration of twelve (12) calendar months from the date of denial of a written application for mine permit for such property, or part thereof, unless the board of county commissioners specially waives said waiting period based upon a consideration of the following factors: the new written application constitutes a proposed mine permit different from the one proposed in the denied written application; failure to waive the waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration.

(i) Mining exception; fish ponds. A fish pond is any natural or artificial area which has a discernible shoreline and ordinarily or intermittently contains water and which surface area generally spans less that two acres in size, and which exists for the purpose of supporting marine life for casual harvesting or ornamental and/or landscaping design. Such a fish pond with a total surface area less than two acres in size may be permitted in any zoning district. Fish ponds with a surface area totaling more than two acres in size may be permitted by special exception in agricultural zoning districts, provided that: the parcel of land on which the fish pond is situated is at least ten acres in size; the applicant complies with policies E.1.5.1, E.1.5.3 of the county comprehensive plan; the fish pond site is situated no closer than 100 feet from an existing public roadway and no closer than 500 feet from any adjacent development or landowner; and the applicant
obtains all necessary permits from the applicable water management district.

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Sec. 24-161. - Borrow Pits.

(a) The applicant shall submit a site plan signed and sealed by a professional engineer registered in the State of Florida to the Community Development Department illustrating the standards established in section 24-161(e). The Community Development Department shall review the application within thirty (30) working days of submittal and issue a letter confirming that the application conforms to this Section. Borrow Pits with a surface area totaling less than ten (10) acres in size may be permitted in agricultural and industrial zoning districts, or if a surface area totaling ten (10) acres or more in size may be permitted by special exception, provided that: the parcel of land on which the borrow pit is situated is at least twice the size of the proposed Borrow Pit; the applicant complies with policies E.1.5.1, and E.1.5.3 of the county comprehensive plan; the borrow pit is situated no closer than 100 feet from an existing public roadway and no closer than 500 feet from any adjacent development or landowner. All Borrow Pits shall be no more than thirty-five (35) feet in depth.

(b) The applicant shall obtain all permits from the water management district for Borrow Pit projects. The applicant shall be responsible for determining requirements of the water management district. The applicant shall provide the Community Development Department with copies of said permits necessary to operate the Borrow Pit or, if the water management district determines no permit is required for the construction and operation of the Borrow
Pit, written verification from the water management district exempting the Borrow Pit from the district’s permitting requirements.

(c) Where the water management district determines that no permit is required for the construction and operation of the Borrow Pit, the Borrow Pit shall be no closer than one hundred (100) feet setback from any property boundary not under common ownership.

(d) Borrow Pits shall not be closer than one hundred (100) feet to any part of a septic tank system.

(e) Application Requirements for Borrow Pits. An application for a Borrow Pit shall contain the following documentation:

1) All documentation required by the water management district;

2) Access to the project (note: owner to provide access to the appropriate county personnel for the purpose of inspection during normal working hours and at reasonable times when work is in progress);

3) Fence detail, if side slopes are less than four (4) feet horizontal to one (1) foot vertical (4:1) down to two (2) feet below mean low water level;

4) Location and setbacks to: property lines, structures, septic tanks, wetlands, right-of-way, easements and existing bodies of water;

5) Documentation of the seasonal high groundwater level using soil bore to determine lithology if excavation will be deeper than twelve (12) feet below the Seasonal High Ground Water Table
Elevation as referenced in Rule 40C-42.026, F.A.C.;

6) Any access/haul roads that abut a public or private paved road shall provide for edge of pavement stabilization with a minimum depth of six (6) inches, which stabilization may consist of compacted crushed crete, lime rock, slag rock or asphalt millings, to protect pavement edge; and

7) Access points abutting a public or private road shall be no less than twelve (12) feet in width.

(f) Duration of County Approval. County approval to operate a Borrow Pit shall expire on the expiration date of the permit(s) issued by the water management district. If the operator obtains an extension of the permit(s) by the district, the operator shall provide the Community Development Department with a copy of the permit extension approval. The Community Development Department shall extend County approval to operation of the Borrow Pit to that expiration date established by said water management district permit. In the event no permits are required by the water management district, then the County approval shall expire two (2) years from the date of the County’s approval.

Secs. 24-161162-24-188. - Reserved.

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DIVISION 4. - SPECIFIC DISTRICTS

Sec. 24-189. - AG 20 Agricultural District.

(b) Permitted uses and structures

(1) Within any Ag 20 district, permitted uses and structures allowed by right are as follows:
(c) Permissible uses by special exception.

(1) Kennel.

(2) Wireless telecommunication facilities (see section 24-235).

(3) Semi-public uses.
   a. Club.
   b. Lodge.
   c. Recreational association.

(4) Borrow pits with a surface area totaling ten (10) acres or more in size which meet the requirements of Section 24-161.

(d) Permissible use by mine permit.

(1) Excavation, mining and mineral extraction (see section 24-159; on ten acres or more).

(e) Permissible uses by limited notice.

(1) None.

(f) Setback and other standards.

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Sec. 24-190. - AG 10 Agricultural District.

