BAKER COUNTY
GENERAL PROVISIONS

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## ARTICLE I

### GENERAL PROVISIONS

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PART 1.01.00 TITLE AND CITATION

These LDRs shall be entitled the “Baker County Land Development Regulations” and may be cited and referred to herein as the “Code” or the “LDRs”. Provisions contained in this Code shall be referenced as Article _____, Part____, or Section ____.

Sec. 1.01.01 Legislative Authority for Adoption

These Land Development Regulations are enacted pursuant to the requirements and authority of Section 163.3161, et. seq., Florida Statutes (FS); Section 163.3161 (8), F.S., Section 163.3201, F.S.; Section 163.3202, F.S.; Rule 9J-24, F.A.C; the Baker County Comprehensive Plan and the general powers in Chapters 166 and 125, Florida Statutes.

Sec. 1.01.02 General Intent and Purpose

With regard to these Land Development Regulations (LDRs) the provisions shall be construed and implemented to achieve the following intentions and purposes of the Baker County Commission:

A. To establish the regulations, procedures, and standards for review and approval of all proposed land development in the County.

B. To foster and preserve public health, safety, comfort, and welfare, and to aid in the harmonious, orderly, aesthetically pleasing, and socially beneficial development of the County in accordance with the Comprehensive Plan.

C. To adopt and maintain a development review process that is:
   1. Efficient, in terms of time and expense;
   2. Effective, in terms of addressing the natural resource and public facility implications of the proposed development; and
   3. Equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and consideration of the interests of the citizens of the County.

D. To implement the Baker County Comprehensive Plan as required by the "Local Government Comprehensive Planning and Land Development Regulation Act".

E. To provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements (concurrency).
Sec. 1.01.03  Specific Intent and Purpose
The provisions of these LDRs dealing with the following specific subject areas shall be constructed and implemented to achieve the following intentions and purposes of the County Commission:

A. Administration and Enforcement
   1. To assure that all development proposals be thoroughly and efficiently reviewed for compliance with the requirements of these LDRs, the County Comprehensive Plan, and other applicable County regulations.
   2. To promote efficiency, predictability and citizen participation.
   3. To assure compliance with approved development orders and the provisions of these LDRs through rigorous but fair enforcement actions.

B. Signs
   1. To create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe and attractive community, and the need for effective business identification, advertising, and communication.
   2. To permit signs that are:
      a. Compatible with their surroundings.
      b. Designed, constructed, installed and maintained in a manner which does not endanger public safety or unduly distract motorists.
      c. Appropriate to the type of activity to which they pertain.
      d. Large enough to convey sufficient information about the owner or occupants of a particular property, the products or services available on the property, or the activities conducted on the property, and small enough to satisfy the needs for regulation.
      e. Reflective of the identity and creativity of individual occupants.
   3. To promote the economic health of the community through increased tourism and property values.

C. Parking and Loading
   To assure that all developments provide for adequate and safe storage and movement of vehicles in a manner consistent with community standards and good engineering and site design principals.

D. Stormwater Management
   1. To protect and maintain the chemical, physical and biological integrity of
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I. General Provisions

1. To protect human life and health.
2. To prevent activities which adversely affect ground and surface waters.
3. To encourage the construction of stormwater management systems that aesthetically and functionally approximate natural systems.
4. To protect natural drainage systems.
5. To minimize runoff pollution of ground and surface waters.
6. To maintain and restore groundwater levels.
7. To protect and maintain natural salinity levels in estuarine areas.
8. To minimize erosion and sedimentation.
9. To prevent damage to wetlands.
10. To protect, maintain, and restore the habitat of fish and wildlife.

E. Floodplain Protection

1. To protect human life and health.
2. To minimize expenditures of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at public expense.
4. To minimize prolonged business interruptions and damage to public facilities and utilities causing flooding.
5. To maintain a stable tax base by providing for the sound use and development of flood-prone areas.
6. To insure that potential purchasers of subdivided land are notified that the property is in a flood-prone area.
7. To assure that uses and facilities vulnerable to floods are designed and constructed to resist flood damage.
8. To preserve natural floodplain, stream channels, and natural protective barriers to accommodate flood waters.
9. To limit filling, grading, dredging and other development, which may increase erosion, sedimentation, or flood damage.
10. To prevent unnatural diversion of flood water to lands that are normally flood free.
11. To maintain the normal movement of surface waters, the optimum storage capacity of watersheds, desirable groundwater levels, water quality, and the ground and surface waters.
natural hydrological and ecological functions of wetlands and other flood prone lands.
12. To avoid the need of costly and environmentally disruptive flood management structures.
13. To encourage the use of flood-prone lands as open space.
14. To make the County eligible for participation in the National Flood Insurance Program.

F. Protection of Environmentally Sensitive Lands
1. To protect environmentally sensitive lands and their beneficial functions while also protecting the rights of property owners.
2. To protect, maintain, and restore the chemical, physical, and biological integrity of ground and surface waters and natural habitats.
3. To prevent activities which adversely affect ground and surface waters, natural habitats, and native flora and fauna.
4. To maintain recharge for groundwater aquifers.
5. To prohibit certain uses that are detrimental to environmentally sensitive areas.
6. To protect the recreation opportunities of environmentally sensitive lands for hunting, fishing, boating, hiking, nature observation, photography, camping, and other uses.
7. To protect the public's rights in navigable waters.
8. To protect aesthetic and property values.

Sec. 1.01.04 General Findings

A. Statutory Requirement
Chapter 163, Florida Statutes, requires each Florida local government to enact a single land development code which implements and is consistent with the local comprehensive plan, and which contains all land development regulations for Baker County.

B. General Public Need
Controlling the location, design and construction of development within Baker County is necessary to maintain and improve the quality of life in Baker County as more fully described below.
Sec. 1.01.05  Specific Findings

With regard to the following specific subject areas of these LDRs, the County Commission finds:

A.  Administration and Enforcement

1. A single set of administrative procedures for making all land use decisions promotes efficiency, predictability, and citizen participation.

2. All development proposals should undergo a development review process to assure compliance with the requirements of these LDRs.

3. All administrative decisions should be supported by a record with written findings to assure accountability and efficient appellate review.

4. A quick, efficient and non-political avenue of appeal should be available for all ministerial and administrative decisions.

5. Enforcement of development orders and the provisions of these LDRs should be through procedures that are efficient, effective and consistent with the code enforcement procedures established by state law.

B.  Signs

1. The manner of the erection, location and maintenance of signs affects the public health, safety, morals, and welfare of the people of this community.

2. The safety of motorists, cyclists, pedestrians, other uses of the public streets is affected by the number, size, location, lighting and movement of signs that divert the attention of drivers.

3. The size and location of signs may, if uncontrolled, constitute an obstacle to effective fire-fighting techniques.

4. The construction, erection and maintenance of large signs suspended from or placed on the tops of buildings, walls or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds.

5. Uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation and permanent economic growth.

C.  Off-Street Parking and Loading

1. Off-street parking and loading of vehicles promotes the public safety and
welfare by reducing traffic congestion.

2. Well-designed off-street parking and loading areas promote the safe and efficient storage, loading and circulation of vehicles.

3. Deferring the construction of some parking areas pending determination of the actual need for parking spaces, and taking into account public demand and the size of vehicles to be parked, conserves open space and developable land, and reduces the expense and hazard of controlling stormwater runoff.

4. Allowing the use of porous paving materials and unpaved parking areas whenever possible conserves water and energy, moderates the microclimate, and reduces the expense and hazards of controlling stormwater runoff.

D. Stormwater Management

1. Increased stormwater runoff may cause erosion and pollution of ground and surface water with a variety of contaminants such as heavy metals and petroleum products.

2. Stormwater runoff often contains nutrients, such as phosphorus and nitrogen, which adversely affect flora and fauna by accelerating eutrophication of receiving waters.

3. Erosion silts up water bodies, decreases their capacity to hold and transport water, interferes with navigation, and damages flora and fauna.

4. Installation of impervious surfaces increases the volume and rate of stormwater runoff and decreases groundwater recharge.

5. Improperly managed stormwater runoff increases the incidence and severity of flooding and endangers property and human life.

6. Improperly managed stormwater runoff alters the salinity of estuarine areas and diminishes their biological productivity.

7. Degradation of ground and surface waters imposes economic costs on the community.

8. Eighty to ninety-five percent of the total annual loading of most stormwater pollutants discharged into receiving waters are concentrated in the flush created by the first one inch of rainfall ("first flush") and carried off-site in the first one-half inch of runoff.

9. Improperly managed stormwater adversely affects the drainage of off-site...
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E. Floodplain Protection

1. Flooding is a natural, recurring phenomenon in the County.

2. Naturally flood-prone lands serve the following important functions in the regional hydrologic cycle and ecological system:
   a. They provide natural storage and conveyance of flood waters.
   b. They facilitate groundwater recharge.
   c. They provide temporary storage of surface waters that moderate flood elevations and the timing, velocity and rate of flood discharges.
   d. They reduce erosion, and filter nutrients, sediments, and other pollutants from flood waters.
   e. They export detritus and other food sources to open water bodies and are vital habitat for fish, birds, wildlife and native plant communities.

3. Naturally occurring flooding may provide recharge to groundwater and a basic source of flow to surface waters.

4. The uncontrolled development of flood-prone lands substantially degrades the health, safety and welfare of the community in the following ways:
   a. The owners, residents, customers, guests, and employees occupying homes, businesses and other structures located in flood-prone areas are placed at unreasonable risk of personal injury and property damage.
   b. Expensive and dangerous search, rescue and disaster relief operations may be necessary when developed properties are flooded.
   c. Roads, public facilities, and utilities associated with development may be damaged by flooding at great expense to taxpayers and rate payers.
   d. Flooding of developed properties may lead to demands that the government construct expensive and environmentally damaging projects to control flood waters.
   e. Normally flood-free lands are placed at risk of flooding when flood waters on natural flood-prone areas are obstructed, diverted, displaced or channelized by development.
f. Water quality is degraded, the supply of freshwater to estuaries is disrupted and habitat is lost.

g. Property values are lowered and economic activity is disrupted by damaging floods.

F. Protection of Environmentally Sensitive Lands

1. Protection of environmentally sensitive lands described or mapped in the Conservation Element of the Comprehensive Plan promotes the well-being of the people of the county as described below and in the Conservation Element.

2. Wetlands serve the following beneficial functions:
   a. Wetlands provide natural storage and conveyance of flood waters and minimize erosion and sedimentation by reducing flows and the velocity of flood waters.
   b. Coastal wetlands and inland wetlands adjoining larger lakes and rivers, protect wildlife and the shoreline from destructive wave action.
   c. Wetlands filter and help decompose sediments, nutrients and other natural and man-made pollutants that would otherwise degrade surface and ground waters.
   d. Wetlands support commercial and recreational fishing because they provide essential nutrients and hatcheries for aquatic life.
   e. Wetlands provide habitat for rare and endangered species, and provide essential breeding and protective habitats for many other birds, mammals and reptiles.
   f. Wetlands recharge ground and surface water.

3. Shorelines serve the following beneficial functions:
   a. Land adjoining waters or wetlands, which can generally be divided into submergent, transitional, and upland vegetation zones, provides essential habitat for many plant and animal species including species that are endangered, threatened, or of special concern.
   b. Submergent, transitional and upland vegetation zones serve as effective buffers against noise and other human activities which may have adverse affects on aquatic and wetland dependent wildlife.
c. Submergent, transitional and upland vegetation zones help slow stormwater runoff flows and increase infiltration of water, nutrients, and other substances.

d. Submergent, transitional, and upland vegetation zones reduce predation by domestic pets on wetland and wetland dependent wildlife species.

4. If other environmentally sensitive lands are to be regulated, provide justification here.

5. Agricultural and development activities have destroyed or impaired the beneficial functions of many environmentally sensitive lands in the County.

6. Federal and state regulations do not adequately protect environmentally sensitive lands, thus making local regulation necessary.

G. Impervious Surface Coverage

1. Generally - Impervious surface on a development site shall not exceed the ratios provided below:

2. Ratio Calculation - The impervious surface ratio is calculated by dividing the total impervious surface by the gross site area.

3. Treatment of Cluster Development - Because the impervious surface ratio is calculated for the gross site, cluster development or other site design alternatives may result in individual lots within a development project exceeding the impervious surface ratio, while other lots may be devoted entirely to open space. The Board of County Commissioners may require, as a condition of approval, deed restrictions or covenants that guarantee the maintenance of such open space in perpetuity.

4. Alternative Paving Materials - If porous paving materials are used then the area covered with porous paving materials shall not be counted as impervious surface.

PART 1.02.00 INTERPRETATION AND REGULATORY EFFECT

Sec. 1.02.01 General Applicability

Except as specifically provided within these LDRs, the provisions of these LDRs shall apply to all development in the unincorporated portions of Baker County, and no development shall be undertaken without prior authorization pursuant to these LDRs.
Sec. 1.02.02 Exceptions

A. Previously Issued Development Permits

The provisions of these LDRs and amendments thereto shall not affect the validity of any lawfully issued and effective development permit issued prior to the effective date of the revisions of these LDRs if:

1. The development activity authorized by the permit has commenced prior to the effective date of the revisions of these LDRs or any amendment thereto, or will commence after the effective date of the current revision of these LDRs but prior to the Permit’s expiration or termination; and

2. The development activity continues without interruption in good faith until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of the current LDRs or amendment thereto.

B. Previously Approved Development Orders

Projects with development orders that have not expired at the time of the current revision date of these LDRs or amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of these LDRs or amendment thereto.

C. Consistency with Plan

Nothing in this Section shall be construed to authorize development that is inconsistent with the Baker County Comprehensive Plan. No development shall be permitted which is inconsistent with the Baker County Comprehensive Plan, unless found to be vested pursuant to the provisions of Article X, Section 10. 07.00, Vested Rights.

Sec. 1.02.03 Zoning Conformance

A. Whereas the Board of County Commissioners of Baker County, Florida hereby makes the following findings:
1. Section 163.3201, Florida Statutes, provides that it is the intent of the Act that the adoption and enforcement by Baker County of land development regulations for the total unincorporated area shall be based on, be related to and be a means of implementation for the adopted Comprehensive Plan as required by the Act.

2. Section 163.3194(l)(b), Florida Statutes, requires that all land development regulations enacted or amended by Baker County shall be consistent with the adopted Comprehensive Plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted Comprehensive Plan, or element or portion thereof, shall be amended so as to be consistent.

3. Section 163.3194(l)(b), Florida Statutes, further requires that if Baker County allows an existing land development regulation that is inconsistent with the adopted Comprehensive Plan, or element or portion thereof, to remain in effect, Baker County shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted Comprehensive Plan, or element or portion thereof.

4. Section 163.3194(l)(b), Florida Statutes, further requires that during the interim period when the provisions of the most recently adopted Comprehensive Plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the adopted Comprehensive Plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

B. Statement of Intent:

It is the intent of these Land Development Regulations (LDRs) as amended implement an Official Zoning Map that is consistent with the Comprehensive Plan. It is a fundamental objective of the LDRs to provide for effective public participation in the Zoning Conformance process. In the preparation of the Official Zoning Map, it is intended that County staff recognize, to the extent feasible, existing zoning and land uses that are consistent with the Comprehensive Plan. It is the further intent of these LDRs to provide separate processes for the determination of vested rights and the expansion of legal nonconformities.

C. Zoning Conformance Procedure:
1. Notice of Zoning Change Application: A public notice shall at minimum identify the property, set forth its existing and proposed zoning designation and provide the locations, dates, and times of the public hearing(s) on the proposed rezoning according to current Florida Statutes and in conformance with procedures in Article X, Administration. If notice is of intent to consider an ordinance for a rezoning, it shall be at least ten (10) days prior to the first BOCC meeting by publication in a newspaper of general circulation in the County.

2. Action of Board of County Commissioners: The Board of County Commissioners shall hold its first advertised public hearing on the proposed rezoning. A second advertised public hearing shall be held approximately two weeks after the conclusion of the first public hearing. Public testimony at each hearing shall be limited to three minutes per participant, unless the BOCC grants an extension of time for cause shown. At the conclusion of the final hearing, the BOCC shall adopt the rezoning by ordinance.

See Article X, Administration for the complete process.

Sec. 1.02.04 Incorporation by Reference
The Official Zoning Map is hereby incorporated by reference.

Sec. 1.02.05 Rules of Interpretation
A. Generally
In the interpretation and application of these LDRs, all provisions shall be liberally construed in favor of the objectives and purposes of the County and deemed neither to limit nor repeal any other powers granted under state statutes.

B. Responsibility for Interpretation
In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of these LDRs, the Planning Director shall be responsible for interpretation and shall look to the intent of the Baker County Comprehensive Plan for guidance. Responsibility for interpretation by the Director shall be limited to standards, regulations and requirements of these LDRs, but shall not be construed to include interpretation of any technical codes adopted by reference in these LDRs, nor be construed as overriding the responsibilities given to any commission, board, or official named in other sections or articles of these LDRs.

C. Computation of Time
The time within which an act is to be done shall be computed by excluding the first and
including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

D. **Delegation of Authority**

Whenever a provision requires the head of a department or some other county officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

E. **Gender**

Words importing the masculine gender shall be construed to include the feminine and neuter.

F. **Number**

Words in the singular shall include the plural and words in the plural shall include the singular.

G. **Shall, May**

The word *shall* is mandatory; *may* is permissive.

H. **Written or In Writing**

The term *written* or *in writing* shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

I. **Year**

The word *year* shall mean a calendar year, unless otherwise indicated.

J. **Day**

The word *day* shall mean a working day, unless a calendar day is indicated.

K. **Relationship of Specific to General Provisions.**

More specific provisions of these LDRs shall be followed in lieu of general provisions that may be more lenient than or in conflict with the more specific provision.

L. **Developer**

Developer shall mean any person, including a governmental agency, undertaking any development as defined in this Code.

M. **Development**

Development shall mean the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.
N. **Development Order**
Development Order means any order granting, denying, or granting with conditions an application for a development permit.

O. **Development Permit**
Development Permit shall include any building permit, zoning permit, subdivision approval, rezoning certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

P. **Expiration Date**
A development order or permit, other than rezoning or a variance, shall expire six (6) months from the date of issuance. One six-month extension may be granted at the discretion of the Planning Director.

Sec. 1.02.06 **Severability**
If any section, subsection, paragraph, sentence, clause or phrase of these LDRs are for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of these LDRs shall continue in full force and effect.

Sec. 1.02.07 **Effective Date**
These regulations shall become effective upon adoption.

Sec. 1.02.08 **Application for Development Permit**
An application for development permit shall be made by the record owner of the property. The purchaser under a recorded agreement for deed who is listed in the records of the property appraiser as the owner shall be considered the record owner for these LDRs.

Sec. 1.02.09 **Enforcement**
The violation of any provision of these LDRs or zoning violation or permit condition imposed pursuant to these LDRs may, in the discretion and at the direction of the Planning Director, result in:

A. Denial of permits or approvals for the subject lands until the violation is corrected;
B. Issuance of a notice of violation by the Planning Director and the initiation of Code Enforcement proceedings pursuant to Article X, Part 10.05.00, *Code Enforcement Board*, of these LDRs, including fines pursuant thereto.
C. A civil action in circuit court to enjoin the violation or for damages or any other relief available under Florida law.
D. The referral of the matter to the state attorney for possible criminal prosecution. Any
person violating the provisions of these LDRs shall be prosecuted pursuant to Section 125.69 Florida Statutes, with a maximum fine not to exceed $500 or imprisonment in the county jail not to exceed 60 days or both.
BAKER COUNTY
DEFINITIONS

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Article II Definitions
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PART 2.01.00  GENERALLY  
Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense and the future tense includes the present tense. The singular number includes the plural and the plural includes the singular. Other definitions, however, may be located elsewhere in this Code and should be used as indicated.

PART 2.02.00  DEFINITIONS  
Abandoned Motor Vehicle - Abandoned motor vehicle means one that is in a state of disrepair and incapable of being moved under its own power.

Abandonment - To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruption to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

Abutting or Adjacent Property - Abutting or adjacent property means property that is immediately adjacent to the property being considered under these land development regulations. The word “abut” shall not include directly across from.

Access - Access shall mean the primary means of ingress and egress to abutting property from a dedicated right-of-way.

Accessory Use or Structure - A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure. Generally, are governed more specifically by Section 3.04.07.02. “Accessory structures” includes but is not limited to:

- Greenhouses
- Storage Buildings
- Utility Buildings
- Fences
- Swimming Pools
- Hot Tubs and similar structures

Addition - An addition is an extension or increase in floor area or height of a building or structure.
**Adult Congregate Living Facility** - A facility which undertakes through its ownership or management to provide for a period exceeding 24 hours, one or more personal services for four or more adults, not related to the owner or administrator by blood or marriage, who require such services. Personal services means services in addition to housing and food service, which include but are not limited to personal assistance with bathing, dressing, ambulation, housekeeping, supervision, eating, supervision of self-administered medications, and assistance with securing health care from appropriate sources.

**Adverse Effect** - Adverse effect means increases in flood elevations on adjacent properties attributed to physical changes in the characteristics of the Official 100-year flood area due to development.

**Agriculture** - The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**Alter or Alteration of a Stormwater Management System** - Alter or alteration of a stormwater management system means work done other than that necessary to maintain the system’s original design and function.

**Alteration** - The term shall include any changes in structural parts, including any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders; stairways, type of construction, kind or class of occupancy, light or ventilation, means of ingress or egress, or other changes affecting or regulated by the Building Code or this Regulation, except for minor changes or repairs not involving the aforesaid features. **NOTE:** The application of any exterior siding to an existing building for the purpose of beautifying and modernizing shall not be considered a structural alteration.

**Animal Hospital, Veterinary Clinic, General & Small** - See Section 3.05.03

**Aquaculture** - Land devoted to the hatching, raising, and breeding of fish or other aquatic plants or animals for sale or personal use.
Aquifer Recharge Area - An area that has soils and geological features that is conducive to allowing significant amounts of surface water to percolate into groundwater.

Aquifer or Aquifer System - A geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

Area of Shallow Flooding - A designated AO Zone on a Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate and where velocity flow may be evident.

Area of Special Flood Hazard - The area so designated on a Flood Hazard Boundary Map or the Flood Rate Insurance Map.

Arterial Streets - Interregional roads conveying traffic between towns, boroughs, and other urban centers. Efficient movement is the primary function of arterial roads, hence, private access and frontage should be controlled and limited to high-volume generators of vehicle trips.

Authority, Delegation of - Whenever a provision requires the head of a department or some other county officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

Automobile Wrecking or Automobile Wrecking Yard - The dismantling or disassembling of used motor vehicles or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Automotive, Boat, Mobile Home, Trailer, And Farm Implement Sales - The sale or rental of new and used motor vehicles, mobile homes, trailers or farm implements.

Automotive Repair - The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Automotive Self-Service Station - An establishment where motor fuel pumps are erected for the purpose of dispensing motor fuel at retail primarily for automobiles, but does not include minor automotive repair or the outside display of batteries, tires and
automobile accessories nor additional services which are customarily associated with an automotive service station.

**Automotive Service Station** - An establishment whose principal business is the dispensing at retail of motor fuel and oil primarily for automobiles and where grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. In addition, an automotive service station may provide accessory facilities for car washing and polishing and may render minor repair services. An automotive service station, however, is not a repair garage, a body shop, truck stop or a car wash.

**Bar, Cocktail Lounge, or Tavern** - Any establishment which is devoted primarily to the retailing and on-premises drinking of malt, vinous, or other alcoholic beverages, and which is licensed by the State of Florida to dispense or sell alcoholic beverages.

**Basement** - That portion of a building between the floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor below is less than the vertical distance from the grade to the ceiling provided, however, that the distance from the grade to the ceiling shall be at least four feet six inches.

**Bed and Breakfast Inn** - An owner-occupied dwelling unit that contains no more than three guest rooms where lodging with or without meals, is provided for compensation.

**Bicycle and Pedestrian Ways** - Any road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

**Billboard** - A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, as service rendered, or a commodity sold at a location other than where the sign is located. Billboards may be any of the following types:

1. Single-faced billboard, which is a billboard with one (1) face which faces one (1) direction only.

2. Double-faced billboard, which is a billboard with two (2) faces which face two (2) different directions. For purposes of this chapter, the following billboards shall be considered double-faced billboards
   a. A structure having two (2) faces placed back to back; and
b. A structure constructed in the form of a "V" (when viewed from above).

(3) Tri-faced billboard, which is a billboard with three (3) faces forming a triangle (when viewed from above) which face three (3) different directions.

**Block** - A tier or group of lots existing with well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.

**Borrow Pit** - 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 and incidental to site grading or building construction.

**Boarding House** - An establishment, other than an adult congregate living facility or a health care facility, with lodging for four or more persons not defined as a family, where meals are regularly prepared and served for compensation and where food is placed upon the table family-style, without service or ordering individual portions from a menu.

**Breakaway Wall** - A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Buffer Area** - A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another. A minimum 25-foot zone of upland areas with existing native vegetation (tree canopy, understory, and ground cover) shall be required immediately adjacent to wetlands to protect the wetlands from the detrimental impacts of development or land alteration. A wider buffer of up to 50-feet may be required on a site specific basis depending on the characteristics of the particular site, i.e., wetland composition, size and quality, topography, hydrology, soil types, and/or proposed land uses. The buffer shall include the original native vegetation or planted native or compatible garden species where there is no existing vegetation. (Per Comprehensive Plan Policy E.1.3.10.)

**Buildable Area** - That portion of a lot remaining after the required yards have been provided.

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**Article II Definitions**
**Building** - The word *building* includes the word *structure* and is defined as—any temporary or permanent structure having a roof impervious to weather and a fixed base on a fixed connection to the ground which is used or built for the shelter or enclosure of persons or things.

**Building Front Yard Setback Line** - The rear edge of any required front yard as specified within these land development regulations.

**Building, Height of** - The vertical distance measured from the established grade at the center of a front of a building to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of gable, hip, and gambrel roof.

**Building Line** - The rear edge of any required front yard or the rear edge of any required setback line.

**Campground** - A developed or undeveloped area used for the setting up of temporary vacation or recreation living facilities including tents, recreational vehicles not to exceed ten at one time, and similar facilities. See requirements for RV Park.

**Capital Improvements** - Physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multi-year financing. Physical assets which have been identified as existing or projected needs in the Comprehensive Plan shall be considered capital improvements.

**Car Wash** - A building or area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices, and which may employ some hand labor.

**Cellar** - That portion of a building, the ceiling of which is entirely below grade or less than four feet six inches above grade.

**Certificate of Occupancy** - A new building shall not be occupied and a change in occupancy of a building or part of a building shall not be made until after the Building Official shall have issued a Certificate of Occupancy thereof.

**Child Care Center** - A building or structure where care, protection, and supervision are provided on a regular schedule, at least twice a week to six or more children, including
children of the adult provider. The term includes day nurseries, kindergartens, day care
services, nursery school, or play school.

**Child Care Center, Overnight** - A building or structure where care, protection, and
supervision are provided to six or more children, including children of the adult provider,
not only during the day but overnight. An overnight child care center provides full
overnight sleeping facilities for such children.

**Child Care, Home** - A private residence where care, protection, and supervision are
provided, for a fee, at least twice a week to no more than six children at one time,
including children of the adult provider.

**Clinics, Medical or Dental** - An establishment where patients, who are not lodged
overnight, are admitted for examination and treatment by one person or a group of
persons practicing any form of the healing arts, whether such persons be medical doctors,
chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such
profession, the practice of which is regulated by the State of Florida.

**Clearing** - The removal of trees and brush from the land, not including the ordinary
mowing of grass, trimming of trees and bushes, etc.

**Close Family Member** – A close family member is an individual who is of the following
category: 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 generally and Section more specifically in Section 3.04.07.05 A and B.

**Club, Private** - Those associations and organizations of a civic, fraternal, recreational, or
social character, not operated or maintained for profit. The term “private club” shall
not include casinos, nightclubs, bottle clubs, or other establishments operated or
maintained for profit.

**COE: U.S. Army Corps of Engineers**

**Collector Streets** - Streets which serve as the connecting link for local streets and
arterials. The traffic characteristics generally consist of relatively short trip lengths with
moderate speeds and volumes. In addition, collectors are so functionally classified as
such on the Future Traffic Circulation Map of the Comprehensive Plan.
**Commercial Use** - An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

**Commercial Feedlots** - Any premises used principally for the raising or keeping of animals in a confined area at a concentration of one animal per 600 square feet or less.

**Commercial Service Establishments** - Businesses primarily engaged in communications activities, including newspaper and printing services, television and radio services, and telephone and telegraph services.

**Communication Tower** - A tower greater than thirty-five (35) in height and which does not exceed three hundred (300) feet in height (including antenna) which supports communication (transmission or receiving) equipment. The term communication tower shall not include amateur radio operators' equipment, as licensed by the Federal Communications Commission (FCC). Design examples of communication towers are described as follows: (1) self-supporting lattice; (2) guyed; and (3) monopole. These definitions are used in regard to Communication antennas and towers and are more fully defined in Section 3.06.00:

**Alternative Support Structure** - Any man-made structure, except towers, including, but not limited to buildings, power poles, light poles, clock towers, bell towers, steeples, water towers and the like, which allow for the attachment of antennas.

**Antenna** - A device for radiating or receiving radio waves. As used in this section, the term antenna shall include all antennas integrated and used as a single unit, such as an antenna array.

**Camouflaged** - A structure designed to support one or more antenna but designed to unobtrusively blend into the existing surroundings and disguised so as to not have the appearance of a tower. Such tower shall be consistent in size, scale and appearance with the type of object it is designed to resemble.

**Customer Premises Equipment** - Telecommunications equipment on the premises of telecommunications customer for the sole use of the occupants of the premises.
Guyed - A tower anchored with guide wires.

Lattice - A self-supporting tower with three or more side or open-framed supports.

Mobile Station - Equipment which is not fixed and ordinarily moves. Such a facility is typically the end users equipment such as a wireless telephone.

Monopole - A single, self-supporting tower of concrete, steel, or similar materials having a solid appearance and no guide wires.

Speculative - A tower which is proposed for erection without evidence of any antenna leases or agreement for use of the tower.

Tower - structure, greater than fifteen feet in height, designed and used primarily to support one or more antenna of any type.

Community Residential Home - A dwelling unit licensed pursuant to Florida Statute to serve clients of the Florida Department of Health and Rehabilitative Services (Department), which provides a living environment for 7 to 14 unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Completely Enclosed Building - A building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance and exit doors.

Comprehensive Plan - The official Comprehensive Plan adopted by the Board of County Commissioners pursuant to the “Local Government Comprehensive Planning and Land Development Regulation Act” (Chapter 163.3161 through 163.3215, Florida Statutes) and Florida Administrative Code.

Computation of Time - The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.
**Cone of Influence** - An area around one or more major water wells the boundary of which is determined by the Board of County Commissioners based on groundwater travel or drawdown depth.

**Construction, Actual** - The placing of substantial construction materials in permanent position and fastened in a permanent manner; except that where demolition, excavation, or removal of an existing structure has been substantially begun preparatory to new construction, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be continuously carried on until the completion of the new construction involved. Actual construction shall include only work begun under a valid building permit.

**Conservation Areas** - Environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance, or character, except in cases of overriding public interest. Conservation areas include freshwater marshes, shallow grassy ponds, hardwood swamps, cypress swamps, natural shorelines (other that natural beaches or dunes), sand pine-scrub communities, and other areas of significant biological productivity or uniqueness.

**Conservation Easement** - An easement granting a right of interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; or maintaining existing land uses.


**Convenience Store** - Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than 5,000 square feet.

**Day** - The word *day* shall mean a working day, unless a calendar day is indicated.

**Delegation of Authority** - Whenever a provision requires the head of a department or some other county officer or employee to do some act or perform some duty, it is to be
construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

**Density Gross** - A term which refers to the number of dwelling units per gross acre of land and which is determined by dividing the total acreage within the lot or parcel, including portions of the property which are or are proposed to be streets, sites dedicated to a governmental body for public use and other common areas, by the number of dwelling units. In the determination of the number of residential units to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

**DEP or FDEP**: Florida Department of Environmental Protection (DEP)

**Developer** – Means any person, individual, partnership, association, syndicate, firm, corporation, trust or legal entity engaged in developing or subdividing land under the terms of the Baker County Land Development Code. The term “developer” is intended to include the term “subdivider”.

**Development** – Shall have the same meaning as the same term in Section 380.04, F.S. as amended and include the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into three or more parcels.

**Development Agreement** – Means any agreement entered into by the County with any person having a legal or equitable interest in real property located within its jurisdiction as provided for by Sections 163.3220 and 163.3243, F.S., as may be amended from time to time.

**Development Order** – Means any order granting, denying or granting with conditions, an application for a development permit.

**Development Permit** – A development permit shall include any building permit, zoning permit, subdivision approval, rezoning certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

**District** - A zoning classification as designated by this article. Zoning districts as established in this Article must be in conformance with the land use categories depicted
on the Future Land Use Map of the Comprehensive Plan. See Section 3.04.04 Rules for Interpretation for District Boundaries, and for these specific definitions:

1. Centerlines
2. Lot lines
3. Railroad tracks
4. Division of single ownership lot by division line
5. Mean ordinary high water lines
6. Body of water
7. Boundaries parallel
8. Measurement of district boundaries

**Dredging** - Excavation by any means in waters or wetlands. Dredging also refers to the creation of a new water body intended to be connected to existing water bodies.

**Drive-in Facility** - An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

**Drive-in Theater** - A place of outdoor assembly used for the showing of plays, operas, motion pictures, and similar forms of entertainment which is designed to permit the audience to view the performance from vehicles parked within the theater.

**Dwelling or Dwelling Unit** - Any building, portion thereof, or other enclosed space or area used as or intended for the use as the home of one family, with separate cooking and housekeeping facilities, either permanently or temporarily.

**Dwelling, Mobile Home** - Mobile home dwelling or mobile home means a detached one (1) family dwelling unit with all the following characteristics: (a) designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems; (b) designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers; (c) arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor incidental unpacking and assembly operations, location on jacks or other temporary or permanent
foundations, connections to utilities, and the like; and (d) manufactured homes defined by these land development regulations as Standard Design Manufactured Homes and do not meet the installation criteria prescribed in Section 4.19 of these land development regulations shall be considered a mobile home. A travel trailer is not to be considered a mobile home.

**Dwelling, Multiple Dwelling Use.** For purposes of determining whether a lot is in multiple dwelling use, the following considerations shall apply:

a. Multiple dwelling uses may involve dwelling units intended to be rented and maintained under central ownership and management or cooperative apartments, condominiums, and the like.

b. Where an undivided lot contains more than one (1) building and the buildings are not so located that lots and yards conforming to requirements for single or two (2) family dwellings in the district could be provided, the lot shall be considered to be in multiple dwelling use if there are three (3) or more dwelling units on the lot, even though the individual buildings may each contain less than three (3) dwelling units.

c. Guest houses and servant’s quarters connected with single family residences shall not be considered as dwelling units in the computation of (b) above.

d. Any multiple dwelling in which dwelling units are available for rental for periods of less than one (1) week shall be considered a tourist home, a motel, motor hotel, or hotel as the case may be.

**Dwelling, Multiple or Multi-Family** -Multiple family dwelling means one (1) building under one roof containing three (3) or more dwelling units. Housing for the aged, which does not provide for routine nursing and/or medical care, shall be construed to be a multiple family dwelling.

**Dwelling, One Family** - One family dwelling is one building under one roof containing only one dwelling unit. A one family dwelling may be either a single-family conventional dwelling or a mobile home dwelling.
**Dwelling, Residential Design Manufactured Home** - Residential design manufactured home means a manufactured home built on or after June 15, 1976 and certified to be in compliance with the manufactured housing construction safety standards (42 United States Code 5401, et seq) promulgated by the United States Department of Housing and Urban Development, and such manufactured home shall: (1) have house-type siding and roofing materials with treatment of a type generally acceptable for site-built housing; (2) measure at least twenty (20) feet in width (requiring at least a double section home); (3) have a minimum roof pitch of two and one-half (2 ½) rise for each twelve (12) feet of horizontal run; and (4) have a minimum roof-overhand on all sides of six (6) inches.

**Dwelling, Single Family** - Single family dwelling means a building containing only one (1) dwelling unit and structurally connected to no other dwelling unit. The term single family dwelling also includes dwelling units which meet the State of Florida certification requirements for a “Manufactured Building”. For regulatory purposes, the term is not to be construed as including mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, house boats, or other forms of temporary or portable housing.

**Dwelling, Standard Design Manufactured Home** - Standard design manufactured home means a manufactured home built on or after June 15, 1976, and certified to be in compliance with the manufactured housing construction safety standards (42 United States Code 5401, et seq) promulgated by U.S. Department of Housing and Urban Development, which does not meet the definition of a Residential Design Manufactured Home.

**Dwelling, Two Family or Duplex** - Two (2) family or duplex dwelling means one (1) building under one (1) roof containing only two (2) dwelling units.

**Dwelling Unit (D.U.)** - Dwelling unit means a room or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family, for owner occupancy or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping facilities and one (1) kitchen.
Easement - Easement means any strip of land created by a subdivider for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Elevated Building - A non-basement building built to have the lowest floor elevated above the ground level by foundation walls, posts, piers, pilings, columns, or shear walls.

Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of the floodplain.

Elevation - Elevation means height in feet above mean sea level as established by the National Geodetic Vertical Datum (NGVD) of 1929.

EPA: U.S. Environmental Protection Agency

Engineer - The term engineer shall mean a Professional Engineer registered to practice engineering by the State of Florida who is in good standing with the Florida Board of Engineer Examiners.

Excavation - 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. 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 storm water management facilities.

Exotic Animals - Exotic animals means all animals excepting house cats, dogs, feathered vertebrates and poultry and livestock.

Expiration Date - A development order or permit, other than rezoning or variance, shall expire six (6) months from the date of issuance. One six-month extension may be granted at the discretion of the Planning Director.

Extermination - Extermination shall mean the control and extermination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods.
Facade - The exterior wall of a building exposed to public view or that wall viewed by persons within the building.

Facility - Facility means a building or buildings, appurtenant structures and surrounding land area used by a single business private entity or governmental unit or sub-unit at a single location or site.

Family - A family is one or more persons occupying a single dwelling unit, provided that unless 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 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 boarders, see Group Living Facility). The term family shall not be construed to mean a fraternity, sorority, club, monastery or convent, or institutional group.

Family Lot - A lot occupied by persons whom are close family members of the family 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.”

Farm - Any parcel of land which is used for gain for farming or the raising of agricultural products, livestock, poultry and dairy products. It includes necessary farm structures within the prescribed limits and the storage of equipment used.

Farming - Includes horticulture, commercial hatching or raising of poultry, the production of eggs, the raising of hogs, pasturage of animals such as cattle, horses and sheep, dairies and dairy products, citrus groves and orchards (as well as other fruits and nuts), plant nurseries, sheds, stables (private), barns, truck farms, fish hatcheries, fish pools, and other customary and similar uses or structures devoted to the on-site farm uses.

FDEP or DEP : Florida Department of Environmental Protection (DEP)
**Feedlot** - Any tract of land or structure, pen, or corral, wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market.

**Fence** - A free-standing accessory structure, designed and intended to serve as a barrier, or as a means of enclosing a structure, yard, or other area; or, to serve as a boundary feature separating two or more properties.

**Fill** - Fill means any materials deposited for the purpose of raising the level of natural land surface.

**Filling** - The deposition of materials in wetlands or water bodies.

**Financial Establishments** - Businesses primarily engaged in offering financial services, such as those provided by banks, savings and loan associations, credit unions, security and commodity brokers, dealers and exchanges, and holding and other investment companies.

**Fish Pond** - Generally, any natural or artificial area which has a dissemble shoreline and ordinarily or intermittently contains water and which surface area generally spans less that two (2) 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(s) with a total surface area less than two (2) acres in size may be permitted in any zoning district. Fish ponds(s) with a surface area(s) totaling more than two (2) 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 (10) acres in size; the applicant complies with Policies E.1.5.1, E.1.5.3 of the Baker County Comprehensive Plan; the fish pond site is situated no closer than one hundred (100) feet from an existing public roadway and no closer than five hundred (500) feet from any adjacent development or landowner; and the applicant obtains all necessary permits from the applicable water management district. See also: Section 3.04.07.24 B

**Flag Lot** – A parcel of land that is situated generally behind a lot or lots fronting on a paved street or highway; does not have the required street frontage as required herein (but does maintain street frontage along the width of the access strip); and is accessible from
the street only over an access strip that is owned in fee simple by the owner of said flag lot.

**Flea Market** - An occasional or periodic sales activity held within a building, structure, or open area where groups of individual sellers offer goods, new and used, for sale to the public, not to include private garage sales.

**Flood or Flooding** –

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation or runoff of surface waters from any source.
3. Mudslides (i.e. mudflows) proximately caused by flooding as defined in paragraph (A) (2) of this definition and akin to a river of liquid and flowing mud on the surface of normally dry land areas; as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A) (1) of this definition.

**Flood Plain Management or Storm Water Management** - The operation of an overall program of corrective and preventive measures to reduce flood damage, and preserve, and enhance natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans. See definition for *Storm Water Management*. These terms relate to Floodplain Management or Storm Water Management:
Area of Shallow Flooding (AO or AH) Zone
A designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such AO or AH flooding is characterized by ponding or sheet flow. Currently, there are no AO or AH Zones within Baker County.

Area of Special Flood Hazard (A or AE Zone)
The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. Also known as “special flood hazard area.”

Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year. Also called the “100-year flood” and the “regulatory flood.” “Base flood” is the term used in these LDRs.

Base Flood Elevation - The base flood elevation is the water-surface elevation associated with the base flood.

Datum - A reference surface used to ensure that all elevation records are properly related. Many communities have their own datum that was developed before there was a national standard. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

Encroachment - The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of the floodplain.

Flood Hazard Boundary Map (FHBM) - An official map of a community issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM) - An official map of a community, issued by the Federal Emergency Management Agency (FEMA) that delineates the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) - The FIS is the official hydraulic and hydrologic
report provided by the Federal Emergency Management Agency (FEMA). The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding waters surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, the FIRM, FHBM (where applicable), and other related data and information.

**Mean Sea Level** - The average height of the sea for all stages of the tide. It is used as a reference to establish various elevations within the flood plain. For purposes of these Land Development Regulations (LDRs) the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum (NAVD) of 1988.

**Flood Elevation of Record** - Flood elevation of record means the maximum flood elevation for which historical records exist.

**Flood Insurance Study** - Flood Insurance Study means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as, the Flood Boundary Floodway Map and the water surface elevation of the base flood for the County.

**Floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floodway Fringe** - All the land in a floodplain not lying within a delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

**Freeboard** - The additional height, usually expressed as a factor of safety in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, bridge openings, or hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions.

**Functionally Dependent Use** - A use that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or
port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

**Regulatory Floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Riverine** - Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Watercourse** - A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas where substantial flood damage may occur.

**Water surface elevation** - In relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, the height of floods of various magnitudes and frequencies in the floodplains of coastal or Riverine areas.

**Floor Area** - Floor area means, except as may be otherwise indicated in relation to particular districts and uses, the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, excluding attic areas with a headroom of less than seven (7) feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, parking structures and basement space where the ceiling is not more than forty-eight (48) inches above the general finished, graded level of the adjacent part of the lot and interior parking spaces or loading spaces for motor vehicles.

**Floor Area Ratio** - Floor area ratio means the ratio of the floor area to the size of the lot.

**Floridan Aquifer System** - Floridan Aquifer System means the thick carbonate sequence which includes all or part of the Paleocene to early Miocene Series and functions regionally as a water-yielding hydraulic unit. Where overlaid by either the intermediate
aquifer system or the intermediate confining unit, the Floridan contains water under confined conditions. Where overlaid directly by the surficial aquifer system, the Floridan may or may not contain water under confined conditions, depending on the extent of low permeability materials in the surficial aquifer system. Where the carbonate rocks crop out, the Floridan generally contains water under unconfined conditions near the top of the aquifer system, but, because of vertical variations in permeability, deeper zones may contain water under confined conditions. The Florida Aquifer is the deepest part of the active ground water flow system. The top of the aquifer system generally coincides with the absence of significant thicknesses of clastics from the section and with the top of the vertically persistent permeable carbonate section. For the most part, the top of the aquifer system coincides with the top of the Suwannee Limestone, where present, or the top of the Ocala Group. Where these are missing, the Avon Park Limestone or permeable carbonate beds of the Hawthorn Formation form the top of the aquifer system. The base of the aquifer system coincides with the appearance of the regionally persistent sequence of anhydride beds that lie near the top of the Cedar Keys Limestone.

**Garage, Parking** - Parking garage means a building or portion thereof designed or used for temporary parking of motor vehicles.

**Garage, Private** - Private garage means a structure designed or used for inside private parking of private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main building. An unattached private garage is to be considered as an accessory building.

**Garage, Repair** - Repair garage means a building or portion thereof, other than a private, storage, or parking garage or automotive service station, designed or used for repairing, equipping, or servicing of motor vehicles. Such garages may also be used for hiring, renting, storing, or selling of motor vehicles.

**Garage, Storage** - Storage garage means a building or portion thereof designed and used exclusively for the storage of motor vehicles, and within which temporary parking may also be permitted.

**Garbage** - Garbage shall mean the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
**Gasoline Service Station** - A business primarily engaged in the retail dispensing of automotive fuels and oil; where grease, batteries, tires and other automobile accessories may be dispensed at retail principally for automobiles, and where various automotive and convenience services may be provided- except restaurant services, major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, welding, storage of automobiles not in operating condition, and operation of a commercial off-street parking lot.

**Gender** - Words importing the masculine gender shall be construed to include the feminine and neuter.

**Glare** - A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

**Golf Courses** - A large track of land laid out for golf. A clubhouse and other structures shall not be located closer than 150 feet from an abutting lot or parcel.

**Grade** - The level of the finished ground surface immediately adjacent to the exterior walls of the building.

**Ground Water** - Ground water shall mean water in saturated zones or stratum beneath the surface of land or water, whether or not it is flowing through known and definite channels.

**Group Living Facility** - Group living facility means an establishment where lodging is provided for four or more persons who are not a family or for three or more roomers or boarders, for residents rather than transients, on a weekly or longer basis, and in which residents may share common sleeping or kitchen facilities. The term *group living facility* includes dormitories, fraternities, sororities, rooming or boarding houses, convents or monasteries, orphanages, and housing for other institutional groups. One (1), two (2), or multiple family dwellings which constitute separate, individual housekeeping establishments for one (1) family shall not be considered to be group living facilities.

**Guest Quarters** - Generally, Guest quarters may be provided within Ag20 and Ag10, RCMH 2.5 and RCMH 1, and RC 1 zoning districts. Guest quarters are intended to be used exclusively for housing members of the family occupying the principal building and
their nonpaying guest(s), provided that such quarters shall have no cooking facilities; shall not exceed 750 square feet in area; shall not be rented or leased or otherwise be made available for compensation of any kind and shall not have separate utility meters. Mobile homes shall not be used as guest quarters. See also: Section 3.04.07.04 Guest Quarters for complete regulations regarding this type of structure.

**Gross Leasable Area** - The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

**Habitable Story** - Habitable story means any story used or to be used for living purposes, which includes working, sleeping, eating, cooking, recreation, or a combination thereof. A story used only for storage purposes having only non-load bearing walls, e.g., breakaway lattice-work, wall, or screen, is not a “habitable story”.

**Habitable Room** - Habitable room means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

**Halfway House** - A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

**Hardship, Medical** - A medical hardship which requires that the infirmed resident have continuous supervision. A temporary permit allowing a mobile home to the placed on the same site as that of a permitted use, which dwelling shall be occupied, shall be issued to facilitate a medical hardship provided the applicant show proof, in the form of a notarized letter from an attending physician that a medical hardship exists.

**Hardship, non-medical** - A hardship as related to variances from the floodplain management regulations means an exceptional hardship associated with the land that would result from a failure to grant the requested variance. The community requires that the variance is exceptional, unusual, related to public health and welfare and,
peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors does not qualify as an exceptional hardship. These types of problems can be resolved through other means without granting a variance, even if the alternative is more expensive, requires the property owner to build elsewhere, or to put the parcel to a different use than originally intended.

**Hazardous Waste** - Hazardous waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

**Health Club** - Health club means, but is not limited to, gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

**Health/Recreation Facility** - An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzi, and/or sauna and pro shop.

**Historic Structure** - Any structure that is:

(A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(C) Individually listed on the Florida inventory of historic places in Baker County or Baker County communities with historic preservation programs that have been certified either:
1. By an approved Florida program as determined by the Secretary of the Interior, or
2. Directly by the Secretary of the Interior.

**Highest Adjacent Grade** - Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**Home Occupation** - Unless otherwise provided herein, home occupation means an occupation profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood and which is conducted in accordance with the home occupation criteria in Section 3.05.24 of these land development regulations.

**Homeowners Association** - A formally constituted nonprofit association or corporation made up of the property owners and/or residents of a fixed area; may take permanent responsibility for costs and upkeep of semiprivate community facilities.

**Homestead Division** - See Article III Zoning.

**Hospital** - An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities and services in surgery, obstetrics, and general medical practice.

**Hotel, Motel, Motor Hotel, Motor Lodge, Tourist Court** - Hotel, motel, motor motel, motor lodge and tourist court are to be considered synonymous terms and mean a building or group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge. They may include accessory uses such as eating and drinking facilities, recreation facilities and parking, but are not intended for long-term occupancy.

**Household Pet** - Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include, but not be limited to domestic dogs, domestic
cats, domestic tropical birds (canaries, parrots, and parakeets), rabbits, goldfish and rodents.

**Impervious Surfaces** - Any surface which has been altered, covered, or controlled resulting in the virtual elimination of the infiltration and percolation of water to the underlying soils. The term includes most conventionally surfaced streets, roofs, sidewalks, parking lots, and similar facilities.

