



# Baker County Community Development

Building – Planning – Zoning – Code Enforcement

360 East Shuey Avenue  
Macclenny, FL 32063

Office (904) 259-3354

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## FAMILY LOT APPLICATION

(BY DEED)

The undersigned hereby applies for a Family Lot Waiver as provided by the Baker County Land Development Regulations, Article III, and Section 3.05.12a.

Property Owner's Name (Grantor): \_\_\_\_\_

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

Home Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Parcel ID# \_\_\_\_\_

Is this your permanent residence: Yes or No \_\_\_ Number of acre(s) to be deeded to family member \_\_\_\_\_

Close Family Member's Name (Grantee): \_\_\_\_\_

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

Home Phone: \_\_\_\_\_ Cell: \_\_\_\_\_ Parcel ID# \_\_\_\_\_

Relation to property owner

Grandparent	_____	Parent	_____	Stepparent	_____	Adopted Parent	_____
Child	_____	Stepchild	_____	Adopted Child	_____	Grandchild	_____
Sibling	_____						

Location of Property: \_\_\_\_\_

Zoning Classification: \_\_\_\_\_ Land Use Zone: \_\_\_\_\_ Property Acreage: \_\_\_\_\_

Number of dwellings currently on property: \_\_\_\_\_.

This Application submitted by:

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agent Address

Permit Fee \$100.00

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Date

Required Attachments:

1. Proof of ownership in the form of a deed verifying that the applicant (grantor) owns the property, a portion of which is proposed for use as a family lot by a close family member.
2. Personal identification of applicant (grantor)
3. Proof of relationship of both the applicant (grantor) and the close family member consisting of original documents or notarized copies from public records.
  - A. Birth Certificate
  - B. Adoption Records
  - C. Marriage Certificates
  - D. Other public records
4. Map of access to property showing ingress/egress to parent tract and proposed family lot.
5. A recorded affidavit stating that the residential lot is being created for use solely as a family lot and that the close family member shall occupy the residence for at least 36 months from the date a certificate of occupancy is issued.
6. Proof of homestead or permanent residence on the parent parcel (property record card from the property appraiser).

ORDINANCE 2007- 27

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BAKER COUNTY, FLORIDA AMENDING THE BAKER COUNTY LAND DEVELOPMENT REGULATIONS TO PROVIDE FOR CONSISTENCY BETWEEN FAMILY LOTS AND BAKER COUNTY LAND DEVELOPMENT REGULATIONS FOR BAKER COUNTY LAND PLANNING BY; ADDING A DEFINITION FOR “CLOSE FAMILY MEMBER” AND AMENDING THE DEFINITIONS FOR “FAMILY” AND “FAMILY LOTS”; AND AMENDING SECTION 3.05.12; PROVIDING FOR REPEAL OF ORDINANCES INCONSISTENT WITH THIS ARTICLE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

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**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BAKER COUNTY, FLORIDA AS FOLLOWS:**

**SECTION 1. AMENDMENT OF PART 2.02.00.**

- a. Part 2.02.00 is hereby amended by the addition of the following language:  
**Close Family Member** - A close family member is an individual who is one of the following: a grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the parent property owner wishing to grant said person a family lot as defined in this section.
- b. The definition of “family” is hereby amended by replacement in its entirety with the following language:  
**Family** - A family is one or more persons occupying a single dwelling unit, provided that all members are related by consanguinity, adoption, marriage or foster care and further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families and not more than two (2) roomers or boarders may occupy the dwelling unit (for three or more roomers or boarders, see

**Group Living Facility**). The term *family* shall not be construed to mean a fraternity, sorority, club, monastery or convent, or institutional group.

c. The definition of “family lot” is hereby amended by replacement in its entirety with the following language:

**Family Lot** - A lot occupied by persons who are close family members of the person occupying a property’s principal residential dwelling and owning the property. The intent of the family lot is to facilitate the ability of close family members to live in close proximity of one another if they so desire. See earlier definition in this section for “close family member.”

## **Section 2. Amendment of Section 3.05.12.**

a. Section 3.05.12.a of the Baker County Land Development Regulations is hereby amended by replacement in its entirety with the following language:

Pursuant to Policy A.1.9.3(1) of the adopted Baker County Comprehensive Plan, persons who own land located within the Agriculture Zones A and B and Residential C land use categories, as depicted on the Future Land Use Map, may be granted exceptions by the planning director or other board of county commission designee to the density requirements, minimum lot and building requirements established by the land use categories. Approval shall be based upon the criteria of this section, subsections and application for family lot division. Family lots shall be a permissible use within Ag 10, Ag 7.5, or RCMH 2.5 and are further regulated in part by the following subsections.