(b) Permitted uses and structures

(1) Within any Ag 10 district, permitted uses and structures allowed by right are as follows:
t. Borrow pits with a surface area totaling less than ten (10) acres in size which meet the requirements of Section 24-161.

(c) Permissible uses by special exception.

(5) Mineral extraction (see section 24-159; on ten acres or more).

(8) Borrow pits with a surface area totaling ten (10) acres or more in size which meet the requirements of Section 24-161.

(d) Permissible use by mine permit.

(1) Excavation, mining and mineral extraction (see section 24-159; on ten acres or more).

(e) Permissible uses by limited notice.

(1) Day care center.

(2) Home occupation.

(f) Setback and other standards.

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Sec. 24-191. - AG 7.5 Agricultural District.

(b) Permitted uses and structures

(1) Within any Ag 7.5 district, permitted uses and structures allowed by right are as follows:

r. Borrow pits with a surface area totaling less than ten (10) acres in size which meet the requirements of Section 24-161.

(c) Permissible uses by special exception.
(4) Mineral extraction (see section 24-159; on ten acres or more).

(9) Borrow pits with a surface area totaling ten (10) acres or more in size which meet the requirements of Section 24-161.

(d) Permissible use by mine permit.

(1) Excavation, mining and mineral extraction (see section 24-159; on ten acres or more).

(e) Permissible uses by limited notice.

(1) Day care center.

(2) Home occupation.

(f) Setback and other standards.

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Sec. 24-192. - RCMH 2.5 Residential Conventional and Mobile Home District.

(b) Permitted uses and structures.

(1) Within any RCMH 2.5 district, permitted uses and structures allowed by right are as follows:

9. Mineral extraction.

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Sec. 24-193. - RCMH 1 Residential Conventional and Mobile Home District.
(b) Permitted uses and structures.

(1) Within any RCMH 1 district permitted uses and structures allowed by right are as follows:

   g. Mineral extraction.

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Sec. 24-204. - I Industrial District.

(a) Generally.

(1) The provisions of this section apply to the I Industrial District.

(2) This district is designed to encourage the grouping of industrial establishments at strategic locations in the county so that the economic base can be expanded, services and facilities provided and incompatible mixing of land uses avoided. This district is intended to apply to areas suitable for heavy industrial development or related uses. These uses may be potentially dangerous, noxious, or offensive to neighboring uses or the public due to smoke, odor, noise, and glare, fumes, gas, and vibration, threat of fire, explosion or emission of particulate matter or radiation.

(3) Land designated for industrial use is intended for activities that are predominantly associated with manufacturing and with the extractive (mining) industry. The industrial district is designed to encourage the grouping of manufacturing and similar industrial establishments at strategic locations in the county so that the economic base can be expanded, services and facilities provided, and incompatible mixing of land uses.
avoided. Extractive industrial uses must conform to policies A.1.4.9, A.1.4.10, E.1.5.1, E.1.5.2 and E.1.5.3 of the county comprehensive plan which governs mining activities.

(b) Permitted uses and structures.

(1) Within any I district, permitted uses and structures allowed by right are as follows:

1. Excavation, mining and mineral extraction with an approved mine permit (see section 24-159; on ten acres or more).

m. Borrow Pits which meet the requirements of Section 24-161.

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Sec. 24-456. - Applications, amendments and fees.

(i) Fees. Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice, consultant and legal fees, and similar matters may be charged to applicants for development agreements, mine permits, subdivision plat approval, special exception applications, sign permits, zoning amendments, zoning permits, variances, and other administrative relief. The amount of the fees charged shall be as established by resolution by the board of county commissioners (BOCC) and filed in the office of the clerk of the circuit court of the county. The fee shall be paid at the time of filing the application as follows:

| Mine Permit | $20,000.00, and if the County’s actual |
Section 4. Repeal of Conflicting Provisions. All ordinances and parts of ordinances in conflict herewith are, to the extent of said conflict, hereby repealed.

Section 5. Severability of Provisions. Should any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portion.

Section 6. Direction to Staff. The Board of County Commissioners of Baker County, Florida hereby instructs staff to take any and all necessary steps to ensure proper filing and codification of this ordinance and to do so as quickly and efficiently as possible.

Section 7. Direction to Codifier. It is the intention of the Board of County Commissioners of Baker County, Florida that this ordinance shall become and be made a part of the Baker County Code, and that when codified; the sections and paragraphs of this ordinance may be renumbered or re-lettered accordingly to accomplish the intention of this ordinance.
Section 8. Effective Date of Ordinance. This ordinance shall take effect pursuant to general law upon receipt of acknowledgment of the filing in the Office of the Secretary of State of the State of Florida.

PASSED AND TRANSMITTED TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY on first reading, with a quorum present and voting, by the Board of County Commission of Baker County, Florida, in regular session, this 6th day of July 2017.

PASSED AND ADOPTED on second reading this 18th day of July, 2017.

BOARD OF COUNTY COMMISSIONERS
BAKER COUNTY, FLORIDA

[Signature]
OLIVER J. ANDERSON,
Chairman

ATTEST:

[Signature]
STACIE HARVEY,
Clerk to the Board