**Improvements** - The term improvements means street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, road and street signs, landscaping, permanent reference monuments (“PRMs”), permanent control points (“PCPs”), or any other improvements required by these land development regulations.

**Industry, Heavy** - A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

**Industry, Light** - A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

**Industrial Park** - An industrial park is designed as a planned, coordinated environment for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space. It has an enforceable master plan and/or covenants, conditions and restrictions. The development may be on one parcel, may be subsidized, and may have condominium ownerships or a combination of these types.

**Institution** - Building an/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.
**Intensive Agriculture** - The term intensive agriculture means all areas of concentrated animal density generally associated with milking barns, feed lots, chicken houses and holding pens.

**Junk** - Old, dilapidated, scrap or abandoned metal, used machinery, iron, steel, other ferrous and nonferrous metals, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles, and parts thereof, tools, implements or portions thereof, plastic, cordage, or other waste that has been abandoned from its original use and may be used again in its present or in a new form.

**Junk Yard** - Junk yard means a place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are brought, bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, house wrecking yards, heavy equipment wrecking yards, and yards or places for the storage, sale, or handling of salvaged house wrecking or structural steel materials. This definition shall not include automobile wrecking or automobile wrecking yards and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.

**Kennels** - Any premises, except where accessory to an agricultural use, where fifteen or more dogs or other domestic animals which are not sick or injured and are four months in age or older are boarded for compensation, cared for, trained for hire, kept for sale, or bred for sale - but not including veterinary clinics.

**Land** - Land means the earth, water and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

**Land Development Regulations** - The term land development regulations shall mean regulations which address the use of land and water, subdivision of land, drainage and storm water management, protection of environmentally sensitive areas, sign control,
standards for public facilities and services, on-site traffic flow and parking and any other regulation so deemed appropriate by the Board of County Commissioners.

**Landfill** - A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

**Landmark** - Landmark means a building or structure which has been designated as such within the Comprehensive Plan.

**Landmark Site** - Landmark site means the land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for the landmark.

**Laundry, Self-service** - A business that provides home-type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**Level of Service** - Level of service means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service indicates the capacity per unit of demand for each public facility.

**Lien** - Lien means a claim on the property of another as security against the payment of a just debt.

**Limited Notice** - Limited Notice means if, after a notice is sent to interested parties stating the date and time of a public hearing scheduled before the Board of Adjustments pursuant to the procedures for a special exception, no objection is received within five (5) days of the public hearing, the Planning Director may cancel the public hearing and issue the special use permit.

**Livestock** - The term livestock shall mean all domesticated animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle and poultry.

**Loading Space, Off-street** – Off-street loading space means a space logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.
**Local Planning Agency** - The term Local Planning Agency means the agency designated by the Board of County Commissioners under the provisions of Chapter 163.3161 through 163.3215, Florida Statutes.

**Local Streets** - Local streets means streets whose primary function is to provide the initial access to the collector and arterial roadways. These facilities are characterized by short trips, low speeds, and small traffic volumes.

**Lot** - Lot means a portion of a subdivision or any parcel of land intended as a unit for building development or for transfer of ownership or both. The term *lot* includes the words *plot, parcel, tract, or site* and may consist of:
   a. A single lot of record;
   b. A portion of a lot of record;
   c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
   d. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these land development regulations.

**Lot Frontage** - Lot frontage means the portion of a lot along a street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and set-backs shall be provided as set out in these land development regulations.

**Lot Line** - Lot line means the lines bounding a lot as established by ownership.

**Lot of Record** - Lot of record means (1) a lot which is part of a subdivision recorded in the office of the County Clerk, or (2) a lot or parcel described by metes and bounds, the description of which has been so recorded on or before the date of adoption of the County’s Comprehensive Plan.

**Lowest Adjacent Grade** - After the completion of construction, the lowest elevation of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**Manufactured Home or Housing** - A factory built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured
Home Construction and Safety Standards Act. A building, transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

**Market Value** - The building value, which is the property value excluding the land value with the value of detached accessory structures and other improvements on the site (as agreed to between a willing buyer and seller) and established by what the local real estate market will bear. Market value can be established by an independent, certified appraisal (other than a limited or curbside appraisal, or one based on income approach), actual cash value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

**Marina** - A facility that is operated and equipped primarily for the purpose of in-water or dry storage of boats.

**May, Shall** - The word *shall* is mandatory; *may* is permissive.

**Mean Sea Level** - The average height of the sea for all stages of the tide. It is used as a reference to establish various elevations within the flood plain. For purposes of these Land Development Regulations (LDRs) the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum (NAVD) of 1988.

**National Geodetic Vertical Datum (NGVD)** - The NGVD of 1929 is a vertical control used as a reference to establish varying elevations within the floodplain. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the **North American Vertical Datum (NAVD) of 1988**.

**Mobile Home** - See **Dwelling, Mobile Home**.

**Mobile Home Park** - Mobile home park means a parcel of land under single ownership or management which is operated as a business engaged in providing for the parking of mobile homes to be used for non-transient living or sleeping purposes, and where lots are offered only for rent or lease, and including customary accessory uses such as owners’ and managers’ living quarters, laundry facilities, and facilities for parks and recreation.
**Mobile Home Space** - Mobile home space means a lot or parcel of ground designated for the accommodation of not more than one (1) mobile home.

**Mobile Home Subdivision** - A residential development designed for the accommodation of mobile homes on individually owned lots or in condominium or cooperative ownership, including recreation and open space areas held in common ownership, but not including developments serving tourists or vacation-oriented travel trailers, motor homes, campers, etc.

**Motel, Motor Hotel, or Motor Lodge** - See Hotel.

**National Geodetic Vertical Datum (NGVD)** - National geodetic vertical datum means a vertical control as corrected in 1929, used as a reference for establishing varying elevations within a floodplain.

**Natural Drainage Features** - Natural drainage features means the naturally occurring features of an area which accommodates the flow of storm water, such as streams, rivers, lakes, and wetlands.

**New Construction** - New construction means structures for which the “start of construction” commenced on or before the effective date of these land development regulations.

**Newspaper of General Circulation** - Newspaper of general circulation means a newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

**Nightclub** - A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted and includes the term “cabaret.”

**Nonconforming Building** - Any building that does not meet the limitations on building size or location on a lot, or the district in which such building is located, for the use to which such building is being put. See Article IV Nonconformities for more detailed information on all nonconformance.
Nonconforming Lot - A use or activity which lawfully existed prior to the adoption, revision, or amendment of this ordinance, but which fails by reason of such adoption, revision or amendment to conform to the use district in which it is located. See Article IV Nonconformities for more detailed information on all nonconformance.

Nonconforming Use - A lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established. See Article IV Nonconformities for more detailed information on all nonconformance.

Nuisance - Nuisance shall mean the following:

1. Any public nuisance known in common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human life or is detrimental to health, as determined by the County Health Officer.
4. Overcrowding a room with occupants.
5. Insufficient ventilation or illumination.
6. Inadequate or unsanitary sewerage or plumbing facilities.
7. Uncleanliness, as determined by the County Health Officer.
8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the County Health Officer.

Number - Words in the singular shall include the plural and words in the plural shall include the singular.

Nursery School - See Child Care Center.

Nursing Home - Nursing home means a private home, institution, building residence, or other place, whether operated for profit or not, including those places operated by units of government, which undertakes through its ownership or management to provide for a
period exceeding twenty-four (24) hours, maintenance, personal care, or nursing for three (3) or more persons not related by lineal consanguinity or marriage to the operator, who by reason of illness, physical infirmity, or advanced age are unable to care for themselves; provided, that this definition shall include homes offering services for less than three (3) persons where the homes are held out to the public to be establishments which regularly provide nursing, extended care, and custodial services.

**100-Year Flood Area** - 100-Year Flood Area means those areas within the scope of these land development regulations that have a land elevation less than the Official 100-Year Flood Elevations.

**Office, Business** - Business office means an office for such operations as real estate agencies, advertising agencies (but not sign shop), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title agencies, insurance companies, stockbroker, employment agencies, billing office and the like. It is characteristic of a business office that retail or wholesale goods are not shown to or delivered from the premises to a customer.

**Office Park** - A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

**Office, Professional** - Professional office means an office for the use of a person or persons generally classified as professional such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians (but not including boarding of animals on the premises, except as part treatment and then only in soundproof buildings), psychiatrists, psychologists, and the like. It is characteristic of professional offices that the use is devoted principally on an offering of consultive services.

**Official 100-Year Flood Map** - Official 100-Year Flood Map means the map issued by the Federal Emergency Management Agency that delineates, to the nearest section, the areas having ground elevations that are less than the official 100-Year Flood Elevations.
Oil and Gas Treatment and Processing Plant - A facility designed to separate and recover hydrocarbons (e.g., butane, ethane, propane) and/or to remove impurities (e.g., hydrogen sulfide) from oil or gas.

Open Spaces - Lands which remain substantially undeveloped for public or private outdoor recreation or conservation use, public health or safety, managed resource preservation, managed resource production or separation between other uses.

Operator - Operator shall mean any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

Outdoor Storage - The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Owner - Owner shall mean the holder of the title in fee simple and any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. Owner also means any person who, alone or jointly or severally with others:

a. has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or

b. has charge, care or control of any dwelling or dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possessions, or assignee of rents, lessee, or other person firm, or corporation in control of a building; of their duly authorized agents. Any such person thus representing the actual owner is considered to be bound by these land development regulations to the same extent as if he or she were the owner. It is his or her responsibility to notify the actual owner of the reported infractions of these land development regulations pertaining to the property which apply to the owner.

Package Liquor Store - A package liquor store is a place where alcoholic beverages are dispersed or sold in containers for consumption off the premises.

Parcel - A unit of land within legally established property lines. A continuous quantity of land in the possession of or owned by, or recorded as the property of the same person or persons. However, if the property lines are such as to defeat the purposes of this Code or
lead to absurd results, a "parcel" may be as designated for a particular site by the Planning and Zoning Director.

**Park** - Any public or private land available for recreational, educational, cultural, or aesthetic use.

**Parking Lot** - An area not within a building where motor vehicles may be stored for the purposes of temporary, daily or overnight off-street parking.

**Parking, Shared** - The development and use of parking areas on two or more separate properties for joint use by the business on those properties.

**Parking Space, Handicapped** - A handicapped parking space is an off-street parking space which is reserved for persons who are physically disabled or handicapped.

**Parking Space, Off-street** – Off-street parking space means a space adequate for parking a standard size automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

**Performance Bond** - Surety bond which guarantees that contractor will fully perform contract and guarantees against breach of contract. Proceeds of bond are used to complete contract or compensate for loss in the event of nonperformance.

**Permanent Control Point (PCP)** - Permanent control point (PCP) means a secondary horizontal control monument as defined in Chapter 177, Florida Statutes.

**Permanent Reference Monument (PRM)** - Permanent reference monument (PRM) means control monument as defined in Chapter 177, Florida Statutes.

**Person** - The word *person* as used in these Land Development Regulations, includes a firm, corporation, trust, company, association, organization, trust or partnership as well as an individual.

**Personal Service Establishments** - Businesses primarily engaged in providing services involving apparel or the care of a person (other than health care) - including laundering and dry cleaning services (except those which primarily serve other businesses), beauty and barber services, garment alterations, and funeral homes.

**Pervious Area** - The total lot area left in a condition that permits full percolation of the stormwater including surface water bodies, wetlands and retention areas.
**Planned Unit Development (PUD)** - Land under unified control to be planned and developed as a whole in a single development operation or a programmed series of development operations or phases, containing one or more residential clusters or residential developments and one or more public, quasi-public, commercial or industrial areas in such ranges of ratios of nonresidential uses to residential uses as shall be specified in the zoning ordinance. A planned unit development includes principal and accessory structures and uses substantially related to the character and purposes of the planned unit development. A planned unit development is built according to general and detailed plans that include not only streets, utilities, lots and building location, and the like, but also site plans for all building as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned unit development includes a program for the provisions, operations, and maintenance of such area, facilities, and improvements as will be for common use by some or all of the occupants of the planned unit development district, but which will not be provided, operated, or maintained at general public expense.

**Planning and Zoning Board** - The agency of a local government which recommends approval or disapproval of proposed projects, developments, and the like, in their jurisdiction. The Board of County Commissioners makes the final decision based on the recommendation of such board.

**Planning Director** - The Director designated by the Board of County Commissioners for the administration and enforcement of these land development regulations.

**Plant Nursery** - Any land used to raise trees, shrubs, flowers and other plants for sale or for transplanting.

**Plat** - a map of a specific land area such as a town, section, or subdivision showing the location and boundaries of individual parcels of land subdivided into lots, with streets, alleys, easements, etc., usually drawn to scale. The word plat includes the terms replat or revised plat.
**Plat, Final** - Final plat means a finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

**Plot** - See **Lot**.

**Political Sign, Temporary** - Signs supporting campaigning candidates or causes before, during, and after an election. These signs must also conform to all other local ordinances pertaining to temporary signage. For specific regulations regarding temporary political signs, see “Article IX - 9.04.00 Signs.”

**Pollution** - Any substance, contaminant, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels that are or may be potentially harmful or injurious to human health or welfare, animal or plant life or habitat, or property, or that unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

**Poultry** - The term poultry shall mean all domesticated birds that serve as a source of eggs or meat, including chickens, turkeys, ducks, ostriches, quail, pheasants and geese.

**Premises** - Premises shall mean a lot, plot or parcel of land including the buildings of structures thereon.

**Principal Building** - A building in which the primary use of the lot on which the building is located is conducted.

**Principal Use** - The main use of land or structures as distinguished from a secondary or accessory use.

**Professional Service Establishments** - Businesses engaged in providing services such as, but not limited to the following: medical and other health services; legal services; engineering and architectural services; and accounting, auditing, and bookkeeping services.

**Public Buildings and Facilities** - Public buildings and facilities shall mean the use of land or structures by a municipal, county, State or Federal governmental entity for a public service purpose. More specifically public facility means major capital improvements including but not limited to transportation, sanitary sewer, solid waste,
drainage, potable water, educational, parks and recreation, and health systems and facilities. Essential services shall not be considered public buildings and facilities.

**Public Use** - The use of land, water or building by a municipality, public body or board, commission, authority, county, state or the federal government or any agency thereof for a public service program.

**Public Use, Semi** - Includes churches and organizations operating as a nonprofit activity serving a public purpose or service and includes such organizations as non-commercial clubs and lodges, recreational and neighborhood associations, and cultural activities. A cemetery is considered a semi-public use.

**Public Well-field** - A well with a permitted capacity of 100,000 gallons per day or more which is used or intended for the domestic water supply of ten (10) or more residential units.

**Recharge Area** - All land within identified medium and high groundwater recharge areas to the Florida Aquifer as defined by the St. Johns or Suwannee Water Management Districts.

**Recreational Facility** - Recreation facility means a component of a recreation site used by the public such as a trail, court, athletic field or swimming pool.

**Recreational Uses** - Recreational uses means activities within areas where recreation occurs.

**Recreational Vehicle** - A vacation or other vehicular or portable unit which is either self-propelled or towed or is carried by a motor vehicle and which is intended for human occupancy, is designed for vacation or recreation purposes (not residential), and including, but not limited to travel trailers, camping trailers, truck campers, and motor homes. A recreational vehicle is one that is:

A. built on a single chassis;

B. 400 square feet or less when measured at the largest horizontal projection;

C. designed to be self-propelled or permanently towable by a light duty truck; and
D. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Recycling Center** - A building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

**Recycling Collection Point** - An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

**Recycling Plant** - A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products; glass; metal cans; and other products, are recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

**Regulated Materials** - Regulated materials means the following:

a. Petroleum products, which include fuels (gasoline, diesel fuel, kerosene and mixtures of these products, lubricating oils, motor oils, hydraulic fluids and other similar products. This term does not include liquefied petroleum gas, American Society for Testing and Materials grade number 5 and number 6 residual oils, bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher and asphalt oils.

b. Substances listed by the Secretary of the Florida Department of Labor and Employment Security pursuant to Chapter 442, Florida Statutes, (Occupational Health and Safety). This list, known as the Florida Substances List, is provided in Chapter 38F-41, Florida Administrative Code.

c. Substances listed by the Administrator of the United States Environmental Protection Agency pursuant to Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980. This list is provided in Title 40 (Protection of the Environment) of the Code of Federal Regulations, Par 302, Designation, Reportable Quantities and Notification.
d. Substances listed by the Administrator of the United States Environmental Protection Agency pursuant to Title III of the Superfund Amendments and Reauthorization Act of 1986. The list is provided in Title 49 of the Code of Federal Regulations, Part 355, Emergency Planning and Notification.

e. Materials listed by the Secretary of the United States Department of Transportation pursuant to the Hazardous Materials Transport Act. This list is provided in Title 49 (Transportation) of the Code of Federal Regulations, Part 172, Hazardous Materials Tables and Communications Regulations.

f. The following elemental metals, if they are stored in an easily crumbled, powdered, or finely divided state: aluminum, beryllium, cadmium, chromium, copper, lead, manganese, mercury, molybdenum, nickel, rhodium, silver, tellurium, tin and zinc.

g. Mixtures containing the above materials if they contain one per cent (1%) or more by volume or if they are wastes.

h. Any material not included above which may present similar or more severe risks to human health or the environment as determined by the Land Development Regulation Administrator. Such determinations must be based upon competent testing or other objective means with conclusions which indicate that the material may pose a significant potential or actual hazard.

**Relationship of Specific to General Provisions**

More specific provisions of this Code shall be followed in lieu of general provisions that may be more lenient than or in conflict with the more specific provision.

**Repair** - Repair means the replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required existing facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations, or that would be in violation of a provisions of law or ordinance. The term repair or repairs shall not apply to any change of construction.
**Repair Service Establishment** - Businesses primarily engaged in repairing items and which undertake no more than a minimal amount of manufacturing, not including auto repair.

**Research Laboratory** - A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

**Residential Buildings** - Residential buildings means buildings in which families or households live or in which sleeping accommodations are provided and all dormitories shall be classified as residential occupancy. Such buildings include among others, the following: dwellings, multiple dwellings and rooming houses.

**Residential Home for the Aged** - Residential home for the aged means a health care facility containing characteristics of multiple family housing, providing a maximum in independent living conditions for individuals or couples and a minimum of custodial services which would include daily observations of the individual residents by designated staff personnel. As accessory uses, residential homes for the aged may include dining rooms and infirmary facilities for intermediate or skilled nursing care solely for the use of the occupants residing in the principal facility.

**Resort** - A hotel or motel that serves as a destination point for visitors. A resort generally provides recreational facilities for persons on vacation. A resort shall be self-contained and provide personal services customarily furnished at hotels, including the serving of meals. Buildings and structures in a resort should complement the scenic qualities of the location in which the resort is situated.

**Restaurant** - Restaurant means an establishment where meals or prepared food including beverages and confections are served to customers for consumption on or off the premises. The term restaurant includes cafes, coffee shops, donut shops, delicatessens, cafeterias and other establishments of a similar nature.

**Restaurant, Drive-in** - A retail outlet where food or beverages are sold to a substantial extent for consumption by customers in parked motor vehicles.
**Restaurant, Fast-food** - An establishment that offers quick food service which is accomplished through a limited menu of items already prepared and held for service or prepared, fried or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer’s table and food is generally served in disposable wrapping or containers.

**Restricted development zone** – Any land rendered unusable for development purposes by deed restrictions or other legally enforceable limitations.

**Retail Sales Establishments** - Businesses which are primarily engaged in selling merchandise to customers for personal, household or farm use (including incidental manufacturing and repairing of goods on the premises provided, however, that the space devoted to manufacturing and repairing does not exceed 20 percent of the gross floor area of the establishment) - such as restaurants, bars, grocery stores, bakeries, department stores, clothing stores, fabric shops, record stores, toy stores, book stores, newsstands, stationary stores, drugstores, sporting goods stores, furniture stores, appliance stores, hardware stores, auto part stores, bicycle shops.

**Retention** - Retention means the collection and storage of runoff without subsequent discharge to surface waters.

**Revegetation** – Generally, provision of a diverse native vegetation, capable of self-regeneration at least equal in permanence to the natural vegetation of the surrounding areas.

**Right-of-Way** - Any land dedicated, deeded, used, or to be used, for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purpose by the public, or certain designated individuals, or governing bodies.

Note: Right-of-Way may also be a land measurement term, meaning the distance between lot property lines which generally contains not only the street pavement, but also the sidewalk, grass area and underground or aboveground utilities.

**Riverbank Setback Line** - Riverbank Setback Line means a line running parallel to a river and at a distance as specified within these land development regulations.

**Roadway Functional Classification** - Roadway functional classification is the assignment of roads into categories according to the character of service they provide in

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**Article II Definitions**
relation to the total road network. Basic functional categories include limited access, local streets, arterial roads, and collector roads.

**Rooming House** - Rooming house means any dwelling, or that part of any dwelling containing one (1) or more rooming units in which space is let by the owner or operator to three (3) or more persons which are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

**Rooming Units** – Rooming units means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

**Rubbish** - Rubbish shall mean combustible and non-combustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, or other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber leather, tree branches, yard trimmings, tin cans, metal, mineral matter, glass crockery and dust.

**Sanitary Sewer Facilities** - Sanitary sewer facilities means structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes truck mains, interceptors, treatment plants and disposal systems.

**SARA : Superfund Amendments and Reauthorization Act (regarding Title III – Consolidated List of Hazardous Materials)**

**Sawmills** - Mills intended for the primary processing of timber or saw logs into lumber, including planning, and shall exclude any secondary processing of the lumber thus produced into items for sale.

**School** - A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

**Scenic Corridor** - A strip of land on each side of a stream or roadway that is generally visible to the public traveling on such route.

**Scenic Easement** - An easement, the purpose of which is to limit development in order to preserve a view or scenic area.

**Screening** - The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features.

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**Article II Definitions**
Seat - For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units, installed or indicated or each twenty-four (24) lineal inches of benches, pews or space for loose chairs.

Sediment - Sediment means the mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

Self-Service Station - An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

Self-Service Storage Facility - A building consisting of individual small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

Service Station - Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting and body fender work are conducted.

Servants’ Quarters - Servants’ quarters means accommodations without cooking facilities or separate utility meters for domestic servants employed on the premises. Such units may be in either a principal or an accessory building but no such living quarters shall be rented, leased or otherwise be made available for compensation of any kind except in the form of housing for servants.

Service Station - See Automotive Service and Self-Service Station.

Set-back Line - A line established by the subdivision regulations and/or planning ordinance generally parallel with and measured from the lot line, defining the limits of a yard in which no building other than accessory building or structure may be located above ground, except as may be provided in said codes.

Sidewalk - Sidewalk means that portion of the street right-of-way outside the roadway which is improved for the use of pedestrian or bike traffic.

Sidewalk Cafe - An area adjacent to and directly in front of a street-level eating or drinking establishment located within the sidewalk area of the public right-of-way.
exclusively for dining, drinking and pedestrian circulation. The encroachment area of a sidewalk cafe may be separated from the remainder of the sidewalk by railings, fencing or landscaping planter boxes or a combination thereof.

Sign - Sign means any device designed to inform or attract the attention of persons not on the premises on which the sign is located.

Sign, Animated - Animated sign means a sign with externally moving parts or messages or so operating as to give a viewer the illusion of moving parts or messages.

Sign, Attached - Attached sign means a sign painted on the exterior face of a building or attached to a building. Attached signs include canopy signs, marquee signs, wall signs, roof signs and projecting or hanging signs supported or attached to a canopy, awning, marquee or building.

Sign, Awning, Canopy or Marquee - A sign painted, stamped, perforated, or stitched or otherwise applied on the valance of an awning.

Sign, Flashing - Flashing sign means a sign designed to attract attention by the inclusion of a flashing, changing, revolving or flickering light source or a change of light intensity.

Sign, Freestanding - Freestanding sign means a sign which is not attached to a building. Freestanding signs include ground signs, pole signs and portable signs.

Sign, Identification - Identification sign means a sign which depicts the name and/or address or a building or establishment on the premises where the sign is located as a means of identifying said building or establishment. An identification sign shall not contain promotional or sales material.

Sign, Illuminated - A sign illuminated in any manner by an artificial light source.

Sign, Non-flashing - Non-flashing sign means a sign which does not have a flashing, changing, revolving or flickering light source or which does not change light intensity.

Sign, Off-Site - Off-site sign means a sign other than an on-site sign.

Sign, On-Site - On-site sign means a sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of the outdoor advertising business.
**Sign, Portable** - Any sign ordinarily, but not necessarily, supported on a base and in no way permanently attached or affixed to a building, the ground or another structure, including any sign attached to or displayed on a vehicle that is used for the expressed purpose of advertising a business establishment, product, service or entertainment, when that vehicle is so parked as to attract the attention of the motoring or pedestrian traffic.

**Sign, Projecting** - Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure, including an arcade/marquee sign.

**Sign, Roof** - Any sign erected upon, against or directly above a roof or roof eave, or on top or above the parapet, or on a functional architectural appendage above the roof or roof eave.

**Sign, Surface Area** - Surface area of a sign means the entire area within the periphery of a regular geometric form, or combinations of regular geometric forms, comprising all of the display area of the sign, and including all of the elements of the matter displayed, but not including blank masking, frames or structural elements of the sign and bearing no advertising matter. In the case of double face signs, each sign face shall be measured as surface area and the combined surface area of both faces shall not exceed the maximum permitted for the building or use.

**Sign, Temporary** - A display, informational sign, banner, or other advertising device constructed of cloth, canvas, fabric, wood, or other temporary material, with or without a structural frame, and intended for a limited period of display, including decorative displays for holidays or public demonstrations.

**Sign, Temporary Political** - Signs supporting campaigning candidates or causes before, during, and after an election. These signs must also conform to all other local ordinances pertaining to temporary signage. For specific regulations regarding temporary political signs, see “Article IX - 9.04.00 Signs.”

**Sign, Wall** - A sign painted on the outside of a building, or attached to, and erected parallel to the face of a building and supported throughout its length by such building.

**Sign, Window** - A sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.
**Silviculture** - Forestry, tree farming or harvesting activities which are conditioned for commercial use or conservation management.

**Site** - See Lot.

**Site Plan** - A plan prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land.

**SJRWMD : St. Johns River Water Management District**

**Soil Survey** - The term soil survey shall mean the United States Department of Agriculture, Soil Conservation Service Soil Survey for the County.

**Solid Waste** - Solid waste means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural or governmental operations.

**Solid Waste Facilities** - Solid waste facilities means structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants and disposal systems.

**Solid Waste Processing Plant** - Solid waste processing plant means a facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

**Solid Waste Transfer Station** - Solid waste transfer station means a facility for temporary collection of solid waste prior to transport to a processing plant or to final disposal.

**Special Exception** - Special exception means a use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a zoning district as a special exception if specific provision for such a special exception is made in these land development regulations.
**Sports Club** - Activities such as hunting, fishing, riding and country clubs, exclusive of outdoor firing ranges and private gun clubs. Riding stables shall require a minimum of one (1) acre per three (3) grazing animals.

**SRWMD : Suwannee River Water Management District Stable, Public** - A building or land where animals are kept for remuneration, hire, sale, boarding, riding or show.

**Stairway** - Stairway means one (1) or more flights of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one (1) story to another in a building or structure.

**Start of Construction** - Start of construction means substantial improvement, provided the actual start of construction, repair, reconstruction, or improvement was within ninety (90) days of the date the building permit was issued. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Stormwater** - Stormwater means the flow of water which results from and that occurs immediately following a rainfall.

**Stormwater Runoff** - Stormwater runoff means that portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches or in a closed conduit system.

**Stormwater Management System** - a system designed to treat stormwater, or collect, convey, channel, hold, inhibit or divert the movement of stormwater on, through, and from a site.

**Story** - Story is that portion of a building included between the surface of any floor and the surface of the next floor above it (including basement), or if there is no floor above it, then the space between such floor and the ceiling next above it.
**Street** - A public or private thoroughfare used or intended to be used for passage or travel by motor vehicles. The term street includes lanes, ways, places, drives, boulevards, roads, avenues or other means of ingress or egress regardless of the descriptive term used. Streets are classified by the functions they perform.

a) **residential access streets** have the sole purpose of providing frontage for service and access to private lots. These streets carry only traffic having either destination or origin on the street itself. The elimination of through traffic and the geometric design of the street are means to promote safety and to create a desirable residential neighborhood.

b) **residential sub-collectors** are access streets that provide frontage for residential lots and may carry a small amount of residential through traffic collected only from tributary residential access streets.

c) **residential collectors** are streets that conduct and distribute traffic between other residential streets of lower order in the streets hierarchy and higher order streets or major activity centers. This is the highest order of street appropriate to a residential neighborhood and residential frontage along it should be prohibited or severely restricted.

Higher order streets exist but do not belong within a residential area and should be excluded. These include:

a) **arterials**, which are interregional roads conveying traffic between towns, boroughs, and other urban centers. Efficient movement is the primary function of arterial roads, hence, private access and frontage should be controlled and limited to high-volume generators of vehicle trips.

b) **expressway**, which are limited access interregional arterial routes (superhighways). They are designed exclusively for unrestricted movement, have no private access and intersect only with selected arterial highways or major streets by means of interchanges engineered for free-flowing movement.

**Street Line** - Street line means the line between the street and abutting property. A street line is also referred to as the right-of-way line.

**Subdivider** - The term subdivider means any person, firm, corporation, partnership, association, estate, or trust or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, including a developer or an agent of a developer.

**Subdivision** - Subdivision is the division of a parcel of land, whether improved or unimproved, into three or more lots or parcels of land, for the purpose of transferring fee simple ownership, whether by deed, or other recorded instrument or, if the establishment of a new street is involved, any division of such parcel into three or more lots or parcels. The term shall not mean or apply to the transfer of property by sale or gift or estate
succession by the property owner to his or her spouse or lineal descendants, or the transfer of properties between tenants in common for the purpose of dissolving the tenancy in common among those tenants. In addition, pursuant to the Baker County Subdivision Ordinance, the term does include, by preliminary exemption, the division of any lands which are greater than ten (10) acres in size. The term also includes a re-subdivision of previously subdivided parcels.

**Substantial Damage** - Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its’ before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

**Substantial Improvement** - Substantial improvement means for a structure built prior to the enactment of these land development regulations any repair, reconstruction or improvement of a structure the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started. Substantial improvement is considered to occur when the first alteration on any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places.

**Surface Water** - Surface water means water above the surface of the ground whether or not flowing through definite channels, including the following:

1.) Any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or 2) Any natural or artificial stream, river, creek, channel, ditch, canal, conduit culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction either continuously or intermittently and which has a definite channel, bed or banks; or 3) Any wetland.
**Surficial Aquifer System** - Surficial aquifer system means the permeable hydrogeologic unit contiguous with land surface that is comprised principally of unconsolidated to poorly-indurated, clastic deposits. It also includes well-indurated carbonate rocks, other than those of the Floridan Aquifer System where the Floridan is at or near land surface. Rocks making up the surficial aquifer system belong to all or part of the upper Miocene to Holocene Series. It contains the water table and water within it is under mainly unconfined or locally confined conditions; however, beds of low permeability may cause semi-confined conditions to prevail in its deeper parts. The lower limit of the surficial aquifer system coincides with the top of laterally extensive and vertically persistent beds of much lower permeability. Within the surficial aquifer system, one or more aquifers may be designated based on lateral or vertical variations on water bearing properties.

**Surety Device** - Surety device means an agreement by a subdivider with the Board of County Commissioners for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

**Surveyor, Land** - The term land surveyor shall mean a land surveyor registered under Chapter 472, Florida Statutes, who is in good standing with the Florida State Board of Engineer Examiners and Land Surveyors.

**Temporary Political Sign** - Signs supporting campaigning candidates or causes before, during, and after an election. These signs must also conform to all other local ordinances pertaining to temporary signage. For specific regulations regarding temporary political signs, see “Article IX - 9.04.00 Signs.”

**Temporary Use** - A prospective use, intended for limited duration, to be located in a zoning district not permitting such use and not continuing a nonconforming use or building.

**Time, Computation of** - The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.

**To Plat** - The phrase to plat shall mean to divide or subdivide land into lots, blocks, parcels, tracts, sites or other divisions, however, the same may be designated and the...
recording of the plat in the office of the County Clerk in the manner provided for in these land development regulations.

**Triangle of Clear Visibility** – See Visibility Triangle this Section.

**Truck Stop** - Truck stop means an establishment where the principal use is primarily the refueling and servicing of trucks and tractor trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

**Truck Terminal** - Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term accessory storage for principal land uses at other locations. The terminal facility may include storage areas for trucks and buildings or areas for the repair of trucks associated with the terminal.

**Unsafe Building** - Unsafe building means any structure that has any of the following conditions, such that the life, health, property or safety of the general public is endangered:

(a) Whenever the stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the working stresses allowed in the County Building Code for new buildings.

(b) Whenever a building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the buildings or structures is less than it was prior to the damage and is less than the minimum requirement established by the County Building Code for new buildings.

(c) Whenever for any reason a building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is designed.

(d) Whenever any building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.

(e) Whenever any building, structure or portion thereof has been construed or maintained in violation of a specific requirement of County regulations.
(f) Whenever any building, structure or portion thereof is unsafe, unsanitary or not
provided with adequate egress, or which constitutes a fire hazard, or is
otherwise dangerous to human life, or, which in relation to existing use,
constitutes a hazard to safety or health by reason of inadequate maintenance,
dilapidation, obsolescence or abandonment.

**Use** - Use means the purpose for which land or water or a structure thereon is designed,
arranged or intended to be occupied or utilized or for which it is occupied or maintained.
The use of land or water in the various zoning districts is governed by these land
development regulations.

**Use of Land** - Use of land means use of land, water surface and land under water to the
extent covered by these land development regulations.

**Utilities** - The term utilities means but is not necessarily limited to water systems,
electrical power, sanitary sewer systems, storm water management systems and telephone
or television cable systems; or portions, elements or components thereof.

**Visibility Triangle**
To provide a clear view of intersecting streets to the motorist, there shall be a triangular
area of clear visibility formed by two intersecting streets or the intersection of a driveway
and a street. At intersections of alleys and vehicular driveways with sidewalks, the clear
visibility triangle shall be formed from the point where edge of the sidewalk farthest
from the street meets the alley for a distance of five (5) feet along the sidewalk, then
diagonally to a point along the alley five feet from the point of beginning, and then to the
point of beginning. For all requirements see Article VII Development and Improvement
Standards. See the illustration of a clear visibility triangle below:
Valuation or Value - Valuation or value means the estimated cost to replace a building in kind.

Variance - Variance means a relaxation of the terms of these land development regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these land development regulations would result in unnecessary and undue hardship on the land. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning classification or district or adjoining zoning classifications or districts.

Warehousing and Distribution - A use engaged in storage, wholesale, and distribution of manufactured products, supplies and equipment, but excluding bulk storage of
materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**Watercourse** - Watercourse means any natural or artificial channel, ditch, canal, stream, river, creek, waterway or wetland through which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed, bank or other discernable boundary.

**Water-Dependent Uses** - Water-dependent uses mean activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for; waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.

**Water Management Districts** - SJRWMD : St. Johns River Water Management District or SRWMD : Suwannee River Water Management District

**Water-Related Uses** - Water-related uses mean activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses.

**Water Wells** - Water wells means wells excavated, drilled, dug, or driven for the supply of industrial, agricultural, or potable water for general public consumption.

**Well** - Well means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when intended use of such excavation is to conduct ground water from an aquifer or aquifer system to the surface by pumping or natural flow, to conduct waters or other liquids from the surface into any area beneath the surface of land or water by pumping or natural flow, or to monitor the characteristics of ground water within an aquifer system(s). Geotechnical borings greater than twenty (20) feet in depth shall be included in the definition of “well”.

**Wellfield Management Zone** - Wellfield Management Zone means a wellfield protection area around wellheads with a permitted capacity of one-hundred thousand (100,000) gallons per day or more.
**Well-field, Public** - A well with a permitted capacity of 100,000 gallons per day or more which is used or intended for the domestic water supply of ten (10) or more residential units.

**Wetlands** – Any area subject to the wetlands or landward-extent-of-waters jurisdiction as identified by rule of the Department of Environmental Regulation and/or the St. Johns River Water Management District and/or Suwannee River Water Management District, and/or U.S. Army Corp. of Engineers or designated as wetlands by the Conservation Element of the Baker County Comprehensive Plan. Generally, wetlands means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient of support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamp hammocks, hardwood swamps, riverine cypress stands, cypress ponds, bay heads and bogs, wet prairies, freshwater marshes, tidal flats, salt marshes and marine meadows.

**Written or In Writing** - The term written or in writing shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

**Yard** - Yard means a required open space unoccupied and unobstructed from the ground upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

**Year** - The word year shall mean a calendar year, unless otherwise indicated.

**Zone of Exclusion** - Public water wellfields shall be protected from adverse impacts of development by requiring a 200-foot fixed buffer radii zone of non-polluting land uses around each wellfield as described in the St. Johns River Water Management District (SJRWMD) publication “Guide to Groundwater Protection in Florida,” Volume 1, October 1990, page 55. Non-polluting land uses shall include Recreation and Conservation land uses, low and medium density residential land use, and commercial land uses that do not produce, store, use nor sell toxic materials as defined in SARA Title III (Consolidated List of Hazardous Materials). Any non-conforming land use located
within 200 feet of a well serving the public will not be permitted to expand or be improved and will be phased out upon change of ownership. Should later calculations of zones of influence or zones of contribution by the Water Management District find that cones of influence for wells within the County are greater or less than 200 feet, the Land Development Regulations, consistent with the Comprehensive Plan, shall be amended through procedures identified in Chapter 163, F.S., to reserve land uses in an amount appropriate to adequate protection as defined by the Water Management District.
BAKER COUNTY
ZONING

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PART 3.01.00 PURPOSE AND LEGAL STATUS

Sec. 3.01.01 Purpose

The purpose of this Article is to encourage orderly development, promote economic and environmental advantages and promote, according to present and future needs, the public health, safety and general welfare of the citizens of the non-incorporated areas of Baker County, Florida. This Article describes the specific uses and restrictions that apply to the zoning districts as listed and described below. These regulations are intended to allow development and use of property according to the goals, objectives and policies of Baker County as expressed in the Baker County Comprehensive Plan and to carry out a program of orderly future growth and development within the County.

Sec. 3.01.02 Legal Status

The Board of County Commissioners of Baker County, Florida, adopts this Article pursuant to the provisions of Sections 163.3161 through 163.3211, Florida Statutes, Section 125.01(g), (h), and (t) of Chapter 125, Florida Statutes, and other applicable laws of Florida.

PART 3.02.00 DEFINITIONS

Accessory Structures

Generally, “Accessory structures” include this list of structures:

- Greenhouses
- Storage Buildings
- Utility Buildings
- Fences
- Swimming Pools
- Hot Tubs and similar structures

which are governed more specifically by Section 3.04.07.02 Accessory Structures.

See Section 3.04.04 Rules for Interpretation for District Boundaries – for definitions regarding the following:
1. Centerlines
2. Lot lines
3. Railroad tracks
4. Division of single ownership lot by division line
5. Mean ordinary high water lines
6. Body of water
7. Boundaries parallel
8. Measurement of district boundaries

**Excavation**
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. 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 storm water management facilities.

**Exotic Animals**
Exotic animals means all animals excepting house cats, dogs, feathered vertebrates and poultry and livestock.

**Fish Pond Generally**
Any natural or artificial area which has a dissemble shoreline and ordinarily or intermittently contains water and which surface area generally spans less than two (2) 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(s) with a total surface area less than two (2) acres in size may be permitted in any zoning district. Fish ponds(s) with a surface area(s) totaling more than two (2) 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 (10) acres in size; the applicant complies with Policies E.1.5.1, E.1.5.3 of the Baker County Comprehensive Plan; the fish pond site is situated no closer than one hundred (100) feet form an existing public roadway and no closer than five hundred (500) feet from any adjacent development or landowner; and the applicant obtains all necessary permits from the applicable water management district. See also: Section 3.04.07.24 B - per Ordinance 2004-22 regarding “fish ponds”.

**Guest Quarters**
Generally, Guest quarters may be provided within AG20 and AG10, RCMH 2.5 and RCMH 1, and RC 1 zoning districts. Guest quarters are intended to be used exclusively for housing members of the family occupying the principal building and their nonpaying guest(s), provided that such quarters shall have no cooking facilities; shall not exceed 750 square feet in area; shall not be rented or leased or otherwise be made available for compensation of any kind and shall not have separate utility meters. Mobile homes shall not be used as guest quarters. See also: Section 3.04.07.04 Guest Quarters for complete regulations regarding this type of structure.

**Household Pet**
Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include, but not be limited to domestic dogs, domestic cats, domestic tropical birds (canaries, parrots, and parakeets), rabbits, goldfish and rodents.

**Kennel**
Any premises, except where accessory to an agricultural use, where fifteen or more dogs or other domestic animals which are not sick or injured and are four months in age or older are boarded for compensation, cared for, trained for hire, kept for sale, or bred for sale - but not including veterinary clinics.

**Livestock**
The term livestock shall mean all domesticated animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle and poultry.

**Nuisance**
A nuisance shall generally mean the following but is not limited to this definition:

1. Any public nuisance known in common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human life or is detrimental to health, as determined by the County Health Officer.
4. Overcrowding a room with occupants.
5. Insufficient ventilation or illumination.
6. Inadequate or unsanitary sewerage or plumbing facilities.
7. Uncleanliness, as determined by the County Health Officer.
8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the County Health Officer.

**Stable, Public**
A building or land where animals are kept for remuneration, hire, sale, boarding, riding or show.

The following definitions are used in regards to **Communications antennas and towers** which are covered more completely in Section 3.06.03.

**Alternative Support Structure**
Any man-made structure, except towers, including, but not limited to buildings, power poles, light poles, clock towers, bell towers, steeples, water towers and the like, which allow for the attachment of antennas.

**Antenna**
A device for radiating or receiving radio waves. As used in this section, the term antenna shall include all antennas integrated and used as a single unit, such as an antenna array.

**Camouflaged**
A structure designed to support one or more antenna but designed to unobtrusively blend into the existing surroundings and disguised so as to not have the appearance of a tower. Such tower shall be consistent in size, scale and appearance with the type of object it is designed to resemble.

**Customer Premises Equipment**
Telecommunications equipment on the premises of telecommunications customer for the sole use of the occupants of the premises.

**Guyed**
A tower anchored with guide wires.

**Lattice**
A self-supporting tower with three or more side or open-framed supports.

**Mobile Station**
Equipment which is not fixed and ordinarily moves. Such a facility is typically the end users equipment such as a wireless telephone.

**Monopole**
A single, self-supporting tower of concrete, steel, or similar materials having a solid appearance and no guide wires.

**Speculative**
A tower which is proposed for erection without evidence of any antenna leases or agreement for use of the tower.

**Tower**
A structure, greater than fifteen feet in height, designed and used primarily to support one or more antenna of any type.

**Wetlands**
Those areas identified by Rule of the Florida Department of Environmental Protection and/or the St. Johns River Water Management District and/or U.S. Army Corp. of Engineers.

**PART 3.03.00 EFFECT ON EXISTING VIOLATIONS**
The adoption of this Article shall not affect nor prevent any pending or future prosecution of or action to abate violations of the previous zoning code of Baker County which occurred before the effective date of this Article.

**Section 3.03.01 Permits and Change in Use While Zoning Conformance Pending**
While the zoning conformance is pending, no building permit to repair or improve an existing structure or permit to erect, construct, locate, move a new structure and no change in use of the land shall be made so as to be in violation of the existing zoning designation and/or Comprehensive Plan unless:

- A vested rights permit is obtained; or
- A zoning change to a district adopted herein is approved which is in compliance with the Comprehensive Plan; or
- A Special Exception is approved which is in compliance with the Comprehensive Plan.
PART. 3.04.00 ZONING DISTRICTS AND OFFICIAL MAP: USES, STANDARDS,

EXCEPTIONS AND PROHIBITIONS

In order to classify and regulate the uses of land and buildings, the height and bulk of buildings and the area and other open spaces around buildings, and the intensity of land use, Baker County is divided into 26 districts as follows:
### TABLE I - BAKER COUNTY ZONING DISTRICTS

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG 20</td>
<td>Agricultural District at one unit to 20 acres or at any lesser density level</td>
</tr>
<tr>
<td>AG 10</td>
<td>Agricultural District at one unit to 10 – 19 acres or at any lesser density level</td>
</tr>
<tr>
<td>AG 7.5</td>
<td>Agricultural District at one unit to 7.5 – 9 acres</td>
</tr>
<tr>
<td>RCMH 2.5</td>
<td>Residential Conventional &amp; Mobile Home District at one unit to 2-1/2 acres</td>
</tr>
<tr>
<td>RCMH 1</td>
<td>Residential Conventional and Mobile Home District at one unit to one acre</td>
</tr>
<tr>
<td>RCMH .5</td>
<td>Residential Conventional and Mobile Home District at two units to one acre</td>
</tr>
<tr>
<td>RC 1</td>
<td>Residential Conventional District at one unit to one acre</td>
</tr>
<tr>
<td>RC .5</td>
<td>Residential Conventional District at two units to one acre</td>
</tr>
<tr>
<td>RC ¼</td>
<td>Residential Conventional District at one unit to 1/4 acre</td>
</tr>
<tr>
<td>MF 10</td>
<td>Multifamily at up to 10 units to one acre</td>
</tr>
<tr>
<td>MF 12</td>
<td>Multifamily at up to 12 units to one acre</td>
</tr>
<tr>
<td>PUD</td>
<td>Planned Unit Development</td>
</tr>
<tr>
<td>CN</td>
<td>Commercial Neighborhood</td>
</tr>
<tr>
<td>CG</td>
<td>Commercial General</td>
</tr>
<tr>
<td>CH</td>
<td>Commercial Highway</td>
</tr>
<tr>
<td>LI</td>
<td>Light Industrial</td>
</tr>
<tr>
<td>I</td>
<td>Industrial</td>
</tr>
<tr>
<td>Code</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------------------</td>
</tr>
<tr>
<td>HI</td>
<td>Heavy Industrial</td>
</tr>
<tr>
<td>IN</td>
<td>Institutional</td>
</tr>
<tr>
<td>GU</td>
<td>Government Use</td>
</tr>
<tr>
<td>HIST</td>
<td>Historic/Archeological Resources</td>
</tr>
<tr>
<td>CONS</td>
<td>Conservation Resources</td>
</tr>
<tr>
<td>REC</td>
<td>Recreational Resources</td>
</tr>
<tr>
<td>RVP</td>
<td>Recreational Vehicle Park</td>
</tr>
</tbody>
</table>

*Restrictions and prohibitions follow*

**Sec. 3.04.01 Official Zoning Map**

The zoning districts shall be shown on the Official Zoning Map, which may consist of one or more pages, with all notations, references and other information shown thereon. The Map shall be incorporated into this Article, made a public record, and kept permanently in a place easily accessible to the public, in the Office of the Planning Director. The Official Zoning Map shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in areas subject to these land development regulations.

**Sec. 3.04.02 Map Amendment**

If, by the provisions of this Article, changes are made in the district boundaries or other information portrayed on the Official Zoning Map, the changes shall be made on the Map promptly after the amendment has been approved. Unauthorized alterations shall be considered a violation and subject to the penalties as described herein.
Sec. 3.04.03 Replacement of Official Zoning Map

In the event that the Official Zoning Map becomes destroyed, lost or difficult to interpret, the County Commission may, in accordance with Chapter 163, Florida Statutes, by ordinance; adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map.

Sec. 3.04.04 Rules for Interpretation of District Boundaries

A. Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the Official Zoning Map indicates that district regulations pertaining to the district extend throughout the area surrounded by the boundary line.

B. Rules Where Uncertainty Exists.

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. **Centerlines.** Boundaries indicated as approximately following the centerlines of dedicated streets, highways, alleys, or rights-of-way shall be construed as following such centerlines as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a lot or parcel, in which case the boundary shall be interpreted in a way that avoids changing the zoning status of any lot or parcel. In case of a street vacation, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at its center, in which case the boundary shall be construed as moving with the ownership.

2. **Lot lines.** Boundaries indicated as approximately following lot lines, public property lines and the like shall be construed as following such lines provided, however, that where such boundaries are adjacent to a dedicated street, alley, highway or right-of-way and the zoning status of the street, highway, alley or right-of-way is not indicated, the boundaries shall be construed as running to the middle of the street, highway, alley or right-of-way. In the event of street vacation, interpretation shall be as provided in A above.
3. **Railroad tracks.** Boundaries indicated as following railroad tracks shall be construed as being midway between the main tracks.

4. **Division of single ownership lot by district line.** Where a district boundary line, as appearing on the Official Zoning Atlas Map, divides a lot which is in single ownership at the time of this enactment, the use classification of a larger portion may be extended to the remainder by the Director without recourse to the amendment procedure.

5. **Mean Ordinary high water lines; centerlines of streams, canals, lakes, or other bodies of water.** Boundaries indicated as following mean ordinary high water lines or centerlines of streams, canals, lakes, or other bodies of water shall be construed as following such mean high water lines or centerlines. In case of a change in mean high waterline, or of the course or extent of bodies of water, the boundaries shall be construed as moving with the change, except where such moving would change the zoning status of a lot or parcel, and in such case, the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel.

6. **Body of water.** Boundaries indicated as entering any body of water not continuing to intersection with other zoning boundaries or with the limits of jurisdiction of the Board of County Commissioners shall be construed as extending in the direction in which they enter the body of water to intersect with other zoning boundaries or with the limits of jurisdiction of the Board of County Commissioners.

7. **Boundaries parallel.** Boundaries indicated as parallel to or extensions of features indicated in A through F above shall be construed as being parallel to or extensions of such features.

8. **Measurement of district boundaries.** Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map showing the property in question.