1. Parcels located within Agriculture Zones A, B, and Residential C land use categories may be transferred to a close family member as defined in Section 2.02.00 as long as the following criteria are met.
  - A. The parcel for which a family lot division is requested is located in Ag 10, Ag 7.5, or RCMH 2.5 zoning districts.
  - B. A family lot division may be considered on the basis of hardship in accordance with the provisions of Section 10.04.04.

- C. The family homestead or permanent residence must be located on the parent tract or parcel prior to application for family lot division.
- D. The parent tract or parcel must be a conforming tract, parcel, or lot and meet the minimum requirements of the comprehensive plan land use map designation and the zoning district before the family lot division is applied.
- E. The parcel for which a family lot division is requested shall meet the following minimum lot requirements:
1. *Minimum area.* A parcel located in Ag 10, Ag 7.5, or RCMH 2.5 district shall have a minimum lot area of one acre, and no maximum lot area; and
  2. *Lot and building requirements.* The principal building shall be located and constructed in accordance with the following requirements:
    1. Minimum Lot Requirements (width, depth and area):
      - a. Width – 150 feet
      - b. Depth – none
      - c. Area – 1 acre
    2. Maximum Lot coverage by all buildings and structures:
      - a. Not applicable
    3. Minimum Yard Requirements:
      - a. Front – 25 feet
      - b. Side - 25 feet
      - c. Rear – 25 feet
    4. Maximum height of structures:
      - a. 35 feet

- F. The parent tract and the parcel for which a family lot division is requested shall meet all other applicable comprehensive plan policies and federal, state, regional, and county regulations, or must have applied for and acquired any necessary variances from these requirements and such variances shall accompany this application as part of a consolidated application for a family lot division and variance. Demonstration of the requirements for a family lot division shall not itself constitute a basis for the granting of a variance from any other applicable county regulation or requirement.
- G. Proof of ownership must be provided with the application in the form of a deed verifying that the grantor owns the property, a portion of which is proposed for use as a family lot by a close family member. Each application for family lot division shall be accompanied by personal identification and proof of relationship of both the applicant who is a close family member and the relative owning the parent tract consisting of original documents or notarized copies from public records. Such documents may include birth certificates, adoption records, marriage certificates, and other public records.
- H. Only one family lot may be granted per close family member. The family lot provision shall only be used by a property owner once for each relative per lifetime. If a lot is provided under this provision for example, to the eldest son, the eldest son may not receive another family lot in Baker County under this provision from any other family member.
- I. Prior to the issuance of a family lot division, the close family member shall provide and record an affidavit stating that the residential lot is being created for use solely as a family lot and that the close family member

shall occupy the residence for at least 36 months from the date a certificate of occupancy is issued.

- J. If a family lot as described in this section is sold or owned by anyone other than the originally designated close family member, no future division of the parcel may occur under this section.
- K. The creation of a family lot under the provisions stated herein will constitute a conforming lot and provide development rights for one (1) dwelling unit per family lot. Upon sale or transfer to anyone other than the originally designated close family member, the lot shall retain its status as a conforming lot, providing the density of 1 dwelling unit per family lot is not increased. Any request (including family members and non-family members) for an increase to the density beyond one (1) dwelling unit per family lot shall be subject to the provisions of Articles III and X of the Baker County Land Development Regulations. The property owner must seek a land use amendment and re-zoning of the property to the appropriate land use and zoning district allowing the density requested. The creation of a family lot shall not guarantee approval of an increase in density.
- L. To obtain a building or move-on permit, applicants shall complete an application for family lot division form available from the planning and zoning department which requires:
  - 1. Basic information regarding the property and the name, address, and phone number of the owner and the applicant for whom the family lot division is requested, and agent (if applicable).
  - 2. Map of access to property showing ingress/egress to parent tract and proposed family lot.