9. In case the exact location of a boundary cannot be determined by the foregoing methods, the Board of County Commissioners shall, upon application, determine the location of the boundary.
Sec. 3.04.05 Cases Not Covered by Section 3.04.04 B

In cases not covered by Section 3.04.04 above, the Planning Director shall interpret the Official Zoning Map in accord with the intent and purpose of these land development regulations. Appeal from the interpretation of the Planning Director shall be to the Land Planning Agency in conformity with Article 10.03.00, Appeals, of these land development regulations. If the exact location of a boundary cannot be determined by the foregoing methods, the Board of County Commissioners shall upon application determine the location of the boundary.

Sec. 3.04.06 District Regulations and Performance Standards

The controls and standards intended to regulate development in each zoning district are set forth in this Article and are supplemented by Section 3.05.00, Permits: Limited Notice, Special Use, and Temporary Use and Article IV, Nonconformities.

All uses and activities permitted in any district within these land development regulations shall conform to the standards of performance described below:

A. Fire and Explosion Hazards.

In any zoning district, all uses shall comply with applicable standards set forth in the rules and regulations of the State Fire Marshal.

B. Smoke, Dust, Dirt, Visible Emissions and Open Burning

Regulations controlling smoke, dust, dirt, or visible emissions shall be the same as those contained in Chapter 17-2, Florida Administrative Code. Regulations controlling open burning shall be the same as those contained in Chapter 17-5, Florida Administrative Code.

C. Fumes, Vapors, and Gases

Regulations controlling the emission of any fumes, vapors, or gases of a noxious, toxic, or corrosive nature shall be the same as those contained in Chapter 17-2, Florida Administrative Code.
D. Heat, Cold, Dampness, or Movement of Air

Activities which may produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted, with the exception that in the Industrial district, this standard shall be applied at the boundaries of the Industrial district and not at the lot lines of the individual properties located within the Industrial district.

E. Noise

The permitted level of noise or sound emission at the property line of the lot on which the principle use is located shall not at any time exceed the average noise level prevailing for the same hour, as generated by street and traffic activity, with the exception that in the Industrial district, this standard shall be applied at the boundaries of the Industrial district and not at the lot lines of the individual properties located within the Industrial district. The determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standards Association.

F. Odor

Regulations controlling the emission of objectionable odorous gases or other odorous matter, except those associated with normal agricultural practices, shall be the same as those contained in Chapter 17-2, Florida Administrative Code.

G. Glare

There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting.

Sec. 3.04.07.00 District Allowed, Restricted, and Prohibited Uses

These uses are restricted or totally prohibited in Baker County:

All other uses are governed by the provisions set forth in this Section apply to all areas subject to these land development regulations and all zoning districts therein, unless exceptions are
specifically provided relating to one or more zoning districts or except as otherwise provided in these land development regulations.

Except as specifically provided in this Code, regulations governing the use of land, water, and structures within the various districts in the unincorporated portions of Baker County shall be permitted as shown on Table I.

**Sec. 3.04.07.01 Lot Area Requirements - Minimum**

A. Requirements for All Developments

All developments shall have a total land area sufficient to meet all development design standards in this Code including, but not limited to, land required to provide setbacks from abutting rights-of-way, buffers, stormwater management, off street parking and circulation, protection of environmentally sensitive lands, and any other provisions which may require land area to be set aside. The requirements for lot area, width and setbacks are as shown in Table II

**Sec. 3.04.07.02 Yards**

The open space existing on the same lot with a principal building, unoccupied and unobstructed by buildings from the ground to the sky between the lot line and the building line.

A. **Front Yard**

The yard extending across the entire width of the lot between the front lot line and front building line. The lot line of the lot abutting a public street shall be deemed the front lot line. On corner lots, the front lot line shall be that lot line abutting the street frontage toward which the building is oriented. In the event the principal building on a corner lot is more directly oriented to the lot corner at the street intersection than to either street frontage, such lot shall be considered to have two front yards, one
abutting each street. A lot existing between two streets not intersecting at a corner (double frontage lot) shall be considered to have two front yards, one on each street frontage.

B. **Rear Yard**

The yard extending across the entire width of the lot between the rear lot line and the rear building line. The rear lot line shall be the lot line farthest removed from the front lot line.

C. **Side Yard**

The yard extending from the front building line to the rear building line between the side lot line and the side building line.

**Sec. 3.04.07.03 Accessory Structures**

Accessory Structures shall comply with the following standards:

A. **Storage Buildings, Utility Buildings, Greenhouses**

1. No accessory buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than 100 feet from any property line.

2. Storage buildings, greenhouses and the like shall be permitted only in compliance with standards for distance between buildings.

3. No accessory structure shall be located within ten feet of a rear lot line or three feet from a side lot line.

4. Storage and other buildings regulated by this section shall be permitted only in side and rear yards, and shall not encroach into any required building setback from an abutting right-of-way.

5. Storage and other buildings regulated by this section shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot.

6. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings or other such uses.
B. Swimming Pools, Hot Tubs, and Similar Structures
1. Swimming pools shall be permitted only in side and rear yards, and shall meet the setbacks for accessory structures. See Section 3.04.07.02 C.
2. Enclosures for pools shall be considered a part of the swimming pool and shall comply with these standards for minimum distance between buildings, yard requirements, and other building location requirements of this Code.
3. All swimming pools shall be enclosed by a screen enclosure, wall or fence at least four feet in height and must meet applicable state law.
4. Access gates shall be equipped to accommodate a locking device. Pedestrian access gates shall open outwards away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall give a self-latching device.
5. Where a wall of a dwelling serves as part of the barrier, all doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door and its screen are opened.

C. Fences
1. Walls or fences erected or placed in all districts shall be maintained in good repair and sound structural condition.
2. Fences or hedges may be located in all front, side and rear yard setback areas.
3. In residential districts, no fences or hedges shall exceed four feet in height when placed in the front yard (the yard abutting a road or public right-of-way).
4. In residential districts, no fences or hedges shall exceed six feet in height when placed in the side and rear yard.
5. In commercial, agricultural and industrial districts the fence may incorporate an eighteen inch barbed wire or similar extension above such height. In no event shall barbed wire be placed so as to project outward over any sidewalk, street or other public way, or over property of an adjacent owner.
6. In areas where the property faces two roadways or is located in any other area construed to be a corner lot, no fence shall be located in the visibility triangle.
7. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way.
8. A fence required for safety and protection from hazard by a public agency, legal entity or individual may not be subject to height limitations set forth above. Approval to exceed minimum height standards may be given by the Planning Director upon receipt of satisfactory evidence of the need to exceed height standards.

9. No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.

Sec. 3.04.07.04 Guest Quarters

Guest quarters may be provided within AG20 and AG10, RCMH 2.5 and RCMH 1, and RC1 zoning districts. Guest quarters are intended to be used exclusively for housing members of the family occupying the principal building and their nonpaying guest(s), provided that such quarters shall have no cooking facilities; shall not exceed 750 square feet in area; shall not be rented or leased or otherwise be made available for compensation of any kind and shall not have separate utility meters. Mobile homes shall not be used as guest quarters.

1. A site plan must be submitted to the Planning and Zoning Department depicting the location of the principal structure and proposed guest quarters. The site plan shall be to scale and include display the dimensional requirements listed above.

2. Guest quarters must meet the setback standards for the zoning district the property is located in, per See Section 3.04.00, Baker County Land Development Code.

Sec. 3.04.07.05 Family Lots

Sec. 3.04.07.05.A Family Lot, Generally

A. Pursuant to Policy A.1.9.3 (1) of the adopted Baker County Comprehensive Plan, the Planning Director or other Board of County Commission designee may grant exceptions to the density requirement, minimum lot, and building requirement
established by the land use categories to persons who own land located within the Agriculture A and B and Very Low Density Residential land use categories, as depicted on the Future Land Use Map. Approval shall be based upon the criteria of this section, subsections and the “Application for Family Lot Division”. Family lots shall be a permissible use within AG 10, AG 7.5, or RCMH 2.5 zoning districts and is further regulated in part by the following subsections:

1. Parcels located within Agriculture A, B or Very Low Density Residential land use categories may be transferred to a close family member and developed as residential property 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 district.
   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. For example: A parcel located in Agriculture A land use and AG 10 zoning district must be at least 10 acres in size.
   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 & area)
   a. Width – 150 feet
b. Depth – none

c. Area – 1 acre

2) **Maximum Lot coverage by all buildings & 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 an family lot division is requested will 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 has been provided by the applicant(s) 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. To qualify as a close family member, an individual must be 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. Each application for family lot division shall be accompanied by personal identification and proof of relationship of both the applicant and the close family member 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 under this provision from any other family member anywhere else in Baker County. Once a parcel of land created as a family lot under this section is sold or owned by a non-member of the close family, no future division under this section may occur.

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 to receive the lot 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 a non-member of the close family, 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 Article 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.
1. To obtain a building or move-on permit, applicants shall complete an “Application for Family Lot Division” form available from the Baker County Planning and Zoning Department which requires:

   1. Basic information regarding the property and the name, address, and phone number of the applicant, close family member 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 Baker County Property Appraiser’s Office.
   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 Baker County 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. The applicant may submit an amended application within 30 working days without payment of a reapplication fee, but, if more than 30 days have elapsed, must thereafter reinitiate the review process and pay any additional fees.

3. Within five (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.

Sec. 3.04.07.05.B Family Lot, Temporary Use Permit

There is no division of land for a Temporary Family Lot. The applicant (land owner) is requesting permission to place a mobile home on their property for a finite period of time without the transfer of property to the resident of the mobile home. A temporary use permit may be granted for mobile homes to be used as accessory residences in the AG 10, AG 7.5, or RCMH 2.5 zoning districts provided the following criteria are met:

A. Pursuant to Policy A.1.9.3 (1) of the adopted Baker County Comprehensive Plan, persons who own land located within the Agriculture A and B or Very Low Density 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 the “Application for Temporary Use for Family Lot”. Family lots shall be a permissible use within Ag 10, AG 7.5, or RCMH 2.5 zoning districts and is further regulated in part by the following subsections:
1. Parcels located within Agriculture A and B or Very Low Density land use categories may be used temporarily by a close family member and developed as residential property as long as the following criteria are met.
   a. The parcel for which a temporary use family lot is requested is located in AG 10, AG7.5, or RCMH 2.5 zoning district, or on the basis of hardship in accordance with the provisions of Section 10.04.04.
   b. The family homestead or permanent residence must be located on the parent tract or parcel prior to application for family lot temporary use.
   c. 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 temporary use is applied.

B. Subject to other applicable provisions of this Code, up to two (2) additional mobile homes used as accessory residences may be added annually to the property occupied by a principal residential dwelling, provided that such mobile homes are occupied by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the family occupying the principal residential dwelling and owning the property.

C. The addition of mobile homes under this section shall result in a density of not more than one dwelling per acre of property.

D. Such mobile homes shall meet all applicable lot area and yard area requirements, and shall not be located within 20 feet of any building.

E. A temporary use permit shall be required for each mobile home added under this section. Applications for a temporary use permit shall be submitted in writing by the applicant to the County’s Planning Department together with any required fees imposed by this Code. The application shall include a site plan which is acceptable to the Planning Director that at a minimum shows the location of all existing structures and proposed structures.

F. Temporary use permits for mobile homes added under this section shall be granted for a time period up to five years (5), provided that each permit holder shall submit to the County on an annual basis a completed certification form certifying that any
mobile home permitted under this section is and will be occupied by a close family member of the family occupying the principal residential dwelling and owning the property. Such certification shall be submitted annually before or on the day of the month on which the permit was issued. Failure to submit such form may result in revocation of the permit. When a temporary use expires, the permit holder may apply for a new temporary use permit.

G. The County may impose appropriate conditions and safeguards on the issuance of temporary use permits, including but not limited to reasonable time limits within which the action for which a temporary use permit is requested shall be begun or completed, or both. Violations of such conditions and safeguards, when made a part of the terms under which a temporary use permit is granted, shall be deemed a violation of this Code and punishable as provided in Article X.

H. Nothing in this section shall affect the validity of deed or other legal restrictions imposed on a piece of property.

Sec. 3.04.07.06 Homestead Division

Parcels of land which are 320 acres or less as of the most recent date of the Comprehensive Plan adoption and are located within AG B land use category may be sold at a maximum rate of two (2), two and one half (2.5) acre tracts per year (for a total of 5 acres a year) as long as the following criteria is met:

A. The parcel for which a homestead division is requested was a legal lot of record prior to 1991 and is located in AG 10 or Ag 7.5 zoning district.

B. The parent tract or parcel must meet the minimum requirements of the comprehensive plan land use map designation and the zoning district.

C. The property to be sold must have been owned for the past five (5) consecutive years by the applicant.

D. The applicant must have a current homestead exemption on file in either the unincorporated County or any of its incorporated municipalities. The exemption must have also been on file for the past four consecutive years (five years total).
E. To obtain a building or move-on permit, applicants shall complete an “Application for Homestead Exemption” form available from the Baker County Planning and Zoning Department which requires:

1. Basic information regarding the property and the name, address, and phone number of the applicant requesting homestead division agent (if applicable).
2. Map of access to property showing ingress/egress to parent tract and proposed homestead lot.
3. Legal description of parent parcel and proposed homestead lot.
4. Proof of ownership of parent tract or parcel for five years.
5. Location map of parent tract or parcel within AG 10 or AG 7.5 zoning districts (zoning certification).
6. Proof of legal lot of record prior to 1991 or, if after, description of hardship.

**Sec. 3.04.07.07 Mobile Home**

A manufactured structure, transportable in one or more sections, which is at least eight feet in width and thirty-two feet in length, which is build on an integral chassis and is designed to be used as a dwelling unit, with or without foundation, when connected to the required utilities.

a. Skirting Requirements

The area between the ground and floor level of the mobile home shall be enclosed with masonry or decorative skirting. Acceptable types of skirting include, but are not limited to vinyl, aluminum, stucco, permitted block (mortar), pressure treated wood, and pressure treated lattice. Types of skirting not acceptable include raw slabs (pine or cypress wood) or tin roofing materials.

b. Tie-Down, Anchor and Foundation Requirements
1. The tie-down, anchor and foundation requirements of the applicable provisions of the Florida Administrative Code are incorporated by reference.

2. For tie-down, anchors and foundations, the requirements of the Florida Department of Highway Safety and Motor Vehicles shall prevail.

Sec. 3.04.07.07 A Permit for Temporary Mobile Home – Medical Hardship

A permit for a temporary mobile home to facilitate a medical hardship may be granted by the Planning Director if the following standards are met:

   a. The minimum lot size for the use of the mobile home for medical hardship shall be one-half acre with minimum front and rear yard setbacks of 25 feet and a minimum side yard setback of 10 feet.

   b. The lot shall have direct access to a public street, an approved private street or access to said streets by an access easement. The driveway connection must meet applicable standards so as to reduce erosion and drainage problems.

   c. No more than one mobile home shall be permitted on the same site as that of the permitted use, which dwelling shall be occupied.

   d. The mobile home shall not have significant adverse effect on natural resources or surrounding agricultural uses; shall have a County Department of Health approved well and septic tank installation and shall meet all requirements of local building and zoning codes.

   e. The temporary mobile home shall consist of a minimum of 600 square feet of living area.

   f. The use shall be temporary in nature and subject to renewal every year.
g. The applicant shall provide proof in the form of a notarized letter from an attending physician that a medical hardship exists which requires that the infirmed resident have continuous supervision.

h. Each year that the medical hardship continues to exist the applicant shall provide proof to the Planning Department verifying that the hardship continues to exist.

i. If, for any reason, the infirmed resident ceases to reside in the principal dwelling or the mobile home, the mobile home must be removed from the property within 90 days.

**RESTRICTION**: Mobile homes for medical hardship shall not be placed in zoning districts that are restricted to conventional housing units only.

**Sec. 3.04.07.07 B  Mobile Home - Replacement of Existing Mobile Homes**

For the purposes of these land development regulations, the phrase *existing mobile homes* shall mean mobile homes which existed as of the effective date of adoption or amendment of these land development regulations.

In those districts which do not permit the placement of new mobile homes but do permit existing mobile homes as a principal use, such existing mobile homes may be removed and replaced by another mobile home, provided that a period of not greater than ninety (90) days elapses between the removal of one mobile home and the erection of another mobile home.

Where a mobile home is removed and is not replaced for a period greater than ninety (90) days for any reason (except where governmental action impedes access to the premises), such mobile home shall not be replaced and any subsequent use shall conform to the regulations for the district in which the use is located.
Sec. 3.04.07.07 C  Mobile Home Parks

A place where two or more mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership; the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer such space free in connection with securing the trade or patronage of such person.

1. Mobile Home Parks shall be built to State standards in effect at the time of construction.

2. Evidence shall be required that demonstrates compliance with standards of the State Department of Health and Rehabilitative Services, Division of Health.

3. Mobile Home Parks must be zoned in accordance with the procedures for a planned development, subject to all requirements therein.

4. Mobile Home Parks shall be established on parcels of land which are suitable for the proposed development and which have an area of at least five acres.

5. The following uses and their customary accessory uses or structures may be allowed:
   a. Laundry buildings
   b. Commissary
   c. Swimming pools
   d. Recreational facilities
   e. Recreational vehicle storage.

6. Mobile Home Standards
   a. Mobile Home Space
A plot of ground within a mobile home park designated for the accommodation of one (1) mobile home or travel trailer. Each space for a mobile home shall contain a minimum of 6,000 square feet. This space shall be clearly defined and exclusive of space provided for the common use of tenants such as roadways, general use walkways, centralized storage areas, and general use recreational areas.

b. There shall be no more than one mobile home occupying each space.

c. Mobile homes shall be located at least 20 feet from all mobile home park property lines.

d. Mobile homes shall be located within their designated spaces in such a way that there shall be a minimum of 20 feet between mobile homes or between any mobile home and any building other than an approved carport or storage building.

e. No mobile home shall be located so that any part of such mobile home will obstruct any drive or walkway.

f. No mobile home shall remain in a mobile home park unless it is anchored in an approved mobile home space or stored unoccupied within the centralized storage area.

g. Each mobile home space shall be improved with one patio of concrete or other suitable impervious material having a minimum area of 150 square feet and one crushed rock or better surfaced mobile home pad having a minimum area equal to that of any mobile home which will be located in the space.

h. Permanent structures located within any mobile home space shall be used only as carports or for storage purposes.
7. Transportation Standards

a. Mobile home parks shall abut and have direct access to an arterial, collector, or other major street. Minor streets in a mobile home park shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

b. Each mobile home space shall have access to a street in the mobile home park. Streets in a mobile home park may be dedicated to the public use or may be retained in private ownership except the Board of County Commissioners may require major streets to be dedicated to the public. All streets to be dedicated to the public will be at least 30 feet wide and constructed in accordance with the design standards in Article VII, Development Design and Improvement Standards. Private streets shall be surfaced with concrete, asphaltic cement, or similar hard surfaced material which is resistant to dust or mud. Such surfacing shall be suitably sloped and drained and will be maintained in good condition at all times by the owner or owners of the mobile home park.

c. Walkways, not less than four feet in width, shall be provided from each mobile space to service buildings and along at least one side of each street.

8. Additional Standards

a. A centralized storage area for boats, campers, camping trailers, and automobiles shall be provided in each mobile home park over 15 spaces. Such storage areas shall contain a minimum of 160 square feet for each mobile home space and shall be enclosed by a sight-obscuring fence.
b. General use recreation areas will be provided suitable for recreational uses and for parks with more than 15 spaces. These areas will be adequately equipped and restricted to recreational uses. A minimum of 200 square feet of recreation area for each mobile home space shall be provided in one or more locations within the mobile home park. The minimum size of each required recreation area shall be 5,000 square feet. Such areas shall be protected from streets, drives and parking areas by curbs, guardrails, plantings or other suitable devices.

c. Each mobile home space shall be provided with connections to central water and sanitary sewer systems, unless approved and permitted by HRS and DEP.

d. Easements necessary for the orderly extension and maintenance of public utilities may be required as a condition of approval.

e. Suitable sight-obscuring fences, wall, evergreen hedges, and/or berms shall surround the mobile home park in order to visually separate the park from adjoining property except at entrance and exits points and where such buffering techniques are unnecessary due to topographical features.

f. All signs of any type within a mobile home park are subject to design review and approval of the Board of County Commissioners at the time of rezoning. The Board of County Commissioners shall consider each sign on its on merits based on the aesthetic impact on the area, potential traffic hazards and need for the sign. No sign shall violate provisions in Article IX.

g. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of residents of the park.

9. Variances
Any request for a variance from the above standards for a mobile home park shall be filed in accordance with the procedures outlined in Article VIII, Section 8.04.00, *Variance Procedure*

10. Home Occupations are permitted in mobile home parks by Special Exception and subject to standards for Home Occupation (new section 3.04.07. XX).

**Sec. 3.04.07.08 Home Occupation**

Home Occupations shall be a permissible use by limited notice (*See Section 3.04.07.08 Home Occupation*) pursuant to a Special Exception in Agriculture and Residential districts.

The following specific standards shall be used in deciding applications for approvals of such uses:

A. No person shall be employed other than members of the immediate family residing on the premises.

B. The use of the dwelling unit for the home occupation shall be clearly incidental and secondary to its use for residential purposes and shall not change the residential character.

C. There shall be no change in the outside appearance of the building or premises as a result of such occupation, with the exception of an unlighted sign or name plate, not more than four square feet in area, attached to and not projecting from the building.

D. The home occupation shall not create levels of noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses outside the dwelling unit in excess of that normally associated with household use. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television sets off the premises, or cause fluctuations in the line voltage in excess of that normally associated with household use.
E. No commodity or good produced off the premises shall be sold on the premises.

F. No commodity or good produced off the premises shall be displayed or warehoused on the premises for sale elsewhere. However, the taking of orders for sales or provision of services off site may be allowed.

G. No traffic shall be generated by such home occupation in greater volume than would normally be expected from the principal use.

H. A home occupation shall include, but not be limited to the following: domestic crafts such as seamstress, sewing, tailoring, weaving, washing and ironing, private tutoring and instruction (limited to four pupils at any one time), accounting, auditing and bookkeeping. Woodworking is permitted if all requirements under Section 3.04.07.10 Woodworking Shops, are met.

I. A home occupation shall not be interpreted to include activities such as but not restricted to auto repair and tune-up, general offices, clinics, physicians, and dentists offices, welding shops, animal hospital or kennels. Automobile restoration as a hobby is permitted if there are no more than two vehicles under restoration at any given time. Vehicles under restoration are subject to the requirements of Section 3.04.07.21 Storage of Inoperable Vehicles and Other Materials as relates to stored vehicles.

J. A home occupation shall not be transferred to another owner or lessee of the property unless the identical conditions exist as to the specific occupation, number of persons operating the occupation and all site conditions remain the same.

K. Home occupations shall be approved for two years. Renewal shall meet the procedures in effect at the time of renewal.
Sec. 3.04.07.09  Day Care

Day care, including private kindergartens and child care centers, shall be a permissible use by Special Exception (*Article 10*) or Limited Notice (*Also see Section 3.05. for both exceptions*) in all districts, subject to all the following conditions:

A. Minimum lot area shall be no less than 6,000 square feet and lot width in portion used for fenced play area shall be not less than 60 feet.

B. A fenced outdoor play area of not less than 600 square feet shall be provided in the area yard.

C. All facilities, operation and maintenance shall meet all applicable state regulations for such use.

D. An application for approval, where required, shall state the maximum number of children to be accommodated and in no case shall the number of the children approved in the grant of approval be exceeded.

E. Off-street parking, loading and unloading areas shall be maintained as provided in the site plan approved with the permit for such use.

Sec. 3.04.07.10  Wood Working Shops

Together with structures, machinery, equipment and facilities, incidental to such operations provided that such operations:

A. Do not utilize electrical powered machines in excess of five horsepower.

B. Use no more that 240 volts single phase current with a maximum 200 amp buss.

C. House and operate all machinery within an enclosed structure not to exceed 2000 square feet.

D. Noise levels shall not exceed 55 decibels when measured at the property line of any abutting landowner.
E. Do not provide any wood treatment process.

**Sec. 3.04.07.11 Community Residential Homes**

A. Establishment of Community Residential Homes

1. Type A homes of six or fewer residents which otherwise meet the definitions of a community residential home shall be deemed a single-family unit and a noncommercial residential use. Type A Community Residential Homes are permitted uses within RCMH 2.5, RCMH 1, RC 1, RCMH .5, RC .5, RC1/4, MF 10 and MF 12 zoning districts. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multi-family zoning provided that such homes shall not be located within a radius of 1,000 feet of another existing such home with six or fewer residents. Such homes with six or fewer residents shall not be required to comply with the notification provisions of this article; provided, however, that the sponsoring agency or the Department notifies the County at the time of home occupancy that the home is licensed by the Department and provides an address so that the distance requirement can be determined.

2. Type B homes of 7 to 14 residents which meet the definition of a community residential home may be approved as a special exception in the RC 1/4, Multifamily, Commercial Neighborhood, Commercial General and Mobile Home Park districts and are subject to the following distance requirements:

   a. A community residential home that is located within a radius of 1,200 feet of another existing community residential home in a multi-family district shall be an over concentration of such homes that
substantially alters the nature and character of the area and shall not be approved.

b. A community residential home that is located within a radius of 500 feet of an area of single-family zoning substantially alters the nature and character of the area and shall not be approved.

3. All distance requirements shall be measured from the nearest point of the existing home or area of single-family zoning to the nearest point of the proposed home.

B. Notification Provisions

When a site for a community residential home has been selected by a sponsoring agency in an area zoned for multi-family, the agency shall notify the County Administration in writing and include in such notice:

1. The specific address of the site,
2. The residential licensing category,
3. The number of residents, and
4. The community support requirements of the program.

Such notice shall also contain a statement from the district administrator of the Department indicating the need for and the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of the clients in the home. The district administrator shall also provide to the County the most recently published data compiled that identifies all community residential homes in the district in which the proposed site is to be located.

C. Review Decisions
Pursuant to the review under Article X, the County may:

1. Determine that the siting of the community residential home is in accordance with its zoning regulations and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.

2. Fail to respond within 60 days. If the County fails to respond within such time, the sponsoring agency may establish the home at the site selected.

3. Deny the siting of the home.

D. Basis for Denial

The siting of a community residential home may be denied by the County if it is established that the siting of the home at the site selected:

1. Does not otherwise conform to existing zoning regulations applicable to other multi-family uses in the area.

2. Does not meet applicable licensing criteria established and determined by the department, including requirements that the home be located to assure the safe care and supervision of all clients in the home.

3. Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered.

E. Mediation

If agreed to by both Baker County and the sponsoring agency, a conflict may be resolved through informal independent mediator or may use the mediation process established by the Northeast Florida Regional Planning Council in Policy 25.1.2.2 of
the Comprehensive Regional Policy Plan pursuant to Chapter 186 of the Florida Statutes. Mediation shall be concluded within 45 days of the request thereof. The resolution of any issue through the mediation process shall not alter any person's right to a judicial determination under statutory or common law.

F. Health, Safety and Welfare

Nothing in this section shall permit persons to occupy a community residential home who would constitute an adverse impact to the health and safety of other persons or whose residency would result in substantial physical damage to property of others. Whenever the County receives a complaint that residents of a community residential home are not properly cared for, that licensing standards are not being followed, or that the residents are or may be subject to abuse, neglect or exploitation, the County Administrator may file a complaint with the appropriate abuse registry or the pertinent Human Rights Advocacy Committee created under Florida Chapter 20, or with the sponsoring agency and the department, pursuant to Florida Statutes 120.69, including judicial enforcement.

Sec. 3.04.07.12 Animals, Generally

Sec. 3.04.07.12 A Household Pets (Animals)

Household pets or animals, whose sole purpose is human companionship, are allowed as accessory uses in all Agricultural and Residential Districts. Agricultural districts are exempt from the restrictions in this provision.

Up to ten (10) household pets may be permitted within any residential district.
Household pets exceeding ten (10) in number and four (4) months in age may be allowed with a Special Use Permit within select residential districts as defined in Table I, subject to the following conditions and limitations:

a. All household pets or animals shall be maintained within the primary residence or place of shelter provided on at least a one (1) acre site.
b. The structure for a shelter provided on site shall be no closer than fifty (50) feet to any residential private property line.
c. The application for Special Use Permit shall state the maximum number and species of household animals to be housed.
d. Birds shall be maintained within the primary residence or separate structure. If maintained in a separate structure, such structure shall be no closer than fifty (50) feet of any property boundary.
e. There shall be no commercial activity associated with the granting of a Special Use Permit for Household animals.

Sec. 3.04.07.12 B Other Animals

Other animals (excluding the possession of wildlife, as provided in Florida Statutes), not otherwise defined by the Code, may be permitted with a Special Use Permit within districts as defined in Table I, subject to the following conditions and limitations:

a. If a place of shelter is provided outside the main residence, such shelter shall be no closer than one hundred (100) feet from any residence.
b. Domestic fowl or bird species shall be maintained in a completely enclosed building. Such building shall be no closes than one hundred (100) feet from any residence.
c. An application for Special Use Permit for Other Animals shall state the maximum number and species of animals to be housed.

d. There shall be no commercial activity associated with the granting of a Special Use for Other Animals.

**Sec. 3.04.07.12 C  Horses and Ponies**

Horses and ponies within all Agricultural Districts (AG 20, AG 10 and AG 7.5) are exempt from this provision. Horses and ponies may be permitted as with a Special Use Permit within select residential districts as defined in Table 1 and shall be allowed only for private riding use subject to the following conditions and limitations:

a. A place of shelter or private stable shall be provided which is not closer than fifty (50) feet to any private property line. The shelter or stable must include a fenced enclosure not closer than five (5) feet to any private property line. Private stables must have front, rear, and side yards of a minimum of 50 feet.

b. A site plan for a place of shelter or private stable shall be submitted with the Special Use permit application.

c. A building permit shall be required as well as the appropriate fees.

d. The minimum size of property to be considered for such Special Uses shall be one (1) acre per horse or pony. No more than five (5) horses or ponies on five (5) acres shall be permitted on any residential property under single ownership as with a Special Use Permit. Any use in excess of this limitation is deemed to be an agricultural use or activity and shall require designation as an Agricultural District.
Sec. 3.04.07.12 D  Public Stables

The following specific standards shall be used in deciding applications for approval of such uses:

  a. Front, rear and side yards shall be a minimum of 50 feet.
  b. Parking shall be provided at a ratio of one parking space for every five stalls.
  c. The operator of the stable shall be responsible for using good management practices to discourage undesirable odors and insects.

NOTE: A public stable is construed as a building or land where animals are kept for remuneration, hire, sale, boarding, riding, or show.

Sec. 3.04.07.12 E  Kennels

Any premises, except where accessory to an agricultural use, where fifteen (15) or more dogs or other domestic animals which are not sick or injured and are four (4) months in age or older are boarded for compensation, cared for, trained for hire, kept for sale, or bred for sale not including veterinary clinics.

Sec. 3.04.07.12 F  Animal Hospital, Veterinary Clinic

Animal Hospitals and Veterinary Clinics shall comply with the following standards:

  a. All activities with the exception of animal exercise yards shall be conducted within an enclosed building.
  b. If completely enclosed with four solid walls, buildings housing animal hospitals or veterinary clinics shall be located no closer than 50 feet from any adjacent residentially zoned property. Buildings housing animal hospitals or veterinary clinics, which are not fully enclosed, shall be located no closer than 150 feet from any adjacent residentially zoned district.
c. Exercise and confinement yards shall be not less than 200 feet from any dwelling unit on adjacent property and 150 feet from any residentially zoned property. Farm animal grazing areas containing a density of less than three animals per acre may be located anywhere on the lot. The operator of the animal hospital/veterinary clinic shall be responsible for using good management practices to discourage undesirable odors, insects, and excessive noise.

Sec. 3.04.07.13 Farming

A. Sales, including roadside agricultural stands, shall be permitted only from structures on private property conforming to all applicable codes or regulations.

B. No structure containing poultry or livestock and no storage of manure or odor or dust producing substance or use shall be located within 100 feet of a district boundary or property lines.

C. No new storage facilities containing manure or odor or dust producing substance or use shall be located closer than 1,000 feet from a neighboring residence.

D. No new storage facilities containing manure or odor or dust producing substance or use shall be located closer than one hundred (100) feet from a public road right-of-way.

E. Incidental sale and repair of farm machinery is permitted.

Sec. 3.04.07.14 Farm Labor Camp

The following specific standards shall be used in deciding applications for approval of this use:
A. The farm labor camp shall be an accessory use to an agricultural use with a minimum size of ten acres.

B. The maximum density of the farm labor camps shall not exceed two dwelling units per acre of the zoning lot devoted to agriculture. The units may be clustered but the area of land used in calculating the density cannot be sold or used for nonagricultural activities.

C. Farm labor camps shall provide front, side and rear yards of 50 feet.

D. A buffer area shall be provided between the Camp and adjacent properties of the Camp if located within 200 feet of the zoning lot line or an adjacent property under different ownership.

E. All structures containing dwelling units shall meet applicable Building Code Standards and shall be located a minimum of ten feet apart unless the structure is a dormitory. Dormitories shall be separated from other structures by a minimum of 20 feet.

F. All access drives serving the camp shall be packed with shells, gravel, or a similar material which will provide a relatively dust free surface.

G. All camps shall provide adequate sewage disposal and water supply systems which meet all Federal, State and local requirements.

H. All camps shall be maintained in a neat, orderly and safe manner.

I. Prior to issuance of a Zoning Compliance Permit for a farm labor camp, the Planning Director must determine that the proposed use complies with all Federal, State and local requirements for such uses.
Sec. 3.04.07.15  Farm Feed and Supplies Establishments

The following criteria shall be met:

A.  **Provide one of the following for sale:**

1.  Feed for livestock, poultry and pets; or
2.  Animal health products; or
3.  Lawn and garden supplies; or
4.  Fertilizer, insecticides, pesticides; or
5.  Leather goods and tack.

B.  **Standards**

1.  No equipments other than incidental use or sales, such as lawn mowers, tractors and accessories shall be stored or repaired on site.
2.  There shall be a minimum 50 foot setback from all property lines for the building and storage areas.

Sec. 3.04.07.16  Commercial Feedlots

A. **General Definition**

Any tract of land or structure, pen, or corral, wherein cattle, horses, sheep, goats, and swine are maintained in close quarters for the purpose of fattening such livestock for final shipment to market. Any premises used principally for the raising or keeping of animals in a confined area at a concentration of one animal per 600 square feet or less. May also be referred to as Concentrated Animal Feeding Operations.

B.  **Feedlot Location**

1.  A site plan must be submitted in accordance the Department of Environmental Protection regulations displaying facility location for the state permit application. In addition, the following criteria must be met:

   a)  Commercial Feedlots may be located within the following zoning districts: commercial general, light industrial, industrial, heavy industrial and
agricultural districts (20, 10, 7.5). Refer to Table I: List of Allowed Uses by Zoning Category.

b) No new animal feedlots or manure storage facilities shall be located in a floodplain or within one hundred (100) feet of a well for domestic or municipal purposes.

c) No new animal feedlots or manure storage facilities shall be located within one-half (1/2) mile of an incorporated city limit boundary.

d) No new animal feedlots or manure storage facilities shall be located closer than 1,000 feet from a neighboring residence.

e) No new animal feedlots or manure storage facilities shall be located closer than one hundred (100) feet from a public road right-of-way.

C. Manure Storage Areas

Manure storage areas shall be setback three hundred (300) feet from any perennial flow stream or ditch, a map of which is kept in the Zoning Administrator’s office. For all other areas, the manure storage areas shall be setback a minimum of twenty-five (25) feet from the top of the back-slope of any ditch or any watercourse unless the Zoning Administrator determines a greater setback is needed to protect water resources.

D. Expansion of Feedlots

1. The expansion of animal feedlots which exist on the effective date of this Ordinance shall not be considered new animal feedlots.

2. An existing animal feedlot shall be required to obtain a Conditional Use Permit when that feedlot expands in acreage over the existing size.
Sec. 3.04.07.17 Slaughterhouse

An enclosed building where animals are slaughtered for commercial gain or compensation. The following specific standards shall be used in deciding applications for approval of such uses:

A. All slaughtering, butchering and related operations shall be conducted within enclosed buildings.

B. All offal shall be stored in water tight and odor tight containers.

C. The operation shall meet all Federal and State of Florida requirements and qualify for all Federal, State and local health permits.

D. All animal holding areas shall be:
   1. located a minimum of 1,320 feet from any residential development or zoning district developed to or permitting a density of two units per acre or greater;
   2. a minimum of 500 feet from any dwelling unit existing on adjacent property developed at less than two units per acre at the time of the development or expansion of the use; and
   3. a minimum of 200 feet from any property line.

Sec. 3.04.07.18 Automotive Service and Self-Service Stations

The following regulations shall apply to the location, design, construction, operation, and maintenance of automotive service and self-service stations (with the exception of automobile self-service stations where self service gasoline pumps in conjunction with retail and commercial outlets for sale of food, hardware and drugs, there shall be no outside sales of oil, grease, parts or accessories for automobiles and no service except for self service water, air or carwash).

A. Lot Dimensions and Area

An automotive service station lot shall be of adequate width and depth to meet all setback requirements, but in no case shall a corner lot have less than 150 feet of frontage on each
street side, and an interior lot shall have a minimum width of at least 150 feet. A corner lot shall have a minimum area of not less than 20,000 square feet and an interior lot a minimum area of not less than 15,000 square feet.

B. Lighting

All lights and lighting for an automotive service station shall be so designed and arranged that no source of light shall be visible from any residential district.

C. Location of Pumps and Structures

No main or accessory building, no sign of any type, and no gasoline pump shall be located within 25 feet of the lot line of any property that is zoned for residential purposes. No gasoline pump shall be located within 15 feet of any street right-of-way line; where a greater street setback line has been established, no gasoline pump shall be located within 15 feet of such setback line.

D. Curb Breaks

A curb break is a driveway or any other point of access or opening for vehicles onto a public street. The number of curb breaks for each automotive service station shall not exceed two for each 150 feet of street frontage, each break having a width of no more than 30 feet exclusive of transitions and located not closer than 15 feet of right-of-way lines of any intersection. Curb breaks shall not be closer than 15 feet to any other property line. There shall be a minimum distance of 20 feet between curb breaks.

E. Trash Storage

Adequate, enclosed trash storage facilities shall be provided on the site.

F. Prohibitions

Major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, tire recapping or re-grooving, storage of automobiles not in operating condition, or other work involving undue noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in such automotive service and self-service stations are prohibited. Where such motor fuel pumps are erected in conjunction with a use which is herein described as an automotive self-service station, each use shall be considered as a
separate principal use and as such, each must meet all applicable requirements of these land development regulations.

Sec. 3.04.07.20 Golf Courses

A golf course is an allowable use within the AG 20, AG 10, AG 7.5, RCMH 2.5, RCMH 1, RCMH .5, RC1, RC .5, RC ⅛, and MF 10 zoning districts. Golf courses may be developed as part of a Planned Unit Development (PUD). If developed within a PUD, the golf course must meet the requirements of this section, Section 3.04.27.00 PUD: Planned Unit Development, and be consistent with the landscaping and buffer requirements contained within this Code. If a golf course is developed within any one of the single zoning districts listed above, it shall be subject to the following provisions:

A. A golf course, as defined in this Code, shall include any facility providing nine (9) or eighteen (18) holes of golf, with or without a clubhouse, and/or shed storage facilities.

B. The clubhouse and other structures shall be located at least 150 feet from an abutting lot or parcel and shall provide adequate screening and vegetative buffer.

C. A site plan must be submitted to the Planning Department that depicts the size of the golf course (at least 9 holes), design of the course, vegetated buffer and landscaping, location of clubhouse and/or shed storage facilities, off street parking area with associated landscaping, and lighting designs.

D. Off street parking requirements shall be consistent with Article VII, Design and Improvement Standards

Sec. 3.04.07.21 Storage of Inoperable Vehicles and Other Materials

A. No motor vehicle, part thereof, or trailer which is inoperable for 30 days or more, may be stored on any zoning lot unless either completely inside an enclosed structure, or pursuant to a licensed junkyard and/or recycling business on the zoning lot.

B. No more than two vehicles may be stored behind an occupied residence provided they are registered with the Planning Director by affidavit stating the reason for such storage. Such registration is valid for two years and may be renewed provided renewal is made within 30 days of the expiration date of the most recent registration.
C. Automotive vehicles or trailers of any type without current license plates shall not be parked or stored on any zoning lot unless either completely inside an enclosed structure or pursuant to a licensed junkyard and/or recycling business on the zoning lot or registered with the Planning Department stating the reason for such storage.

D. No discarded objects, including but not limited to appliances, building parts, vehicle parts, or equipment parts, may be stored on any zoning lot unless either completely inside an enclosed structure or pursuant to a licensed junkyard or recycling business on the zoning lot.

E. The Planning Director may issue notices of zoning violations for violations of this or any provision of this code and initiate proceeding before the Code Enforcement Board to enforce compliance with this code.

Sec. 3.04.07.22 Junkyard

Land used for the storage, keeping, handling, or display of old, dilapidated, scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and parts thereof.

A. Storage of Materials

1. Materials that are not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two months.

2. In no case shall material that is not salvageable be buried or used as fill.

3. Any items which can be recycled or salvaged shall be accumulated in bins or containers to be sold to a recycling firm.

4. Recyclable material which cannot be stored in bins or containers may be stored in the open for a period not to exceed 30 days.

5. Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on site, except with the express approval of the Florida Department of Environmental Protections.

6. In any open storage area, it shall be prohibited to keep any icebox, refrigerator, deep-freeze, clothes washer, clothes dryer, or similar airtight unit having
an interior storage capacity of 1-15 cubic feet or more from which the door has not been removed.

7. Suitable sight-obscuring fences, walls, evergreen hedges, and/or berms along the road frontage of the junkyard and on boundaries which are within 1,500 feet of a residential or commercially zoned or used property shall be installed.

Sec. 3.04.07.23  Recreational Equipment-Parking, Storage, or Use of

Major recreational equipment is hereby defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, houseboats, and the like and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. No major recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a lot not approved for such use. Major recreational equipment may be parked or stored in a rear or side yard, but not in a required front yard, provided however, that such equipment may be parked anywhere on the premises for a period not to exceed twenty-four (24) hours during loading and unloading.

Sec. 3.04.07.24  Mineral Extraction

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.

Sec. 3.05.33  Mining

All functions, work, facilities and activities in connection with development, extraction (whether primary or secondary) or processing of mineral deposits on land and all uses reasonably incident thereto, such as the construction of roads or other means of access,
pipelines, waste disposal and storage, and re-circulating water systems. The term "Processing" shall not include rock drying or the processing of rock in a chemical processing plant. All mining activities shall be approved by Board of County Commissioners as a planned development. All mining activities must be located in an Industrial zoning district and must comply with Policies E.1.5.1, E.1.5.2, and E.1.5.3 of the Baker County Comprehensive Plan.

Sec. 3.05.33.a Intent

It is the intent of this district to provide for the control of excavation activities within Baker County in order to protect the natural resources of the County. It is the further intent of this district to advance the clearly articulated, affirmatively expressed and actively supervised state policy as expressed in Chapter 211, Florida Statutes. The criteria within this district are declared to be the minimum necessary to protect the health, safety and welfare of the citizens of Baker County.

Sec. 3.05.33.b Definitions

Mine - 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 in the trade.

Mining Operation - 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 Chapter 211, Part II, Florida Statutes, 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** - 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** - 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 Chapter 211.32, Florida Statutes.

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

**Reclamation** - 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** - 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 operation being commenced.

**Re-vegetation** - 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.

**Wetlands** - 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 Corp. of Engineers.

**Water Body** - those areas identified by the County as lake, river, creek, stream, or estuary, as those bodies of water meandered by the Government.

**Excavation** - 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. 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 storm
water management facilities.

**Sec. 3.05.33.c**  **Permitted Uses.**
Activities associated with normal excavation and mining activities as defined herein.

**Sec. 3.05.33.d**  **Uses Not Permitted**
Any use not described in Section 3.05.30.c as determined by the Planning Director or his
designee.

**Sec. 3.05.33.e**  **Location Criteria**
A. Minimum lot size is five acres.
B. Access to a public right-of-way.
C. Located a minimum of 500 feet from water body.

**Sec. 3.05.33.f**  **Application Requirements**
A. The applicant shall be required to attend a pre-application conference with the
Building and Planning Department staff. The Director shall invite, as a minimum,
representatives from the St. Johns River Water Management District, and
Department of Natural Resources to attend the conference.
B. The applicant shall complete the appropriate application forms as provided by the
Planning Department and pay the applicable fee.
C. The applicant shall complete a site plan substantially in conformance with the requirements of Article 10.02.02 5. The specific requirements will be determined at the pre-application conference.

D. The applicant shall prepare an environmental assessment report that demonstrates the effects of the proposed operation on the groundwater resources and the land use within one mile of the site.

E. The applicant shall receive at least conceptual or preliminary approval from the appropriate state agencies having jurisdiction.

F. The applicant shall post a performance bond in the amount of 150 percent of the cost of reclamation 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 Planning Director, in case, 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.

G. The applicant shall prepare a reclamation plan and set the cost of reclamation as described hereafter. Baker County hereby adopts Chapter 16C-16, Mine Reclamation, Florida Administrative Code, as the minimum criteria for excavation reclamation.

H. 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.

I. 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 Director.
Sec. 3.04.07.24 B    Mining Exception – Fish Ponds

Per Ordinance 2004-22, Fish Pond: Any natural or artificial area which has a dissemble shoreline and ordinarily or intermittently contains water and which surface area generally spans less that two (2) 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(s) with a total surface area less than two (2) acres in size may be permitted in any zoning district. Fish ponds(s) with a surface area(s) totaling more than two (2) 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 (10) acres in size; the applicant complies with Policies E.1.5.1, E.1.5.3 of the Baker County Comprehensive Plan; the fish pond site is situated no closer than one hundred (100) feet from an existing public roadway and no closer than five hundred (500) feet from any adjacent development or landowner; and the applicant obtains all necessary permits from the applicable water management district.

Sec. 3.04.07.25    Truck Stop

An establishment where the principal use is primarily the refueling and servicing of trucks and tractor/trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

Sec. 3.04.08.00    AG 20 Agricultural at 1 unit per 20 acres – Large Lot

The purpose of classifying land and water areas within this district is to protect viable long term agricultural/forestry lands classified as Land Use Category AG A under the Comprehensive Plan from encroachment of incompatible land uses and by encouraging agriculture and related uses. Family lots, temporary family lots, medical hardships, homestead division, and any divisions of less...
than 20 acres are all prohibited. One dwelling unit per parcel will be permitted and each parcel shall have immediate access to an existing County-maintained road. Minimum lot size is 20 acres. Development must meet building codes and have a County Department of Health approved well and septic tank installation. Accessory uses and special uses are also permitted. All land divisions smaller than twenty acres are required to conform to subdivision requirements.

Sec. 3.04.08.01 Permitted Uses and Structures

A. Within any AG 20 District permitted uses and structures allowed by right are as follows:

1. Church
2. Farming
3. Feed Lot – (Site Plan Review)
4. Labor Camp - (Site Plan Review)
5. Mobile Home (1 unit per 20 acres)
6. Private campground (site plan review)
7. Public or Private Riding Stable (See Section 3.04.07.12C & D)
8. Sawmill
9. Silviculture
10. Single Family (1 unit per 20 acres)
11. Slaughterhouse (Site Plan Review)
12. Special Use (See Part 3.05.00)
13. Sports Club
14. Temporary Use (See Part 3.05.00)

B. Additionally, within any AG 20 District the following accessory uses and structures are allowed:

1. Storage buildings, sheds, tool houses and private garages
2. Noncommercial greenhouses and plant nurseries
3. Play equipment
4. Household pets
5. Swimming pools

Sec. 3.04.08.02 Permissible Uses by Special Exception

1. Kennel
2. Wireless telecommunication facilities (See Part 3.06.00)
3. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
Sec. 3.04.08.03  Permissible Uses by Limited Notice

1. None

Sec. 3.04.08.04  Setback Standards

A. Minimum Lot Requirements (width, depth & area)
   Width – 400 feet
   Depth – none
   Area – 20 acres

B. Maximum Lot coverage by all buildings & structures
   Not applicable

C. Minimum Yard Requirements
   Front – 50 feet
   Side - 30 feet
   Rear – 50 feet

D. Maximum height of structures
   50 feet

Cross reference PART 3.05.00 Supplementary District Regulations

Sec 3.04.09.00  AG 10 Agricultural at 1 unit per 10 acres

This district is similar to AG 20, however, the minimum lot size is ten acres. Development must meet building codes and have a County Department of Health approved well and septic tank installation. It applies to parcels under one ownership which are less than 320 acres at the time of adoption of the Comprehensive Plan and which are used for cultivation of silviculture crops, row crops and/or livestock within Land Use Category AG A of the Comprehensive Plan. Accessory uses and special uses are also permitted.

Sec. 3.04.09.01  Permitted Uses and Structures

A. Within any AG 10 District, permitted uses and structures allowed by right are as follows:
1. Church
2. Farming
3. Feed Lot – (Site Plan Review)
4. Feed Store – (Site Plan Review)
5. Fish Ponds – (two (2) acres or less)
6. Golf Course/ Club
7. Guest House – (Site Plan Review)
8. Labor Camp - (Site Plan Review)
9. Mobile Home (1 unit per 10 acres)
10. Public or Private Riding Stable (See Section 3.04.07.12C&12D)
11. Roadside Produce Stand
12. Sawmill
13. Silviculture
14. Single Family (1 unit per 10 acres)
15. Slaughterhouse (Site Plan Review)
16. Special Use (See Part 3.05.00)
17. Sports Club
18. Temporary Use (See Part 3.05.00)
19. Veterinary Clinic (Site Plan Review)

B. Additionally, within any AG 10 District the following accessory uses and structures are allowed:
   1. Storage buildings, sheds, tool houses and private garages
   2. Noncommercial greenhouses and plant nurseries
   3. Play equipment
   4. Household pets
   5. Swimming pools

Sec. 3.04.09.02 Permissible Uses by Special Exception

1. Kennel
2. Homestead Division
3. Family Lot Division
4. Fish Ponds – (greater than two (2) acres)
5. Mineral Extraction (See Part 3.04.07.24 on 10 acres or more)
6. Wireless telecommunication facilities (See Part 3.06.00)
7. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

Sec. 3.04.09.03 Permissible Uses by Limited Notice

1. Day Care Center
2. Home Occupation

Sec. 3.04.09.04 Setback Standards

A. Minimum Lot Requirements (width, depth & area)
   Width – 200 feet
   Depth - none
   Area – 10 acres

B. Maximum Lot coverage by all buildings & structures
   Not applicable

C. Minimum Yard Requirements
   Front – 50 feet
   Side – 30 feet
   Rear – 50 feet

D. Maximum height of structures
   50 feet

Sec. 3.04.10.00 AG 7.5 Agricultural at 1 unit per 7.5 acres

The purpose of classifying land and water areas within this district is to preserve the rural and open character of lands within Land Use Category AG B of the Comprehensive Plan and to provide for permanent residential housing in conjunction with agricultural uses. Furthermore, this district is to be used to protect agricultural lands from premature development. One unit per 7.5 acres to one unit per 19 acres will be permitted. Development must meet building codes and have a County Department of Health approved well and septic tank installation. Accessory uses and special uses are also permitted.

Sec. 3.04.10.01 Permitted Uses and Structures

A. Within any AG 7.5 District, permitted uses and structures allowed by right are as follows:
   1. Church
   2. Farming
   3. Feed Store – (Site Plan Review)
   4. Fish Ponds – (two (2) acres or less)
   5. Golf Course/Club
   6. Guest House – Site Plan Review)
   7. Labor Camp - (Site Plan Review)
   8. Mobile Home (1 unit per 7.5 acres)
9. Private Riding Stable – (Site Plan Review) (See Section 3.04.07.12C)  
10. Public Riding Stable – (Site Plan Review) (See Section 3.04.07.12D)  
11. Roadside Produce Stand  
12. Silviculture  
13. Single Family (1 unit per 7.5 acres)  
14. Special Use (See Part 3.05.00)  
15. Sports Club  
16. Temporary Use (See Part 3.05.00)  
17. Veterinary Clinic (Site Plan Review)  

B. Additionally, within any AG 7.5 District the following accessory uses and structures are allowed:  
   1. Storage buildings, sheds, tool houses and private garages  
   2. Noncommercial greenhouses and plant nurseries  
   3. Play equipment  
   4. Household pets  
   5. Swimming pools  

Sec. 3.04.10.02 Permissible Uses by Special Exception  
1. Feed Lot (Site plan review)  
2. Family Lot Division  
3. Kennel  
4. Mineral Extraction (See Part 3.04.07.24 on 10 acres or more)  
5. Sawmill  
6. Slaughterhouse (Site plan review)  
7. Homestead Division (Site plan review)  
8. Wireless telecommunication facilities (See Part 3.06.00)  
9. Semi-Public uses  
   a. Club  
   b. Lodge  
   c. Recreational Association  
   d. Neighborhood Association  

Sec. 3.04.10.03 Permissible Uses by Limited Notice  
1. Day Care Center  
2. Home Occupation  

Sec. 3.04.10.04 Setback Standards  
A. Minimum Lot Requirements (width & area)  
   Width – 200 feet  
   Area – 7.5 acres
B. Maximum Lot coverage by all buildings & structures
   Not applicable

C. Minimum Yard Requirements
   Front – 50 feet
   Side - 30 feet
   Rear – 25 feet

D. Maximum height of structures
   35 feet

Sec. 3.04.11.00 RCMH 2.5: Residential Conventional or Mobile Home 1 unit per 2.5 acres

The purpose of classifying land and water areas within this district is to provide a transition between agriculture and residential uses and to accommodate large lot residential development of single family conventional and mobile homes within the Very Low Density Land Use Category Zone C of the Comprehensive Plan. One unit per 2-1/2 acres will be permitted. Development must meet building codes and have a County Department of Health approved well and septic tank installation. Accessory uses and special uses are also permitted.

Sec. 3.04.11.01 Permitted Uses and Structures

Within any RCMH 2.5 District, permitted uses and structures allowed by right are as follows:

1. Church
2. Community Residential Facility – Type A
3. Country Club
4. Fish Ponds (two (2) acres or less)
5. Golf Course/Club
6. Guest House – (Site Plan Review)
7. Mineral Extraction – (See Part 3.05.00)
8. Mobile Home (1 unit per 2.5 acres)
9. Roadside Produce Stand
10. Silviculture
11. Single Family Conventional (1 unit per 2.5 acres)
12. Special Use (See Part 3.05.00)
13. Temporary Use (See Part 3.05.00)

B. Additionally, within any RCMH 2.5 District the following accessory uses and structures are allowed:

1. Storage buildings, sheds, tool houses and private garages
2. Noncommercial greenhouses and plant nurseries
3. Play equipment
4. Household pets
5. Swimming pools

**Sec. 3.04.11.02 Permissible Uses by Special Exception**

1. Private Riding Stable (Site Plan Review) (See Section 3.04.07.12C)
2. Public Riding Stable (Site Plan Review) (See Section 3.04.07.12D)
3. Veterinarian Clinic (site plan review)
4. Wireless telecommunication facilities(See Part 3.06.00)
5. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

**Sec. 3.04.11.03 Permissible Uses by Limited Notice**

1. Day Care Center
2. Home Occupation

**Sec. 3.04.11.04 Setback Standards**

A. **Minimum Lot Requirements (width, depth & area)**
   Width – 200 feet
   Area – 2.5 acres
   Depth – 300 feet

B. **Maximum Lot coverage by all buildings & structures**
   Not applicable

C. **Minimum Yard Requirements**
   Front – 50 feet
   Side - 30 feet
   Rear – 50 feet

D. **Maximum height of structures**
   45 feet
Sec. 3.04.12.00  RCMH 1: Residential Conventional or Mobile Home 1 unit per acre

This district is similar to Residential Conventional District (RC 1). However, mobile homes are permitted. The purpose of classifying land and water areas within this district is to provide a transition between the agricultural and single-family districts and to accommodate residential development of single family conventional or mobile homes in areas not served by central water and sanitary facilities within the Very Low Density Land Use Category of the Comprehensive Plan. One unit per acre will be permitted and each unit shall have immediate access to a County-maintained paved road. Development must meet building codes and have a County Department of Health approved well and septic tank installation.

Sec. 3.04.12.01  Permitted Uses and Structures

A. Within any RCMH 1 District permitted uses and structures allowed by right are as follows:

1. Church
2. Community Residential Facility – Type A
3. Country Club
4. Fish Ponds (two (2) acres or less)
5. Golf Course/ Club
6. Guest House – (Site Plan Review)
7. Mineral Extraction
8. Mobile Home
9. Roadside Produce Stand
10. Silviculture
11. Single Family (1 unit per acre)
12. Special Use (See Part 3.05.00)
13. Temporary Use (See Part 3.05.00)

B. Additionally, within any RCMH 1 District the following accessory uses and structures are allowed:

1. Storage buildings, sheds, tool houses and private garages
2. Noncommercial greenhouses and plant nurseries
3. Play equipment
4. Household pets
5. Swimming pools

Sec. 3.04.12.13.02  Permissible Uses by Special Exception

1. Nursing Home
2. Private Stable – (Site Plan Review) (See Section 3.04.07.12C)
3. Public Riding Stable (Site Plan Review) (See Section 3.04.07.12D)
4. Veterinary Clinic (Site Plan Review)
5. Wireless telecommunication facilities (See Part 3.06.00)
6. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

Sec. 3.04.12 .03 Permissible Uses by Limited Notice

1. Day Care Center
2. Home Occupation

Sec. 3.04.12 .04 Setback Standards

A. Minimum Lot Requirements (width, depth & area)
   Width – 100 feet
   Depth - none
   Area – 1 acre

B. Maximum Lot coverage by all buildings & structures
   Not applicable

C. Minimum Yard Requirements
   Front – 25 feet
   Side - 25 feet
   Rear – 25 feet

D. Maximum height of structures
   35 feet

Sec. 3.04.13 .00 RCMH .5: Residential Conventional or Mobile Home 2 units per acre

This district is similar to Residential Conventional District (RC .5). However, mobile homes are permitted. This district will permit two units per acre and provides for the construction of single-family conventional homes in areas with or without public water and wastewater facilities within the Medium Density Land Use Category of the Comprehensive Plan. Each unit on a lot of one acre or less must have immediate access to a County-maintained paved road. If a parcel is less than one half-acre it must have central water.
**Sec. 3.04.13 .01  Permitted Uses and Structures**

A. Within any RCMH .5 District permitted uses and structures allowed by right are as follows:

1. Church
2. Community Residential Facility – Type A
3. Country Club
4. Fish Ponds – (two (2) acres or less)
5. Golf Course/ Club
6. Mobile Home (2 units per acre)
7. Single Family Conventional (2 units per acre)
8. Special Use (See Part 3.05.00)
9. Temporary Use (See Part 3.05.00)

B. Additionally within any RCMH .5 District permitted accessory uses and structures are allowed:

1. Storage buildings, sheds, tool houses and private garages
2. Noncommercial greenhouses and plant nurseries
3. Play equipment
4. Household pets
5. Swimming pools

**Sec. 3.04.13.02  Permissible Uses by Special Exception**

1. Professional residential facility
2. Nursing home
3. Wireless telecommunication facilities (See Part 3.06.00)
4. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

**Sec. 3.04.13 .03  Permissible Uses by Limited Notice**

1. Day Care Center
2. Home Occupation

**Sec. 3.04.13.04  Setback Standards**

A. **Minimum Lot Requirements (width, depth & area)**

   Width – 100 feet

   Depth – 120 feet
Area – 0.5 acre

B. Maximum Lot coverage by all buildings & structures
30 %

C. Minimum Yard Requirements
Front – 25 feet
Side - 10 feet
Rear – 25 feet

D. Maximum height of structures
35 feet

Sec. 3.04.14.00 RC 1: Residential Conventional 1 unit per acre

The purpose of classifying land and water areas within this district is to provide a transition between the agricultural and single-family districts and to accommodate residential development of single-family conventional homes in areas not served by central water and sanitary facilities within the Very Low Density Land Use Category of the Comprehensive Plan. One unit per acre will be permitted and each unit shall have immediate access to a County-maintained paved road. Development must meet building codes and have a County Department of Health approved well and septic tank installation.

Sec. 3.04.14.01 Permitted Uses and Structures

A. Within any RC 1 District permitted uses and structures allowed by right are as follows:

1. Church
2. Community Residential Facility – Type A
3. Country Club
4. Fish Ponds – (two (2) acres or less)
5. Golf Course/ Club
6. Guest House – (Site Plan Review)
7. Roadside Produce Stand
8. Silviculture
9. Single Family (1 unit per acre)
10. Special Use (See Part 3.05.00)
11. Temporary Use (See Part 3.05.00)

B. Additionally, within any RC 1 District permitted accessory uses and structures are allowed:
1. Storage buildings, sheds, tool houses and private garages
2. Noncommercial greenhouses and plant nurseries
3. Play equipment
4. Household pets
5. Swimming pools

Sec. 3.04.14.02 Permissible Uses by Special Exception

1. Nursing Home
2. Private Stable – (Site Plan Review) (See Section 3.04.07.12C)
3. Public Riding Stable (Site Plan Review) See Section 3.04.07.12D
4. Veterinarian Clinic
5. Wireless telecommunication facilities (See Part 3.06.00)
1. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association

Sec. 3.04.14.03 Permissible Uses by Limited Notice

1. Day Care Center
2. Home Occupation

Sec. 3.04.14.04 Setback Standards

A. Minimum Lot Requirements (width, depth & area)
   Width – 100 feet
   Depth - none
   Area – 1.0 acre

B. Maximum Lot coverage by all buildings & structures
   Not applicable

C. Minimum Yard Requirements
   Front – 25 feet
   Side - 25 feet
   Rear – 25 feet

D. Maximum height of structures
   35 feet
Sec. 3.04.15 .00  RC .5: Residential Conventional 2 units per acre

This district will permit up to two units per acre and provides for the construction of single-family conventional homes in areas with or without public water and wastewater facilities within the Medium Density Land Use Category of the Comprehensive Plan. Each unit on a lot of one acre or less must have immediate access to a County-maintained paved road. If a parcel is less than one half-acre it must have central water.

Sec. 3.04.15 .01  Permitted Uses and Structures

A. Within any RC .5 District permitted uses and structures allowed by right are as follows:

1. Church
2. Community Residential Facility – Type A
3. Country Club
4. Fish Ponds – (two (2) acres or less)
5. Golf Course/Club
6. Single Family Conventional (2 units per acre)
7. Special Use (See Part 3.05.00)
8. Temporary Use (See Part 3.05.00)

B. Additionally, within any RC .5 District the following accessory uses and structures are allowed:

1. Storage buildings, sheds, tool houses and private garages
2. Noncommercial greenhouses and plant nurseries
3. Play equipment
4. Household pets
5. Swimming pools

Sec. 3.04.15 .02  Permissible Uses by Special Exception

1. Professional Residential Facility
2. Nursing Home
3. Wireless telecommunication facilities (See Part 3.06.00)
4. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities
Sec. 3.04.15 .03  Permissible Uses by Limited Notice

1.  Day Care Center
2.  Home Occupation

Sec. 3.04.15 .04  Setback Standards

A.  Minimum Lot Requirements (width, depth & area)
   Width – 100 feet
   Depth – 120 feet
   Area – 0.5 acre

B.  Maximum Lot coverage by all buildings & structures
   30 %

C.  Minimum Yard Requirements
   Front – 25 feet
   Side -  10 feet
   Rear – 25 feet

D.  Maximum height of structures
   35 feet

Sec. 3.04.16 .00  RC 1/4: Residential Conventional 4 units per acre

The purpose of classifying land and water areas within this district is to provide medium low-density residential developments, preserving the character of existing or proposed residential neighborhoods within the High Density Land Use Category of the Comprehensive Plan. Four units per acre are permitted and each unit on a lot of one acre or less must have immediate access to a paved road. If a parcel is one-half acre or less it must have central water. If a parcel is one-quarter acre or less, the development must have central water and wastewater plus curbs and gutters.

Sec. 3.04.16 .01  Permitted Uses and Structures

A.  Within any RC 1/4 District permitted uses and structures allowed by right are as follows:
   1.  Boarding House
   2.  Church
   3.  Community Residential Facility – Type A
   4.  Country Club (Site Plan Review)
5. Fish Ponds – (two (2) acres or less)
6. Golf Course /Club
7. Single Family (4 units per acre)
8. Special Use (See Part 3.05.00)
9. Nursing Home
10. Temporary Use (See Part 3.05.00)
11. Two Family Conventional

B. Additionally, within any RC 1/4 District the following accessory uses and structures are allowed:

1. Storage buildings, sheds, tool houses and private garages
2. Noncommercial greenhouses and plant nurseries
3. Play equipment
4. Household pets
5. Swimming pools

**Sec. 3.04.16.02 Permissible Uses by Special Exception**

1. Adult Congregate Living Facility
2. Professional Residential Facility
3. Wireless telecommunication facilities (See Part 3.06.00)
4. Community Residential Facility – Type B
5. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

**Sec. 3.04.16.03 Permissible Uses by Limited Notice**

1. Day Care Center
2. Home Occupation

**Sec. 3.04.16.04 Setback Standards**

A. **Minimum Lot Requirements (width, depth & area)**
   
   Width – 50 feet
   
   Area – 1/4 acre
   
   Depth – 90 feet

B. **Maximum Lot coverage by all buildings & structures**
C. **Minimum Yard Requirements**
- Front – 20 feet
- Side - 10 feet
- Rear – 20 feet

D. **Maximum height of structures**
- 35 feet

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**Sec. 3.04.17.00 MF 10: Multifamily Residential District**

The purpose of classifying land and water areas within this district is to provide for multifamily residential living where high-density residential development is proposed within the High Density or Mixed Use Land Use Categories of the Comprehensive Plan. These districts permit up to 12 or 10-units per acre respectively and require public water and sewer facilities. Development must meet the infrastructure requirements of Residential Conventional District (RC ¼).

**Sec. 3.04.17.01 Permitted Uses and Structures**

A. Within any MF 10 District permitted uses and structures allowed by right are as follows:

1. Boarding House
2. Church
3. Community Residential Facility – Type A
4. Country Club (Site Plan Review)
5. Fish Ponds – (two (2) acres or less)
6. Golf Course/ Club
7. Nursing Home
8. Special Use (See Part 3.05.00)
9. Temporary Use (See Part 3.05.00)
10. Two Family Conventional
11. Multi-Family (Up to 10 units per acre)

B. Additionally, within any MF 10 District the following accessory uses and structures are allowed:

1. Coin operated laundry
2. Household pets
3. Noncommercial greenhouses and plant nurseries
4. Play equipment
5. Storage buildings, sheds, and tool houses
6. Swimming pools
Sec. 3.04.17.02  Permissible Uses by Special Exception

1. Adult Congregate Living Facility
2. Mobile Home Park (Site Plan Review)
3. Professional Residential Facility
4. Community Residential Facility – Type B
5. Wireless telecommunication facilities (See Part 3.06.00)
6. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

Sec. 3.04.17.03  Permissible Uses by Limited Notice

1. Day Care Center
2. Home Occupation

Sec. 3.04.17.04  Setback Standards

A. Minimum Lot Requirements (width & area)
   Width – 50 feet
   Area – 1 acre
   Depth – none

B. Maximum Lot coverage by all buildings & structures
   50 %

C. Minimum Yard Requirements
   Front – 20 feet
   Side - 10 feet
   Rear – 20 feet

D. Maximum height of structures
   50 feet

Sec. 3.04.18.00  MF 12: Multifamily Residential District

The purpose of classifying land and water areas within this district is to provide for multifamily residential living where high-density residential development is proposed within the High Density
Article III Zoning

and Mixed Use Land Use of the Comprehensive Plan. This district permits up to 12 units per acre and requires public water and sewer facilities. Development must meet the infrastructure requirements of Residential Conventional District (RC ¼).

Sec. 3.04.18.01 Permitted Uses and Structures

A. Within any MF 12 District permitted uses and structures allowed by right are as follows:

1. Boarding House
2. Church
3. Community Residential Facility – Type A
4. Country Club (Site Plan Review)
5. Fish Ponds – (two (2) acres or less)
6. Nursing Home
7. Special Use (See Part 3.05.00)
8. Temporary Use (See Part 3.05.00)
9. Two Family Conventional
10. Multi-Family (Up to 12 units per acre)

B. Additionally, within any MF 12 District the following accessory uses and structures are allowed:

1. Coin operated laundry
2. Household pets
3. Noncommercial greenhouses and plant nurseries
4. Play equipment
5. Storage buildings, sheds, and tool houses
6. Swimming pools

Sec. 3.04.18.02 Permissible Uses by Special Exception

1. Adult Congregate Living Facility
2. Mobile Home Park (Site Plan Review)
3. Professional Residential Facility
4. Community Residential Facility – Type B
5. Wireless telecommunication facilities (See Part 3.06.00)
6. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
Sec. 3.04.18 .03 Permissible Uses by Limited Notice

1. Day Care Center
2. Home Occupation

Sec. 3.04.18 .04 Setback Standards

A. Minimum Lot Requirements (width & area)
   Width – 50 feet
   Area – 0.5 acre
   Depth – none

B. Maximum Lot coverage by all buildings & structures
   50 %

C. Minimum Yard Requirements
   Front – 20 feet
   Side - 10 feet
   Rear – 20 feet

D. Maximum height of structures
   50 feet

Sec. 3.04.19 .00 CN: Commercial Neighborhood

The purpose and intent of the CN district is to provide limited commercial convenience facilities and office uses, serving nearby residential areas, developed in accordance with specific locational criteria. The lot coverage, as measured by impervious surface, shall not exceed 70 percent of the parcel. The maximum height shall not exceed 40 feet. Development must meet the infrastructure requirements of Residential Conventional District (RC ¼).

Commercial Neighborhood facilities shall comply with the following provisions:

A. Location
   1. All commercial neighborhood facilities shall be located so that they:
      a. have a sufficient market area,
      b. are centrally located within the market area,
      c. abut a collector or arterial street,
Article III Zoning

2. No commercial neighborhood facilities in a residential district shall be located within two miles of the district boundaries of any commercial district or of a non-abutting lot with other commercial neighborhood facilities approved by the Board of County Commissioners. Measurement of the distance shall be from lot line to district line or lot line to lot line, whichever is appropriate using usual routes of vehicular travel.

3. No commercial neighborhood facilities in an agricultural district shall be located within five miles of the district boundaries of any commercial district or of a non-abutting lot with other commercial neighborhood facilities approved by the Board of County Commissioners. Measurements of the distance shall be from lot line to district line or lot line to lot line, whichever is appropriate, using usual routes of vehicular travel.

B. Potential Uses

1. Each site with commercial neighborhood facilities shall have a grocery store and two other uses as convenience uses, or abut property with one or more of the uses permitted in a commercial neighborhood district.

2. A commercial neighborhood facility permitted in the district may be attached to one dwelling providing:
   a. The Planning Director considers the dwelling appropriate.
   b. The gross floor area of the dwelling does not exceed 50 percent of the total gross floor area of the site.
c. The dwelling is upstairs or does not face a parking lot or an arterial or collector street.

d. Other applicable standards are satisfied

C. Size

No lot with a commercial neighborhood facility shall have:

a. A lot area of less than 10,000 square feet.

b. A lot width of less than 100 feet.

c. A lot depth of less than 100 feet.

If the requirements of the particular district are more restrictive, the requirements of such district shall apply.

D. Compatibility

When a lot with a commercial neighborhood facility abuts a lot with a dwelling and no commercial neighborhood facilities, there will be an attractively designed six-foot or higher sight obscuring buffer - which can be in the form of vegetation or a fence. However, no such buffer will be necessary if the abutting lot with the residential use already has such a buffer.

Sec. 3.04.19.01 Permitted Uses and Structures

A. Within any CN District permitted uses and structures allowed by right are as follows:

1. Commercial Service Establishment
2. Convenience Goods
3. Feed Lot
4. Fish Ponds – (two (2) acres or less)
5. Personal Service
6. Professional Service
7. Repair Service
8. Restaurant
9. Special Use (See Part 3.05.00)
10. Veterinary Clinic/Animal Hospital (Site Plan Review)
B. Additionally, within any CN District permitted accessory uses and structures are allowed:

1. Single Family dwelling unit
2. Storage buildings, sheds

Sec. 3.04.19.02 Permissible Uses by Special Exception

1. Church
2. Community Residential Facility – Type B
3. Wireless telecommunication facilities (See Part 3.06.00)
4. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

Sec. 3.04.19.03 Setback Standards

Commercial Neighborhood (CN) facilities shall comply with the following standards:

A. Minimum Lot Requirements (width, depth & area)
   Width – 100 feet
   Area – 10,000 square feet
   Depth – 100 feet
   If the requirements of the particular district are more restrictive, the requirements of such district shall apply.

B. Minimum Yard Requirements
   Front – 15 feet
   Side - 15 feet
   Rear - 15 feet

C. Maximum Lot coverage by all buildings & structures
   70 %

D. Maximum height of structures
   40 feet
Sec. 3.04.20 .00  CG: Commercial General

The primary purpose of this zoning district is to provide for a wide range of commercial establishments in areas suitable for such development. It is particularly appropriate for certain properties within regions designated as urban service areas by the Comprehensive Plan. The district provides small towns and rural areas with an opportunity to have adequate access to a variety of commercial goods and services through concentration of general commercial activities. It is not intended for strip commercial purposes.

Sec. 3.04.20 .01  Permitted Uses and Structures

A. Uses for each district shall be permitted as shown on Table 1. Within any CG District, permitted uses and structures allowed by right are as follows:

1. All uses allowed within CN
2. Auto Repair
3. Farm Feed and Supply
4. Financial Establishment
5. Health Club
6. Health/Recreation Facility
7. Hotel/motel
8. Lumber & Other Building
9. Retail Sales
10. Service Station/Car Wash
11. Special Uses (See Part 3.05.00)
12. Technical School
13. Temporary Use (See Part 3.05.00)
14. Veterinary Clinic/Animal Hospital (Site Plan Review)
15. Warehouse
16. Mini-warehouse

B. Additionally, within any CG District permitted accessory uses and structures are allowed:

1. Single Family dwelling unit
2. Storage buildings, sheds

Sec. 3.04.20 .02  Permissible Uses by Special Exception

1. Church
2. Community Residential Facility – Type B
3. Wireless telecommunication facilities (See Part 3.06.00)
4. Semi-Public uses
a. Club
b. Lodge
c. Recreational Association
d. Neighborhood Association
e. Cultural Activities

Sec. 3.04.20 .03 Setback Standards

A. Minimum Lot Size (width, depth, and area)
   Width – 100 feet
   Depth – 100 feet
   Area – 15,000 feet
   1. The minimum lot area for uses with central sewer service shall be 10,000 square feet. However, if a use has a common firewall with an adjacent commercial use, no minimum lot area is required.
   2. The minimum lot area for all other uses will be one-half acre. However, if a use has a common firewall with an adjacent commercial use, no minimum area is required.

B. Minimum Yard Size
   Front – 15 feet
   Side - 15 feet
   Rear - 15 feet
   There shall be a minimum front yard setback of 15 feet and there shall be a minimum setback of 15 feet from any residential district.

C. Maximum Lot coverage by all buildings & structures
   1. The lot coverage, as measured by impervious surface, shall not exceed 70% of the parcel.
   2. The Floor Area Ration (F.A.R.) shall not exceed 1.0 or as otherwise established by the Comprehensive Plan.

D. Maximum height of structures
   No building shall exceed a height of six stories or 60 feet above grade.
E. **Buffer**
   When a use abuts a residential district there shall be designed and maintained a sight obscuring (opaque) buffer at least six (6) feet in height, which can be in the form of vegetation, fencing or walls.

F. **Outdoor Storage Areas**
   Outdoor storage areas will be enclosed by suitable vegetation, fences or walls.

G. **Parking; Off-street Loading Requirements, Signs and Access**
   All Commercial General uses shall comply with all applicable standards contained elsewhere in this code.

H. **Alcoholic Beverages**
   An establishment or facility which is to be licensed for the retail sale of all alcoholic beverages, including liquor, beer and wine for consumption either on premises or off premises or both shall be permitted if the Board of County Commissioners, after a public hearing pursuant to Article X, determines that the location and development plans comply with the applicable standards in this code and other County laws.

Sec. 3.04.21 .00 **CH: Commercial Highway**
This classification is primarily intended to apply to areas where adequate lot depth is available to provide development for service-oriented automotive uses and supporting facilities. One-stop complexes of automobile filling stations, motels, restaurants, and similar uses are encouraged. The district has particular, though not exclusive, interstate development nodes. It is not intended that this district become or be used for strip commercial purposes nor is it intended that CH zoning be encouraged at all freeway interchanges.

Sec. 3.04.21 .01 **Permitted Uses and Structures**
A. Uses for each district shall be permitted as shown on Table 1.

Within any CG District, permitted uses and structures allowed by right are as follows:
1. All uses allowed within CN, CG (except warehouse)
2. Amusement Park
3. Motor Vehicle/Mobile Home/R.V. Sales
4. Special Use (See Part 3.05.00)
5. Temporary Use (See Part 3.05.00)
6. Truck Stop
7. Veterinary Clinic/Animal Hospital (Site Plan Review)

B. Additionally, within any CH District permitted accessory uses and structures are allowed: Single Family dwelling unit
   1. Storage buildings, sheds

**Sec. 3.04.21 .02**  Permissible Uses by Special Exception

1. Church
2. Wireless telecommunication facilities (See Part 3.06.00)
3. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

**Sec. 3.04.21 .03**  Setback Standards

**A. Minimum Lot Size (width, depth & area)**

Width – 100 feet
Depth – 100 feet
Area – 15,000 feet

1. The minimum lot area for uses with central sewer service shall be 10,000 square feet. However, if a use has a common firewall with an adjacent commercial use, no minimum lot area is required.

2. The minimum lot area for all other uses will be one-half acre. However, if a use has a common fire wall with an adjacent commercial use, no minimum area is required.

**B. Minimum Yard Size**

Front – 15 feet
Side - 15 feet
Rear - 15 feet
There shall be a minimum front yard setback of 15 feet. There shall be a minimum setback of 15 feet from any residential district.

C. **Maximum Lot coverage by all buildings & structures**
   1. The lot coverage, as measured by impervious surface, shall not exceed 70% of the parcel.
   2. The Floor Area Ratio (F.A.R.) shall not exceed 1.0 or as otherwise established by the Comprehensive Plan.

D. **Maximum height of structures**
   No building shall exceed a height of three stories or 40 feet above grade.

E. **Buffer**
   When a use abuts a residential district there shall be designed and maintained a sight obscuring (opaque) buffer at least six (6) feet in height, which can be in the form of vegetation, fencing or walls.

F. **Outdoor Storage Areas**
   Outdoor storage areas will be enclosed by suitable vegetation, fences or walls.

G. **Parking; Off-street Loading Requirements, Signs and Access**
   All Commercial General uses shall comply with all applicable standards contained elsewhere in this code.

H. **Alcoholic Beverages**
   An establishment or facility which is to be licensed for the retail sale of all alcoholic beverages, including liquor, beer and wine for consumption either on premises or off premises or both shall be permitted if the Board of County Commissioners, after a public hearing pursuant to Article X, determines that the location and development plans comply with the applicable standards in this code and other County laws.

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**Sec. 3.04.22 .00 LI: Light Industrial District**

This district is designed to encourage the grouping of industrial operations engaged in the fabricating, repair or storage of manufactured goods of such a nature that objectionable by-products
of the activity (noise, odors, smoke, dust, refuse, etc.) are not nuisances beyond the lot on which the facility is located.

**Sec. 3.04.22.01 Permitted Uses and Structures**

A. Within any LI District, permitted uses and structures allowed by right are as follows:
   1. All uses allowed within CN, CG, and CH (Except Amusement Parks and Hotel/Motel)
   2. Beverage bottling
   3. Cabinetry and woodworking shop
   4. Laundry and dry cleaning
   5. Light manufacturing
   6. Machine shop
   7. Printing, lithography, publishing, engraving
   8. Processing, Assembly
   9. Recreational Vehicle Storage (Site Plan Review)
   10. Storage/distribution
   11. Truck terminal
   12. Vocational, technical or trade school
   13. Mini-warehouses
   14. Wholesaling

B. Additionally, within any LI District, permitted accessory uses and structures are allowed:
   1. Storage buildings, sheds

**Sec. 3.04.22.02 Permissible Uses by Special Exception**

   1. Church
   2. Single Family detached dwelling unit
   3. Wireless telecommunication facilities (See Part 3.06.00)
   4. Semi-Public uses
      a. Club
      b. Lodge
      c. Recreational Association
      d. Neighborhood Association
      e. Cultural Activities

**Sec. 3.04.22.03 Permissible Uses by Limited Notice**

   1. Day Care
Sec. 3.04.22.04  Setback Standards

A. Minimum Lot Requirements (width, depth & area)
   Width – 100 feet
   Depth – 3:1 ratio (feet)
   Area – 20,000 square feet

B. Minimum Yard Requirements
   Front – 30 feet
   Interior Lot Side - 20 feet
   Rear - 20 feet

C. Maximum Lot coverage by all buildings & structures
   90 %

D. Maximum height of structures
   60 feet

Sec. 3.04.23.00  I: Industrial District

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.

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 E.1.5.1, E.1.5.2 and E.1.5.3 of the Baker County Comprehensive Plan which governs mining activities.

Sec. 3.04.23.01  Permitted Uses and Structures

A. Within any I District, permitted uses and structures allowed by right are as follows:
1. All uses allowed within the LI District
2. Chemical and fertilizer manufacturing
3. Explosives manufacturing or storage
4. Junkyard
5. Manufacturing, Processing, Assembly
6. Paint, oil, shellac, turpentine, lacquer, or varnish manufacturing
7. Railroad switching station
8. Recreational Vehicle Storage (Site Plan Review)
9. Scrap Processing Yard
10. Testing of materials, equipment and products
11. Warehouse

B. Additionally, within any I District, permitted accessory uses and structures are allowed:
   1. Storage buildings, sheds

Sec. 3.04.23 .02 Permissible Uses by Special Exception

One detached single-family dwelling consisting of a minimum of 600 square feet of living area, on the same site as that of a permitted use, which dwelling shall be occupied exclusively by a superintendent and his family, a caretaker and his family or by a watchman or custodian and his family.

1. Church
2. Wireless telecommunication facilities (See Part 3.06.00)
3. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

Sec. 3.04.23 .03 Permissible Uses by Limited Notice

Day Care

Sec. 3.04.23.04 Off-Street Parking and Loading Requirements

Off-street parking and loading space meeting the requirements of Article VII, Development Design and Improvement Standards, shall be constructed.
**Sec. 3.04.23.05 Lighting Requirements**

The light source of outdoor lighting fixtures shall not be directly visible from property outside the zoning lot on which it is located. Additionally, the maximum illumination permitted at the zoning lot line shall be 0.20 foot candles.

**Sec. 3.04.23.06 Vibration Levels**

A. Vibration levels shall not exceed the following standards:

- **Maximum Peak Particle Velocity:**
  - Steady state 0.02 inches/second
  - Impact 0.04 inches/second.

**NOTE:** The maximum particle velocity shall be the maximum displacement vector sums of three mutually perpendicular components, recorded simultaneously, and multiplied by the frequency in cycles per second. For purposes of this Code, *steady state vibrations* are vibrations that are continuous, or vibrating in discrete impulses more frequent than 60 per minute. Discrete impulses which do not exceed 60 per minute shall be considered *impact vibrations*.

**Sec. 3.04.23.07 Airborne Discharges**

Airborne discharges shall be minimized so as not to cause or contribute to an objectionable odor off the operator’s property. For the purposes of this code, objectionable shall be defined as the property of a substance that materially offends the sense of smell of a considerable number of persons of the public.

**Sec. 3.04.23.08 Dust Discharges**

Dust discharges from the operator’s property shall be minimized by taking reasonable precautions including, but not limited to:
1. paving and maintenance of roads, parking areas and yards;
2. periodic application of water or chemicals to unpaved roadways and open stock piles;
3. landscaping of yards;
4. use of hoods, fans, filters, and other similar equipment to capture the dust;
   use of wet abrasive blasting equipment (when possible) where abrasive blasting is necessary.

Sec. 3.04.23.09 Storage and Waste Disposal

All outdoor facilities for fuel, raw material, and products stored outdoors shall be enclosed by an approved safety fence and visual screen and shall conform to all yard and fencing requirements imposed upon the main building in this district.

Sec. 3.04.23.10 Buffering

A buffer yard of not less than 150 feet in width shall be provided along each Industrial district boundary which abuts any district other than agricultural, commercial, or industrial districts. Such buffer yards shall be in lieu of front, side, or rear yards on that portion of lots abutting district boundaries. The 75 feet of such yard nearest the district boundary shall not be used for any processing activity, building, or structure other than fences or walls and shall be improved and maintained as a landscaped buffer strip in accordance with this code. The remaining 75 feet of said buffer yard shall not be used for processing activities, buildings or structures other than off-street parking lots for passenger vehicles, fences or walls.

Sec. 3.04.23.11 Setback Standards

A. Minimum Lot Requirements (width, depth & area)
   Area – 20,000 square feet
   Width – 100 feet
Depth – 3: 1 ratio (feet)
The minimum lot area for uses with central sewer service will be 10,000 square feet.

B. Minimum Yard Requirements
Front – 30 feet
Interior Lot Side - 20 feet
Rear - 20 feet
Provisions of A and B above do not apply to buildings with common fire walls.

C. Maximum Lot coverage by all buildings and structures
The lot coverage, as measured by impervious surface shall not exceed ninety percent (90 %) of the parcel.

D. Maximum height of structures
The maximum height shall not exceed 60 feet.

Sec. 3.04.24 .00 HI: Heavy Industrial District
This district is similar to the Industrial (I) District but allows for more intense uses. 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, glare, fumes, gas, and vibration, threat of fire, explosion or emission of particulate matter or radiation.

Sec. 3.04.24 .01 Permitted Uses and Structures
A. Within any HI District, permitted uses and structures allowed by right are as follows:
   1. All uses allowed within the LI and I District

B. Within any HI District, permitted accessory uses and structures are allowed and regulated in part by
   1. Air conditioning compressors
   2. Storage buildings, sheds

Sec. 3.04.24 .02 Permissible Uses by Special Exception
1. Church
2. Wireless telecommunication facilities (See Part 3.06.00)
3. Semi-Public uses
   a. Club
   b. Lodge
Article III Zoning

Sec. 3.04.24 .03  Permissible Uses by Limited Notice

1.  Day Care

Sec. 3.04.25 .04  Setback Standards

A.  Minimum Lot Requirements (width, depth & area)
    Area – 20,000 square feet
    Depth – 100 feet
    Width – 100 feet

B.  Minimum Yard Requirements
    Front – 30 feet
    Side – 20 feet
    Rear – 20 feet

C.  Maximum Lot coverage by all buildings & structures
    90%

D.  Maximum height of structures
    60 feet

Sec. 3.04.25 .00  GU: Government Use District

This district is intended to include uses related to Federal, State or local governments functions in which lands are owned or controlled by the public. This zoning district corresponds to the Government Use Land Use district to allow public and quasi-public activities such as government buildings, agricultural centers, fairgrounds, landfills, fire and sheriff stations, hospitals, etc.

Sec. 3.04.25 .01  Permitted Uses and Structures

A.  Within any GU District permitted uses and structures allowed by right are as follows:
    1.  Agricultural Centers and/or Fairground
    2.  Airport
    3.  Class I, II or III Landfill
    4.  Recycling Center
    5.  Fire Station
    6.  Sheriffs Station
7. Hospital  
8. County Courthouse  
9. County Administration Building  
10. County Health Department  
11. County Fleet Maintenance Department

B. Additionally, within any GU District, permitted accessory uses and structures allowed:  
   1. Storage buildings, sheds

**Sec. 3.04.25.02   Permissible Uses by Special Exception**

1. Church  
2. Wireless telecommunication facilities (See Part 3.06.00)  
3. Semi-Public uses  
   a. Club  
   b. Lodge  
   c. Recreational Association  
   d. Neighborhood Association  
   e. Cultural Activities

**Sec. 3.04.25.03   Setback Standards**

A. **Minimum Lot Requirements (width, depth & area)**

   Area – none  
   Depth – 100 feet  
   Width – 100 feet

B. **Minimum Yard Requirements**

   Front – 15 feet  
   Side - 15 feet  
   Rear - 15 feet  

   There shall be a minimum setback of 15 feet from any residential district.

C. **Maximum Lot coverage by all buildings & structures**  
   65 %

D. **Maximum height of structures**  
   60 feet – with exception for landfills
Sec. 3.04.26 .00 IN: Institutional Use District

This district is intended to include uses related to quasi-public uses including organizations or activities with social, educational, religious, or charitable functions.
Sec. 3.04.26 .01  Permitted Uses and Structures

A. Within any IN District, permitted uses and structures allowed by right are as follows:
   1. School
   2. Vocational School
   3. College
   4. Library
   5. Post Office
   6. Cemetery
   7. Park
   8. Public Golf Course
  10. Nursing Home
  11. Rehabilitation Center

B. Additionally, within any IN District, permitted accessory uses and structures allowed:
   1. Storage buildings, sheds

Sec. 3.04.26 27 .02  Permissible Uses by Special Exception

1. Church
2. Wireless telecommunication facilities (See Part 3.06.00)
3. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

Sec. 3.04.26 .03  Setback Standards

A. Minimum Lot Requirements (width, depth & area)
   Area - none
   Depth – 100 feet
   Width – 100 feet

B. Minimum Yard Requirements
   Front – 15 feet
   Side -  15 feet
   Rear -  15 feet
C. Maximum Lot coverage by all buildings & structures
65%

D. Maximum height of structures
60 feet

Sec. 3.04.27.00 PUD: Planned Unit Development

For the purposes of this Article, a Planned Unit Development (PUD) shall mean the development of land under unified control which is planned and developed as a whole in a single or programmed series of operations with uses and structures which are substantially related to the character of the entire development. A PUD must also include a program for the provisions, maintenance and operation of all area, improvements, facilities, and necessary services for the common use of all occupants thereof. A rezoning to a PUD is required for lands subject to the provisions of Article VIII, Subdivision and Development Plan Procedure, for a Mobile Home Park, and for a Recreational Vehicle Park.

Sec. 3.04.27.01 Application for Reclassification to a PUD

A PUD shall be initiated by a rezoning request reclassifying the subject areas as a Planned Unit Development. The application for reclassification to a PUD shall require the following:

1. Boundary survey or sketch of the area to be classified as a PUD, and a legal description.

2. The name and address of the owner(s) and, if applicable, evidence of the assignment of an agent who represents the owner(s).

3. Evidence of unified control of the entire area within the PUD with all owners within the area of same identified, such as deed, power of attorney, etc.
4. An agreement by all owners within the PUD which includes their commitment to:
   a. proceed with the proposed development in accordance with the adopted PUD ordinance as advertised and approved by the Board of County Commissioners; and
   b. bind their successors-to-title to any commitments made in their application.

Sec. 3.04.27.02 Materials to Accompany Petition

An application for reclassification to or development of a PUD shall be accompanied by the following in sufficient copies as deemed necessary by the Board of County Commissioners for referrals and recommendations:

1. A written description of the intended plan of development, clearly indicating where approval of the PUD will benefit the future occupants of the proposed development and Baker County in general.

2. A sketch plan at an appropriate scale supporting the above statement illustrating:
   a. the conceptual location and identification of all uses;
   b. the number, type and size of residential units proposed and their general site distribution or the square footage, height and floor area ratio of non-residential uses;
   c. vehicular and pedestrian circulation diagram, including access points, width of existing street pavement and the type of street;
d. a plan for open space and recreational uses, with estimates of approximate acreage to be dedicated and to be retained in common or private ownership;

e. a topographic map at an appropriate scale showing existing contour lines, including all existing buildings, wooded areas, and unique natural features;

f. location of habitat of rare, endangered or special concern plant and animal species, if any; and location of any wellfields on the property or within 200 feet of the property boundary;

g. location of any high aquifer recharge areas;

h. location of flood plain within the property, approximate location of wetlands, environmentally sensitive line and proposed setbacks.

3. General statement indicating how the maintenance and ownership of common facilities will be handled;

4. Conceptual development phasing including:
   a. areas to be developed;
   b. streets, utilities and other improvements necessary to serve each phase of the proposed development;
   c. the dedication of land to public use.

5. Vehicular peak hour traffic movement, indicating its point(s) of access to or egress from the property (this requirement may be waived by the Planning Director when it is determined that the proposed development is of such
limited size that it will create no undue volume of vehicular traffic movement);

6. Location, character and scale of parking including:

   screening, buffering and landscaped areas, with estimates of approximate acreage to be dedicated and to be retained in common or private ownership.

7. A proposed utility service concept plan, including sanitary sewers, storm drainage and potable water supply, showing general location of major water and sewer lines, plant location, lift stations and indicating whether gravity or forced systems are planned.

8. A statement with general information regarding provisions for fire protection.

9. A statement regarding the contributions which will be made by the developer to local government for facility expansion required as a result of development or as a condition of rezoning.

10. Any special surveys, approvals or reports.

**Sec. 3.04.27.03 Action by the Board of County Commissioners**

After notice and public hearing in accordance with Article X, Chapters 163.3184 and 163.3187, FS, and Baker County Comprehensive Plan Policy A.1.9.3.B, the Board of County Commissioners may enact an ordinance establishing a PUD including any special conditions related thereto, based upon findings that:

1. The proposed PUD does not affect adversely the orderly development of Baker County and complies with the Comprehensive Plan.
2. The proposed PUD 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.

3. If the Board of County Commissioners shall enact an ordinance creating a PUD district, the district shall be indicated on the Official Zoning Map. All maps, plans, documents, agreements, stipulations, conditions, and safeguards constituting the development plan as finally approved shall be placed on file with the Planning Department and shall constitute the regulations for the specific PUD District that has been approved. All development within the boundaries of the PUD District as approved shall take place in accord with such regulations.

4. Approval of a PUD application by the Board of County Commissioners shall be contingent upon acceptance by the applicant within 30 days.

Sec. 3.04.27.04 Deviations from Ordinance Creating a PUD

In order to facilitate minor adjustments to the plans approved as part of the Ordinance creating a PUD the Planning Director may approve changes in such plans which comply with the following criteria:

1. there are the same or fewer number of dwelling units and/or floor area; or,

2. the open space is in the same general amount, or a greater amount; or,

3. the roads follow approximately the same course, have the same access points, have the same or greater width, have the same public or private rights therein.
Sec. 3.04.27.05 Approval of Site Development Plan

After approval by the Board of County Commissioners, the developer shall submit a revised site development plan for review. The Planning Director shall review the site development plan for conformance with the Ordinance passed under subsection C above. Action to approve, modify or deny the site development plan shall be taken by the Planning Director within thirty (30) days of receipt of the plan. The site development plan must be approved prior to submittal of a preliminary development plan for any portion of the development.

Sec. 3.04.27.06 Permits Required

All construction in the development of a PUD shall proceed only under applicable permits, building permits, certificates or other documents authorizing construction or occupancy as defined elsewhere in this code and in accordance with the approved development plan.

Sec. 3.04.27.07 Specific Review Criteria

Outdoor Lighting

Outdoor lighting shall be provided in all developments that do not require street lights. Outdoor lighting shall be located so as to illuminate the project as necessary to provide safe passage within the development but the source of the light, such as the bulb or filament, or outdoor lighting fixtures shall not be directly visible from property outside the lot on which it is located. Additionally, the maximum illumination permitted at the lot line shall be 0.20 foot candles.
Sec. 3.04.27.08 Waiver of Yard, Dwelling Unit, Frontage Criteria and Use

Restrictions

Minimum yard, lot size, type of dwelling unit, height and frontage requirements and use restrictions may be waived for the PUD, provided the spirit and intent of the Ordinance and Comprehensive Plan is complied with in the total development of the PUD. However, the County Commission may, at its discretion, require adherence to minimum district requirements within certain portions of the site if deemed necessary.

Sec. 3.04.28.00 HIST: Historic/Archeological Resources

This district includes publicly owned historic structures and sites and archaeological sites identified by the local government or state as being significant. Two such sites listed in the National Register of Historic Places are:

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Site Name</th>
<th>Twp/Range/Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 BA 00015</td>
<td>Olustee Battlefield</td>
<td>035/19E/23</td>
</tr>
<tr>
<td>E BA 00016</td>
<td>Burnsed Blockhouse</td>
<td>015/21E04</td>
</tr>
</tbody>
</table>

In addition to the above two historical sites, the Florida Master Site File identifies 284 sites in the unincorporated Baker County as being historically or archeologically significant. The archaeological sites primarily are unprotected midden heaps.

Sec. 3.04.28.01 Permitted Uses and Structures

A. Within any Historic/Archeological District, permitted uses and structures allowed by right are as follows:
   1. Historic or archeological sites open to the public
   2. Ancillary structures (interpretive center, restrooms, administrative building)

B. Additionally, within any Historic/Archeological District, permitted accessory uses and structures allowed:
   1. Storage buildings
   2. Greenhouses
   3. Swimming pools
Sec. 3.04.28 .02 Permissible Uses by Special Exception

1. Church
2. Wireless telecommunication facilities (See Part 3.06.00)
3. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

Sec. 3.04.28 .03 Setback Standards

A. Minimum Lot Requirements (width, depth & area)
   Width – 100 feet
   Depth – none
   Area - none

B. Minimum Yard Requirements
   Front – 15 feet
   Side - 15 feet
   Rear - 15 feet

C. Maximum Lot coverage by all buildings & structures
   70 %
   The floor area ratio (F.A.R.) shall not exceed 1.0 or as otherwise established by the Comprehensive Plan.

D. Maximum height of structures
   60 feet

Sec. 3.04.29 .00 CONS: Conservation Resources

The Conservation district includes areas which are ecologically or historically significant and so must be protected. Conservation designated lands in Baker County include the Osceola National Forest and the Okefenokee National Wildlife Refuge.

Sec. 3.04.29 .01 Permitted Uses and Structures

A. Within all Conservation districts, permitted uses and structures are governed by the
respective agency having responsibility for those lands whether it be the U.S. Forest Service, U.S. Fish and Wildlife Service, The Nature Conservancy, the St. Johns River Water Management District, the Department of Environmental Protection or any other applicable organization or agency. Forestry (silviculture) shall be a permitted activity in the National Forest as controlled and permitted by the U.S. Department of Agriculture.

B. Additionally, within all Conservation Districts, permitted uses and structures allowed:
   1. Storage buildings

**Sec. 3.04.29 .02 Permissible Uses by Special Exception**

1. None

**Sec. 3.04.29 .03 Setback Standards**

A. **Minimum Lot Requirements (width, depth & area)**
   Width – 100 feet
   Depth – none
   Area – none

B. **Minimum Yard Requirements**
   Front – 15 feet
   Side - 15 feet
   Rear - 15 feet
   There shall be a minimum setback of 15 feet from any residential district.

C. **Maximum Lot coverage by all buildings & structures**
   70 %

D. **Maximum height of structures**
   6 feet

**Sec. 3.04.30 .00 REC: Recreational Resources**

Land designated for recreation is intended for a variety of leisure time activities. Included in this district are both resource-based and activity-based sites and facilities. Resource-based sites and
facilities are oriented toward natural resources; activity-based sites and facilities are those that require major development for the enjoyment of a particular activity.

Public or private lands that are undeveloped or semi-developed for resource-based or activity-based recreational purposes and that maintain to a large degree the scenic amenities of the area. Intended uses include golf courses, playgrounds, multipurpose courts, such as tennis and basketball, baseball and similar sport-related open fields, swimming pools, passive recreational facilities such as benches, picnic tables, and nature trails, and associated enclosed facilities such as gymnasiums, club houses, and pro shops, lakes, parks, wilderness camp sites, etc.