3. Legal description of parent parcel and proposed family lot.
  4. Proof of homestead or permanent residence on the parent parcel that may include a site survey and/or property record card from the property appraiser.
  5. Location map of parent tract or parcel within Ag 10, Ag 7.5, or RCMH 2.5 zoning districts (zoning certification).
  6. Documentation of the close family relationship including but not limited to a birth certificate, adoption papers, or marriage license.
  7. Affidavit of intention to occupy family lot residence for at least 36 months.
  8. If applicable, description of hardship.
- M. The application for family lot division shall be submitted to and reviewed by the planning and zoning department according to the following procedures:
1. The applicant shall submit a complete application for family lot division and fees as adopted by the board of county commissioners to the planning and zoning department, which shall meet the requirements of this section.
  2. Within 10 working days of receipt of an application for family lot division, the planning director shall:
    - a. Determine that the application for family lot division is complete and proceed with the procedures below; or
    - b. Determine that the application is incomplete and inform the applicant in writing of the deficiencies.



- c. The applicant may submit an amended application within 30 working days without payment of a reapplication fee, but, if more than 30 days elapse, must thereafter reinitiate the review process and pay any additional fees.

3. Within 5 working days of the receipt of a complete application, the planning director shall issue a family lot division order which:

- a. Approves the family lot division; or
- b. Denies the family lot division, specifying the reasons for denial.

**I have read and understand the above Family Lot Provision to Section 3.05.12 of the Baker County Land Development Regulations.**

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

\_\_\_\_\_  
**Agent**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Close Family Member (Grantee)**

\_\_\_\_\_  
**Date**

**Affidavit of**  
**Family Lot Residence**

COMES NOW the affiant, \_\_\_\_\_, who after being duly sworn, deposes and says:

1. My name is \_\_\_\_\_. I reside at \_\_\_\_\_, \_\_\_\_\_, Florida \_\_\_\_\_.

2. In regards to the parcel of real property to be known hereinafter as the “parent parcel” and located at \_\_\_\_\_; Baker County, Florida, and owned by \_\_\_\_\_; I am a “close family member” related to the owner individually as his/her \_\_\_\_\_ (grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild) to be the grantee of a family lot from the parent property herein described. Said parent property and requested family lot to be in conformance with all requirements as defined in the Baker County Land Development Regulations and specifically with Section 3.05.12.

3. Legal description of family lot as follows:

4. Additional supporting documentation of this close family relationship includes but is not limited to a birth certificate, adoption papers, or marriage license. In this case the additional document(s) is/are:

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

5. In the alternative or if applicable, herein is a description of the hardship for which this application for a family lot designation is applied for:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Affiant further declares an intention to occupy this family lot residence for at least 36 months.

**FURTHER AFFIANT SAYETH NAUGHT.**

\_\_\_\_\_  
(NAME OF AFFIANT)

**STATE OF FLORIDA**

**COUNTY OF BAKER**

**BEFORE ME**, the undersigned authority, personally appeared,  
\_\_\_\_\_, who after first being duly sworn, deposes and  
says that he/she has read the contents thereof and the same are true.

**SWORN TO AND SUBSCRIBED** before me on this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**PROPERTY OWNERSHIP AFFIDAVIT**

Date: \_\_\_\_\_

Baker County  
Planning and Zoning Department  
360 E Shuey Avenue  
Macclenny, FL 32063

**PROPERTY DESCRIPTION:**

Parcel ID: \_\_\_\_\_ Lot #: \_\_\_\_\_

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

I, \_\_\_\_\_  
Property Owner (Please Print) Property Owner (Please Print)

hereby certify that I am the owner of the above referenced property also described in the attached legal description in connection with filing application(s) for Family Lot submitted to the Baker County Planning and Zoning Department.

\_\_\_\_\_  
(Owner Signature)

\_\_\_\_\_  
(Owner Signature)

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

The foregoing affidavit was sworn and subscribed before me this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_\_, by \_\_\_\_\_ who is personally known

to me or has produced \_\_\_\_\_ as identification.

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

**Fee for Family Lot Division by Deed**

Section 3.05.12

Baker County Planning and Zoning Department

Application Fee \$100.00

Cash \_\_\_\_\_, Check: \_\_\_\_\_, Receipt # \_\_\_\_\_, Date: \_\_\_\_\_

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

Parcel ID#: \_\_\_\_\_

**PERMITS WILL NOT BE ISSUED UNTIL ALL FEES ARE PAID**

Technical Fees for the following but not limited to them may have extra charges.

1. Attorney Option
2. State Surveyor Opinion
3. Engineer Opinion
4. Assistance from Northeast Regional Council
5. Mapping Assistance