**Sec. 3.04.30 .01 Permitted Uses and Structures**

A. Within any Recreation District permitted uses and structures allowed by right are as follows:

1. County Parks (Neighborhood, Community, and Resource Based)
2. Ancillary structures (recreation center, restrooms, community centers, etc)
3. Public golf course
4. Tennis court
5. Ball field (football, baseball, softball, soccer)
6. Basketball court
7. Play equipment
8. Handball or racquetball court
9. Par course
10. Hiking trail
11. Swimming Pool
12. Running track
13. Archery range
14. Picnic table
15. Boat launch facility
16. Tent camping area
17. Private campground (site plan review)

**NOTE: Private campgrounds are not allowed in any other zoning district.**

B. Additionally, within any recreation District, permitted accessory uses and structures allowed:

1. Storage buildings
2. Sheds
3. Tool houses
Sec. 3.04.30 .02  Permissible Uses by Special Exception

1. Wireless telecommunication facilities (See Part 3.06.00)
2. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

Sec. 3.04.30 .03  Setback Standards

A. Minimum Lot Requirements (width, depth & area)
   Width – none
   Depth – none
   Area - none

B. Minimum Yard Requirements
   Front – 15 feet
   Side - 15 feet
   Rear - 15 feet

C. Maximum Lot coverage by all buildings & structures
   10% passive recreation
   50% active recreation

D. Maximum height of structures
   35 feet

New recreational facilities must be sited in locations that are compatible or can be made compatible with adjacent land uses.

Sec.3.04.31 .00  RVP: Recreational Vehicle Park

An area-designed to accommodate the parking of ten (10) or more recreational vehicles at one time.

A Recreational Vehicle Park must be zoned in accordance with the procedures for a Planned Unit Development, subject to all the requirements therein. Recreational Vehicle parks must meet the following standards:

A. General Standards
1. Evidence shall be required that demonstrates compliance with standards of the State Department of Health and Rehabilitative Services, Division of Health.

2. Recreational Vehicle Parks shall be established on parcels of land which are suitable for the proposed development and which have an area of at least three acres.

B. Recreational Vehicle Standards

1. Each space for a recreational vehicle shall contain a minimum of 1,350 square feet. This space shall be clearly defined and shall be exclusive of any space used for common areas such as roadways and general use walkways, storage areas, or recreation areas.

2. There shall be no more than one recreational vehicle occupying each space.

3. Recreational vehicles shall be located at least 25 feet from all recreational vehicle park property lines.

4. The recreational vehicle pad shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide runoff of surface water.

5. No recreational vehicle shall remain in the park for more than 30 days in a 60 day period.

6. Temporary appurtenances such as awnings or cabanas may be erected on a recreational vehicle site provided that they are at least five (5) feet from any side or rear site or lot line and ten (10) feet from any front site or lot line.
7. Accessory structure such as carports, screened porches, storage buildings, utility sheds, etc. are not permitted.

8. Storage of recreational vehicles shall not be permitted.

C. **Transportation Standards**

1. Recreational vehicle parks shall abut and have direct access to an arterial or collector road.

2. Access drives shall be provided to each rental space and shall be continuous unless provided with adequate turn-around area.

3. No access drive will be less than 30 feet wide if for two-way traffic or if parking is permitted on the margin of the drive. Other access drives shall not be less than 20 feet wide.

4. Access drives shall be surfaced with concrete, asphaltic cement, or similar hard-surfaced material which is resistant to dust or mud. Such surfacing shall be suitably sloped and drained and will be maintained in good condition at all times by the owner or owners of the recreational park.

D. **Additional Standards**

1. General use recreation areas will be provided which are suitable for recreational uses and which are adequately equipped and restricted to recreational uses. At least 10 percent of the total recreational park shall be included in one or more general use recreation areas. These areas shall be protected from streets, drives, and parking areas by curbs, guardrails, plantings, or other suitable devices.
2. The recreational park shall have toilets, lavatories, and showers for each sex in the following ratios, based upon 15 recreational vehicle spaces or any fraction thereof: one toilet, one urinal, one lavatory and one shower for men; one toilet, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings or if in the same building, shall be separated by a sound proof wall.

3. Each recreational vehicle site shall be provided with piped potable water, sewage disposal service and electricity or shall demonstrate approval and permitting by HRS and DER.

4. The Board of County Commissioners may require that the recreational park have a centralized storage area or utility building with washing and drying facilities for clothes.

5. Buildings required by Subsections 2 and 4 of this section shall be lighted at all times of night and day, shall be ventilated, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with adequate floor drains to permit easy cleaning.

6. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park.

7. The park shall also comply with additional standards 4, 5, 6, and 7 of the Mobile Home Park and the special application requirements.
E. **Variances**

Any request for a variance from the above standards for a recreational vehicle park shall be filed in accordance with the procedures in Article X.

**Sec. 3.04.31 .01 Permitted Uses and Structures**

A. Within any RVP District, permitted uses and structures allowed by right are as follows:
   1. Recreational Vehicle (motor home, travel trailer, truck camper, camping trailer)
   2. Tent camping area
   3. Cabins
   4. Service and administrative building
   5. Park and public recreational facility

B. Additionally, within any RVP District, permitted accessory uses and structures allowed:
   1. Convenience store as accessory use to recreational vehicle park
   2. Laundry facility
   3. Private golf course, playground and picnic area
   4. Recreational ball and game court
   5. Swimming pool
   6. Marina and boat rental, including bait, fishing, and sports accessories sales serving only guests of the recreational vehicle park
   7. Managers residence

**Sec. 3.04.31 .02 Permissible Uses by Special Exception**

1. Wireless telecommunication facilities (See Part 3.06.00)
2. Semi-Public uses
   a. Club
   b. Lodge
   c. Recreational Association
   d. Neighborhood Association
   e. Cultural Activities

**Sec. 3.04.31 .03 Setback Standards**

A. **Minimum Lot Requirements (width, depth & area)**
   Width – 100 feet
   Depth – 100 feet
Article III Zoning

Area - none

B. Minimum Yard Requirements

Front – 30 feet
Side - 20 feet
Rear - 30 feet

C. Maximum Lot coverage by all buildings & structures

70 %

D. Maximum height of structures

40 feet
### TABLE II - SCHEDULE OF AREA, HEIGHT, BULK AND REPLACEMENT REGULATIONS

<table>
<thead>
<tr>
<th>ZONING CATEGORY</th>
<th>UNITS PER ACRE</th>
<th>MIN. LOT SIZE</th>
<th>MIN. LOT WIDTH</th>
<th>MIN. LOT DEPTH</th>
<th>SETBACKS</th>
<th>MAX. STRUCTURE HEIGHT</th>
<th>MAX. LOT COVER.</th>
</tr>
</thead>
<tbody>
<tr>
<td>AG 20</td>
<td>1/20</td>
<td>20 ac.</td>
<td>200'</td>
<td></td>
<td>50' 30' 50'</td>
<td></td>
<td>50'</td>
</tr>
<tr>
<td>AG 10</td>
<td>1/10</td>
<td>10 ac.</td>
<td>200'</td>
<td></td>
<td>50' 30' 50'</td>
<td></td>
<td>50'</td>
</tr>
<tr>
<td>AG 7.5</td>
<td>1/7.5</td>
<td>7.5 ac.</td>
<td>200'</td>
<td></td>
<td>50' 30' 25'</td>
<td></td>
<td>35'</td>
</tr>
<tr>
<td>RC 1</td>
<td>1/1</td>
<td>1 ac.</td>
<td>100'</td>
<td></td>
<td>25' 25' 25'</td>
<td></td>
<td>35'</td>
</tr>
<tr>
<td>RCMH 2.5</td>
<td>1/2.5</td>
<td>2.5 ac.</td>
<td>200'</td>
<td>300'</td>
<td>50' 30' 50'</td>
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<td>45'</td>
</tr>
<tr>
<td>RCMH1 &amp; RC1</td>
<td>1/1</td>
<td>1 ac.</td>
<td>100'</td>
<td></td>
<td>25' 25' 25'</td>
<td></td>
<td>35'</td>
</tr>
<tr>
<td>RC.5 &amp; RCMH.5</td>
<td>2/1</td>
<td>.5 ac.</td>
<td>100'</td>
<td>120'</td>
<td>25' 10' 25'</td>
<td></td>
<td>35'</td>
</tr>
<tr>
<td>RC ¼</td>
<td>4/1</td>
<td>.25 ac.</td>
<td>50'</td>
<td>90'</td>
<td>20' 10' 20'</td>
<td></td>
<td>35'</td>
</tr>
<tr>
<td>MF 10</td>
<td>10/1</td>
<td>1 ac.</td>
<td>NA</td>
<td>NA</td>
<td>20' 10' 20'</td>
<td></td>
<td>50'</td>
</tr>
<tr>
<td>MF 12</td>
<td>15/1</td>
<td>.1 ac.</td>
<td>NA</td>
<td>NA</td>
<td>20' 10' 20'</td>
<td></td>
<td>50'</td>
</tr>
</tbody>
</table>

**Sec. 3.04. 32.00 Authorization of Similar Use**

The Planning Director may permit in a particular district a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion of a use in a district where it is not listed or a use specifically listed in another district or one which is of the same general type to a use specifically listed in another district. Uses listed as Special Exception may be established in that district only after approval of an application for the applicable permit in accordance with the procedures and requirements of Article X.
PART 3.05.00 PERMITS: LIMITED NOTICE, SPECIAL USE, AND TEMPORARY USE

Provisions set forth in these Sections apply to all areas subject to these land development regulations and all zoning districts therein, unless exceptions are specifically provided relating to one or more zoning districts or except as otherwise provided in these land development regulations.
Part 3.05.00 is taken in conjunction with the relevant sections of Part 10.04.00 Application Procedures and Part 10.03.00 Appeals.

Sec. 3.05.01 Limited Notice Permit

An application for a special exception shall be filed with the Planning Director. If the application demonstrates compliance with the standards of Section 10.04.01, Application Procedure, Special Exception, then a hearing shall be scheduled before the Land Planning Agency (LPA) pursuant to the procedures for a special exception, except that the notice shall state: Any person receiving this notice must notify the Planning Director at least five (5) days prior to the hearing (specify date) of any objections or the objection and right to be heard at the public hearing is waived. If no objections are received by the Planning Director, the Planning Director may cancel the hearing and issue a limited use permit. If an objection is received or if the application does not meet the standards then the application shall be treated as a request for a special exception.

Sec. 3.05.02 Special Uses Permit

The Special Uses contained in this section shall be considered and approved, approved with conditions, or denied in accordance with the requirements of this Code. Special Uses, if allowed in a zoning district, may only be permitted upon demonstration of compliance with all the requirements of this section. Special Uses may include utilities, transportation terminals and facilities, horses and ponies, household animals/pets numbering more than ten (10) per residence, and other animals.

A. Special Uses Permitted

1. Essential public and private utility installations shall be permitted in any zoning district. Essential utility services are hereby defined as installations
for the transmission of cable TV, drainage systems, electricity, gas, sewer, telephone, and water.

2. Major utility installations may be permitted in any zoning district, provided that such application is made to the Land Planning Agency (LPA) who shall hold a public hearing for approval. Major utility installations include electric or gas generating plants, electric transmission lines exceeding 115KV, electric transmissions towers, radio and television stations, telephone and telegraph towers, and water or sewer treatment plants.

3. Transportation terminals may be permitted in any non-residential district, provided that such application is made to the LPA who shall hold a public hearing for approval. Transportation terminals include bus, railroad, air and water facilities.

4. Horses and ponies may be permitted in residential districts with minimum lot sizes of one acre or greater provided that such application is made to the LPA who shall hold a public hearing for approval and such application meets the requirements of Section 3.04.07.12 C.

5. Household Animals/pets in excess of ten (10) per residence may be permitted in any residential district that such application is made to the LPA who shall hold a public hearing for approval and such application meets the requirements of Section 3.04.07.12 A.

6. Other animals may be permitted within any residential district that such application is made to the LPA who shall hold a public hearing for approval and such application meets the requirements of 3.04.07.12 B.

B. Lot and Building Requirements

All special uses shall meet the lot and building requirements of the district in which they are located unless it is determined by the LPA at a public hearing that such lot and building requirements would not permit the best use of the land and would not provide the best return of the public investment.

C. Procedures for Special Use Permit

1. A request for a hearing before the LPA for a special use shall be made as follows:
A. A completed application form shall be filed with the Planning Director. Such application shall state the pertinent facts on which the request is based. The Planning Director may assist the applicant in preparing the application.

B. The application shall be accompanied by an acceptable site plan with such reasonable information shown thereon as may be required by the Planning Director. Such site plan shall include as a minimum:
   a. lot dimensions with property line monuments located thereon.
   b. location and size of existing and proposed structures.
   c. easements (public and private); water courses; fences; street names and street right-of-way lines, if existing and proposed; and such information regarding abutting property as directly affects the application.

2. The Planning Director shall schedule a hearing before the LPA to consider the application in accordance with the procedures established herein and in Article X.

3. The hearing provided for under this section shall be for the purpose of reviewing relevant information from the applicant regarding the requested special use. The LPA shall also review written and/or oral comments from the public in accordance with its established procedures.

4. At the conclusion of the hearing, the LPA shall render a decision on the application. The LPA may approve, deny or impose conditions of approval for such uses, including, but not limited to, setbacks, buffers, height limitations, parking, etc. Any decision rendered by the LPA during this hearing shall be deemed final.

Special uses existing at the time of the effective date of this article and as indicated on the Map or Text, are hereby legally established as conforming public and semi public uses.
Sec. 3.05. 03 Temporary Use Permit

Before a temporary use permit is approved by the Planning Director as a semi-restricted use, findings will be made to show compliance with the following provisions:

A. Types of Temporary Uses That May be Allowed

1. A temporary building or yard for construction offices, material, or equipment provided such use is on or adjacent to the construction site and is adequately equipped with sanitary facilities.

2. A real estate sales office used for the sale of lots or housing in subdivisions provided such office is in or adjacent to the subdivision and is adequately equipped with sanitary facilities.

3. Temporary housing, including mobile homes, for households displaced from their residences due to fires, floods, or other disasters provided the temporary housing is adequately equipped with sanitary facilities.

4. A circus, carnival, religious service, show exhibition, or other gathering provided adequate sanitary facilities are provided and the use does not remain for more than 21 days.

B. Compatibility Standards

No temporary use will be allowed unless:

1. Any nuisance or hazardous features of the use are suitably separated from adjacent uses.

2. The use will not generate excessive traffic congestion on nearby streets.

3. A vehicular parking problem will not be created.
C. **Period Allowed**
   The period for which a temporary use is allowed will be specified by the Planning Director.

D. **Security**
   Security for performance of the applicants' obligations, including removal of any structures, equipment, and materials, shall be posted in all cases. The security may be a performance bond, cash, and certificate of deposit payable to the County and/or other negotiable instrument.

E. **Application for Temporary Use**
   A property owner or their designated representative may initiate a request for a temporary use by filing an application with the Planning Department using forms prescribed by the County. The application will be accompanied by a set of findings which demonstrate the applicable zoning and other ordinance requirements will be satisfied. The Planning Director may request other drawings or information necessary for an understanding of the request.

**PART 3.06.00 WIRELESS TELECOMMUNICATION FACILITIES**

**Sec. 3.06.01 General**

The provisions of this section are intended to promote the health, safety and general welfare of the citizens by regulating the siting of communications towers and to establish the necessary legal framework to encourage the use of towers which are compatible with their surroundings.
Sec. 3.06.02 Purpose

The Board of County Commissioners finds that the promulgation of this ordinance is warranted and necessary to accomplish the following purposes:

A. To direct the location of communication towers within Baker County;
B. To protect residential areas and land uses from the potential adverse impacts of communication towers;
C. To minimize adverse visual and aesthetic impacts of communication towers through careful design, siting, landscape screening, and innovative aesthetic mitigation;
D. To accommodate the growing demand for communication towers;
E. To promote and encourage shared use and co-location of existing and new communication towers as the preferred option rather than construction of additional single-use towers;
F. To consider the public health and safety of communication towers;
G. To avoid or minimize potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

Sec. 3.06.03 Definitions

Alternative Support Structure

Any man-made structure, except towers, including, but not limited to buildings, power poles, light poles, clock towers, bell towers, steeples, water towers and the like, which allow for the attachment of antennas.

Antenna

A device for radiating or receiving radio waves. As used in this section, the term antenna shall include all antennas integrated and used as a single unit, such as an antenna array.
Camouflaged
A structure designed to support one or more antenna but designed to unobtrusively blend into the existing surroundings and disguised so as to not have the appearance of a tower. Such tower shall be consistent in size, scale and appearance with the type of object it is designed to resemble.

Customer Premises Equipment
Telecommunications equipment on the premises of telecommunications customer for the sole use of the occupants of the premises.

Mobile Station
Equipment which is not fixed and ordinarily moves. Such a facility is typically the end users equipment such as a wireless telephone.

Tower
A structure, greater than fifteen feet in height, designed and used primarily to support one or more antenna of any type.

Monopole
A single, self-supporting tower of concrete, steel, or similar materials having a solid appearance and no guide wires.

Lattice
A self-supporting tower with three or more side or open-framed supports.

Guaged
A tower anchored with guide wires.

Speculative
A tower which is proposed for erection without evidence of any antenna leases or agreement for use of the tower.

**Sec. 3.06.04 Special Use Permit Required**

A. All wireless telecommunication facilities shall constitute a special use as permitted herein. Such facilities may be permitted in any district under the criteria set forth hereafter and upon the approval of the Board of County Commissioners. This provision shall supersede the existing land development regulations which limit special use permits to certain zoning districts.

B. No development permit, including building permit, shall be issued until after a public hearing is held on the application and the special use permit is approved by the Board of County Commissioners authorizing the construction of the proposed tower or other telecommunication facility.

**Sec. 3.06.05 Applicability Regulations and Exemptions to Existing Structures.**

A. All new communication towers in Baker County shall be subject to the Baker County Land Development Regulations and all other applicable building and construction codes. In the event of any conflict between the zoning district regulations and the regulations contained in this Section, the provisions of this Section shall override and supersede such other regulations unless otherwise specifically set forth herein.

B. The provisions of this Section, other than the minimum distance requirements from residential districts, shall not apply to communication towers and communication antenna located on property, rights-of-ways or easements owned by any governmental entity.
C. Communication towers existing on January 1, 1998 (the effective date of this ordinance) shall be allowed to continue to be used as they presently exist. Routine maintenance including replacement with a new tower of like construction and height and modifications to accommodate the co-location of an additional user or users shall be permitted on such existing towers. New construction, other than routine maintenance and modification to accommodate co-location on an existing communication tower, shall comply with the requirements of this section.

D. For purposes of this section, a communication tower that has received final approval by the Board of County Commissioners, but has not yet been constructed, shall be considered an existing tower so long as such approval is valid and unexpired.

E. No special use permit, zoning exception or variance shall be required to locate a communication antenna on an alternative support structure, provided however, that the antenna does not extend more than twenty (20) feet above the existing structure. Such structures may include, but are not limited to, buildings, water towers, existing communication towers, recreational light fixtures and other essential public service structures.

**Sec. 3.06.06 Location on Lot**

A communication tower may be located on a lot utilized for other principal uses and on a parcel smaller than the minimum lot size required in the zoning district. This parcel shall be considered as the tower site. The tower site, but not the entire lot, shall be subject to all of the requirements of this Section, except as specifically provided herein.
Sec. 3.06.07  Minimum Distance of Towers from Residential Zones

A. Regardless of the zoning district in which the communication tower is located. The minimum distance of the tower shall be not less than 200 feet from the nearest residential lot line of any residential districts or from any parcel containing a residence in an agricultural district except that in the agricultural districts the communication tower may be closer to a parcel boundary provided it remains a minimum of 400 feet from any residence existing at the time of approval.

B. Minimum distances shall be measured from the center of the base of the communication tower to the lot line of the applicable residential zoning district or parcel, as the case may be.

C. Notwithstanding anything to the contrary in this ordinance, no communication tower other than a monopole (freestanding) tower or alternative tower structure shall be located in any residential zoning district.

Sec. 3.06.08  Maximum Height

The minimum height of communication towers shall be:

A. In all residential districts:

   • If constructed for a single user, up to ninety (90) feet in height, and,

   • If constructed for two or more users, up to one hundred fifty (150) feet in height.

B. In all other zoning districts:

   • If constructed for a single user, up to one hundred fifty (150) feet in height;

   • If constructed for two users, up to two hundred fifty (250) feet in height;

   • If constructed for three or more users, up to three hundred thirty (330) feet in height.
C. A communication tower shall be considered to be constructed for more than one user if:

- It is constructed so as to provide sufficient excess capacity over the initial single user loading for one or more additional comparable users; and
- The applicant consents in writing with Baker County to permit one or more additional comparable communication providers to use the proposed tower where feasible and subject to reasonable terms.

D. Measurement of communication tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the tower site.

E. Application may be made to exceed the height limitation. The zoning agency shall determine if the goal and objective of promoting co-location will be served by granting a variance to exceed the maximum height and may approve such application if consistent with the goals and objectives of this section and if necessary to comply with The Telecommunications Act of 1996.

**Sec. 3.06.09 Minimum Yard Requirements.**

There are no minimum yard requirements for communication towers.

**Sec. 3.06.10 Illumination**

Communication towers shall not be artificially lighted except as may be required by Federal Aviation Administration. If lighting is required, the applicant must present Baker County with available lighting alternatives and obtain approval of the Baker County Commission so that the county is assured that the design utilized will cause the least possible disturbance to the surroundings.
**Sec. 3.06.11 Finished Color**

Communication towers not requiring FAA painting/marking shall have either a galvanized finish or painted a dull blue or gray finish.

**Sec. 3.06.12 Structural Design**

Communication towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard to adjoining properties. Communication towers shall be constructed to EIA/TIA 222-F Standards or the most current equivalent standards, as published by the Electronic Industries Association, which may be amended from time to time, and all applicable county building codes. All plans for the construction of towers shall be sealed by a Florida registered professional engineer. Further, any improvements and/or additions (i.e., antenna, satellite dishes, etc.) to existing communication towers shall require submission of site plans sealed and verified by a professional engineer which demonstrates compliance with EIA/TIA 222-F Standards or most current equivalent standards in effect at the time of said improvement or addition. Said plans shall be submitted to, reviewed and approved by the building department at the time building permits are requested. A fall zone shall be provided to the extent that is required by EIA/TIA 222-F Standards or the most current equivalent standards.

**Sec. 3.06.13 Fencing**

A six foot finished masonry wall or fence, other than chain link, with not less than 85% opacity shall be required as a minimum around all communication towers located in a residential or commercial zoning district. In all other zoning districts, the fence may be any type of security fence provided that is at least six feet in height. Access to all towers shall be through a locked gate.
**Sec. 3.06.14  No Advertising**

Neither the communication tower nor the tower site shall be used for advertising purposes and shall not contain any signs for the purpose of advertising.

**Sec. 3.06.15  Landscaping**

The visual impacts of residentially or commercially located communication towers shall be mitigated through landscaping or the screening materials at the base of the tower and ancillary structures.

A. The following landscaping and buffering of communication towers shall be required around the perimeter of the tower and accessory structures:

   - A row of shade trees a minimum of ten (10) feet tall and a maximum of twenty (20) feet apart shall be planted around the perimeter of the fence;
   - A continuous hedge at least thirty-six (36) inches high at the time of planting, capable of growing to at least forty-eight (48) inches in height within 18 months, shall be planted in front of the tree line referenced above;
   - All required landscaping shall be of the evergreen variety;
   - All required landscaping shall be native drought tolerant species and/or irrigated and properly maintained to ensure good health and vitality.

B. Required landscaping shall be installed outside the fence or wall.

C. Existing vegetation shall be preserved to the maximum extent practicable and may be credited as appropriate toward landscaping requirements.

D. These standards may be waived by the Planning Director for those sides of the proposed tower that are located adjacent to undevelopable lands and lands not in public view.
Sec. 3.06.16 Abandonment

In the event the use of any communication tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed abandoned. Determination of the abandonment shall be made by the Planning Director. Upon the Planning Director’s determination of such abandonment, the owner/operator of the tower shall have an additional one hundred eighty (180) days within which to:

- reactivate use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or
- dismantle and remove the tower.

After that date, Baker County may dismantle and remove the tower at the owner’s expense. The owner/operator shall be responsible for all costs associated therewith. At the earlier of one hundred eighty-five (185) days from the date of abandonment without reactivation or upon completion of dismantling and removal, any special use permit, exception and/or variance approval for the tower shall automatically expire.

Sec. 3.06.17 Certification of Compliance

Prior to receiving final inspection, adequate proof shall be submitted to the zoning and building department documenting that the communication tower complies with all current FCC regulations and non-ionizing electromagnetic/radiation (NICER) and that the radio frequency levels meet the American National Standards Institute.

Sec. 3.06.18 Supplemental Information Required for Applications

The applicant must also submit the following information in addition to the standard information required of all special use permit applicants:
A. A scaled site plan clearly indicating the tower site, type and height of the proposed tower, the location of the accessory building, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, distances from property lines, elevation drawings of the proposed tower, and any other proposed structures;

B. A current zoning or tax map or aerial, as maintained by the Baker County Property Appraisers Office, showing the location of the proposed tower;

C. A legal description of the parent tract and tower site (if applicable);

D. Engineering specifications for the proposed tower setting forth the number of users the tower is designed to accommodate and the number of antenna to be located on the tower;

E. If the proposed tower site meets the required minimum distance from residential zones, the approximate distance between the proposed tower and the nearest residential dwelling, platted residentially zoned properties, or unplatted residentially zoned properties. If the proposed tower site does not meet the minimum distance requirements, then exact distances, locations and identifications of said properties shall be shown on an updated zoning or tax map.

F. A landscape plan showing specific landscape materials;

G. The method of fencing, finished color if applicable, the method of aesthetic mitigation and illumination;

I. If the applicant is not co-locating (sharing space) on the proposed communication tower of another communication provider, evidence that it has made diligent but unsuccessful efforts to co-locate its antenna and associated equipment on and
existing structure. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicants proposed antenna may consist of any of the following:

- No existing towers or structures are located within the geographic area required to meet the applicant’s engineering requirements; or
- Existing towers or structures are not of sufficient height to meet applicants engineering requirements; or
- Existing towers or structures do not have sufficient structural strength to support applicants proposed antenna and related equipment; or
- The applicants proposed antenna would cause impermissible electromagnetic interference, as determined by the FCC, with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause impermissible interference, as determined by the FCC, with the applicants proposed antenna; or
- The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Cost exceeding new tower development are presumed unreasonable; or
- Property owners or owners of existing towers or structures are unwilling to accommodate the applicant’s needs; or
- The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and
• If the applicant demonstrates and provides evidence that the proposed facility is designed to accommodate five or more users, the applicant shall be exempt from the provisions of this subsection;

J. The written consent by the applicant that any special permit shall be conditioned upon requiring the applicant to:

• construct the proposed communication tower so as to provide sufficient excess capacity over the initial single user loading for one or more additional comparable users, and

• permit at least one other comparable communication provider to use the proposed tower where feasible and subject to reasonable terms. The term where feasible, as it applies to co-location, means that utilization of a tower by another tower carrier which would, at the time of such utilization, comply with sound engineering principles, would not materially degrade or impair the communication tower’s utilization by existing users, would not unduly burden the tower structurally, and would not otherwise materially and adversely impact existing users. Reasonable terms for use of a communication tower that may be imposed by the owner including a requirement for reasonable rent or fees, taking into consideration the capitalized cost of the communication tower and land, the amount of lease payments by the owner, the incremental cost of designing and constructing the tower so as to accommodate additional users, increases in maintenance expenses relating to the tower and a fair return on investment, provided such amount is also consistent with rates paid by other co-locators at comparable tower sites.
Sec. 3.06.19 Criteria for Special Use Permits

In addition to meeting the requirements set forth in the Baker County Land Development Regulations, the following findings must be made before the Baker County Commission may grant a special use permit for the construction of a communication tower:

a. The communication tower shall be compatible with the existing contiguous uses or with the general character and aesthetics of the neighborhood or the area, considering the design and height of the communication tower, the mitigating effect of any existing or proposed landscaping, fencing or other structures, and similar factors;

b. The communication tower shall not have any significant detrimental impact on adjacent property values.

Sec. 3.06.20 Waiver and Variance Standards and Criteria

Notwithstanding any other variance criteria in the Land Development Regulations, with respect to action upon applications for zoning variances from the minimum distances required pursuant to Section 3.06.07 and maximum height requirements of Section 3.06.08; a. The Planning Director shall grant a variance only if it finds from a preponderance of the evidence that the variance meets all of the following standards and criteria:

- Certification by a Radio Frequency engineer, whose credentials are acceptable to the Planning Director, that the proposed communication tower is reasonably necessary to serve an adjacent or nearby residential area or other areas.

- The variance sought is the minimum necessary to address the need for the variance, subsequent to exploring all reasonable siting alternatives.
• The location of the proposed communication tower in relation to the existing structures, trees and other visual buffers shall minimize, to the greatest extent reasonably practicable under the circumstances, any impacts on affected residentially zoned property.

• The location of the communication tower will not have a significant detrimental impact on adjacent property values and any property formally designated by the Comprehensive Plan as protected or environmentally sensitive, or judged to possess unique environmental or cultural qualities as determined by current permitting regulations of Baker County.

b. If a particular request for a variance or exception has been denied by the Planning Director, the Board of County Commissioners may grant such waiver to any particular requirement of this ordinance in a particular individual circumstance, which may be conditioned on the applicant complying with an alternative requirement to protect the public health, welfare and safety, if it finds that:

• Compliance with the particular requirement of the ordinance is substantially impractical, or,

• Granting the particular variance or waiver will not adversely affect the public interest and the particular variance or waiver will not permit a use of land that is incompatible with surrounding properties.
BAKER COUNTY NONCONFORMITIES

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ARTICLE IV
NONCONFORMITIES

PART I 4.01.00 GENERAL DESCRIPTION OF NONCONFORMITIES

Sec. 4.01.01 Classification
For the purposes of this article, nonconformities are classified with the following examples:

a. Lots;
b. Uses of land without structures or minor structures only;
c. Uses of major structures and premises;
d. Subdivisions;
e. Structures; and
f. Characteristics of uses which were lawfully permitted when constructed but would be prohibited, regulated or restricted by the enactment of this Code or a subsequent amendment thereto.
g. Nonconformity may also be created where lawful public taking or actions pursuant to a court order have the same effect as violations of this Code, if undertaken privately.

Sec. 4.01.02 Intent Concerning Nonconformities Generally
It is the intent of this Code to require the cessation of certain nonconformities and to permit others to continue until they are removed or ceased, but not to encourage their survival. It is further the intent of this Code that nonconformity shall not be used as grounds for addition of other prohibited uses or structures on the site or in the area, nor the enlarging by means of extension or expansion, except as specifically provided by this Code. All rights and obligations associated with a nonconforming status run with the land and are not personal to the present ownership or tenant of the land, and are not affected by a change in ownership or tenancy, unless abandoned. Any nonconformity which was not lawfully permitted when created is a violation of this code and may not be considered under the provision of this section.
Sec. 4.01.03 Intent Concerning Nonconforming Uses Specifically

It is the intent of this Code that nonconforming uses shall be considered to be incompatible with the permitted uses within the districts. Such nonconforming uses shall not be intensified, enlarged or extended in any respect.

Sec. 4.01.04 Special Exceptions Not to be Considered Nonconforming

Any existing use which would require a Special Exception permit approval under the terms of this Code shall be deemed a conforming use. However, enlargement, replacement or modification of such a use shall require approval of a Special Exception permit application, as though it were a new use.

PART II 4.02.00 SPECIFIC DESCRIPTION OF NONCONFORMITIES

Sec. 4.02.01 Nonconforming Lots of Record

1. Use of Single Nonconforming Lots of Record - In residential districts, single family dwellings and customary accessory structures may be erected, occupied and used on a nonconforming lot of record, subject to all other requirements applying in the district. In agricultural districts, single family dwellings and customary accessory structures may be erected on lots of record as of January 26, 1991. For purposes of this regulation, a lot of record shall mean a piece, parcel, plat or tract of land described by plat, by metes and bounds or other similar means in a legally recorded deed as 12:01 a.m., January 1, 1990 for lots located in residential districts and as of 12:01 a.m., January 26, 1991 for lots located in agricultural districts.

2. Nonconforming Lots of Record in Same Ownership With Continuous Frontage - Where two or more nonconforming lots of record in single ownership are contiguous, they shall be considered a single zoning lot and a permit authorizing their use shall only be issued when the lot area and lot width requirements for the district in which the lots are located are satisfied. Full yard requirements shall apply to all of the newly created lots.

3. Nonconforming Lots of Record for Nonresidential Uses - In other than residential or agricultural districts, a nonconforming lot of record which is not in continued frontage with other
Article IV Nonconformities

lots in the same ownership may accommodate uses permitted within that district in accord with other requirements applying in that district and requirements of the comprehensive plan.

4. **Nonconformity Created by Public or Court Order** - Where the nonconforming lots were created by the exercise of the power of eminent domain or threat thereof, or as a result of a court order, combination of the lots shall not be required.

**Sec. 4.02.02 Nonconforming Uses**

Nonconforming uses of land shall be brought into conformance as soon as reasonably possible, but nonconforming uses may continue provided:

a. There shall be no enlargement, increase in intensity or alterations to the use, its permanent structure or both.

b. Such uses may not be enlarged, extended, altered or replaced, except for a change to a use permitted in the district in which located, except as provided in c below.

c. A nonconforming use may be extended through portions of a building manifestly arranged or intended for such use, but not otherwise extended, and shall not extend to occupy lands outside such building or any additional building not used for such nonconforming use at the time that nonconforming status was established.

d. If the use ceased for more than 90 consecutive calendar days or a total of 180 calendar days in a one year period, subsequent use of the premises shall conform to the district regulations.

e. No such use shall be relocated or moved to any portion of the lot other than that occupied at the time that nonconforming status was created.

f. When a building or structure devoted to a nonconforming use is damaged or deteriorated, as determined by the Planning Director, to the extent of fifty percent (50%) or more of the building structure's assessed taxable value, such building, if restored, shall thereafter be devoted to conforming uses.

g. A dwelling or mobile home made a nonconforming use by the adoption of this Code or amendments thereto, which is the homestead of the owner, may be replaced or reconstructed because of destruction or deterioration, notwithstanding the fact that the destruction or deterioration exceeds the fifty percent (50%) standard contained in f above. This exception to the general rule contained in this article apply only to deterioration or destruction and is
not intended to apply to the loss of nonconforming status due to cessation of use as described in (d) above.

Sec. 4.02.03 Nonconforming Subdivisions
Lots within the specific phase(s) of a recorded subdivision in existence on or before the June 21, 2004 adoption of the Baker County Comprehensive Plan, which have met the applicable conditions set forth below shall be permitted to develop at the established density and shall be exempt from the requirements of transportation concurrency, provided all other requirements in the Comprehensive Plan and the Land Development Regulations are met.

A. Lots within subdivisions with public or private paved roads must:
   1. Have frontage on a complete and continually maintained paved road at standards acceptable to the County; and
   2. All roads within the subdivision must be paved; and
   3. Be served by a stormwater management system that functions at standards acceptable to the County.
   4. (Per ORD 2005-42, the County no longer allows unpaved roads in subdivisions.)

Upon a determination by the County that a non-conforming subdivision meets the above conditions, the property owner(s) shall be accorded an exemption from the requirements of transportation concurrency, subject to conditions the County may determine to be appropriate.

Sec. 4.02.04 Nonconforming Structures, Other Than Signs
A structure which is nonconforming, due to noncompliance with the dimensional requirements of this Code and which is used for a use permitted in the district in which it is located may remain, provided:

a. That any structural change to the structure shall not increase the degree of nonconformity. Structural changes which decrease or do not affect the degree of nonconformity shall be permitted.

b. A nonconforming structure, or a portion thereof, if damaged, deteriorated or destroyed to the extent of more than fifty percent (50%) or more of its current
assessed valuation, may only be reconstructed in accordance with the regulations of the district in which it is located.

c. Routine repairs and maintenance of a nonconforming structure, fixtures, wiring and plumbing or the repair or replacement of non-load bearing walls shall be permitted.

Sec. 4.02.05  Reserved

Sec. 4.02.06  Nonconforming Characteristics of Use
Nonconforming characteristics of use, which may include by way of illustration but not limitation, inadequate parking and loading facilities, inappropriate landscaping, lighting, emission, etc., may continue to operate, but shall not be expanded, altered, changed or relocated in such a manner as to increase the degree of nonconformity.

Sec. 4.02.07  Reserved

Sec. 4.02.08  Unsafe Nonconforming Structures
Nonconforming structures or portions thereof, which are declared unsafe by the Planning Director or other competent authority, may be repaired and restored, except as provided in Subsection 4.02.02(f) and 4.02.04 (b).

Sec. 4.02.09  Repairs and Maintenance of Structures Containing Nonconforming Use(s)
Repairs and maintenance on any building devoted in whole or in part to a nonconforming use, may be done in any period of twelve consecutive months on ordinary repairs, or on repairs or replacement of non-bearing walls, fixtures, wiring or plumbing, to an extent not exceeding ten percent (10%) of the current replacement value of the building. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an official charged with protecting the public safety, upon order of such official.
BAKER COUNTY CONCURRENCY

ARTICLE V
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ARTICLE V
CONCURRENCY DETERMINATIONS

PART I  5.01.00  CONCURRENCY DETERMINATION

Sec. 5.01.01  Purpose
This Article describes the requirements and procedures to determine the consistency of proposed
development with the Baker County Comprehensive Plan, including meeting the concurrency
requirements of the Plan.

Sec. 5.01.02  Definitions
The following terms are unique to this Article and may be duplicated in Article II- Definitions,
Baker County Land Development Regulations (LDRs).

Concurrency - A condition where specified facilities and services have or will have the
necessary capacity to meet the adopted level of service standard at the time of impact of the
development.

PART II  5.02.00  SYSTEM FOR THE MANAGEMENT OF CONCURRENCY

Sec. 5.02.01  Generally
The following method of ensuring concurrency shall be known as the System for the Management of
Concurrency (SYMCON). The SYMCON is based upon the Baker County Comprehensive Plan,
especially the Capital Improvements Element and adopted level of service standards. The system is
designed to ensure that the issuance of any development order will not result in a degradation of the
adopted levels of service for specified public facilities and services. The SYMCON also includes a
monitoring system for determination of the availability of adequate capacity of public facilities and
services to meet the adopted level of service standards.
Sec. 5.02.02  Prohibition of Degradation of Adopted Levels of Service

A.  General Rule

1.  All applications for development orders, which include building permits, shall demonstrate that the proposed development does not degrade adopted levels of service in the County.

2.  An application for a development permit shall demonstrate that the proposed development does not degrade adopted levels of service if there exists no development order under which the permit is sought, and no development order is required prior to the issuance of the permit, e.g., a residence on a parcel of unplatted land.

3.  The latest point at which concurrency is determined is the final development order. If no development order is required, the latest point to determine concurrency is the first development permit on a site.

B.  Exception

Notwithstanding the foregoing, the prescribed levels of service may be degraded during the actual construction of new facilities, if upon completion of new facilities the prescribed levels of service will be met.

Sec. 5.02.03  Determination of Available Capacity

For purposes of these regulations, the available capacity of a facility shall be determined by:

A.  Adding Together

1.  The total capacity of existing facilities operating at the required level of service; and

2.  The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development. The capacity of new facilities may be counted only if one or more of the following is shown:

   a.  Construction of the new facilities is under way at the time of issuance of the final development order.
b. The new facilities are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time of issuance of the final development order.

c. The new facilities are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes. Such facilities shall be consistent with the Capital Improvements Element of the County Comprehensive Plan. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

B. Subtracting From the Number the Sum of

1. The demand for the service or facility created by existing development as documented in the County Comprehensive Plan; and

2. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other development activity.

C. Action Upon Failure to Show Available Capacity

Where available capacity cannot be shown, the following methods may be used to maintain adopted levels of service:

1. The project owner or developer may provide the necessary improvements to maintain levels of service. In such case, the application shall include appropriate plans for improvements, documentation that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service, and recordable instruments guaranteeing the construction, consistent with calculations of capacity above.

2. The proposed project may be altered such that projected level of service is not less than the adopted level of service.
Sec. 5.02.04 Burden of Showing Compliance on Developer
The burden of showing compliance with these level of service requirements shall be upon the developer. Such applications for development approval shall provide sufficient information to show compliance with these standards.

Sec. 5.02.05 Initial Determination of Concurrency
The initial determination of concurrency occurs during the review of the Development Plan and shall include compliance with the level of service standards adopted by the County.

Sec. 5.02.06 Annual Report
A. Contents
   The County shall prepare an Annual Report by the end of every fiscal year (September 30) on the SYMCON that includes:
   1. A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.
   2. A summary of building permit activity, indicating:
      a. those that expired without commencing construction;
      b. those that are active at the time of the report;
      c. the quantity of development represented by the outstanding building permits;
      d. those that result from final development orders issued prior to the adoption of this Code; and
      e. those that result from final development orders issued pursuant to the requirements of this Code.
   3. A summary of preliminary development orders issued, indicating:
      a. those that expired without subsequent final development orders;
      b. those that are valid at the time of the report; and
      c. the phases and quantity of development represented by the outstanding preliminary development orders.
4. A summary of final development orders issued, indicating:
   a. those that expired without subsequent building permits;
   b. those that were completed during the reporting period;
   c. those that are valid at the time of the report but do have associated building permits or construction activity; and
   d. the phases and quantity of development represented by the outstanding final development orders.

5. An evaluation of each facility and service indicating:
   a. the capacity available for each at the beginning of the reporting period and the end of the reporting period;
   b. the portion of the available capacity held for valid preliminary and final development orders;
   c. a comparison of the actual capacity to calculated capacity resulting from approved preliminary development orders and final development orders;
   d. a comparison of actual capacity and levels of service to adopted levels of service from the County Comprehensive Plan.
   e. a forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the County Capital Improvements Element.

B. Use of Annual Report
The SYMCON Annual Report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development orders during the twelve (12) months following completion of the annual report.

PART III 5.03.00 ADOPTED LEVELS OF SERVICE

Sec. 5.03.01 Potable Water
Development activity shall not be approved unless there is sufficient available capacity to sustain the following levels of service for potable water as established in the Potable Water Sub-element of the County Comprehensive Plan:

---

Article V- Concurrency
PROPOSED August 21, 2014
1. The minimum gallons per capita per day (gpcd) requirement of new potable water systems serving the public shall be 116 gpcd based upon the weighted average Level of Service of functioning systems serving the public in Baker County.

2. Existing water systems serving the public in Baker County shall provide the number of gallons of potable water per capita per day (LOS) at the rate presented in Table D-6 of the Public Facilities Element of the Baker County Comprehensive Plan as amended through proper procedures.

**Sec. 5.03.02 Wastewater**

Development activities shall not be approved unless there is sufficient available capacity to sustain the levels of service for wastewater treatment as established in the Sanitary Sewer Sub-element of the County Comprehensive Plan in accordance with Chapter–64E-6 and 62-600 Florida Administrative Code.

**Sec. 5.03.03 Transportation System**

A. Level of Service

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for transportation systems as established in the Transportation Circulation Element of the County Comprehensive Plan:

B. Transportation concurrency procedures must be followed in accordance with the Baker Traffic Concurrency Manual.

<table>
<thead>
<tr>
<th>TYPE OF FACILITY</th>
<th>PEAK HOUR LEVEL OF SERVICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freeways (Interstate)</td>
<td>C/B per I-10 variance</td>
</tr>
<tr>
<td>Principle Arterials</td>
<td>C</td>
</tr>
<tr>
<td>Minor Collectors &amp; Minor Arterials</td>
<td>D</td>
</tr>
<tr>
<td>Local Roads</td>
<td>D</td>
</tr>
</tbody>
</table>

**Sec. 5.03.04 Drainage System**

Development activities shall not be approved unless there is sufficient available capacity to sustain
the following levels of service for the drainage system as established in the Drainage Sub-element of the County Comprehensive Plan:

<table>
<thead>
<tr>
<th>Types of Use</th>
<th>LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Over 100 Acre Drainage Basin</td>
<td>Retain 1st inch of stormwater</td>
</tr>
<tr>
<td>Under 100 Acre Drainage Basin</td>
<td>Retain 1st 1/2 inch of stormwater</td>
</tr>
</tbody>
</table>

**Sec. 5.03.05 Solid Waste**
Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the solid waste as established in the Solid Waste Sub-element of the County Comprehensive Plan:

<table>
<thead>
<tr>
<th>Types of Use</th>
<th>LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>5.08 lbs. per capita per day</td>
</tr>
</tbody>
</table>

**Sec. 5.03.06 Recreation**
Development activities shall not be approved unless there is sufficient available capacity to sustain the levels of service for the recreational facilities as established in the Recreation and Open Space Element of the County Comprehensive Plan.

**PART IV 5.04.00 CONCURRENCY METHODOLOGY**

**Sec. 5.04.01 Water, Wastewater, and Stormwater**
For determination of capacity indicated for Section 5.03.01 for potable water, 5.03.02 for wastewater, and 5.03 for drainage, compliance with applicable permits or determination of exemption from the State Department of Health and Rehabilitative Services, Department of Environmental Protection, and St. Johns River Water Management District for the facilities will be deemed to be sufficient to meet the test for sufficient capacity. Copies of the applicable permits or letter of exemption shall be sufficient evidence of compliance.
Sec. 5.04.02 Recreation and Solid Waste
For the determination of capacity indicated for Section 5.03.04 for solid waste and 5.03.06 for recreation, the Annual Report prepared by Baker County shall be sufficient to meet this requirement as long as such annual report determines that sufficient capacity exists in the County to meet the projected needs for at least the next two years of development projected in Baker County.

Sec. 5.04.03 Transportation
Transportation concurrency methodology shall be in accordance with the Baker County Traffic Concurrency Manual.

Sec. 5.04.04 Duration of Concurrency Determination
A determination of compliance with concurrency standards shall exempt the approved development from further concurrency review for a period of one year from such determination unless otherwise specified by a Concurrency Development Agreement. A development subject to a phasing schedule approved under this Code shall be subject to concurrency review the same as other developments unless provisions of the zoning or development approval specify other timing of concurrency review.
BAKER COUNTY
RESOURCE PROTECTION

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Sec. 6.05.02  Definitions

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Addition (to an existing building)
Administrator (Floodplain Administrator)
Appeal
Area of Shallow Flooding (AO or AH) Zone
Area of Special Flood Hazard (A or AE Zone)
Base Flood
Base Flood Elevation
Basement
Building
Datum
Development
Encroachment
Existing Construction
Existing Manufactured Home Park or Subdivision
Expansion to an Existing Manufactured Home Park or Subdivision
Flood or Flooding
Flood Hazard Boundary Map (FHBM)
Flood Insurance Rate Map (FIRM)
Flood Insurance Study (FIS)
Floodplain
Floodplain Administrator
Floodplain Management
Floodplain Management Regulations
Floodproofing
Floodway
Freeboard
Functionally Dependent Use Facility
Hardship
Highest Adjacent Grade
Historic Structure
Lowest Adjacent Grade
Manufactured Home
Manufactured Home Park or Subdivision
Market Value
Mean Sea Level
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<td>Applicability</td>
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<td>Designation of Administrator for Floodplain Management</td>
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ARTICLE VI RESOURCE PROTECTION STANDARDS

PART 6.01.00 PURPOSE AND INTENT

Sec. 6.01.01 Purpose
The purpose of this Article is to establish resources and areas of development sites that must be protected from certain specific effects of development.

Sec. 6.01.02 Intent
The County intends that the provisions of this Article be applied to a proposed development site before any other development design work is done. The application of provisions of this Article may determine that parts of a proposed development site will be used only for restricted development activities or may not be used for any development activities. The developer shall design the development to fit within the areas that may be developed and within the restrictions that may apply to certain areas.

PART 6.02.00 WETLANDS

Sec. 6.02.01 Purpose and Intent
In enacting these provisions, the County intends to protect and maintain existing wetlands within Baker County through the existing regulations of the U.S. Army Corps of Engineers (COE), the U.S. Environmental Protection Agency (EPA), the Florida Department of Environmental Protection (DEP), and the St. Johns River Water Management District (SJRWMD) or Suwannee River Water Management District (SRWMD), and through the additional restrictions on adjacent development and buffers as described in Part 6.02.00 Wetlands of the Baker County Land Development Regulations (LDRs).
Sec. 6.02.02 Definitions

The following terms are unique to this Part and may be duplicated in Article II Definitions of the LDRs. The inclusion of definitions within this section is intended to guide implementation of development regarding wetlands within Baker County.

**Acronyms**

COE : U.S. Army Corps of Engineers  
EPA : U.S. Environmental Protection Agency  
FDEP or DEP : Florida Department of Environmental Protection (DEP)  
SARA : Superfund Amendments and Reauthorization Act (regarding Title III – Consolidated List of Hazardous Materials)  
SJRWMD : St. Johns River Water Management District  
SRWMD : Suwannee River Water Management District

**Buffer (Upland Buffer Requirements for New Construction)**

A minimum 25-foot zone of upland areas with existing native vegetation (tree canopy, understory, and ground cover) shall be required immediately adjacent to wetlands to protect the wetlands from the detrimental impacts of development or land alteration. A wider buffer of up to 50-feet may be required on a site specific basis depending on the characteristics of the particular site, i.e., wetland composition, size and quality, topography, hydrology, soil types, and/or proposed land uses. The buffer shall include the original native vegetation or planted native or compatible garden species where there is no existing vegetation. (Per Comprehensive Plan Policy E.1.3.10.)

**Clearing**

The removal of trees and brush from the land, not including the ordinary mowing of grass, trimming of trees and bushes, etc.
Dredging
Excavation by any means in waters or wetlands. Dredging also refers to the creation of a new water body intended to be connected to existing water bodies.

Filling
The deposition of materials in wetlands or water bodies.

Mitigation
Any action to create, enhance, or restore wetlands required to offset environmental impacts of permitted activities.

Pollution
Any substance, contaminant, or man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels that are or may be potentially harmful or injurious to human health or welfare, animal or plant life or habitat, or property, or that unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

Wetlands
Any area subject to the wetlands or landward-extent-of-waters jurisdiction of COE, EPA, FDEP, and SJRWMD or SRWMD or designated as wetlands by the Conservation Element of the Baker County Comprehensive Plan.

Sec. 6.02.03 Restrictions on Development

A. Wetlands
No development activities shall take place in wetlands unless permitted by the COE, EPA, FDEP, SJRWMD, and SRWMD prior to a development permit issuance by the County. The agency permit must specifically address the depth of dredge or fill, the type of permitted fill
material, and required open space or mitigation. The density of development shall not exceed that of the underlying land use element or one residential unit per five acres, whichever is less. Any development permitted in wetlands shall be subject to site plan review in which the County shall determine that any development is clustered in the least environmentally-sensitive portion of a site, and of a density or intensity, type of land use, and setback designed to minimize the possibility of pollution of the adjacent wetland. The site plan shall ensure that the natural functions and hydro-period of wetlands shall be maintained. The storage, use, or handling of agricultural chemicals, petroleum products, hazardous or toxic wastes as defined in Title 80 of the Code of Federal Regulations, industrial chemicals, medical wastes, wastewater, animal wastes, or landfill materials is prohibited within the wetland.

B. Buffers

No clearing or development activities involving the installation of any impervious surfaces shall take place in buffers unless no reasonable use of the property can be made without development in the buffer area. The density of development shall not exceed that of the underlying land use element or one residential unit per five acres, whichever is less. Any development permitted in buffers shall be subject to site plan review in which the County shall determine that any development is clustered in the least environmentally-sensitive portion of a site, and of a density or intensity, type of land use, and setback designed to minimize the possibility of pollution of the adjacent wetland. The storage, use, or handling of agricultural chemicals, petroleum products, hazardous or toxic wastes as defined in Title 40 of the Code of Federal Regulations, industrial chemicals, medical wastes, wastewater, animal wastes, or landfill materials is prohibited within the buffer.

C. Permitted Activities

The following activities and uses are presumed to have an insignificant effect on wetlands protection and are permitted in wetlands and buffers:

---

Article VI Resource Protection

PROPOSED July 21, 2014
1. Scenic, historic, wildlife, or scientific preserves.
2. Minor maintenance or emergency repair to existing structures or improved areas.
3. Cleared walking trails having no structural components.
4. Timber catwalks and docks four (4) feet or less in width.
5. Commercial or recreational fishing or hunting, and creation and maintenance of temporary blinds.
6. Cultivating agricultural or horticulture products that occur naturally on the site.
7. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
8. Developing an area that no longer functions as a wetland, except a former wetland that has been filled or altered in violation of any rule, regulation, statute, or this Code. The developer must demonstrate that the water regime has been permanently altered, either artificially or naturally, in a manner to preclude the area from maintaining surface water or hydro-periodicity necessary to sustain wetland structure and function. If the water regime of a wetland has been artificially altered, but wetland species remain the dominant vegetation of the area, the County shall determine the feasibility of restoring the altered hydrology. If the wetland may be restored at a cost that is reasonable in relation to benefits to be derived from the restored wetland, the developer shall, as a condition of development, restore the wetland and comply with the requirements of this Code.
9. Development of a “Wetlands Storm Water Discharge Facility” or “Treatment Wetland” in accordance with State permits received under Chapters 17-25 and 17-6, Florida Administrative Code.

D. Compensatory Mitigation

1. Compensatory mitigation, by which wetlands are purchased, created, enhanced and/or restored to compensate for the loss of such lands, is required whenever a use is allowed in wetlands or buffers.
2. The purchased, created, enhanced, or restored environmentally sensitive land must be of the same type as that destroyed or degraded.
3. Compensatory mitigation shall not be the basis for approving a project that could not otherwise be approved.
4. A developer of a compensatory mitigation plan shall grant a conservation easement under Section 704.06, Florida Statutes, on the newly purchased, created, enhanced or restored environmentally sensitive lands to protect them from future development.

PART 6.03.00 GROUNDWATER AND WELLHEADS

Sec. 6.03.01 Purpose and Intent
In enacting this section of groundwater protection standards, the County intends to protect the health, safety, and welfare of the citizens of Baker County by ensuring the protection of principal sources of water for domestic, agricultural, and industrial use. The availability of adequate and dependable supplies of good quality water is of primary importance to the future of Baker County. Therefore, the purpose of the standards in this section is to protect the quality and quantity of the groundwater supply from potential contamination by the control of development adjacent to public water supply wellheads.

Sec. 6.03.02 Definitions
The following terms are unique to this Part and may be duplicated in Article II Definitions, Baker County LDRs. The inclusion of definitions within this section is intended to guide implementation of development regarding groundwater and public waters supply wellheads within Baker County.

Public Wellfield
A well with a permitted capacity of 100,000 gallons per day or more which is used or intended for the domestic water supply of ten (10) or more residential units.
Recharge Area
All land within identified medium and high groundwater recharge areas to the Florida Aquifer as defined by the St. Johns or Suwannee Water Management Districts.

Zone of Exclusion
Public water wellfields shall be protected from adverse impacts of development by requiring a 200-foot fixed buffer radii zone of non-polluting land uses around each wellfield as described in the St. Johns River Water Management District (SJRWMD) publication “Guide to Groundwater Protection in Florida,” Volume 1, October 1990, page 55. Non-polluting land uses shall include Recreation and Conservation land uses, low and medium density residential land use, and commercial land uses that do not produce, store, use nor sell toxic materials as defined in SARA Title III (Consolidated List of Hazardous Materials). Any non-conforming land use located within 200 feet of a well serving the public will not be permitted to expand or be improved and will be phased out upon change of ownership. Should later calculations of zones of influence or zones of contribution by the Water Management District find that cones of influence for wells within the County are greater or less than 200 feet, the Land Development Regulations, consistent with the Comprehensive Plan, shall be amended through procedures identified in Chapter 163, F.S., to reserve land uses in an amount appropriate to adequate protection as defined by the Water Management District.

Sec. 6.03.03 Restrictions on Development
A. No development activities or construction shall take place in the Zone of Exclusion as defined in Section 6.03.02 Definitions. Land use within the zone of exclusion shall be restricted to low-intensity agriculture, forestry, recreation, open space, and conservation, and other passive uses of land. The storage, use, or handling of agricultural chemicals, petroleum products, hazardous or toxic wastes, industrial chemicals, medical wastes,
wastewater, animal wastes, drainage water, or landfill materials is prohibited within the Zone of Exclusion.

B. No land uses storing toxic or hazardous materials, as defined in Title 40 of the Code of Federal Regulation, landfills, or hazardous waste sites shall be in recharge areas as defined in Section 6.03.02 Definitions.

C. Within recharge areas, all development shall be required to file a site plan showing septic tanks within 1,500 feet of the zoning lot. No development shall be permitted which results in a number of septic tanks within the area shown on the site plan of greater than the equivalent of one residential unit per five acres.

D. Within zones of high aquifer recharge, as defined by the St. Johns River Water Management District, all proposed development shall submit a site plan. No development shall be approved that proposes to place impervious surfaces, as defined in Article VIII, Development Procedures, Impact Fees and Subdivisions, on more than fifty percent (50%) in the area shown in the site plan.

Sec. 6.03.04 Restrictions on Wellfield Placement

No new public wellfield shall be placed so that the Zone of Exclusion for such wellfield extends beyond the boundaries of the parcel site upon which the public wellfield is developed.

PART 6.04.00 HABITATS

Sec. 6.04.01 Purpose, Intent, and Applicability

A. Purpose and Intent

It is the purpose of this Part 6.04.00 to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status in Baker
County. It is the intent of this Part to require that an appropriate amount of land shall be set aside to protect habitat of rare, endangered, or special concern plant and animal species.

**B. Applicability**

Areas subject to the standards of this Part shall be those identified in the Conservation Element of the Baker County Comprehensive Plan and also habitats for rare and endangered species, threatened species, or species of special concern as determined by any other governmental agency.

**Sec. 6.04.02 Listed Species Survey Requirement**

A survey of listed species of plants and animals shall be required to document the presence or absence of affected species on any site proposed for development of greater than forty (40) acres where the density is greater than one unit per acre. The survey shall be performed by an ecologist, biologist, or other qualified professional prior to the issuance of any permits and as part of the site plan review process. If the survey reveals the presence of any listed species of plants or animals, a Habitat Management Plan shall be developed and implemented as described below.

**Sec. 6.04.03 Habitat Management Plan**

**A. When Required**

A Habitat Management Plan and assessment of potential adverse effects on endangered, threatened, or special concern species shall be prepared as a prerequisite to the approval of any development proposed on a site containing areas subject to this Part.
B. Contents

The Habitat Management Plan shall be prepared by an ecologist, biologist, or other qualified professional. The Plan shall document the presence of affected species, the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management plans and other measures to protect the subject wildlife. The Plan shall be forwarded to the Florida Game and Fresh Water Fish Commission for comments prior to issuance of a development permit.

C. Conformity of Final Development Plan

The Final Development Plan approved for a development shall substantially conform to the recommendations in the Habitat Management Plan.

D. Preservation of Land

Lands subject to a Habitat Management Plan shall be adjacent to an existing viable habitat, a significant wetland system, floodplain, or wildlife corridor. If such lands are not adjacent to the development site, land to be set aside shall be of such quantity and quality as to provide viable habitat, as documented in the study required in paragraph B above.

PART 6.05.00 FLOODPLAINS (REVISED PER ORD 2008-23)

Sec. 6.05.01 Purpose and Objectives

The provisions of this section are intended to promote the public health, safety and general welfare of the citizens and to minimize public and private losses due to flood conditions in specific areas by:

A. Restricting or prohibiting uses that are dangerous to health, safety, and property due to water or erosion hazards, or result in damaging increases in erosion or in flood heights or velocities;
B. Requiring that uses vulnerable to floods including facilities that serve such uses be protected against flood damage throughout their intended life span;
C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers involved in the accommodation of flood waters;
D. Controlling filling, grading, dredging and other development that may increase erosion or flood damage, and;
E. Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or increase flood hazards to other lands.

The objectives of this section are to:
A. Protect human life and health, and to eliminate or minimize property damage;
B. Minimize expenditures of public money for costly flood control projects;
C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
D. Minimize prolonged business interruptions;
E. Minimize damage to public facilities and utilities such as water and gas mains, electric telephone and sewer lines, roadways, bridges, and culverts located in floodplains;
F. Maintain a stable tax base by providing sound use and development of flood prone areas to minimize flood blighted areas; and
G. Ensure that potential homebuyers are notified that when property is in a flood hazard area.

Sec. 6.05.02 Definitions

The following terms are unique to Part 6.05.02 Definitions of Article VI Resource Protection and may be duplicated in Article II Definitions Baker County LDRs for information and guidance.
Unless specifically defined below, words or phrases used in this Part shall be interpreted as found in *Webster’s New College Dictionary* to give these regulations the most reasonable application regarding floodplain management.

**Accessory structure (Appurtenant structure)**

A structure located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal investment, may not be used for human habitation, and shall be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

**Addition (to an existing building)**

Any walled and roofed expansion to the perimeter of a building to which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition connected by a fire wall or is separated by independent, perimeter, load-bearing walls is new construction.

**Administrator (Floodplain Administrator)**

The Planning Director, Building Official, or any such person designated by the County Commission to administer, enforce, or otherwise oversee the floodplain management regulations of the County.

**Appeal**

A request for a review of the Floodplain Administrator’s interpretation of any provision of this ordinance or the provisions of Article VI *Resource Protection* or a request for a variance.

**Area of Shallow Flooding (AO or AH) Zone**

A designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist,
where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. AO or AH flooding is characterized by ponding or sheet flow. Currently, there are no AO or AH Zones within Baker County.

**Area of Special Flood Hazard (A or AE Zone)**

Special Flood Hazard Area (SFHA) - A FEMA-identified high-risk flood area where flood insurance is mandatory for properties. An area having special flood, mudflow, or flood-related erosion hazards, and shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map as Zone A, AO, A1-A30, AE, A99, AH, AR, AR/A, AR/AE, AR/AH, AR/O, AR/A1-A30, V1-V30, VE, or V.

The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year.

**Base Flood**

A flood having a one percent chance of being equaled or exceeded in any given year.

The flood having a one percent chance of being equaled or exceeded in any given year. Also called the “100-year flood” and the “regulatory flood.” “Base flood” is the term used in these LDRs.

**Base Flood Elevation**

Base Flood Elevation (BFE) - The elevation shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/O, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year.

The base flood elevation is the water-surface elevation associated with the base flood.
**Basement**

The portion of a building having its floor sub-grade (below ground level) on all sides.

**Breakaway Wall**

Means a wall that is not part of the structural support of the building and is intended through its design and construction, to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Building**

For floodplain management purposes, a building is a walled and roofed construction, a manufactured home, or gas or liquid storage tanks that are principally above ground. (See Structure.)

**Date of Construction**

The date that the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date.

**Datum**

A reference surface used to ensure that all elevation records are properly related. Many communities have their own datum that was developed before there was a national standard. The current national datum is the National Geodetic Vertical Datum (NGVD) of 1929, which is expressed in relation to mean sea level, or the North American Vertical Datum (NAVD) of 1988.

**Development**

Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.
**Elevated Building**

Elevated Building - A building that has no basement and has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid foundation perimeter walls are not an acceptable means of elevating buildings in V and VE zones.

A non-basement building built to have the lowest floor elevated above the ground level by walls, posts, piers, pilings, columns or shear walls.

**Encroachment**

The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of the floodplain.

**Erosion**

The collapse, undermining, or subsidence of land along the shore of a lake or other body of water. Erosion is a covered peril if it is caused by waves or currents of water exceeding their cyclical levels which result in flooding.

**Existing Construction**

For the purpose of floodplain management, structures for which the ‘start of construction’ commenced before the date of the initial Flood Insurance Rate Map (FIRM). Existing construction, means for the purposes of determining rates structures for which the “start of construction” commenced before **July 16, 1991, the effective date of the first FIRM or before January 1, 1975, for FIRM effective before that date.** Also referred to as “existing structures.”
Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots where the manufactured homes were affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is was completed before the July 16, 1991, the effective date of the floodplain management regulations adopted by Baker County.

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites within a manufactured home park or subdivision by the construction of facilities for servicing the lots that the manufactured homes are to be affixed to (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). New mobile home subdivisions are not permitted within County.

Federal Emergency Management Agency (FEMA)--The federal agency under which the National Flood Insurance Program (NFIP) is administered. In March 2003, FEMA became part of the newly created U.S. Department of Homeland Security.

Finished (Habitable) Area--An enclosed area having more than 20 linear feet of finished interior walls (paneling, etc.) or used for any purpose other than solely for parking of vehicles, building access, or storage.

Flood or Flooding

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   (1) the overflow of inland or tidal waters;
   (2) the unusual and rapid accumulation or runoff of surface waters from any source.
   (3) Mudslides (i.e. mudflows) proximately caused by flooding as defined in paragraph (A) (2) of this definition and akin to a river of liquid and flowing
mud on the surface of normally dry land areas; as when earth is carried by a current of water and deposited along the path of the current.

B. The collapse or subsidence of land along a shore of a lake or other body of water as the result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A) (1) of this definition.

**Flood Hazard Boundary Map (FHBM)**

Flood Hazard Boundary Map (FHBM) - Official map of a community issued by the Federal Insurance Administrator, where the boundaries of the flood, mudflow, and related erosion areas having special hazards have been designated.

Means an official map of a community issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM)**

Flood Insurance Rate Map (FIRM) - Official map of a community on which the Mitigation Division Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

An official map of a community, issued by the Federal Emergency Management Agency (FEMA) that delineates both the areas of special flood hazard and the risk premium zones applicable to the community.
Flood Insurance Study (FIS)

The FIS is the official hydraulic and hydrologic report provided by the Federal Emergency Management Agency (FEMA). The study contains an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding waters surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and other flood-related erosion hazards. The study may also contain flood profiles, as well as the FIRM, FHBM (where applicable), and other related data and information.

Floodplain

Any land area susceptible to being inundated by water from any source. (See definition “flood or flooding.”)

Floodplain Administrator

The individual appointed to administrator and enforce the floodplain management regulations of the community.

Floodplain Management

Floodplain Management - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

The operation of an overall program of corrective and preventive measures for to reduce flood damage, and preserve, and enhance natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Floodplain Administrator

The individual appointed to administrator and enforce the floodplain management regulations of the community.
**Floodplain Management Regulations**

The ordinances in this Article and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power to control development in flood-prone areas. This term describes federal, State of Florida, or local regulations in any combination thereof, which provide standards for preventing and reduce flood loss and damage.

**Floodproofing**

Any combination of structural and non-structural additions, changes, or adjustments to structures, to reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing only applies to commercial buildings. This term does not apply to residential buildings.

**Freeboard**

An additional amount of height above the Base Flood Elevation used as a factor of safety (e.g., 2 feet above the Base Flood) in determining the level at which a structure's lowest floor must be elevated or floodproofed to be in accordance with State or community floodplain management regulations.

**Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Floor**

The top surface of an enclosed area in a building (including basement), i.e., top of slab in a concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
Freeboard
The additional height, usually expressed as a factor of safety in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, bridge openings, or hydrological effect of urbanization of the watershed that could contribute to flood heights greater than the height calculated for a selected frequency flood and floodway conditions.

Functionally Dependent Use
A use that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, or ship repair. The term does not include long-term storage, manufacture, sales, or service facilities.

Hardship
A hardship as related to variances from the floodplain management regulations means an exceptional hardship associated with the land that would result from a failure to grant the requested variance. The community requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbors does not qualify as an exceptional hardship. These types of problems can be resolved through other means without granting a variance, even if the alternative is more expensive, requires the property owner to build elsewhere, or to put the parcel to a different use than originally intended.

Highest Adjacent Grade
The highest natural elevation of the ground surface prior to the start of construction next to the proposed walls of a structure.
Historic Structure

Any structure that is:

(A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(C) Individually listed on the Florida inventory of historic places in Baker County or Baker County communities—with historic preservation programs that have been certified either:
   1. By an approved Florida program as determined by the Secretary of the Interior, or
   2. Directly by the Secretary of the Interior

Increased Cost of Compliance

Coverage for expenses a property owner must incur, above and beyond the cost to repair the physical damage the structure actually sustained from a flooding event, to comply with mitigation requirements of State or local floodplain management ordinances or laws. Acceptable mitigation measures are elevation, floodproofing, relocation, demolition, or any combination thereof.

Lowest Adjacent Grade

After the completion of construction, the lowest elevation—of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.
Manufactured Home

For purposes of floodplain management, Manufactured (Mobile) Home - A structure built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation. "Manufactured (mobile) home" does not include recreational vehicles.

A building, transportable in one or more sections is built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. No new mobile home subdivisions are allowed in Baker County.

Market Value

The building value, which is the property value excluding the land value with the value of detached accessory structures and other improvements on the site (as agreed to between a willing buyer and seller) as established by what the local real estate market will bear. Market value can be established by an independent, certified appraisal (other than a limited or curbside appraisal, or one based on income approach), actual cash value (replacement cost depreciated for age and quality of construction of building), or adjusted tax-assessed values.

Mean Sea Level

The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of these Land
Development Regulations (LDRs) the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum (NAVD) of 1988.

**National Geodetic Vertical Datum (NGVD)**

**National Geodetic Vertical Datum (NGVD) of 1929**—National standard reference datum for elevations, formerly referred to as Mean Sea Level (MSL) of 1929. NGVD 1929 may be used as the reference datum on some FIRMs.

The NGVD of 1929 is a vertical control used as a reference to establish varying elevations within the floodplain.

**New Construction**

For purposes of floodplain management, any structure for which the ‘start of construction’ commenced after the effective date July 16, 1991 of the initial floodplain management code, ordinance, or standard based upon specific technical base flood elevation data that establishes the area of special flood hazard. The term also includes any subsequent improvements to such structures. For flood insurance rates, structures for which the start of construction commenced on or after the effective date of the date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision**

A manufactured home park for which the construction of facilities for servicing the lots where the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management code, ordinance, or standard. New mobile home subdivisions are not permitted within County.
North American Vertical Datum (NAVD)

National Geodetic Vertical Datum (NGVD) of 1929—National standard reference datum for elevations, formerly referred to as Mean Sea Level (MSL) of 1929. NGVD 1929 may be used as the reference datum on some FIRMs.

The NAVD of 1988 is a vertical control used as a reference to establish varying elevations within the floodplain.

Natural Grade
The grade unaffected by construction techniques such as fill, landscaping, or berming.

Program Deficiency
A defect in the community’s floodplain management regulations or administrative procedures that impairs effective implementation of those the floodplain management regulations or of the standards required by the National Flood Insurance Program.

Public Safety and Nuisance
Anything is injurious to the safety or health of the community or a neighborhood, or any considerable number of persons, or that unlawfully obstructs the free passage or use of any navigable lake, river, bay, stream, canal, or basin.

Recreational Vehicle
A recreational vehicle is one that is:
   A. built on a single chassis;
   B. 400 square feet or less when measured at the largest horizontal projection;
   C. designed to be self-propelled or permanently towable by a light duty truck; and
D. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**Repetitive Loss Structure**

An NFIP-insured structure that has had at least two paid flood losses of more than $1,000 each in any 10-year period since 1978.

**Remedy a Deficiency or Violation**

Actions to bring the regulation, procedure, structure or other development into compliance with federal, State of Florida, or Baker County’s floodplain management regulations; or if this is not possible, to reduce the impacts of its noncompliance. Ways the impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the Baker County regulations, deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

**Riverine**

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Sand Dunes**

Sand dunes are naturally occurring accumulations of sand in ridges or mounds landward of a beach.
Shallow Flooding
Also known as “an area of shallow flooding.”

Special Flood Hazard Area
Also known as “an area of special flood hazard.”

Start of Construction
For other than new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-3481, “start of construction” includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date.

The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the state of excavation or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure
For floodplain management purposes, a structure is a walled and roofed construct, a manufactured home, or gas or liquid storage tanks that is are principally above ground.
**Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

**Substantial Improvement**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cumulative cost of which equals or exceeds fifty (50%) percent of the market value of the structure before the ‘start of construction’ of the improvement. This term includes structures that have incurred “substantial damage” regardless of the actual repair work performed. However, this term does not include any repair or improvement of a structure to correct existing violations of the State of Florida or Baker County’s health, sanitary, or safety code specifications, which that have been identified by the local Building Official or code enforcement official prior to the application for permit for improvement and which are the minimum changes necessary to assure safe living conditions.

**Substantially Improved Existing Manufactured Home Parks or Subdivisions**

When the repair, reconstruction, rehabilitation or improvement of the streets, utilities, and pads in an existing manufactured home park or subdivision equals or exceeds fifty (50%) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**Unfinished Area**

An enclosed area that is used only for the parking of vehicles, building access, or storage purposes and that does not meet the definition of a finished (habitable) area. Drywall used for fire protection is permitted in unfinished areas.
Variances
A grant of relief from the requirements of Part 6.05.00 Floodplains.

Violation
The failure of a structure or other development to be fully compliant with the requirements of Part 6.05.00 Floodplains. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required herein is presumed to be in violation until such time as that documentation is provided.

Watercourse
A lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which where substantial flood damage may occur.

Water surface elevation
In relation to the National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988, the height of floods of various magnitudes and frequencies in the floodplains of coastal or Riverine areas.

Sec. 6.05.03 General Provisions

A. Applicability
Part 6.05.00 shall apply to all areas of special flood hazard within the jurisdiction of Baker County, Florida.
B. **Designation of Administrator for Floodplain Management**

The Board of County Commissioners of Baker County hereby appoints the Baker County Building Official as the “Floodplains Administrator” to administer and implement the provisions of Part 6.05.00 Flood Plains, et.al.of the LDRs.

C. **Establishment of Areas of Special Flood Hazards**

The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Insurance Study (FIS) of Baker County, dated July 16, 1991, with the accompanying maps and other supporting data, and any subsequent revisions thereto, are adopted by reference and declared to be a part of Part 6.05.00 Floodplain regulations. The Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) are on file at the Baker County Building Department and the Baker County Public Library.

D. **Establishment of Development Permit**

A development permit shall be required in conformance with the provision of Part 6.05.00 prior to the commencement of any development activities.

E. **Compliance**

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of Part 6.05.00 and other applicable regulations.

F. **Abrogation and General Restrictions**

Part 6.05.00 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where Part 6.05.00 and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
G. **Interpretation**

In the interpretation and application of Part 6.05.00, all provisions shall be considered as minimum requirements and deemed neither to limit nor repeal any other powers granted under State of Florida statutes.

H. **Warning and Disclaimer of Liability**

The degree of flood protection required by Part 6.05.00 is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasion. Flood heights may be increased by man-made or natural causes. Part 6.05.00 does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. Part 6.05.00 shall not create liability on the part of the Board of County Commissioners of Baker County, Florida, or by any officer or employee thereof for any flood damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

I. **Penalties for Violation**

Violation of the provisions of Part 6.05.00 or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants or variance or special exceptions, shall constitute a misdemeanor. Any person who violates Part 6.05.00 or fails to comply with any of the requirements shall upon conviction, be fined not more than $500 and shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful actions as is necessary to prevent or remedy any violation.
Sec. 6.05.04  Floodplain Management Administration

A. Duties and Responsibilities of the Administrator

Duties of the Administrator shall include, but are not limited to:

1. Review permits to assure sites are reasonably safe from flooding;
2. Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
3. Advise permittee that additional federal, State of Florida, or Baker County permits may be required, and if additional permits are necessary especially as relates to Chapters 161.053; 320.8249; 320.8359; 373.036; 380.05; 381.0065, and 553, Part IV, Florida Statutes, require that copies of such the permits be provided and maintained on file with the development permit;
4. Notify adjacent communities and the Florida Department of Economic Opportunity, Division of Emergency Management, the St. Johns or Suwannee Water Management District, the Federal Emergency Management Agency and other Federal and/or State of Florida Agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse;
5. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is maintained;
6. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (A-Zones) of all new or substantially improved buildings in accordance with Section 6.05.04 B (2);
7. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Section 6.05.05 B (2).
8. Review certified plans and specifications for compliance. When flood-proofing is utilized for a particular building, certification shall be obtained from a registered engineer or architect certifying that all areas of the building below the required
Article VI Resource Protection

B. Permit Procedures

Application for a development permit shall be made to the Floodplain Administrator on current FEMA forms or forms accepted by FEMA prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing.

Specifically, the following information is required:

(9) Interpret the exact location of boundaries of the areas of special flood hazard. When there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Section;

(10) When base flood elevation data or floodway data have not been provided in accordance with Section 6.05.03. C, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, State of Florida, or any other source to administer the provisions of Section 6.05.03;

(11) Coordinate all change requests to the FIS and/or FIRM with requester, State of Florida, and FEMA; and

(12) Where Base Flood Elevation is used, obtain and maintain records of lowest floor and floodproofing elevations for new construction and substantial improvements in accordance with Sections 6.05.04 B (1) and (2) respectively.
(1) Application Stage
a. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
b. Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
c. Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Section 6.05.05 B (2) Non-Residential Construction, and Section 6.05.04 B (2) Construction Stage (below).
d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, and;

(2) Construction Stage

Upon placement of the lowest floor, or flood-proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD or NAVD elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When flood proofing is used for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder’s risk. The Floodplain Administrator shall review the lowest floor and flood-proofing elevation survey data submitted. Immediately and prior to further progressive work being permitted to proceed, the permit holder shall correct violations detected by such review. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.
C. **Variance Procedures**

1. **Hearings for Appeals and Variance Requests**

The County Land Planning Agency (LPA) as established by the BOCC of Baker County, Florida shall hear and decide appeals and requests for variances from the requirements of Part 6.05.00 *Floodplains*. The LPA shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of the floodplain management regulations.

Any person aggrieved by the decision of the LPA or any taxpayer may appeal such decision to the Circuit Court, as provided in Section 125.018, Florida Statutes.

2. **Variance Considerations**

In acting upon such applications, the LPA shall consider all technical evaluations, all relevant factors, standards specified in other sections of this, Article and:

a. The danger that materials may be swept onto other lands to the injury of others;

b. The danger to life and property due to flooding or erosion damage;

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

d. The importance of the services provided by the proposed facility to the community;

e. The necessity of the facility to a waterfront location, where applicable;

f. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage

g. The compatibility of the proposed use with existing and anticipated development;
h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

i. The safety of access to the property in times of flood for ordinary and emergency vehicles;

j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site, and;

k. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

3. **Conditions for Variances**

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship, and

c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

d. Variances shall only be issued upon a determination that the variance is the minimum necessary deviation from the requirements of Part 6.05.00 Floodplains.

e. Variances shall not be granted after-the-fact.

4. **Variance Records**

The Floodplain Administrator shall maintain the records of all variance actions, including justification for their issuance or denial, and report such variances in the community’s NFIP
Biennial Report or upon request to FEMA and the State of Florida, Department of Economic Opportunity, NFIP Coordinating Office.

5. **Variance Notice**

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

a. The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage, and

b. Such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Clerk of Court and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

6. **Structures in Regulatory Floodway**

Variances shall not be issued within the designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.

7. **Historic Structures**

Variances may be issued for the repair or rehabilitation of “historic” structures—meeting the definition in this upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a “historic” structure.
Sec. 6.05.06 05 Provisions for Flood Hazard Reduction

A. General Standards

In all areas of special flood hazard all development sites including new construction and substantial improvements shall be reasonably safe from flooding and meet the following provisions:

(1) New construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State of Florida requirements for resisting wind forces;

(3) New construction and substantial improvement shall be constructed with materials and utility equipment resistant to flood damage; See the applicable Technical Bulletin or Bulletins for guidance.

(4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage; See the applicable Technical Bulletin or Bulletins for guidance.

(5) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities including duct work shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding;

(6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
(7) New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(9) Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Part 6.05.00 *Floodplains* shall meet the requirements of ‘new construction’ as contained in this Part 6.05.00.

(10) Any alteration, repair, reconstruction or improvements to a building that is not in compliance with these provisions shall be undertaken only if said non-conformity is not furthered, extended or replaced;

(11) All applicable additional federal, State of Florida, and local permits shall be obtained and submitted to the Floodplain Administrator. Copies of such permits shall be maintained on file with the development permit. State of Florida permits may include, but not be limited to the following:

a) St. Johns Water Management District(s): in accordance with Chapter 373.036 Florida Statutes, Section (2) (a) Flood Protection and Floodplain Management.

b) Suwannee River Water Management District: in accordance with Chapter 373.036 Florida Statutes, Section (2) (a) Flood Protection and Floodplain Management.

c) Department of Economic Opportunity: in accordance with Chapter 380.05 F.S. Areas of Critical State Concern, and Chapter 553, Part IV F.S., Florida Building Code.

d) Department of Health: in accordance with Chapter 381.0065 F.S. Onsite Sewage Treatment and Disposal Systems.

(12) Standards for subdivision proposals and other proposed development (including manufactured homes):
a) All subdivision proposals shall be consistent with the need to minimize flood damage;
b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

B. Specific Standards for A Zones

In all A-Zones where base flood elevation data has been provided (Zones AE, A1-30, and AH), as set forth in Section 6.05.03 C Establishment of Areas of Special Flood Hazards, the following provisions shall apply:

(1) Residential Construction

All new construction or substantial improvement of any residential building (including manufactured homes) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, opening sufficient to facilitate automatic equalization of flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with standards of Section 6.05.05 B (3) Elevated Buildings.

(2) Non-Residential Construction

All new construction or substantial improvement of any commercial, industrial, or non-residential building (including modular units used as non-residential buildings) shall have the lowest floor, including basement, elevated to no lower than one foot above the base flood elevation.
In lieu of being elevated, all non-residential buildings located in A-Zones may be flood-proofed, provided that all areas of the building components below the base flood elevation plus one foot are water tight with walls substantially impermeable to the passage of water and use structural components with the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall verify that the standards of this subsection are satisfied using the FEMA Floodproofing Certificate. Such certification along with the corresponding engineering data, and the operational and maintenance plans shall be provided to the Floodplain Administrator.

(3) Elevated Buildings

New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

a) Designs for complying with this requirement must be certified by a professional engineer or architect or meet the following minimum criteria:

i. Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

ii. The bottom of all openings shall be no higher than one foot above foundation adjacent interior grade (which must be equal to or higher in elevation than the adjacent exterior grade); and

iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they provide the required net area of the openings and permit the automatic flow of floodwaters in both directions.

b) Fully enclosed areas below the lowest floor shall be used solely for parking of vehicles, storage, and building access. Access to the enclosed areas shall be the minimum necessary to park vehicles (garage door), limited storage of
maintenance equipment used in connection with the premises (standard exterior
door), or entry to the living area (stairway or elevator); and

c) The interior portion of such enclosed area shall not be finished or partitioned into
separate rooms.
(4) Special Flood Hazard Areas Table

The following is a list of items that may or may not be permitted below the base flood level.

<table>
<thead>
<tr>
<th>Zone A &amp; AE</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
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<tr>
<td>Garage, residential limited to 700 sq. ft.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Storage rooms, residential limited to 700 sq. ft. (not for habitation)</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Walls for enclosing items 1 and 2</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Provided hydrostatic vents are designed and installed</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electrical outlets</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Electric meters</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Automatic washers</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Dryers</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Air conditioning equipment, ducts, etc.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Heating equipment</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Hot water tank</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>A second refrigerator in a storage room or garage for cold storage</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>
C. **Specific Standards for Streams A Zones Without Established Base Flood Elevations and Regulatory Floodways**

Located within the areas of special flood hazard established in Section 6.05.05 B, where there exist A Zones for which base flood elevation data and regulatory floodway data have not been provided or designated by FEMA, the following provisions shall apply:

1. Require standards of Section 6.05.03 C.
2. The Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State of Florida, or any other source, to administer these provisions. When such data is used provisions of Section 6.05.05 B shall apply.
   The Floodplain Administrator shall:
   a) Obtain the elevation (in relation to the mean sea level) of the lowest floor (including the basement) of all new and substantially improved structures,
   b) If the structure has been floodproofed in accordance with the requirements of Section 6.05.05 B (2) *Non-Residential Construction* obtain the elevation in relation to the mean sea level to which the structure has been floodproofed, and
   c) Maintain a record of all such information.
3. In Riverine situations notify adjacent communities, the State of Florida, Department of Economic Opportunity, NFIP Coordinating Office, and the applicable Water Management District prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.
4. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
5. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse, or...
lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Florida and local anchoring requirements for resisting wind forces.

(6) When the data is not available from any source as in paragraph (2) of this Section, the lowest floor of the structure shall be elevated to no lower than two (2) feet above the highest adjacent grade for a residential building or non-residential building. In the case of a mobile home, the bottom of the (I) beam shall be elevated to three (3) feet above the highest adjacent grade.

(7) Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks) greater than fifty (50) lots or five (5) acres, whichever is the lesser, include base flood elevation data within such proposals. The developer shall submit the data to FEMA for a map amendment. New mobile home subdivisions are not permitted in Baker County.

D. Standards for Streams With Established Base Flood Elevations, Without Regulatory Floodways

Located within the areas of special flood hazard established in Section 6.05.03 C where streams exist for which base flood elevation data has been provided by FEMA without the delineation of the regulatory floodway (Zones AE and A1-30), the following additional provisions shall also apply.

1. Until a regulatory floodway is designated, no new construction, substantial improvements, or other development including fill shall be permitted within the areas of special flood hazard unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community.
2. Development activities that increase the water surface elevation of the base flood by more than one foot may be allowed provided that with the community’s endorsement, the developer or applicant first applies for a conditional FIRM revision and receives the approval of the Federal Emergency Management Agency.

E. Floodways

There are areas designated as floodways located within areas of special flood hazard established in Section 6.05.03 C. Due to the velocity of flood waters that carry debris, potential projectiles and have erosion potential, floodways are extremely hazardous and the following provisions shall apply:

1. Prohibited encroachments, including fill, new construction, substantial improvements and other developments within the regulatory floodway unless certification (with supporting technical data) by a registered professional engineer is provided through hydraulic and hydrologic analyses performed in accordance with standard engineering practice demonstrating that encroachments would not result in any increase in flood levels during occurrence of the base flood discharge.

2. Prohibit the placement of manufactured homes (mobile homes) except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 6.05.05 A (2) and the elevation standards of Section 6.05.05 B (1) and (2) and the encroachment standards of Section 6.05.05 E (1) Floodways are met.

3. Development activities including new construction and substantial improvements that increase the water surface elevation of the base flood may be allowed, provided that with the community’s endorsement for a
conditional FIRM revision, the developer or applicant first applies and receives the approval of FEMA.

4. When fill is proposed within the regulatory floodway, in accordance with the permit issued by the Florida Department of Health the development permit shall be issued only upon demonstration by appropriate engineering analyses that the proposed fill will not increase the water surface elevation of the base flood in accordance with, Section 6.05.05 E (1) *Floodways* above.

**F. Standards for Manufactured Homes and Recreational Vehicles**

1. All manufactured homes that are placed, or substantially improved within Zones A1-30, AH and AE, on sites (I) outside of an existing manufactured home park or subdivision, (II) in a new manufactured home park (III) in an expansion to an existing manufactured home park or subdivision, or (IV) in an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood, the lowest floor shall be elevated on a permanent foundation to no lower than one foot above the base flood elevation and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. All manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision within Zones A-1, AH, and AE that are not subject to the provisions of paragraph 1 4(a) of this sub-section, must be elevated so that either:
   a. The lowest floor of the manufactured home is elevated to no lower than one foot above the base flood elevation, or
   b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength that are
no less than 48 inches in height above the grade and securely anchored to an adequate foundation system to resist floatation, collapse, and lateral movement.

3. All recreational vehicles placed on sites within Zones A1-30, AH, and AE must either:
   a. Be on the site for fewer than 180 consecutive days.
   b. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnected type utilities and security devices and has no permanently attached additions), or
   c. Meet all the requirements for new construction including anchoring and elevation requirements in accordance with Section 6.05.05 and provisions of paragraphs 1 and 2 of this sub-section above.

4. Adequate drainage paths around structures shall be provided on slopes to guide water away from structures.
BAKER COUNTY
DEVELOPMENT & IMPROVEMENT
STANDARDS

ARTICLE VII
# Article VII  Design and Improvement Standards

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ARTICLE VII  DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS

PART 7.01.00 General Design Standards

Sec. 7.01.01 Purpose and Intent
The purpose of this Article is to provide development design and improvement standards applicable to all development activity within the County. This Article is intended to ensure functional and attractive development.

Sec. 7.01.02 Responsibility for Improvements
These standards shall apply to all development. All improvements related to development and required by this Article shall be designed, installed, and paid for by the developer.

Sec. 7.01.03 Principles of Development Design
Development design shall first take into account the protection of natural resources as prescribed in Article VI Resource Protection of this Code and other related federal and state statutes. All development shall be designed to avoid unnecessary impervious surface cover, to provide adequate access to lots and sites, and to avoid adverse effects of shadow, glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

Sec. 7.01.04 Compliance with Technical Construction Standards
All required elements of the transportation system shall comply with accepted engineering design and construction standards.
Sec. 7.02.01.00 General Provisions

Sec. 7.02.01.01 Purpose and Intent
This section establishes minimum requirements applicable to the development of transportation systems, including public and private streets, pedestrian ways, parking and loading areas, and access control to and from public streets. The standards in this Section are intended to minimize the traffic impacts of development, to assure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices.

Sec. 7.02.02.00 Streets and Roads

Sec. 7.02.02.01 Street and Road Classification System
Streets in the County are classified and mapped according to function for regulation of access, road and right-of-way widths, circulation patterns, design speed, and construction standards. All development proposals containing new streets or taking access from existing streets shall conform to the standards and criteria contained herein. The street hierarchy is established as local, collector, and arterial.

Sec. 7.02.02.02 Local Streets
Local streets provide direct access to residential development, but may give access to limited non-residential uses, provided average daily traffic (ADT) volume generated by the non-residential uses does not exceed applicable standards for the affected streets. All local streets shall be designed to
minimize unnecessary and/or speeding traffic. Each local street shall be classified and designed for its entire length to meet the minimum standards.

Sec. 7.02.02.02 A. Unpaved Roads
Provision for an unpaved surface is an economic decision that is appropriate for very low volume local roads for which the cost of constructing and maintaining a paved surface is prohibitive. Unpaved roads are those comprised of native surface, treated or untreated gravel, or Chip-seal. Native surface (dirt – ungraded or graded) treated and untreated gravel (graded or ungraded) are surfaces that have not received any treatment to control dust. Chip-seal is an inexpensive treatment that creates an adequate roadway surface for small volumes of traffic, but wears down quickly with higher traffic volumes. The County has a relatively small number of roads that have been treated with the Chip-seal technique. To protect the health, safety, and general welfare of the public, the County does not permit new unpaved roads.

Sec. 7.02.02.02 B. Capacity for Unpaved Roads
While there are no specific guidelines that indicate the maximum traffic volume level for which unpaved surfaces are appropriate, it is known that crash rates are generally higher for unpaved roads than for paved roads for traffic volumes of 250 vehicles per day or more with unpaved roads operating at low to moderate speeds (less than 40 mph). Therefore, the County shall institute the following Capacity Assumptions for unpaved roads. Further, the County shall require such roads that carry more than 400 vehicles per day shall be paved to a standard asphalt surface.
Capacity Assumption for Unpaved Roads

<table>
<thead>
<tr>
<th>Capacity (Vehicles Per Day)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Unpaved – native</td>
<td>200</td>
</tr>
<tr>
<td>Unpaved – gravel</td>
<td>400</td>
</tr>
<tr>
<td>Chip-seal</td>
<td>400</td>
</tr>
</tbody>
</table>

1 Source: Colorado Air Quality Control Commission, Co. Dept. of Public Health and Environment; Larimer County LDRs

Sec. 7.02.02.03 Collector Roads

Collector roads provide access to non-residential uses and connect local streets to arterial roads. Design speeds and average daily traffic volumes may be higher than for local streets. Collector roads shall be functionally classified as such on the Future Traffic Circulation Map.

Sec. 7.02.02.04 Arterial Roads

Arterial roads provide links between communities or to limited-access expressways, limit direct access from abutting properties except for regionally significant uses, and are designed for speeds up to fifty-five (55) miles per hour. Arterial roads shall be functionally classified as such on the Future Traffic Circulation Map. No parking is allowed on arterials. Private access and frontage shall be controlled and limited to generators of high-volume vehicle trips.

Sec. 7.02.02.05 Official Street Map (OSM)

The Official Street Map (OSM) and any amendments thereto, adopted by the County as part of the Comprehensive Plan, are hereby made a part of this Code. All existing roadways within the jurisdiction of the County shall be classified according to the foregoing classification scheme. Any street abutting or affecting the design of a subdivision or land development not already classified on the (OSM) shall be classified by the County according to its function, design, and use during plan
review. The (OSM) shall be the basis for all decisions regarding required road improvements or access of proposed uses to existing or proposed roadways.

Sec. 7.02.02.06 Street Classification Standards
See Table 2 – Road Classification, (at the end of Article VII) which specifies the number of lanes, pavement, and rights-of-way widths for residential, collector, and arterial streets. See Section 7.02.04.02 Paving Widths and Section 8.03.02 Roads, Streets, Etc. for exceptions.

Sec. 7.02.03.00 Rights-of-Way

Sec. 7.02.03.01 Right-of-Way Widths
The right-of-way shall be measured from lot line to lot line. See Table 2 – Road Classification, (at the end of Article VII) which specifies widths for residential, collector, and arterial streets. See Section 7.02.04.02 Paving Widths and Section 8.03.02 Roads, Streets, Etc. for exceptions.

Sec. 7.02.03.02 Future Rights-of-Ways
Future rights-of-way requirements are identified in the Traffic Element of the Baker County Comprehensive Plan. Where roadway construction, improvements, or reconstruction is not required to serve the needs of the proposed development project, future rights-of-way shall nevertheless be reserved for future use. No part of the reserved area shall be used to satisfy minimum requirements of this Code. However, the calculation of gross density for a project may include the reserved area.

Sec. 7.02.03.03 Protection and Use of Rights-of-Ways
No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the County. Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone, cable television, gas, or electricity shall be allowed subject
to the review and approval of the County Engineer in accordance with applicable County regulations.

Sec. 7.02.04.00 Street and Road Design Standards

Sec. 7.02.04.01 General Design Standards
The standards in Section 7.02.04.00 – 7.02.04.10 Street and Road Design Standards shall be used in conjunction with Section 8.03.02 Roads, Streets, Etc.
A. The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserve existing hydrological and vegetative patterns, and minimize erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.
B. Streets shall be laid out to avoid environmentally sensitive areas.
C. Paved private streets may be allowed within developments that will remain under common ownership provided they are designed and constructed pursuant to the standards herein.
D. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
E. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow inter-neighborhood traffic flow. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land.
F. Local streets shall be arranged to discourage through traffic.
G. Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.
H. Where possible, new intersections along one side of an existing street shall coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between the centerline of the intersecting streets shall be no less than 150 feet.
I. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the intersecting street.
intersected street is an arterial, the distance between intersecting streets shall be no less than 1,000 feet.

Sec. 7.02.04.02 Paving Widths
Paving widths for each street classification shall be as provided in Table 2 – Road Classification, (at the end of Article VII) of this Code. If the width of an existing county-maintained road which is required to be paved pursuant to this section does not meet the width requirements for road improvements as set forth within the Baker County Land Development Regulations, then the developer may present to the County an engineering plan for the paving of said road which accounts for the existing width available for road improvements. If the County accepts the presented engineering plan, then the road may be paved pursuant to the presented engineering plan and the width requirements shall be waived for said road, provided that all other applicable requirements for road improvements as set forth in the Baker County Land Development Regulations are met. (See 8.03.02 Roads, Streets, Etc.)

Sec. 7.02.04.03 Paving Thickness
All streets shall have a minimum pavement thickness of 1-1/4" asphalt concrete (compacted thickness) and a minimum 6" limerock base course (compacted thickness). Standard stability requirements on the asphalt and standard acceptable density requirements on the limerock base course shall be met. These specifications may be increased at the discretion of the Board of County Commissioners (BOCC) upon the recommendation of the County Engineer. All new streets in the County shall be paved to this standard. However, nothing in this Code shall require the paving of existing streets for the subdivision of land for which no new streets are required.

Sec. 7.02.04.04 Curbing Requirements
Curbing shall be required for the purposes of drainage, safety, and delineation and protection of pavement edge along the streets, where the surface drainage plan requires curbing to channel
stormwater. All curbing shall conform to the general engineering and construction standards. See the specific requirements of Article III Zoning, Sections 3.04.07-3.04.32 Zoning Districts and Article III, Part 3.05.00 Special Use Permits.

Sec. 7.02.04.05 Shoulders
Where required, shoulders shall measure at least four (4) feet in width, and shall be required on each side of streets, and shall be located within the right-of-way. Shoulders shall consist of stabilized turf or other material permitted by the County Engineer.

Sec. 7.02.04.06 Acceleration, Deceleration, Turning Lanes
1. Deceleration or turning lanes may be required by the County along existing and proposed streets as determined by a traffic impact study where the County can justify the need.
2. Acceleration/deceleration lanes are only required when indicated as needed by a traffic impact study. Where needed, a paved taper shall be provided for right-hand turns. The design shall be as per the recommendation of the County Engineer.

Sec. 7.02.04.07 Cul-de-sacs
An unobstructed twelve (12) foot wide moving lane with a minimum outside turning radius of thirty-eight (38) feet shall be provided at the terminus of every permanent cul-de-sac. A typical cul-de-sac shall not exceed 1,000 feet unless approved by the County Engineer.

Sec. 7.02.04.08 Stub Streets
1. Residential access and collector stub streets may be permitted only within subsections of a phased development for which the proposed street in its entirety has received final site plan approval.
2. Temporary turnarounds shall be provided for all stub streets providing access to five
or more lots or housing units. Where four or fewer units or lots are being served, a
sign indicating a dead-end street shall be posted.

Sec. 7.02.04.09  Clear Visibility Triangle
To provide motorists with a clear view of intersecting streets to the motorist, there shall be a
triangular area of clear visibility ("clear visibility triangle") formed by two intersecting streets or the
intersection of a driveway and a street. The following standards shall be met:

1. No structures, portions of structures or vegetation may be erected, placed, parked,
planted or allowed to grow in such a manner as to materially impede visions at a
height greater than thirty-six (36) inches as measured vertically from the pavement
surface at the edge of the adjacent street, or if no street is adjacent, the alley.

2. No motor vehicle, trailer or other equipment shall be allowed to park, stand, stop, or
be stored so as to obstruct the view within a clear visibility triangle.

3. The following are exempt from the prohibition in the areas described below:
   a. Governmental signage and governmental sign posts in the right-of-way.
   b. Fire hydrants, benches, and traffic control devices in the right-of-way.
   c. Utility poles and one utility transmission or control device in the right-of-
      way.

4. One tree with branches no lower than eight (8) feet on private property and two (2)
trees in the right-of-way of each street or alley with branches no lower than eight (8)
feet as measured vertically from the pavement surface at the edge of the adjacent
street, or if no street is adjacent, the alley.

5. At street intersection: The clear visibility triangle shall be formed from the point
where the curb or pavement edge meets at the corner, or in the case of rounded
corners, the point at which they would meet without such rounding, for a distance of
forty-five (45) feet from that point along the curb or pavement edge, then ee
diagonally to a point along the curb or pavement edge of the intersecting street forty-five (45) feet from the point of beginning, and then to the point of beginning.

6. At intersections of alleys and vehicular driveways with streets, and at intersections of alleys with alleys, or with vehicular driveways associated with commercial, industrial, and office uses:

The clear visibility triangle shall be formed from the point where the curb or pavement edge of the street, alley, or driveway meet at the corner, or in the case of rounded corners, the point at which they would meet without such rounding, for a distance of ten (10) feet along the curb or pavement edge of the street or the alley if it is intersecting with a driveway, then diagonally to a point along the curb or pavement edge of the intersecting alley or driveway ten (10) feet from the point of beginning, and then to the point of beginning.

7. At intersections of alleys and vehicular driveways with sidewalks: The clear visibility triangle shall be formed from the point where edge of the sidewalk farthest from the street meets the alley for a distance of five (5) feet along the sidewalk, then diagonally to a point along the alley five feet from the point of beginning, and then to the point of beginning. See Sec. 7.02.04.10 *Clear Visibility Triangle Illustration.*
Sec. 7.02.04.10 Clear Visibility Triangle Illustration
Sec. 7.02.04.11 Signage and Signalization
Prior to plat recordation or Issuance of Certificates of Occupancy, the developer shall deposit with the County sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the County, based upon county or state traffic standards. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

Sec. 7.02.05.00 Access
All proposed development shall meet the following standards for vehicular access and circulation. All projects shall have access to a public right-of-way.

Sec. 7.02.05.01 Separation of Access Points by Functional Class of Roadway
1. Unless otherwise approved by the County Engineer, the separation between access points onto arterials and collector roadways, or between an access point and an intersection of an arterial or collector with another road for an arterial road shall be 300 feet and for a collector road the distance between access points shall be 140 feet.
2. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

Sec. 7.02.05.02 Access to Residential Lots
All lots in a proposed residential subdivision shall have frontage on an internal street with access from an existing County maintained, paved road meeting the requirements of this Code except that rural residential subdivisions of one unit per 7-1/2 acres or lower density may take access from a private paved road. The private paved road shall meet the requirements of this Code and must be approved by the County Engineer. All residential subdivisions consisting of Twenty-five (25) lots or
more shall provide at least two (2) points of access subject to the approval of the BOCC. One access may be closed to public provided the closure is approved by the Emergency Services Director or his designee as being accessible to County Emergency Services. (Per ORD 2006-03 amending Sec. 8.03.02)

PART 7.03.00 Off-street Parking and Loading Design Standards

Sec. 7.03.01.01 Generally
Off-street parking facilities shall be provided for all development within the County pursuant to the requirements of this Code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve.

Sec. 7.03.01.02 Computation
Gross floor areas shall be the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls.

Sec. 7.03.01.03 Parking Study
When required, a parking study shall include, but not be limited to:

1. Estimates of parking requirements based on recommendations in studies such as those from the Urban Land Institute (ULI), the Institute of Transportation Engineers (ITE), or the Traffic Institute, and based on data collected from uses or combinations of uses that are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop recommendations.

2. An analysis of the extent to which a transportation system management program and/or use of alternative forms of transportation lessen the parking requirement.
Sec. 7.03.02.00  Number of Parking Spaces Required
Table 1.  Required Number of Off-Street Parking Spaces specifies the required minimum number of off-street automobile parking spaces according to uses and spaces per unit of measure. Also see Section 7.03.03.00 Off-Street Loading and Business Vehicle Parking.

Sec. 7.03.02.01  Uses Not Specifically Listed in Table 1 – Required Number of Off-Street Parking Spaces
The number of parking spaces required for uses not specifically listed in the Table 1 shall be determined by the Planning and Zoning Department. The Planning Director shall consider requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of parking spaces based upon the principles of this Code.

Sec. 7.03.02.02  Treatment of Mixed Uses
Where a combination of uses is developed, parking shall be provided for each of the uses as prescribed by the Table 1, unless a reduction is granted pursuant to this Part.

Sec. 7.03.02.03  Special Parking Spaces
Any parking area to be used by the general public shall provide suitable, marked, parking space for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of Sections 316.1955 and 316.1956, Florida Statutes, or succeeding provisions. No parking space required for the handicapped shall be counted as a parking space in determining compliance with this Part, but optional spaces for the handicapped shall be counted. All spaces for handicapped shall be paved.

Sec. 7.03.02.04  Reduction for Low Percentage of Leasable Space
The requirements of this Part assume an average percentage of gross leasable building to total gross average building area (approximately 84%). If a use has a much lower percentage of leasable space because of features such as, but not limited to, cafeterias, athletic facilities, or covered patios;
multiple stairways and elevator shafts; atriums; conversion of historic residential structures to commercial use; or for other reasons, the Planning Director may reduce the parking requirements if the following conditions are met:

1. The developer submits a detailed floor plan describing how all of the floor area in the building will be used.

2. The developer agrees in writing that the usage of the square footage identified as not leasable shall remain as identified; unless and until additional parking is provided to conform fully with this Code.

Sec. 7.03.03.00 Off-Street Loading
Spaces to accommodate off-street loading or business vehicles shall be provided as required in this Code.

Sec. 7.03.03.01 Required Spaces
1. Schools, hospitals, nursing homes, and other similar institutional uses and mid- and high-rise residential uses shall provide one (1) loading space for the first 100,000 square feet of gross floor area or fraction thereof, and one (1) space for each additional 100,000 square feet or fraction thereof.

2. Auditoriums, gymnasiums, stadiums, theaters, convention centers, and other buildings for public assembly shall provide one space for the first 20,000 square feet of gross floor area or fraction thereof, and one space for each additional 100,000 square feet.

3. Offices and financial institutions shall provide one space for the first 75,000 square feet of gross floor area or fraction thereof, and one space for each additional 25,000 square feet.
4. Retail commercial, service, road service and commercial entertainment uses shall provide one (1) space for the first 10,000 square feet of gross floor area, and one (1) space for each additional 20,000 square feet.

5. Decreased Demand for Parking or Loading – The number of off-street parking or loading spaces may be reduced if the Board of County Commissioners finds that a diminution in floor area, seating capacity, or other factor controlling the number of parking or loading spaces would permit the site to remain in conformity with the Code after the reduction.

Sec. 7.03.03.02 Design Standards for Off-Street Parking and Loading Areas

A. Size

1. Standard parking spaces shall be a minimum size of ten (10) feet wide by twenty (20) feet long, and compact parking spaces shall be a minimum size of eight (8) feet wide by fifteen (15) feet long.

2. Spaces for handicapped parking shall be the standards specified in Section 316.1995, Florida Statutes.

3. The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress, and egress. The length of one or more of the loading spaces may be increased up to fifty (55) feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standards, but the number of spaces shall not be reduced on that account.

4. The BOCC may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or drainage. The County Engineer shall certify that the modification does not create a serious hazard or inconvenience, and the BOCC shall submit a written statement of the public interest served by allowing the modification.
B. Layout

1. Pedestrian circulation facilities, roadways, driveways, and off street parking and loading areas shall be designed to be safe and convenient.

2. Parking and loading areas, aisles, pedestrian walks, landscaping, and open spaces shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.

3. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.

4. No parking space shall be located so as to block access by emergency vehicles.

PART 7.04.00 Utilities Design Standards

Sec. 7.04.01.00 Utility Requirements for All Developments

Sec. 7.04.01.01 Utility and Easement Requirements
Basic utilities are required for all developments subject to the criteria listed herein. When a developer installs or causes the installation of water, sewer, electrical power, telephone, or cable television facilities and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership of easement rights to enable the utility or entity to operate and maintain such facilities.

Sec. 7.04.01.02 Electricity
Every principal use and every lot within a subdivision shall have availability to a source of central electric power adequate to accommodate the reasonable needs of such use on every lot within such subdivision.
Sec. 7.04.01.03 Telephone
Every principal use and every lot within a subdivision shall have availability to a telephone service cable adequate to accommodate the reasonable needs of such use on every lot within such subdivision.

Sec. 7.04.01.04 Water and Sewer
Every principal use and every lot within a subdivision shall have central potable water and wastewater hookup as required by the County Comprehensive Plan and where the topography permits the connection to a water or sewer line by running a connecting line no more than 200 feet from the lot to such line.

Sec. 7.04.01.05 Fire Hydrants
All developments served by a central water system shall include a system of fire hydrants.

Sec. 7.04.02.00 Water and Sewer Design Standards
All utilities required by this Code shall meet or exceed the minimum standards of the agency providing the water and wastewater capacity.

Sec. 7.04.02.01 Potable Water
A. Private water wells shall be permitted and constructed in accordance with the requirements of Chapter 17-532, Florida Administrative Code (FAC).
B. Water systems serving the public shall be permitted and constructed in accordance with the requirements of Baker County Utility Standards, (2006 Edition) and Chapter 17-555, FAC.
C. Drinking water shall meet the quality standards established in Chapter 17-555, Part III, FAC.
Sec. 7.04.02.02 Septic and Sewer Systems

A. No septic tank or other on-site sewage disposal system shall be installed until an Onsite Sewage Disposal System Construction Permit (HRS-H Form 4016) has been obtained from the Department of Health and Rehabilitative Services.

B. No sanitary sewage systems shall not be constructed until an application form HRS-H Form 4015 is submitted and a construction permit is issued.

C. The sizing and location of on-site sewage disposal systems (including septic tanks) shall be in accordance with Chapter 10-6, Sections .044 through .046(f) FAC.

D. Site evaluation for the location of septic tanks shall meet the site evaluation criteria specified in Chapters 10D-6.047 and 17-600, Part 1, FAC.

E. Wastewater treatment plants shall meet the criteria specified in the Baker County Utility Standards, (2006 Edition) and Chapter 17-600 FAC and shall obtain a construction permit from FDER.

PART 7.05.00 Storm water Management

Sec. 7.05.01. Intent and Objectives

Part 7.05.00 shall govern the design and construction or alteration of all drainage systems, natural or man-made, within the unincorporated areas of Baker County. The following objectives are intended to protect, maintain, and enhance the immediate and the long term health, safety, and welfare of the citizens of Baker County while allowing landowners reasonable use of their property. Stormwater management objectives include:

- Preventing loss of life and property due to flooding;
- Reducing the capital expenditures associated with flood control and the installation and maintenance of storm drainage systems;
• Minimizing the adverse impact of land development and related construction activities on property, environmentally sensitive areas, water and other natural resources.

Sec. 7.05.02.00 Development Permits and Stormwater Management

Sec. 7.05.02.01 Applicable Activities
Unless exempted herein, these activities require prior approval from the County Development Review Process.

A. Alteration, restriction, or removal of existing natural drainage storage and conveyance systems.
B. Alteration, restriction, removal, reconstruction, or abandonment of existing man-made collection, storage, and conveyance systems.
C. Any activity that alters or disrupts the natural flow patterns of storm water runoff, or, would result in an increase in storm water discharge volume and/or rate, including, but are not limited to: land clearing, draining, compacting, filling, excavating, diverting or otherwise altering the natural flow patterns of storm water runoff.
D. Changes to existing land use.
E. Construction of drainage structure(s).
F. The development of recorded subdivisions, or the replatting of recorded subdivisions, either residential or non-residential.

Sec. 7.05.02.02 Mitigating Impacts
All stormwater management undertakings shall respect the rights of other landowners with regard to the quality, rate, and volume of storm water runoff leaving a site. Further, mitigation shall be in accordance with requirements set forth by the County and other jurisdictional agencies, whichever is more stringent. The developer or contractor shall address the predicted impacts of the proposed activity on other lands through the use of a properly designed, constructed and maintained storm...
water management system (SWMS). In mitigating impacts, the developer shall address:

A. Impacts to adjacent and downstream collection, storage, and conveyance systems due to increased rate and volume of stormwater runoff leaving the site;

B. Impacts to adjacent and upstream drainage systems that may be hydrologically or hydraulically connected to the site;

C. Impacts to adjacent and downstream property due to sediment and pollutant loading that may be carried by storm water runoff during and after construction of the site;

D. Impacts to "Special Flood Hazard Areas" (SFHA) due to earthwork activities associated with the site which may result in reduced flood plain storage or conveyance capacity;

E. Impacts to "Flood Prone Areas" (FPAs) that are “volume sensitive” as a result of being located in either a closed basin (i.e., without a positive outfall) or a basin with limited outfall capacity.

Sec. 7.05.02.03 Minimum Stormwater Management Requirements for Development Permits

The County acknowledges that under certain circumstances, it may not be possible or practical to meet all of the objectives of this Section. In such cases at a minimum, the County shall require:

1. written approval from affected upstream and downstream property owners, along with any relative recorded easements and

2. proof of approved permits from state and federal jurisdictional agencies.

A site that meets all of the minimum design standards and permitting requirements established by this Part shall be presumed to adequately mitigate storm water runoff impacts. However, approval by the County shall not, by itself, relieve the responsible parties of liability to others affected by the development.
Sec. 7.05.03.00     Exemptions
The following activities shall be exempt from the Storm Water Management System permitting requirements provided the activity also complies with the assumptions in Section 7.05.03.02.

A. Agricultural activities (silvicultural activities shall meet requirements of the Baker County Comprehensive Plan).
B. Maintenance work performed on existing storm water management systems provided that such maintenance work does not alter the dimensions, size, volume, purpose or intent of the system as constructed.
C. Maintenance work on existing pavement (surface treatment or overlay) or buildings where runoff is not collected and managed by a state-approved storm water management facility.
D. Replacement of existing pavement or buildings where runoff is collected and managed by a state-approved storm water management system.
E. Single-family dwelling units and two-family dwelling units that are not part of a larger common plan of development or sale, provided that they meet the requirements of Section 7.05.07 Special Flood Hazard Areas (SFHA).

Sec. 7.05.03.01     Minor Impacts Exemptions
The following activities are considered minor impacts in nature and shall be exempt from the requirements of Section 7.05.10 Design Standards for Storm Water Management Facilities only, provided the activity also complies with the assumptions in Section 7.05.03.02.

1. New construction on undeveloped property where:
2. new pavement areas do not exceed 4,000 s.f.; and
3. new impervious and semi-impervious surface areas do not exceed 9,000 s.f.
4. The expansion of existing improvements not currently being served by a state-approved storm water management facility where:
   a. total pavement area constructed since February 1, 1982 does not
exceed 4,000 s.f.; or
b. total impervious and semi-impervious areas constructed since February 1, 1982 do not exceed 9,000 s.f.

Sec. 7.05.03.02 Assumptions for All Exemptions
These assumptions apply to all SWMS exemptions:
   1. Proposed improvements and alterations to the site will not cause unreasonable impacts to adjacent properties;
   2. All other applicable land development regulations are met; and
   3. All permits required from other jurisdictional agencies have been obtained.
   4. All development shall submit a drainage plan and are subject to "As-Built" inspection and certification.

Sec. 7.05.04.00 Minimum Requirements for Stormwater Management Systems (SWMS)
A Storm Water Management System (SWMS) includes the collection system (i.e., open channels, culverts and storm sewer systems), the storage system (i.e., storm water management facility), and discharge structures and appurtenances that are intended to manage storm water runoff.

Sec. 7.05.04.01 Regulatory Compliance
All SWMS shall comply with Baker County Land Development Regulations (LDRs) and when applicable, other local, state, and federal agencies, including but not limited to:
   1. either the St. Johns River Water Management District (SJRWMD), the Suwannee River Water Management District (SWRWMD), or the Florida Department of Environmental Protection (FDEP), whichever state agency has jurisdiction;
   2. the Florida Department of Transportation (FDOT);
   3. the Federal Emergency Management Agency (FEMA); and
4. the United States Army Corps of Engineers (USACOE).

Where agencies have conflicting requirements, the more restrictive standards shall prevail.

Sec. 7.05.04.02 Maintenance of Existing Drainage Patterns and Connections

1. Storm water runoff from upstream lands must not be concentrated or redirected onto adjacent property without the written consent of the property owner. Such storm water runoff must be accepted according to pre-development and drainage conditions.

2. When a development constructs a drainage system to accept off-site storm water runoff, unless accepted by the County as part of a master planned SWMS, the developer, Homeowners Association, or other acceptable entity as approved by the County shall be responsible for maintenance and operation of the system.

3. Proposed concentrated discharges shall be connected to an appropriate conveyance system or receiving water body (e.g., stream, ditch, storm sewer, wetland, lake, etc.).
   a. Where a suitable drainage connection is not possible on the site, a spreader swale or other suitable structure shall be used so that storm water discharge sheet flows off-site to a location and in a manner similar to pre-development conditions.
   b. Where suitable drainage connections are made off-site, drainage easements shall be recorded with the County.
   c. Sheet flow drainage onto public right-of-way is not acceptable.
   d. If proposed storm water runoff is to drain into a drainage system located within a state, municipal, or railroad right-of-way or easement, approval from that agency must be submitted to the County prior to drainage approval.

4. Water rate and quantity requirements may be waived by the County provided:
   a. written and binding consent is provided by the downstream property owner(s);
b. approval is obtained from jurisdictional agencies;
c. design, permitting, and construction of off-site drainage improvements shall be the responsibility of the developer or contractor;
d. off-site drainage improvements shall be constructed in conjunction with the site and the developer or contractor provides financial assurances for off-site drainage improvements.

5. The County approval of a site does not result in the grant of any easements or property rights. Accordingly, the County will assume that the developer or contractor has a legal right to discharge storm water from the site. In the event the County has substantial doubts concerning such legal rights, the County may require the submittal of additional information be submitted prior to commencement of construction.

Sec. 7.05.04.03 Temporary Flooding

Sec. 7.05.04.03A Roadways
Temporary roadway flooding may be permissible for storm events that exceed the design storm events listed in Sections 7.05.10-13, provided:

1. full recovery and use of the roadway is available at the end of the 24-hour design storm event;
2. adjacent properties are not adversely impacted;
3. no building or structure is flooded for any design storm event, up to and including the 100-year design storm;
4. flood elevations will at no time exceed:
   (a.) an elevation that would permit flood water encroachment of more than one-half of a travel lane at the lowest elevation on the centerline profile of a roadway for a 25-year/24-hour design storm event; or
(b.) an elevation that would permit a flood water depth of 1.0 foot or more above the lowest elevation on the centerline profile of a roadway.

Sec. 7.05.04.03B Projects Other Than Roadways
Temporary flooding at project other than roadway projects may be permissible for storm events that exceed the design storm events listed in Sections 7.05.10-7.05.13 provided:

1. adjacent properties are not adversely impacted;
2. no building or structure is flooded for any design storm event, up to and including the 100-year design storm;
3. ponding depths do not exceed 1.0 foot; and
4. full recovery and use of the flooded area is available at the end of the 24-hour design storm event.

Sec. 7.05.04 Phasing
Projects to be phased shall provide drainage improvements meeting the minimum design standards for each phase. No phase shall be dependent upon the ultimate installation of a future phase.

Sec. 7.05.04.05 Reserved

Sec. 7.05.04.06 Certifications

1. Survey Plans
All survey plans including but not limited to: boundary, topographic, as-built, wetland, mean high water, specific purpose, and associated reports shall be prepared by a Florida Registered Professional Surveyor and Mapper (PSM). All survey plans and related reports prepared or issued by the PSM shall be signed, dated, and sealed.
in accordance with Florida Statutes. Each sheet or page submitted by the PSM shall bear the signature, date, and embossed seal of that registered professional.

2. **Storm Water Management System Plans**

   Drawings, details, calculations, and related documents, as independently submitted or as contained in the set of Plans shall be prepared by an Engineer or other Registered Professional who is competent in the fields of hydrology; drainage and flood control; erosion and sediment control; and, storm water pollution control. All final drawings, specifications, plans, reports, or documents prepared or issued by the Registered Professional shall be signed, dated, and sealed in accordance with Florida Statutes. Each sheet or page of the final drawings of record shall bear the signature, date and embossed seal of the Registered Professional. All drawings of record shall clearly identify in a legible manner the name and registration number of the Registered Professional.

3. **As-Builts**

   a. As-Built surveys shall be prepared by a Florida Registered Professional Surveyor and Mapper (PSM).
b. Based on as-built drawings and field observations, the registered professional shall certify in writing to the County that the drainage facilities shown on the final drawings of record are designed in conformance with the County’s Land Development Regulations.

c. The developer or contractor shall submit a signed *Lot Grading As-Built* certifying that lot grading and the minimum floor elevation were completed as shown on the approved plans.

d. The County shall verify constructed improvements before issuing a Building Certificate of Occupancy.

**Sec. 7.05.04.07 Operation Maintenance**

Stormwater management systems that do not otherwise require establishment of operation and maintenance responsibility in public records shall be required to designate the entity responsible for operation and maintenance prior to approval for construction.

All privately-owned drainage facilities shall be continuously maintained by either the property owner, developer or contractor, a Homeowner’s Association, or other legal entity as approved by the County. Failure to adequately maintain the facilities shall be in violation of this Code.

**Sec. 7.05.04.08 County Dedication and Acceptance**

All pipes and drainage structures shall be clean and without sediments prior to dedication to and acceptance by the County.

**Sec. 7.05.05.01 Acceptable Hydrologic Methods – Limitations and Applications**
<table>
<thead>
<tr>
<th>Method</th>
<th>Area Limitation</th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCS Unit Hydrograph</td>
<td>Greater than 50 up to county-wide</td>
<td>Use this method to estimate peak flows and runoff hydrographs for all design applications.</td>
</tr>
<tr>
<td>Overland Flow Unit Hydrograph</td>
<td>Greater than 50 up to 1,000 acres</td>
<td>Use this method to estimate peak flows and runoff hydrographs for all design applications.</td>
</tr>
<tr>
<td>Modified Rational</td>
<td>Less than 50 acres</td>
<td>Use of these methods shall be limited to estimating runoff hydrographs for the design of storage facilities in small urbanized drainage basins. Do not use these methods for designing conveyance facilities.</td>
</tr>
<tr>
<td>Santa Barbara Urban Hydrograph</td>
<td>Less than 50 acres</td>
<td>Use this method to estimate peak flows and runoff hydrographs for all design applications.</td>
</tr>
<tr>
<td>HEC-HMS</td>
<td>Greater than 50 up to county-wide</td>
<td>Use this method to estimate peak flows and runoff hydrographs for all design applications.</td>
</tr>
<tr>
<td>SWMM</td>
<td>Greater than 50 up to county-wide</td>
<td>Use this method to estimate peak flows and runoff hydrographs for all design applications.</td>
</tr>
<tr>
<td>Gaged Data</td>
<td>Upstream drainage area</td>
<td>Use this method to estimate peak flows for the design of bridges, culverts and conveyance systems.</td>
</tr>
<tr>
<td>Rational</td>
<td>Less than 50 acres</td>
<td>Use this method to estimate peak flows to design culverts and storm sewer systems. Do not use this method to design storage</td>
</tr>
</tbody>
</table>
USGS Regression Equations | Areas consistent with basin sizes used to develop regression eqns. | Use this method to estimate peak flows for the design of culverts and conveyance systems.

1. Hydrologic methods used for flood plain analysis shall be that specified in the effective Flood Insurance Study (FIS).
2. Hydrologic methods other than those listed above may be used with prior approval by the County provided site-specific conditions justify alternate methods.

Sec. 7.05.05.02  Recommended Design Applications for Hydrologic Methods

<table>
<thead>
<tr>
<th>Hydrologic Method</th>
<th>Storm Water Mgmt. Facilities</th>
<th>Open Systems</th>
<th>Culverts</th>
<th>Storm Sewers</th>
</tr>
</thead>
<tbody>
<tr>
<td>SCS Unit Hydrograph</td>
<td>4</td>
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<tr>
<td>Overland Flow Unit Hydrograph</td>
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<tr>
<td>Modified Rational Method</td>
<td>4</td>
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<td>Gaged Data</td>
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<tr>
<td>USGS Regression Equations</td>
<td>4</td>
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<td></td>
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<tr>
<td>Rational Method</td>
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</tr>
</tbody>
</table>

1. The Soil Conservation Service (SCS) Unit Hydrograph Method should account for directly-connected impervious surface areas (DCIA) for small urbanized drainage basins and for proposed site development.
2. Flows estimated by USGS Regression Equations should be calibrated and/or
compared with other available flow data. Use basin development factors where appropriate.

Sec. 7.05.05.03  Rainfall
1. When using the SCS, Santa Barbara, or Overland Flow Unit Hydrograph methods to determine total runoff volume and peak discharge rate; rainfall amounts shall equal the twenty-four (24) hour precipitation amounts reported in the SJRWMD Technical Publication SJ 91-3 entitled "24-Hour Rainfall Distributions for Surface Water Basins Within the St. Johns River Water Management District, Northeast Florida"; and rainfall distribution shall be based on the SCS Type II, Florida Modified, 24-hour rainfall distribution (Florida Modified).
2. When using the Rational Equation to determine peak discharge rates, rainfall intensity shall be based on FDOT Intensity-Duration-Frequency (IDF) Curves for Zone 3, as published in FDOT’s “Drainage Manual” (latest edition).

Sec. 7.05.05.04  Time of Concentration
2. When using the Modified Rational Method, time of concentration shall be based on either the Velocity Method defined in FDOT’s Drainage Handbook, Hydrology (latest edition), or Kinematic Wave Equations.
3. Time of concentration calculations for other hydrologic methods shall be documented methods consistent with the intent and requirements of the hydrologic method. Provide supporting documentation and calculations.
4. Time of concentration values used for analysis shall not be less than ten (10) minutes for any method.

Sec. 7.05.05.05 Basin Parameters

1. When using either the SCS or Santa Barbara methods, Runoff Curve Numbers shall be based on average antecedent runoff conditions (ARCs) as assumed; and Composite Runoff Curve Numbers (CNs) calculated by area-weighting CNs for each land use/hydrologic soil group combination, based on values reported in TR55, Table 2-2.

2. When using the Modified Rational Method, Composite Runoff Coefficients shall be calculated by area-weighting values with Runoff Coefficients for each land use/slope combination, based on values reported in FDOT’s “Drainage Handbook, Hydrology” (latest edition).

3. When using the Regression Equation Method, include basin development factors for urbanized portions of the drainage basin. Refer to FDOT’s “Drainage Handbook, Hydrology” (latest edition) for input parameters.

Sec. 7.05.06.00 Stormwater Management System (SWMS) Submittal Package Requirements

Sec. 7.05.06.01 General

The responsible party providing a Storm Water Management System (SWMS) submittal package shall provide sufficient information for the County to evaluate potential and predicted impacts of the SWMS on other lands. The County may request reasonably necessary information including maps, charts, graphs, tables, photographs, narrative, explanations, calculations, citations, etc., for a complete review of the SWMS. The County may require inclusion of drainage elements such as retaining walls, roof gutters and drains, under-drains, swales, etc. on the site plans, as the County deems necessary.
Sec. 7.05.06.02 Master Drainage Maps

Master Drainage Maps shall be provided that illustrate existing and proposed drainage conditions. The maps shall be prepared on 24-inch by 36-inch formatted sheets with drawing scales not to exceed 1 inch = 200 feet unless prior approval is obtained from the County. The minimum list of information to be included on existing and proposed conditions drainage maps includes:

1. The location of the site within USGS 7.5-Minute Quadrangle or other suitable map coverage.
2. Property lines and limits of the project.
3. The location and extent of surface waters and delineated wetland areas.
4. The limits of Special Flood Hazard Areas (SFHAs) (for example but not limited to A, AE, AO, A# and VE zones), established base flood elevations (BFEs), and floodways where applicable.
5. Topographic elevation data (surveyed spot elevations and generated elevation contours) for the site and surrounding property in sufficient detail and extent to determine storm water runoff flow patterns. Elevation data shall be based on one of the following vertical reference datum:
   - National Geodetic Vertical Datum 1929 (NGVD 1929).
6. Drainage divides with area in acres for:
   - areas upstream and within the development area; and
   - areas tributary to all drainage structures.
7. Flow direction arrows upstream and downstream of drainage structures and on adjacent property.
8. Land uses (physical), soil types, and calculated runoff parameters (either Runoff Curve Numbers or Runoff Coefficients).
9. Time of concentration flow paths with length and calculated times.
10. The dimensions, elevations, and types of drainage pipes, structures, and open channels.
11. Observed water surface elevations with dates of observation, along with notes pertaining to areas with standing water, areas of seepage flow, springs, etc.
12. The locations, dimensions, purpose, and ownership of easements and rights-of-way.

Sec. 7.05.06.03   Drainage Calculations
All development plans shall include drainage calculations that demonstrate proposed improvements meet applicable County and jurisdictional agency performance standards. Appropriate methods shall be used to design and analyze drainage systems. The County recommends the use of computer-based modeling software (“software”) to design and analyze storm water management systems. Such software shall be approved by state and federal agencies responsible for the detailed review of design calculations. Where hand or manual calculations are used, results may be subject to verification by the County using approved software. Drainage calculations shall be provided in a report format and shall include:

1. Table of Contents.
4. Computer model input and outputs that shall provide in sufficient detail drainage design calculations and results that are well documented and reproducible (i.e., results could be duplicated using same or similar software).
6. Supporting data shall be referenced and/or provided.

Sec. 7.05.06.04   General Grading Plan Requirements
At a minimum, all grading plans shall include the following information:

1. Elevations based on either NGVD (1929) or NAVD (1988) datum, unless otherwise
approved by the County. Where a site is located on property that includes regulated flood plains as identified on FEMA’s Flood Insurance Rate Maps (FIRMs), topographic elevation data shall be based on the datum referenced on the effective FIRM.

2. Property lines.
3. Existing topographic spot elevations and/or elevation contours.
4. The proposed limits of fill, excavation or grading, including final elevations, contours, and slopes.
5. The location of all surface water features including storm water management facilities with the location and elevations of the top-of-bank and bottom along with side slopes and grade transitions.
6. The location, dimensions and elevations of open channels, culverts, and storm sewers.
7. Any other pertinent information as may be required by the County Planning Director or his designee and appropriate for responsible evaluation of the grading plan.

Sec. 7.05.06.05 Grading Plan Requirements for Residential Subdivisions
In addition to the general grading plan requirements listed above, grading plans for residential subdivisions shall include at least the following information:

Sec. 7.05.06.05 A Proposed Grading Elevations at Lot Corners
1. Proposed spot elevations measured to the nearest 0.1 feet shall be provided at all lot corners.
2. Where natural ground slopes equal or exceed 0.8%, and where filling or cutting is not proposed, directional flow arrows may be used instead of specific rear lot corner elevations.
3. Where a drainage divide occurs between the front and rear of a lot, proposed grade
elevations shall be specified at the drainage divide high points.

Sec. 7.05.06.05 B Lot Grading
1. All residential subdivision lots shall be graded to have a minimum slope of 1.0% in directions approximately parallel to side property lines.
2. Grading between house pads shall be such that the proposed ground elevation ten (10) feet away from a house pad is at least 0.5 feet below the proposed ground elevation adjacent to the house pad.
3. To preserve existing natural vegetation, relaxation of minimum lot grading requirements shall be approved by the County on a case-by-case basis. In general, lot grading slopes flatter than 1.0% shall be allowed for large lot subdivision lots (at least 1.0 acre of developable land, not including wetlands or other surface water features) provided:
   a. minimum grades are at least 0.5%;
   b. significant portions of the lot are proposed to remain undisturbed;
   c. the lot does not proposes to add fill within ten (10) feet of any property line; and
   d. the plans clearly show that proposed drainage patterns shall not create flooding, ponding, or maintenance problems on or off-site.

Sec. 7.05.06.05 C Finished Floor Elevations
1. The minimum floor elevation for each lot shall be specified on the plans.
2. Floor elevations above proposed adjacent grade elevations at the building perimeter shall be no less than as required by adopted Baker County Building Codes.
3. Maximum floor elevations shall not exceed six (6) inches more than specified on the plans without a specific grading plan provided by a licensed engineer, landscape architect, or surveyor.
Sec. 7.05.06.05 D Proposed Roadway Centerline Elevations
Provide elevations to the nearest 0.01 feet in front of approximately every other lot corner, at intersection centerlines, and at the centers of cul-de-sacs.

Sec. 7.05.06.05 E Elevations and Slopes for Proposed Sidewalks
Sidewalk running slopes shall not exceed 20H:1V and cross slopes shall not exceed 50H:1V. In all cases, the plans shall show that sidewalk design is consistent with American with Disabilities Act Accessibility Guidelines (ADAAG), and FDOT Standard Index (most recent editions).

Sec. 7.05.06.06 Grading Plan Requirements for Commercial Development
In addition to the general grading plan requirements listed above, grading plans for commercial developments shall include at least the information in this sub-section. Grading plans for commercial sites shall include proposed elevations and contours for the site in sufficient detail to clearly show proposed drainage patterns within roadways, parking lots, sidewalks, ramps, landscaped islands, and other landscaped areas.

Elevation data shall show clearly:
1. Finished floor elevations for all existing and proposed buildings;
2. Proposed grades adjacent to buildings and structures;
3. Vertical transitions at building openings with changes in grade consistent with Accessibility Guidelines (ADAAG) (most recent edition);
4. Elevation differences between finished pavement and back of curbs; and
5. whether sidewalks and pavement are flush or at different elevations.
6. Elevations and slopes for proposed sidewalks: Sidewalk running slopes shall not exceed 20H:1V and cross slopes shall not exceed 50H:1V. In all cases, the plans shall show that sidewalk design is consistent with American with Disabilities Act Accessibility Guidelines (ADAAG) (most recent edition).
7. Entrances and exits to private property shall be graded so that the separation of public and private storm water runoff is maintained to the maximum extent practicable.
Sec. 7.05.07.00  Special Flood Hazard Areas (SFHAs)

Sec. 7.05.07.01  Compliance with FEMA, State, and Local Regulations

1. Sites located on property with designated Special Flood Hazard Areas (SFHAs) must be evaluated to insure that all work within the SFHAs complies with effective FEMA regulations.

2. In accordance with section 60.3 of 44 CFR, Chapter 1, construction occurring in "Special Flood Hazard Areas," as identified by the Flood Insurance Rate Maps (FIRMs) and/or the Flood Hazard Boundary Maps (FHBMs) shall meet the requirements of the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) and shall require approval from FEMA.

3. Sites in and adjacent to Zone A SFHAs shall submit proposals to FEMA to established 100-year base flood elevations (BFEs).

4. Approvals from federal, state, and local jurisdictional agencies shall be provided to Baker County before construction may commence.

Sec. 7.05.07.02  Protection of Flood Plain Functions

1. No development shall reduce the conveyance capacity of a flood plain such that upstream or downstream water surface profile elevations are altered in excess of that allowed by FEMA, the County, or any other jurisdictional agency, whichever is more stringent.

2. Filling of SFHAs and known "Flood Prone Areas" (FPAs) shall be prohibited unless the responsible party can mitigate for the loss of storage volume within the effected SFHA or FPA (collectively hereinafter referred to as “flood plain”). Mitigation may be accomplished by providing compensating storage or by improving the downstream conveyance capacity within the flood plain.

3. No loss of storage volume shall be allowed within flood plains or flood prone areas
where the drainage basin does not have a positive outlet unless it can be demonstrated that other properties within the flood plain are not adversely affected. Raised drain-fields shall not be considered flood plain fill unless the drain-field is associated with a larger commercial project that also proposes fill for other purposes.

a. Compensating Storage
To the maximum extent practical, the responsible party shall provide “compensating storage” volume within the affected flood plain such that there is no net loss of flood plain storage. Compensating storage may be provided as:

(i.) Storage volume within a proposed SWMF, where compensating storage created within the SWMF shall be calculated as the volume in the SWMF between the low weir elevation of the control structure and the 100-year BFE; and/or

(ii.) Storage volume created in specific grading areas, where compensating storage created in a specific grading area shall be calculated as the volume created between either the proposed ground elevation or the seasonal high water table elevation, whichever is greater, and the 100-year BFE.

b. Downstream Conveyance Improvement
When compensating storage cannot completely mitigate the loss of flood plain storage due to proposed fill, the responsible party may propose downstream conveyance improvements. This method of mitigation shall be considered on a case-by-case basis and shall be contingent upon the responsible party successfully designing and permitting the conveyance improvement with other jurisdictional agencies.

Sec. 7.05.07.03 Floodways
Any work proposed within a floodway shall be contingent upon approval by FEMA. Where
regulatory floodways are not established, the County may require the developer to establish one approved by FEMA. For Projects sites adjacent to a designated floodway, the applicable BFE shall correspond to the BFE listed in the FIS’s Floodway Data Table, “With Floodway” column. In such cases, the lowest finished floor elevation shall be set at least 1.0 foot above the “With Floodway” BFE.

**Sec. 7.05.07.04 Finished Floor Elevation Requirements**

1. When a site is located within a SFHA where BFEs have been established (i.e. AE and VE Zones), the lowest finished floor elevation of residential and non-residential buildings shall be elevated at least 1.0 foot above the 100-year BFE.
   a. In AE Zones, the lowest finished floor elevation is measured from the top of the floor.
   b. In VE Zones, the lowest finished floor elevation requirement is measured from the bottom of the lowest horizontal structural member.

2. When a site is located within a SFHA where the depth of flooding is specified (i.e., AO and AH Zones), building finished floor elevations shall be elevated above the highest natural grade at least the depth of flooding indicated on the FIRM plus 1.0 foot.

3. When a site is located within a SFHA where BFEs have not been established (i.e. A Zones), the lowest finished floor elevation, including the basement shall be elevated at least three (3) feet above the highest adjacent natural grade prior to the placement of fill.

4. The developer may complete a detailed drainage study for FEMA review and approval to establish a BFE for the site. In which case, the lowest finished floor elevations shall meet requirements applicable to the modified SFHA Zone.
Sec. 7.05.08.00 Drainage Basins with Known Flooding Problems

Sec. 7.05.08.01 Known Flooding Problems
Known flooding problems are those that pose an imminent threat to public safety and/or property including loss of human life, blockage of evacuation and/or emergency vehicle routes, and/or the flooding of homes, buildings, or roadways, including, but not limited to:

1. The flooding of homes or buildings for any design storm;
2. The overtopping of roads by flood stages as follows:
   a. Local road crossings draining less than fifty (50) acres (5-year design storm event).
   b. Collector road crossings draining fifty (50) acres or more (10-year design storm event).
   c. Box culvert crossings (50-year design storm event);
   d. Bridges and evacuation routes (100-year design storm event); and
   e. The overtopping of any roadway where flood stages are greater than 1.0 foot (for any design storm event up to and including the 100-year/24-hour design storm).
3. For drainage systems with known flooding problems, the County may require analysis pertinent to upstream and downstream drainage systems. If evidence suggests that downstream drainage systems are not sufficient, the County may require:
   a. Improvement to the downstream drainage system; or
   b. Providing adequate on-site controls, which may include site-specific, peak discharge attenuation requirements and/or on-site volume retention requirements.
   c. Site-specific requirements shall be determined by the County on a case-by-case basis.
Sec. 7.05.09 Geotechnical Investigations

A. The United States Department of Agriculture (USDA), Natural Resource Conservation Service "Soil Survey of Baker County, Florida" (Soil Survey) shall be used for planning purposes only. Generally, soils shall be classified using the USDA soil classification methods to assess general soil properties and hydrological conditions.

B. A geotechnical investigation report from a licensed engineer or other professional authorized under Florida Statutes to do such work shall be submitted for:
   1. New roadways to be dedicated or potentially dedicated to the County for maintenance;
   2. Storm water management facilities; and
   3. Culvert and bridge drainage structures.

C. At a minimum, a Geotechnical Investigation Report shall include:
   1. Soil boring logs:
   2. Encountered water table (EWT) and estimated seasonal high water table (ESHWT) elevations where dates of field measurement are specified for EWT elevations; and ESHWT elevations assume a normal rainfall period (i.e., not dry or drought conditions) and pre-development drainage conditions;
   3. The locations of soil confining layers; and
   4. The results of all soil tests conducted to evaluate the hydraulic and structural properties of natural soils at the site.

D. At a minimum, soil investigation requirements for roadways shall include:
   1. Test borings to a minimum depth of four (4) feet below the proposed edge of pavement, spaced no more than five hundred (500) feet apart along the road centerline;
   2. Test borings at all intersections and at the center of all cul-de-sacs;
   3. At least two (2) test borings per roadway segment; and
   4. In special cases, additional borings as may be required by the County.
E. Soil investigation requirements for storm water management facilities (SWMFs) shall also include at a minimum:

1. At least one (1) soil boring for each facility.
2. A total number of soil borings for each SWMF equal to two (2) times the normal water surface area in acres (round to the nearest whole number).
3. Soil borings completed to at least the bottom elevation of the proposed SWMF.
4. Geotechnical data for SWMFs that use infiltration or under-drains for volume recovery, which shall include:
   a. soil borings that extend a sufficient distance below the SWMF’s bottom elevation to identify potential constraints that may affect design and/or volume recovery; and
   b. double ring infiltrometer or in-situ permeability tests performed at a depth equal to the proposed bottom elevation of the SWMF; and
   c. a groundwater analysis to validate system design and volume recovery.

Sec. 7.05.10.00 Design Standards for Storm Water Management Facilities (SWMFs)
Storm Water Management Facilities (SWMFs) are storage facilities that detain (surface release after a period of time) and/or retain (without surface release) storm water runoff. Types of SWMFs may include:

- Retention Systems;
- Under-drained Systems;
- Underground Exfiltration Systems;
- Wet Detention Systems;
- Dry Detention Systems; and
- Swale Systems.
Functions that may be provided by SWMFs include:

- water quality treatment; At a minimum, Water quality treatment requirements for SWMFs shall be that required by the jurisdictional state agency (i.e., SJRWMD, SRWMD or FDEP).
- peak discharge rate attenuation;
- storm water runoff volume detention and/or retention;
- a source of water for irrigation purposes; and
- site aesthetics.

Sec. 7.05.10.01 Design Storms and Storm Water Management Facilities (SWMFs)

A. For SWMFs located in drainage basins with positive outlets (e.g. rivers, streams, and most open channels and storm sewer systems etc.), SWMFs shall be of sufficient size so that post-development peak discharge rates do not exceed existing conditions peak discharge rates for mean annual/24-hour, 5-year/24-hour, and 25-year/24-hour design storms.

B. For SWMFs located in drainage basins without positive outlets (e.g. depressional storage areas or lakes or surface waters without outfalls etc.) and adjacent to properties of more than one ownership, SWMFs shall be of sufficient size that post-development peak discharge rates do not exceed existing conditions peak discharge rates for the design storms specified above; and post-development total discharge volumes (during the design storm) do not exceed existing conditions total discharge volumes for the mean annual/24-hour, 5-year/24-hour, 25-year/24-hour, and 100-year/24-hour design storms.

Sec. 7.05.10.02 Hydraulic Routings for Storm Water Management

1. At a minimum, hydraulic routings shall include:
   a. Specified design storm runoff hydrographs;
b. all surface waters and conveyance features with appreciable volume that may affect timing, stage, and discharge characteristics within the storm water management system;

c. groundwater and under-drain inflows;

d. energy losses within conveyance systems; and

e. energy losses at control and outfall structures.

f. When an inlet with a grate is used for emergency overflow purposes, the efficiency of the overflow weir shall be reduced to reflect grate obstruction.

2. Hydraulic routings shall not include (unless previously approved by the County): volume within underground storm sewer collection systems, or infiltration, evapotranspiration, or other minor volumetric losses.

Sec. 7.05.10.03 Freeboard Requirements for Storm Water Management Facilities

A. For storm water management facilities located in drainage basins with positive outlets:

1. when the proposed top-of-bank elevation is not above existing grade, provide at least 1.0 foot of freeboard between the high water surface elevation resulting from the 25-year/24-hour design storm and the top-of-bank elevation; or

2. when the proposed top-of-bank elevation is above existing grade, the high water surface elevation resulting from the 100-year/24-hour design storm shall not exceed the top-of-bank elevation.

B. For storm water management facilities located in drainage basins without positive outlets: provide at least 1.0 foot of freeboard between the high water surface elevation resulting from the 100-year/24-hour design storm and the top-of-bank elevation.

Sec. 7.05.10.04 Tail-water Conditions for Storm Water Management Facilities

Discharges from a SWMF facility shall consider appropriate time- or discharge-dependent tail-water conditions. Drainage connections at outfalls shall accommodate flow reversals. Where appropriate,
documented or simulated lag time in the receiving drainage system may be considered in the hydraulic routing analysis.

Sec. 7.05.10.05 Discharge Control for Storm Water Management Facilities
All SWMFs shall have a concrete drainage structure that shall control the Normal Water Level (NWL), discharges for peak stages below the required freeboard, and emergency overflow conditions.

Sec. 7.05.10.06 Volume Recovery for Storm Water Management Facilities
All SWMFs shall be designed to return to NWLs in accordance with state standards. However, total volume recovery shall occur no more than seven (7) days following the design storm event in drainage basins with positive outlets; or fourteen (14) days following the design storm event in drainage basins without positive outlets.

Sec. 7.05.10.07 Side Slopes for Storm Water Management
Standard side slopes shall be 4H:1V. Side slopes steeper than 4H:1V may be approved by the County provided permanent bank stabilization and fencing are constructed in accordance with Section 7.05.19 Public Safety.

Sec. 7.05.10.08 Depth of Normal Water in Wet Detention for SWMFs
Wet detention SWMFs serving rights-of-way shall have a minimum depth below the NWL of eight (8) feet. Wet detention SWMFs not serving rights-of-way shall have a minimum depth below the NWL of six (6) feet.

Sec. 7.05.10.09 Pumped Storm Water Discharges for SWMFs
Pumped storm water discharge systems may be approved by the County only when it has been
shown that alternatives are not practical and the proposed SWMF has sufficient capacity to retain all runoff from the 100-year/24-hour design storm with 1.0 foot of freeboard. In this case, calculations may include volume within the storm sewer collection system above the normal water surface elevation.

**Sec. 7.05.11.00  Design Standards for Open Channel Systems**

Open channel systems include canals, ditches, and swales intended to collect and convey storm water runoff. Site specific factors may warrant the use of a design storm with a longer return period (e.g. 50-year, 100-year, etc.).

**Sec. 7.05.11.01  Open Channel Design Storm Requirements**

Open channels shall convey without damage and within the confines of the channel, storm water runoff from design storms as follows:

<table>
<thead>
<tr>
<th>Channel Type</th>
<th>Design Storm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Road Side and Median Ditches:</td>
<td></td>
</tr>
<tr>
<td>Local Roads</td>
<td>10-year</td>
</tr>
<tr>
<td>Collector Roads</td>
<td>25-year</td>
</tr>
<tr>
<td>Arterial Roads</td>
<td>100-year</td>
</tr>
<tr>
<td>On-Site Ditches (&lt; 2.5 feet deep)</td>
<td>10-year</td>
</tr>
<tr>
<td>On-Site Ditches (≥ 2.5 feet deep)</td>
<td>25-year</td>
</tr>
<tr>
<td>Outfall Ditches and Canals</td>
<td>50-Year</td>
</tr>
<tr>
<td>Temporary roadside and median ditches</td>
<td>5-year</td>
</tr>
<tr>
<td>Temporary Outfalls and Canals</td>
<td>10-year</td>
</tr>
</tbody>
</table>

Site specific factors may warrant the use of a design storm with a longer return period (e.g. 50-year, 100-year, etc.).
Sec. 7.05.11.02  Design Flow Depths for Open Channel Systems
Design flow depth shall be calculated with consideration given to the expected channel flow regime.

1. Where a normal depth flow regime is expected, the design flow depth in a channel of
given geometry and longitudinal slope shall be based on Manning’s Equation.

2. Where a subcritical flow regime is expected, the design flow depth in a channel of
given geometry and longitudinal slope shall be based on an appropriate backwater
profile.

3. Locations where supercritical flow and hydraulic jumps may occur should be
identified.

Sec. 7.05.11.03  Freeboard Requirements for Open Channel Systems

1. Open channels less than 2.50 feet deep shall provide at least 0.50 feet of freeboard
for the design flow.

2. Open channels 2.50 feet and deeper shall provide at least 1.00 feet of freeboard for
the design flow.

3. Swales constructed to provide stormwater treatment at the rear property line shall
have no freeboard requirements provided:
   a. any top of berm is two (2) feet wide;
   b. the bottom of the swale is at an elevation at least 0.50 feet higher than the
      SWMF’s treatment volume elevation; and
   c. swale side slopes do not exceed 6H:1V.

Sec. 7.05.11.04  Tail-water Conditions for Open Channel Systems
Tail-water conditions shall be considered where subcritical flow conditions are expected to occur.
Assumptions regarding tail-water conditions shall be addressed.
Sec. 7.05.11.05 Design Flow Velocities and Lining Types for Open Channel Systems

A. Where flow velocities exceed six (6) feet per second, energy dissipation shall be required. Refer to FDOT’s “Drainage Manual” (latest edition) for a list of suitable flexible and rigid linings and the associated maximum flow velocities. The maximum allowable design flow velocities within open channels are as follows:

<table>
<thead>
<tr>
<th>Lining Type</th>
<th>Maximum Flow Velocity (Feet per Second)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bare Soil:</td>
<td></td>
</tr>
<tr>
<td>Silt of Find Sand</td>
<td>1.50</td>
</tr>
<tr>
<td>Sandy Loam</td>
<td>1.75</td>
</tr>
<tr>
<td>Silt Loam</td>
<td>2.00</td>
</tr>
<tr>
<td>Firm Loam</td>
<td>2.50</td>
</tr>
<tr>
<td>Stiff Clay</td>
<td>3.75</td>
</tr>
<tr>
<td>Hardpans</td>
<td>6.00</td>
</tr>
<tr>
<td>Grass With Mulch</td>
<td>See Bare Soil</td>
</tr>
<tr>
<td>Sod</td>
<td>4</td>
</tr>
<tr>
<td>Flexible Linings</td>
<td>6</td>
</tr>
<tr>
<td>Rigid Linings</td>
<td>10</td>
</tr>
</tbody>
</table>

Refer to FDOT’s “Drainage Manual” (latest edition) for a list of suitable flexible and rigid linings and the associated maximum flow velocities. The maximum allowable design flow velocities within open channels are as follows:
B. Channel Linings – Minimum Requirement
Except for temporary channels (i.e., used not more than seven consecutive (7) days), no open channel shall be finished with bare soil. The standard treatment for roadside swales shall be grass with mulch and/or hydro-mulching where flow velocities are less than velocities permitted for bare soil conditions.

1. Grass Sod
   Sodding shall be used when design flow velocity exceeds velocity allowed for bare soils or where side slopes exceed a steepness of 3H:1V and shall be staggered to avoid continuous seams in the direction of flow.

2. Flexible Linings
   a. Flexible linings may include, but are not limited to:
      b. plastic erosion mats
      c. rip-rap or rock rubble
      d. geotextile grids
      e. interlocking concrete grids.

3. Rigid Linings
   Shall be constructed of concrete (asphalt is not acceptable); and
   a. May be placed only on firm, well-drained foundations.
   b. Are not acceptable where expansive clays are present.
   c. When proposed in soils that may become saturated, the potential for buoyancy shall be considered. Acceptable countermeasures for buoyancy may include:
      (i.) increasing the thickness of the lining;
      (ii.) weep holes (sub-critical flow conditions only); and/or
      (iii.) sub-drains (super-critical flow conditions).
   d. Weep holes shall be backed with gravel and include wire mesh and non-woven geotextile fabric in accordance with FDOT standards
Sec. 7.05.11.06 Channel Geometry

Trapezoidal and parabolic cross sections are preferred over triangular sections.

A. Side Slopes

The side slopes of open channels shall not be steeper than 2H:1V with the tops-of bank rounded off. If safety is a concern, side slopes shall not be steeper than 4H:1V. The side slopes of swales shall not be steeper than 6H:1V.

B. Physical Slope

Channels shall have a minimum physical slope of 0.1%, or the slope to provide conveyance of the design flow, whichever is greater. Areas adjacent to open channels shall be graded to prevent the entrance of runoff that would erode the geometry of the channel. Where runoff entering an open channel may be concentrated, use an inlet and pipe to connect runoff to the open channel. Where a channel changes alignment or slope, appropriate erosion protection shall be provided.

Sec. 7.05.11.07 Road Side Ditches

Road side ditches shall not be permitted in rights-of-way less than sixty (60) feet wide.

1. In rights-of-way sixty (60) feet wide, road side ditches shall:
   a. have a minimum bottom width of two (2) feet;
   b. be no more than 2.50 feet in depth;
   c. have a maximum top width of twelve (12) feet; and
   d. allow sufficient room for road shoulders and sidewalks.

2. In rights-of-way greater than 60 feet wide, road side ditches:
   a. shall have a minimum bottom width of two (2) feet;
   b. may have depths greater than 2.50 feet;
   c. may have top widths greater than 12 feet;
   d. shall allow for road shoulders and sidewalks.
Sec. 7.05.11.08  Utility Crossings
Where it is necessary for a utility to cross an open channel, the following minimum requirements shall apply.

1. For aerial crossings, the utility shall have a 1.0 foot (minimum) clearance above the channel’s top-of-bank elevation. No supports shall be allowed within the limits of the sixty (60) top-of-bank width unless authorized by Baker County.

2. For underground crossings, the utility shall have at least three (3) feet of clearance below the channel’s design bottom elevation. Underground utilities shall have permanent, clearly visible above-ground signage indicating utility type and location to protect against accidental damage during maintenance operations.

Sec. 7.05.12.00  Design Standards for Culverts
Culverts include:

Cross drains intended to convey storm water runoff under a roadway or other linear feature. Cross drains include conduits (e.g., pipes, box culverts, etc.) and end treatments (e.g., headwalls, mitered end sections, etc.).

and

Side drains intended to convey storm water runoff parallel to a roadway or other linear feature. Side drains are typically installed at driveways and include a pipe conduits and end treatments.
Sec. 7.05.12.01 Culvert Requirements for Design Storms
Culverts shall be designed to convey, without damage, design storm flows as follows.

<table>
<thead>
<tr>
<th>Culvert Requirements for Design Storms</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Facility Being Crossed</strong></td>
</tr>
<tr>
<td>Local Road</td>
</tr>
<tr>
<td>Collector Road</td>
</tr>
<tr>
<td>Arterial Road</td>
</tr>
</tbody>
</table>

In addition to showing that culverts have capacity to convey the design flows above, culvert design calculations shall identify the overtopping flood (i.e., the design storm at which flows begin to overtop the roadway) and document the performance of the culvert given a 100-year design storm event. Site specific factors may warrant the use of design storm events.

At a minimum, culvert design shall consider:

a. allowable headwater elevations;
b. tail-water elevations;
c. inlet and outlet control flow conditions;
d. friction, entrance and exit energy losses;
f. culvert geometry (headwalls, skew, dimensions etc.); and
g. flow velocities.

Sec. 7.05.12.02 Hydraulic Analysis for Culverts
The hydraulic analysis of culverts shall be in accordance with methods outlined in FDOT’s “Drainage Handbook, Culvert Design” (latest edition); and/or Federal Highway Administration’s (FHWA’s) “Hydraulic Design of Highway Culverts”.
Sec. 7.05.12.03 **Design Headwater Elevations for Culverts**
Allowable headwater elevations must be determined by an evaluation of the site. For economy, the headwater elevation shall be as great as practical as long as it does not compromise safety, flood plain regulations, environmental considerations, or property rights.

7.05.12.04 **Design Headwater Elevations for Culverts**
1. The minimum design flow velocity shall be three (3) feet per second in order to provide self-cleaning velocities at the entrance and in the barrel.
2. The maximum design flow velocity shall be ten (10) feet per second in order to minimize abrasion of the culvert barrel and streambed scour or bank erosion.
3. Velocities in excess of six (6) feet per second shall require outlet headwall and channel protection, may require scour analysis; and may require energy dissipation.

Sec. 7.05.12.05 **Alignment and Grade for Culverts**
1. Wherever practical culverts shall:
   a. have straight horizontal and vertical alignments;
   b. have straight entrance and exit channels;
   c. have alignment and grade as close as possible to the existing streambed or proposed channel; and
   d. provide positive drainage (upstream invert higher than downstream invert).
2. Culvert barrel skew angles shall not exceed 45 degrees unless previously approved by the County.
3. Sump inlets are permissible with proper channel linings.
4. Including the end treatments, culverts shall be the length necessary to provide for the width of roadway shoulders and clear zones.

Sec. 7.05.12.05 **End Treatments for Culverts**
Both inlet and outlet ends of a culvert shall be FDOT-approved end treatments. The type and
location of end treatments shall comply with roadside safety and clear zone requirements. See FDOT’s Plans Preparation Manual for clear zone requirements.

Sec. 7.05.13.00 Design Standards for Storm Sewers
A storm sewer is a network of inlets and pipes that collect and convey storm water runoff to a SWMF. Some existing storm sewer systems may not convey runoff to a SWMF, such as new storm sewers designed to bypass off-site storm water runoff.

Sec. 7.05.13.01 Storm Sewer Requirements for Design Storms
Storm sewer systems shall be designed to convey storm water runoff resulting from a 5-year design storm event.

Sec. 7.05.13.02 Storm Sewer Freeboard Requirements for Design Storms
When hydraulic calculations do not consider all minor energy losses, storm sewer systems shall be designed to provide at least 1.0 foot of freeboard between Hydraulic Grade Line (HGL) elevations and proposed gutter and/or ground elevations. If all minor energy losses are included in the calculations, no freeboard is required. However, the storm sewer system may not surcharge.

Sec. 7.05.13.03 Design Flow Velocities for Storm Sewers
A. Minimum design flow velocities for storm sewer systems shall be 2.5 feet per second. Where it is not practical to achieve minimum velocities of 2.5 feet per second due to tail-water conditions, the design plan shall show that the system can achieve minimum velocities with the SWMF’s water surface at the NWL elevation.

B. Maximum design flow velocities shall not exceed fifteen (15) feet per second. Where design velocities exceed six (6) feet per second, energy dissipation at the outfall of the storm sewer system shall be required. Energy dissipation may include submergence of the pipe outlet by at least two-thirds (2/3) of the pipe diameter below
the SWMF’s NWL; and/or end treatments with baffles (per FDOT Standard Index).

Sec. 7.05.13.04 Storm Sewer Energy Losses
Friction and minor energy losses shall be included in calculations to determine HGL elevations in storm sewer systems where friction losses shall be based on the Manning Equation and minor energy losses shall include entrance and exit losses, losses due to expansion and contraction, and losses at bends, junctions, and manholes.

Sec. 7.05.13.05 Tail-water Conditions for Storm Sewers
Determination of the HGL and sizing of the storm sewer system shall be based on the highest tail-water that can be reasonably expected to occur coincident with the applicable design storm event. Standard design tail-water conditions for the design of storm sewer systems are as follows.

1. Systems that discharge into ponds, lakes, and other wet facilities shall use the stage occurring at peak flow conditions for the 5-year/24-hour design storm event.
2. Systems discharging into open channels shall use a tail-water elevation corresponding to the design flow depth (see Section 7.05.11.02 Design Flow Depths for Open Channels) that would result from the 5-year design peak flow.
3. Systems that connect to existing storm sewer systems shall use the 5-year design storm HGL of the existing storm sewer system at the point of connection.
4. Assumptions regarding tail-water conditions shall be addressed.

Sec. 7.05.13.06 Minimum Roadway Inlet Elevations for Storm Sewers
For roadways dedicated to and accepted by Baker County, minimum grate elevation for a roadway inlet shall not be below the 25-year/24-hour design high water elevation of the receiving SWMF; and shall not be less than 2.50 feet above the NWL of the receiving SWMF.

Sec. 7.05.13.07 Storm Sewer Geometry
1. All storm sewers shall be designed to avoid abrupt changes in direction.
2. The maximum deflection angle between pipes shall be 90 degrees.
3. Storm sewer pipe runs shall not change slope or alignment between access drainage structures.
4. Minimum slope for storm sewer pipes shall be that which will produce a minimum velocity of 2.5 feet per second (full flow conditions).
5. Equalizer pipes between SWMFs may be flat provided access drainage structures are less than 100 feet apart.

Sec. 7.05.13.08 Inlet Locations and Capacities for Storm Sewer Requirements
1. Inlets shall be located at all low points, artificial sumps due to super elevation transitions, as appropriate at intersections, median breaks, and on side streets where drainage could adversely affect the safety of vehicular or pedestrian movements within the roadway.
2. Inlets shall be located along roadways such that gutter flow spread does not exceed one-half the width of the adjacent travel lane for the 5-year design storm.
3. The maximum distance surface water shall be allowed to run in the gutter prior to discharge into an inlet shall be 500 feet.
4. Other than at intersections, inlets should be located as near as possible to common lot lines.
5. Inlet capacities shall adhere to FDOT’s Standards for Road and Bridge Construction (latest edition).

Sec. 7.05.13.09 Valley Gutters
Valley gutters shall not be used at road intersections, entrance roads to subdivisions, or large commercial projects. Curb inlets shall be installed in appropriate locations so that valleys gutters are
not required. Valley gutters may be acceptable for low volume driveways that connect to existing roads with existing curb and gutters.

**Sec. 7.05.14.00 Design Standards for Under-drain Systems**
Under-drains are required when a pavement project is to be dedicated to the County and the estimated seasonal high water table (ESHWT) is within twenty (20) inches of the lowest finished pavement elevation. Under-drains are not required when a pavement project shall be private, but are recommended.

**Sec. 7.05.14.01 Types of Approved Under-drains**
Use FDOT Type I, II or III, depending upon design water removal rate and soil conditions.

**Sec. 7.05.14.02 Establishing the Estimated Seasonal High Water Table (ESHWT)**
The ESHWT elevation shall be determined by a geotechnical engineer or soil scientist and shall be based on existing drainage conditions. With previous approval by the County, the developer or contractor may propose an ESHWT elevation based on proposed drainage improvements. The developer or contractor shall submit a groundwater model analysis that shows:

1. The proposed ESHWT shall be controlled at least twenty (20) inches below the lowest finished pavement elevation; and
2. The under-drain drawdown flows are included in the SWMF routing analysis.
3. Groundwater model analysis must be previously approved by the appropriate state agency responsible for reviewing wetland impacts and storm water management facility design.

**Sec. 7.05.14.03 Installation of Under-drains and Cleanouts**
Under-drains and cleanouts shall be installed in accordance with Index 245 and 286 and FDOT’s “Standard Specifications for Road and Bridge Construction” (latest edition) with cleanouts no more
than 300 feet apart.

**Sec. 7.05.14.04 Adjustments During Construction**

Should the developer or contractor propose to adjust under-drain quantities during construction, prior written approval must be obtained from the County, the construction plans shall be revised accordingly, and the revised, signed, and sealed plans submitted to the County.

**Sec. 7.05.15.00 Design Standards for Bridges and Other Drainage Structures**

Bridges and other drainage structures not covered in the preceding sections shall be designed and constructed in accordance with applicable FDOT standards and design guidelines, applicable American Association of State Highway and Transportation Officials (AASHTO) standards and design guidelines, and applicable Federal Highway Administration (FHWA) standards and design guidelines. Where standards and design guidelines conflict, the more stringent standard shall apply unless approved otherwise by the County.

**Sec. 7.05.15.01 Bulkheads and Retaining Walls**

Bulkheads and retaining walls shall be designed by a registered engineer. Engineering design shall include:

- wall structure design;
- foundation design;
- hydrostatic and other lateral forces; and
- drainage design.
Bulkheads and retaining walls shall be located with public safety in mind, provide handrails or fences when appropriate, and shall consider clear zones when proposed for roadway projects.

Sec. 7.05.16.00  **Drainage Pipe Standards**
Pipe materials, construction, and installation shall meet the requirements of Section 430, FDOT’s “Standard Specifications for Road and Bridge Construction” and FDOT “Design Standards” (latest editions). Where FDOT standards differ from this Code, the more stringent requirements shall apply.

Sec. 7.05.16.01  **Minimum Pipe Size**
The size of all storm drainage pipes shall be based on hydrologic and hydraulic analysis. Minimum sizes for storm drainage pipes shall be as follows.

<table>
<thead>
<tr>
<th>Minimum Pipe Sizes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pipe Function or Type</td>
</tr>
<tr>
<td>Cross Drain</td>
</tr>
<tr>
<td>Side Drain</td>
</tr>
<tr>
<td>Box Culvert</td>
</tr>
<tr>
<td>Storm Sewer</td>
</tr>
<tr>
<td>Under-drain</td>
</tr>
<tr>
<td>Roof Drain</td>
</tr>
</tbody>
</table>

1. On private property a minimum pipe size of twelve (12) inches may be approved by Baker County provided the distance between access structures does not exceed 100 feet.
   a. Roof drain pipes may be less than twelve (12) inches provided pipes only receive roof drainage and clean-outs are provided at least every 100 feet.
   b. Under-drain pipes may be less than twelve (12) inches, if clean-outs are
provided at least every 300 feet.

**Sec. 7.05.16.02 Maximum Pipe Length**

The maximum length of a pipe run without an access structure shall be:

<table>
<thead>
<tr>
<th>Pipe Size (use)</th>
<th>Length (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6” (under drains)</td>
<td>300</td>
</tr>
<tr>
<td>6” (roof drains)</td>
<td>100</td>
</tr>
<tr>
<td>12”</td>
<td>100</td>
</tr>
<tr>
<td>15”</td>
<td>250</td>
</tr>
<tr>
<td>18”</td>
<td>300</td>
</tr>
<tr>
<td>24“ – 36”</td>
<td>400</td>
</tr>
<tr>
<td>42” and larger pipe (including all box culverts)</td>
<td>500</td>
</tr>
</tbody>
</table>

**Sec. 7.05.16.03 Standard Pipe Materials**

**A. Baker County Facilities**

For SWMFs to be maintained by Baker County standard pipe materials shall be approved by FDOT with limitations as specified by FDOT or stated herein, whichever is more stringent.

1. Pipe other than reinforced concrete pipe may not exceed thirty-six (36) inches in diameter.
2. Fiber-reinforced concrete pipe may include pipe diameters up to and including forty-eight (48) inches.
3. Alternative pipe materials may be accepted for use by the County on a case-
by-case basis.

B. Private Facilities
For private facilities the County shall require pipe materials commonly used by reputable contractors provided such pipes are installed in accordance with FDOT and manufacturer standards, whichever is more stringent. The County may request product information for pipe materials not approved by FDOT.

Sec. 7.05.16.04 Service Life of Pipe Materials
Pipe material installed in Baker County rights-of-way shall be selected based on durability, structural capacity, and hydraulic capacity. The design service life of pipe shall be based on the following.

<table>
<thead>
<tr>
<th>Pipe Service Life Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Type of Pipe</strong></td>
</tr>
<tr>
<td>Storm Sewers</td>
</tr>
<tr>
<td>Cross Drains (Local Roads)</td>
</tr>
<tr>
<td>Cross Drains (Collector Roads)</td>
</tr>
<tr>
<td>Side Drains</td>
</tr>
</tbody>
</table>

1. All pipe installers shall use FDOT methods to determine project pipe service life.
2. A soil survey may be used to identify sites with corrosive soils. The responsible party may provide site specific soil data prepared by a licensed geotechnical engineer if actual soil conditions differ from those indicated on the soil survey.
3. Backfill material shall not be more corrosive than what is required to
preserve the design service life of the pipe materials.

Sec. 7.05.16.05 Installation Requirements

A. Trench, Bedding, and Compaction
   1. Pipe shall be installed using either trench or open ditch methods. The trench or open ditch shall be excavated to a minimum of six (6) inches below and twenty-four (24) inches on each side of the pipe.
   2. Select bedding and back-fill material consisting of crushed stone/gravel (not to exceed one inch in diameter), or a soil classified as A-3 shall be placed and compacted under, around, and a minimum of twelve (12) inches above the pipe.
   3. In open ditch installations where the ditch exceeds dimensions specified above the entire ditch shall be back-filled with select material.

B. Minimum Cover
   Minimum cover for any pipes shall be in accordance with FDOT Standard Index 205 (latest edition).

C. Joints
   1. All joints and connections to structures shall be wrapped with a filter fabric jacket.
      a. The fabric shall have a minimum width of twenty-four (24) inches and shall extend twelve (12) inches beyond each side of the joint or both edges of the coupling band. The length of the fabric shall be sufficient to provide a twenty-four (24) inch overlap.
      b. Secure filter fabric jacket against the outside of the pipe using metal or plastic strapping.
   2. Pipe ends shall be flush and smooth with the inside face of drainage
structures and end walls.

Sec. 7.05.16.06  Inspection and Testing Requirements

1. Bedding and joints for all drainage pipes installed within public rights-of-way and easements shall be inspected by the County prior to placing and compacting fill over a pipe.

2. All drainage pipes installed within public rights-of-way and easements shall be televised by a company or individual certified to perform such work.
   a. The televising of the drainage line shall be done in color and shall be of such quality as to be able to visually identify the proper construction of all joints and pipe alignment.
   b. A video DVD shall be provided to the County upon completion. The televising of the drainage lines shall be performed after the placement of the base material and prior to the final wearing surface of the roadway.
   c. County approval of the televising shall be required prior to the placement of the final wearing surface of the roadway.

3. Flexible Pipe – When flexible pipe is laid, the interior shall be reasonably uniform and as nearly circular as practical. Structure shape shall be checked regularly during back-filling to verify acceptability of the construction method. Pipe shall not deflect more than five (5%) percent in any direction.
   a. Upon completion of installation pipe diameters twelve (12) inches or greater, the contractor shall test flexible pipe for deflection.
   b. Testing equipment and test supervision will be provided by the contractor.
   c. Testing will be done using a mandrel having a diameter equal to ninety-five (95%) percent of the inside diameter of the pipe.
   d. The mandrel testing of the drainage lines shall be performed after the placement of the base material and prior to the final wearing surface of the
roadway.

e. Any device for measuring deflection shall be approved by the County and shall not include mechanical pulling devices or re-rounders.

f. Side Drain – Visual inspection for deflection in side drains shall be allowed when pipe lengths are less than forty (40) feet.

Sec. 7.05.17.00 Drainage Structure Standards

Drainage structure materials, construction, and installation shall meet the requirements of FDOT “Standard Specifications for Road and Bridge Construction” and FDOT “Design Standards” (latest editions). Where FDOT standards differ from this Code, the more stringent requirements shall apply. The following drainage structures shall be considered standard drainage structures accepted by the County.

A. Curb Inlets
FDOT Types 1 – 10 (FDOT Index 210-215); and
FDOT Gutter Inlets Type S and V (FDOT Index 220 & 221).

B. Ditch Bottom Inlets

C. Concrete Structure Bottoms and Manholes
Structure Bottoms J and P (FDOT Index 200) and
Manholes (FDOT Index 200 and 201)

D. Concrete Endwalls
Straight Endwalls (FDOT Index 250-255);
U-Type Endwalls (FDOT Index 260-264);
Winged Endwalls (FDOT Index 266);
Flared End Sections (FDOT Index 270); and
Cast-in-Place, Mitered End Sections (Index 272-273). Cast-in-place endwalls or mitered end
sections shall be constructed of 2500 psi concrete in accordance with Baker County standards.

E. **Manufactured Drainage Structures**

Other drainage structures may be accepted by the County on a case-by-case basis. Such structures include, but are not limited to yard, trench, and slot drains; underground storage and exfiltration systems; trash separation and collection structures; and skimmers and debris racks.

F. **Custom Drainage Structures**

The County may also accept custom concrete drainage structures. These structures may be approved on a case-by-case basis. Custom structures may include, but are not limited to overflow weirs, control structure, spreader systems, energy dissipaters, and conflict manholes. Conflict manholes may be allowed where it is necessary to allow a sanitary line or other utility to pass through a manhole, inlet, or junction box when there is no reasonable alternative. The utility shall be cast iron, steel, or other suitable material and maintained in the upper half of the storm sewer opening.

G. **Grates**

Inlets in pavement areas and areas subject to traffic, even if only maintenance traffic shall be traffic-grated. Inlets in areas subject to pedestrian and bicycle traffic shall provide safe passage.

H. **Installation Requirements**

1. Structures shall be installed level and plumb on dry suitable foundation material.
2. The finished elevation of inlet tops and grates located in parking lots and other paved areas shall be lower than the abutting pavement so that water does not pond at the inlet, which would act to accelerate the degradation of the pavement.
3. Structure bottoms shall be grouted to provide a smooth channel between influent and effluent pipe inverts.
4. Spaces between pipes and the structure walls shall be filled with water-tight grout and wiped to provide a smooth finish.

Sec. 7.05.18.00  Maintenance and Access Easements and Drainage Easements

Sec. 7.05.18.01  Maintenance and Access Easements
1. Provide a minimum twenty (20) foot-wide access easement from public right-of-way to the outfall structure.
2. Provide a minimum ten (10) foot-wide, level access easement around the perimeter of storm water management facility (measure from the inside top-of-bank).
3. Inside top-of-bank corners shall have a minimum radius of thirty (30) feet to allow acceptable turning radius for maintenance equipment, except for portions of the storm water management system abutting rights-of-way, parking areas, or other common areas that would provide maintenance equipment access.

Sec. 7.05.18.02  Drainage Easements
Easement width for drainage pipe shall be twenty (20) foot minimum for four (4) feet of cut or less and two (2) fee additional width for each additional foot of cut below four (4) feet. The pipe shall be located in the center part of the easement. Baker County may require unobstructed easements or rights-of-way along rear or side lot lines where necessitated by maintenance requirements.

Sec. 7.05.19  Public Safety
Storm water management facilities shall be designed to be safe for the public. Where storm water management facilities have side slopes steeper than 4H:1V to a depth of 2.00 feet below the low water elevation, a four (4) foot minimum tall protective barrier (e.g. wall, fence, etc.) with gates shall be provided to prevent unauthorized entry. Gates shall be self-latching and lockable and shall be sized and located to allow access for maintenance equipment.
Sec. 7.05.20  Erosion and Sediment Control

A. Erosion and sediment control best management practices shall be used during construction to retain sediment on-site. These management practices shall be designed according to minimum FDOT standards and shall be shown and noted on the “Grading and Drainage Plan” or on a separate “Erosion and Sediment Control Plan.” Information pertaining to the construction, operation, and maintenance of the erosion and sediment control practice shall be included.

B. Sediment accumulations in the system from construction activities shall be removed to prevent loss of storage volume. Sedimentation occurring to off-site areas shall be halted and the area immediately restored to conditions prior to sedimentation.

C. All side slopes and other areas disturbed by construction shall be stabilized by sodding, hydro-mulching, or other appropriate vegetative or non-vegetative erosion control measures. Grass shall be fully established prior to scheduling final inspection and/or acceptance by Baker County.

D. Normally dry basins designed to impound more than two (2) feet of water or permanently wet basins shall be designed with side slopes no steeper than four (4) feet horizontal to 1.0 foot vertical (4:1) out to a depth of two (2) feet below the surface control elevation. As an alternative, the basins may be fenced or otherwise restricted from public access if the slopes must be steeper due to space limitations or other constraints. A fence shall be a minimum four (4) foot high and prevent passage of a four (4) inch sphere.

E. All ditches or swales shall be grassed and mulched in accordance with the latest Baker County specifications. Sod will be used at locations designated by the County. Drainage swales across more than one lot and shown on the approved engineering plans shall be constructed as a part of the subdivision improvements. The swales shall be inspected and approved prior to acceptance of the public improvements.
F. The County recommends, but does not require marking drainage ditches and swales as required storm water management areas not to be filled or blocked.

PART 7.06.00 Landscaping

Sec. 7.06.01 Applicability
Lots or parcels of lands on which a single family home is used as a residence shall be exempt from all provisions of these landscaping regulations. This shall not be construed to exempt any residential developments that require the approval of a development plan by the Board of County Commissioners.

Sec. 7.06.02 Vehicle Use Areas
1. A vehicle use area is any portion of a development site used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.
2. All vehicle use areas containing more than 1,000 square feet shall be landscaped with a combination of trees, shrubs, and under-story vegetation. For every 300 square feet of planting area there shall be one tree and two shrubs.

Sec. 7.06.03 Buffer Zones
A buffer zone is a landscaped strip along parcel boundaries that serves as a buffer between incompatible uses and zoning districts, as an attractive boundary of the parcel or use, or as both a buffer and attractive boundary. This shall not be interpreted to mean that parcels within a planned mixed use development must meet these requirements.

Sec. 7.06.04 Responsibility for Buffer Zones
1. Where a new use is proposed next to an existing use that has less than the required buffer zone for that use, an inadequate buffer zone will be tolerated, except as listed
herein, until the nonconforming parcel is redeveloped and brought into conformity with the buffer zones requirements of this Code. The developer of the new adjoining use is encouraged to take into account the inadequacy of the adjoining buffer zone in designing the site layout of the new development. The Planning Director shall determine which area may be counted as buffer zone of the existing use based on the buffering qualities of the areas.

2. Where a residential use is proposed next to an existing non-residential use, or a non-residential use is proposed next to an existing residential use, and the existing use does not have a conforming buffer zone abutting the property proposed for development, the proposed use shall provide 80% percent of the combined required buffer zones of the two uses.

3. Where the existing use has a buffer zone, but such zone does not meet the requirements of this Code, the proposed use may provide less than 80% percent of the combined required buffer zones if the provision of such lesser amount will create a buffer zone meeting 100% percent of the combined required buffer zone of the two uses.

Sec. 7.06.05 Buffers Required

1. Within buffers fifteen (15) feet or less in required width, the buffer shall consist of:
   a. A row of evergreen shrubs that would grow to form a continuous hedge at least six (6) feet in height and with 75% percent opacity within two (2) years of planting; or
   b. A masonry wall located within the required buffer; such wall shall be a minimum height of six (6) feet and, if a block wall, it shall be painted on all sides; or
   c. A solid wooden fence six (6) feet in height; or
d. A berm and planting combination with the berm an average height of three (3) feet and dense plantings which will, when combined with the berm, achieve a minimum height of six (6) feet and 75% percent opacity within two (2) years; and lawn, low-growing evergreen shrubs, evergreen ground cover, or rock mulch covering the balance of the buffer.

2. Within required buffers more than fifteen (15) feet in width, screening is required and shall consist of at least two (2) of the following options:
   a. A row of significant evergreen trees which are not less than six (6) feet tall high at the time of planting and are spaced not more than twenty 20 feet apart; and
   b. A masonry wall located within the required buffer; such wall shall be a minimum height of six (6) feet and, if a block wall, it shall be painted on all sides; and lawn, low-growing evergreen shrubs, evergreen ground cover, or rock mulch covering the balance of the buffer.

Sec. 7.06.06 Buffer Widths

Between the following uses, the width of the buffer shall be:

1. Commercial (neighborhood) adjacent to residential:  15 feet
2. Commercial (highway, general) adjacent to residential:  20 feet
3. Industrial adjacent to residential:  20 feet
4. Industrial adjacent to commercial:  20 feet

Sec. 7.06.07 Alternative Buffers

In lieu of compliance with the above buffer requirements, an alternative plan that meets the intent of the Code may be submitted to the Planning Director. The Planning Director shall review the alternative plan and may approve it if it meets the intent of the Code and if the affected adjoining property owner(s) consents.
Sec. 7.06.08.00  General Planting Provisions
1. Plant species shall be appropriate for the designated use and environment.
2. The use of native plants is encouraged as part of the overall landscaping plan.

Sec. 7.06.08.01  Trees

A. Minimum Number of Trees Requirements
A minimum number of trees shall be required based on development type and area. Credit shall be given for preserving existing trees. Unless a greater number of trees are required to meet the screening requirements or the off-street vehicular use or landscaping requirements of this Section, the minimum number of trees shall be as follows:

<table>
<thead>
<tr>
<th>Development Type</th>
<th>No. of Trees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family Residential</td>
<td>6 trees per gross acre</td>
</tr>
<tr>
<td>Mobile Home Park (&lt; 12 u/a)</td>
<td>6 trees per gross acre</td>
</tr>
<tr>
<td>Recreational Vehicle Park (&gt; 12 u/a)</td>
<td>6 trees per gross acre</td>
</tr>
<tr>
<td>Commercial Highway, Commercial</td>
<td>6 trees per gross acre</td>
</tr>
<tr>
<td>Neighborhood Commercial General</td>
<td>6 trees per gross acre</td>
</tr>
<tr>
<td>Industrial</td>
<td>4 trees per gross acre</td>
</tr>
</tbody>
</table>

B. Minimum Variety of Trees Requirements
When trees are required to meet the landscaping requirements, a minimum variety of species shall be provided as indicated herein:

<table>
<thead>
<tr>
<th>Required No. of Trees</th>
<th>Minimum No. of Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-19</td>
<td>2</td>
</tr>
<tr>
<td>20-29</td>
<td>3</td>
</tr>
<tr>
<td>30-over</td>
<td>4</td>
</tr>
</tbody>
</table>

At the time of planting, a tree shall have a minimum height of six (6) feet and a minimum pervious planting area of thirty-six (36) feet with a minimum radius within the planting area of three (3) feet.
C. Trees – Existing Vegetation Credits
When trees are required to meet the landscaping requirements, credit for the use of existing trees shall be given according to tree size as provided in the following table:

<table>
<thead>
<tr>
<th>CROWN SPREAD</th>
<th>DBH</th>
<th>NUMBER OF TREE CREDITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>90' or greater or</td>
<td>35&quot; or greater</td>
<td>7</td>
</tr>
<tr>
<td>60 - 89' or</td>
<td>30 - 24&quot;</td>
<td>6</td>
</tr>
<tr>
<td>50 - 59' or</td>
<td>25 - 29&quot;</td>
<td>5</td>
</tr>
<tr>
<td>40 - 49' or</td>
<td>20 - 24&quot;</td>
<td>4</td>
</tr>
<tr>
<td>30 - 39' or</td>
<td>15 - 19&quot;</td>
<td>3</td>
</tr>
<tr>
<td>20 - 29' or</td>
<td>10 - 14&quot;</td>
<td>2</td>
</tr>
<tr>
<td>5 - 19' or</td>
<td>2 - 9&quot;</td>
<td>1</td>
</tr>
</tbody>
</table>

To receive credit for the preservation of an existing tree, the tree must comply with these conditions:

1. The tree shall not be irreparably damaged from skinning, debarking, bumping or the like;
2. The tree shall be free of active disease or insect infestation potentially lethal to the tree;
3. The tree shall meet the requirements herein for location and the minimum quality standards for landscaping material; and
4. No credit shall be provided for trees within Conservation and Preservation areas.
5. If at any time within one year after all associated land alteration and construction activities are completed, a tree for which credit was
given or a tree planted to satisfy the buffer requirements is dead or irreparably damaged or unhealthy as a result of these activities, then it shall be removed and replaced with a tree or trees that meet the original requirements.

Sec. 7.06.08.02 Landscaping Material Standards
The following plant material standards shall be considered the minimum requirements for complying with this Section.

A. Installation
All landscaping shall be installed according to sound nursery practices. Plants grown in containers prior to installation shall be removed from their containers before planting in the ground.

1. Trees
   At the time of planting, a tree shall have a minimum height of six (6) feet and a minimum pervious planting area of thirty-six (36) feet with a minimum radius within the planting area of three (3) feet.

2. Palm
   Where palms are used, three (3) palms shall constitute one tree, except multi-stem palms and species in the genus Phoenix (excluding P. reobelenii). Single specimens of these exceptions shall each constitute one tree. At the time of planting, a palm shall have a minimum of six (6) feet of clear trunk.

3. Shrubs
   When used for screening purposes, shrubs shall be cold tolerant and non-deciduous and have a minimum height of 18 inches at the time of planting and shall be spaced a maximum of three (3) feet on center.
4. **Vines**
   At the time of planting, vines shall have a minimum of three (3) runners, each with a minimum length of approximately one foot.

5. **Ground Cover Plants**
   Ground cover plants shall be spaced so as to present a finished appearance and have reasonably complete coverage within one year after planting. The use of any non-living ground cover such as mulch, gravel, rocks, etc. shall be in conjunction with living plants so as to cover exposed soil.

6. **Grassed Areas**
   Grassed areas may be sodded, plugged, sprigged, or seeded. In areas where erosion is likely, solid sod shall be used. In areas where grass seed is used, nurse grass seed (e.g. rye, millet) shall also be sown for immediate effect.
A. Required off street parking spaces

The enumeration of the number of required off street parking spaces shall be as set forth in Table I, below;

**TABLE 1 - REQUIRED PARKING SPACES**

<table>
<thead>
<tr>
<th>USES</th>
<th>SPACES PER UNIT OF MEASURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roadside Agricultural Stand</td>
<td>3.0 per 1,000 s.f. GFA</td>
</tr>
<tr>
<td>Stable - Public</td>
<td>1.0 per 5 stall</td>
</tr>
<tr>
<td>Museums</td>
<td>1.2 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Libraries</td>
<td>1/2 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Radio &amp; Television Studio</td>
<td>1.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Radio &amp; Television Transmitting &amp; Receiving Facility</td>
<td>1.0 per employee</td>
</tr>
<tr>
<td>Community Recreational Uses</td>
<td>3.30 per 1000 s.f. GFA or 1.0 per 30% of the maximum capacity for uses</td>
</tr>
<tr>
<td>Manufacturing, Processing &amp; Assembly</td>
<td>0.6 per employee of largest shift or one</td>
</tr>
</tbody>
</table>
### REQUIRED NUMBER OF PARKING SPACES PER USE

<table>
<thead>
<tr>
<th>USES</th>
<th>SPACES PER UNIT OF MEASURE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>per 600 s.f. GFA</td>
</tr>
<tr>
<td>Cemetery - Human</td>
<td>1.0 per employee</td>
</tr>
<tr>
<td>Crematorium</td>
<td>0.25 per seat of chapel capacity plus 0.33 per employee</td>
</tr>
<tr>
<td>Junk Yards</td>
<td>0.5 per employee plus 1.0 per 5000 s.f. of lot area</td>
</tr>
<tr>
<td>Landfills</td>
<td>1.0 per employee</td>
</tr>
<tr>
<td>Open Storage</td>
<td>1.0 per employee of the largest shift</td>
</tr>
<tr>
<td>Place of Assembly, Church</td>
<td>0.3 per seat</td>
</tr>
<tr>
<td>Public Use Facilities</td>
<td>1.0 per employee</td>
</tr>
<tr>
<td>Correctional Facility</td>
<td>1.0 per employee plus 2.0 per 25 inmates</td>
</tr>
<tr>
<td>Child Care Center</td>
<td>1.0 per employee, plus 1.0 per facility vehicle, plus 1.0 per 25 children</td>
</tr>
<tr>
<td>USES</td>
<td>SPACES PER UNIT OF MEASURE</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>----------------------------------------------------------------</td>
</tr>
<tr>
<td>College/University</td>
<td>0.5 per student or 8 per classroom</td>
</tr>
<tr>
<td>School, elementary or junior high</td>
<td>1.6 per classroom</td>
</tr>
<tr>
<td>School, senior high</td>
<td>0.33 per student, plus 1.0 per staff member</td>
</tr>
<tr>
<td>Community Residential Home Type A</td>
<td>2.0 per facility</td>
</tr>
<tr>
<td>Community Residential Home Type B, C</td>
<td>1.0 per employee of the largest shift, plus 1.0 per facility vehicle, plus .2 per resident</td>
</tr>
<tr>
<td>Dwelling - Multi Family - Efficiency</td>
<td>1.25 per dwelling unit</td>
</tr>
<tr>
<td>Dwelling - Multi Family - 1 Bedroom</td>
<td>1.50 per dwelling unit</td>
</tr>
<tr>
<td>Dwelling - Multi Family - 2 or more bedrooms</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>Single Family - Conventional</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>USES</td>
<td>SPACES PER UNIT OF MEASURE</td>
</tr>
<tr>
<td>----------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>Single Family - Mobile Home/Mobile Home Park</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>Two Family</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>Two Family - Recreational Vehicles</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>Temporary Living Facilities</td>
<td>2.0 per dwelling unit</td>
</tr>
<tr>
<td>Eating Establishment - walk in/drive in</td>
<td>15.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Eating Establishment - sit down</td>
<td>15.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Convenience Stores</td>
<td>5.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Retail - Apparel stores</td>
<td>4.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Department Stores</td>
<td>4.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Drinking Establishment</td>
<td>10.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Furniture &amp; Home Furnishing Stores</td>
<td>1.0 per 1700 s.f. GFA</td>
</tr>
</tbody>
</table>
### REQUIRED NUMBER OF PARKING SPACES PER USE

<table>
<thead>
<tr>
<th>USES</th>
<th>SPACES PER UNIT OF MEASURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supermarket</td>
<td>5.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Retail - All Others</td>
<td>5.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Gas Station</td>
<td>1.0 per four pumps</td>
</tr>
<tr>
<td>Motor Vehicle, Mobile Home Recreational Vehicle Sales</td>
<td>2.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Service Stations</td>
<td>1.0 per four pumps, plus 3.0 per repair bay</td>
</tr>
<tr>
<td>Banking - Automatic Teller</td>
<td>2.0 per machine</td>
</tr>
<tr>
<td>Banking - Bank</td>
<td>4.0 per 1000 s.f. GFA, plus ______ ft of queuing area per drive in window</td>
</tr>
<tr>
<td>Business Services</td>
<td>3.5 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Health Practitioner - Animal Hospital/Vet Clinic</td>
<td>5.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Health Practitioner - Hospitals</td>
<td>5.0 per 1000 s.f. GFA, 2.0 per bed</td>
</tr>
<tr>
<td>USES</td>
<td>SPACES PER UNIT OF MEASURE</td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>Health Practitioner - Medical &amp; Dental Labs</td>
<td>4.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Nursing, Convalescent &amp; Extended Care Facilities</td>
<td>0.35 per bed</td>
</tr>
<tr>
<td>Rehabilitation Center</td>
<td>4.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Sanitarium/Mental Institution</td>
<td>2.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Lodging Places - Board House</td>
<td>1.1 per lodging unit</td>
</tr>
<tr>
<td>Lodging Places - Campgrounds</td>
<td>1.0 per campsite</td>
</tr>
<tr>
<td>Lodging Places - Hotels/Motels</td>
<td>1.0 per room</td>
</tr>
<tr>
<td>Personal Services</td>
<td>3.5 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Recreation Areas - Theater, Race Track, Jai Alai Fronton, Stadium</td>
<td>0.3 per seat</td>
</tr>
<tr>
<td>Recreation Areas - Amusement Park, Circus</td>
<td>By individual review</td>
</tr>
<tr>
<td>USES</td>
<td>SPACES PER UNIT OF MEASURE</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-----------------------------------------------</td>
</tr>
<tr>
<td>Recreation Services - Other</td>
<td>5.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Repair Services - Motorized Vehicle Repair (minor)</td>
<td>3.0 per repair bay</td>
</tr>
<tr>
<td>Repair Services - Motorized Vehicle Repair</td>
<td>3.0 per repair bay</td>
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<tr>
<td>All Other Repair</td>
<td>3.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Miscellaneous Services - Car Wash</td>
<td>1.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Contractor's Office</td>
<td>1.0 per vehicle, plus 3.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Dry Cleaners</td>
<td>3.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Exterminator</td>
<td>3.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Food Catering</td>
<td>3.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Funeral Parlor</td>
<td>0.25 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Interior Cleaning Service</td>
<td>1.0 per 1000 s.f. GFA</td>
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</table>
REQUIRED NUMBER OF PARKING SPACES PER USE

<table>
<thead>
<tr>
<th>USES</th>
<th>SPACES PER UNIT OF MEASURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lawn Care/Landscaping</td>
<td>3.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Mail Order Office</td>
<td>3.0 per 1000 s.f. GFA</td>
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<tr>
<td>Photography Studio</td>
<td>3.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Sign Painting Service</td>
<td>3.0 per 1000 s.f. GFA</td>
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<tr>
<td>Technical Schools</td>
<td>0.33 per student, plus 1.0 per staff member</td>
</tr>
<tr>
<td>RV Park</td>
<td>1.0 per RV space plus 1.0 for each 300 square feet of office GFA</td>
</tr>
<tr>
<td>Transportation Facilities - Aircraft Landing Field</td>
<td>0.2 per aircraft tiedown, plus 0.2 per aircraft storage area, plus 1.0 per employee on largest shift</td>
</tr>
<tr>
<td>Airport/Heliport</td>
<td>By individual review</td>
</tr>
<tr>
<td>Bus terminal</td>
<td>8.0 per 1000 s.f. waiting area</td>
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### REQUIRED NUMBER OF PARKING SPACES PER USE

<table>
<thead>
<tr>
<th>USES</th>
<th>SPACES PER UNIT OF MEASURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Railroad Switching &amp; Classification Yard</td>
<td></td>
</tr>
<tr>
<td>Shipping Port</td>
<td>1.0 per employee</td>
</tr>
<tr>
<td>Taxi Stand</td>
<td>1.0 per employee</td>
</tr>
<tr>
<td>Train Terminal</td>
<td>8.0 per 1000 s.f. of waiting area</td>
</tr>
<tr>
<td>Truck Terminal</td>
<td>1.0 per employee</td>
</tr>
<tr>
<td>Ultralight Flight Park</td>
<td>0.5 per tiedown or storage area</td>
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<tr>
<td>Warehouse</td>
<td>0.6 per employee of the largest shift</td>
</tr>
<tr>
<td>Warehouse - Mini</td>
<td>1.0 per 10 storage units, plus 1.0 per employee</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td></td>
</tr>
<tr>
<td>Dry Cleaning Plant</td>
<td>1.0 per employee on the largest shift, plus 1.0 per facility vehicle</td>
</tr>
<tr>
<td>Flea Markets</td>
<td>3.0 per 1,000 s.f. GFA</td>
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# REQUIRED NUMBER OF PARKING SPACES PER USE

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<thead>
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<th>USES</th>
<th>SPACES PER UNIT OF MEASURE</th>
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<tbody>
<tr>
<td>Lumberyard</td>
<td>2.0 per 1000 s.f. GFA</td>
</tr>
<tr>
<td>Marinas</td>
<td>1.0 per slip or berth</td>
</tr>
<tr>
<td>Publishing &amp; Printing</td>
<td>1.0 per 1000 s.f. GFA</td>
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<tr>
<td>Rental &amp; Leasing - Vehicles, Light equipment</td>
<td>3.0 per 1000 s.f. GFA</td>
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<tr>
<td>Research Activities</td>
<td>1.4 per employee</td>
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<tr>
<td>Slaughterhouse</td>
<td>1.0 per 1000 s.f. GFA</td>
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<tr>
<td>Wholesale Distribution</td>
<td>0.6 per employee of the largest shift</td>
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## TABLE 2 - ROAD CLASSIFICATION

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<tr>
<th>ROAD CLASSIFICATION</th>
<th>MINIMUM NUMBER OF LANES</th>
<th>MINIMUM PAVEMENT WIDTHS</th>
<th>MINIMUM RIGHT-OF-WAY WIDTHS</th>
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<tr>
<td>Local - One Way</td>
<td>1 - 10' Moving</td>
<td>10'</td>
<td>60'</td>
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<tr>
<td></td>
<td>No Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 - 10' Moving</td>
<td>18'</td>
<td>60'</td>
</tr>
<tr>
<td></td>
<td>1 - 8' Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Local - Two Way</td>
<td>2 - 10' Moving</td>
<td>20'</td>
<td>60'</td>
</tr>
<tr>
<td></td>
<td>No Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 - 10' Moving</td>
<td>28'</td>
<td>60'</td>
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<td></td>
<td>1 - 8' Parking</td>
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<td></td>
</tr>
<tr>
<td>Collectors</td>
<td>2 - 10' Moving</td>
<td>20'</td>
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<td></td>
<td>No Parking</td>
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<tr>
<td>Arterial</td>
<td>2 - 11' Moving</td>
<td>22'</td>
<td>70'</td>
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<td>No Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>No Median</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>2 - 12' Moving</td>
<td>30'</td>
<td>70'</td>
</tr>
<tr>
<td></td>
<td>No Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 - 6' Median</td>
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BAKER COUNTY
DESIGN & IMPROVEMENT
STANDARDS

ARTICLE VIII
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## ARTICLE VIII DEVELOPMENT PROCEDURES, IMPACT FEES, AND SUBDIVISIONS

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<td>8.08.01</td>
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</tr>
</tbody>
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ARTICLE VIII

DEVELOPMENT PROCEDURES, IMPACT FEES, AND SUBDIVISIONS

PART 8.01.00  GENERALLY

Sec. 8.01.01  Purpose

This Article sets forth the application and review procedures required for obtaining developments orders, and certain types of permits. This Article also specifies the procedures for appealing decisions and seeking legislative action.

Sec. 8.01.02  General Intent

The regulations of this Article are intended:

(a) to aid in the coordination of land development in accordance with orderly physical patterns;
(b) to discourage haphazard, premature, uneconomic or scattered land development;
(c) to insure safe and convenient traffic control;
(d) to encourage development of economically stable and healthful communities;
(e) to insure adequate utilities
(f) to prevent periodic and season flooding by providing protective flood control and drainage facilities;
(g) to provide public open spaces for recreation
(h) to insure land subdivision with installation of adequate and necessary physical improvements;
(i) to insure that the citizens and taxpayers will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the developer of adequate and necessary physical improvements;
(j) to insure to the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed; and
(k) to serve as one of the several instruments of Comprehensive Plan implementation.
PART 8.02.00  DEFINITIONS

Building

Any temporary or permanent structure, having a roof impervious to weather and a fixed base on a fixed connection to the ground which is used or built for the shelter or enclosure of persons or things.

Developer

Any person who engages in or proposes to engage in a development as defined in this section per Title XXVII – CH 380 Florida Statutes either as the owner or as the agent of an owner of property.

Development

A. Generally, the term “development” means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land. Including but not limited to the following activities:

1. Construction, clearing of land as an adjunct of construction, demolition of a structure, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site as in the deposit of refuse, solid or liquid waste, or fill on a parcel of land.

2. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials. Also, the reconstruction, alteration of the size, or material change in the external appearance of a structure on land shall constitute development.

3. Subdividing land into three or more parcels if any are for sale to separate persons or entities.

4. A tree removal for which authorization is required under this Code.

5. Erection of a permanent sign unless expressly exempted by Article IX, Signs, of this Code.
6. Alteration of a historic property for which authorization is required under this code.
7. Changing the use of a site so that the need for parking is increased.
8. Construction, elimination or alteration of a driveway onto a public street.

B. The following activities or uses shall not be taken for the purpose of this chapter to involve “development” as defined herein:

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.

2. Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like. This provision conveys no property interest and does not eliminate any applicable notice requirements to affected land owners.

3. Work for the maintenance, renewal, improvement or alteration of any structure, if the work affects only the interior or color of the structure or the decoration of the exterior of the structure.

4. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to the enjoyment of the dwelling.

5. The use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.

6. A change in use of land or structure from a use within a class specified in an ordinance or rule to another use in the same class.

7. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

C. “Development,” as designated in these ordinances or development permit or order includes all other activities customarily associated with it unless otherwise specified. When
appropriate to the context, “development” refers to the act of developing or to the result of development. Reference here to particular activities is not intended to limit the generality or scope of operations considered as “development.”

**Flag Lot**

A parcel of land that is situated generally behind a lot or lots fronting on a paved street or highway; does not have the required street frontage as required herein (but does maintain street frontage along the width of the access trip); and is accessible from the street only over an access strip that is owned in fee simple by the owner of said flag lot.

**Improvements**

Street and parking pavements, curbs and gutters, swales, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street lanes, signs, landscaping, or other physical changes or additions to the land required by the County Commission.

**Minor Development**

A commercial parcel less than five acres or a residential subdivision of less than ten lots, with direct access onto a county-maintained road and where no improvements are to be constructed.

**Minor Replat**

The subdivision of a single lot or parcel of land into two lots or parcels, or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

**Parcel**

A unit of land within legally established property lines. If, however, the property lines are

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**Article VIII Development Procedures, Impact Fees, and Subdivisions**
such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the Director.

**Restricted development zone**

Any land rendered unusable for development purposes by deed restrictions or other legally enforceable limitations such as wetlands.

**Right-of-Way**

Any land dedicated, deeded, used, or to be used, for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purpose by the public, or certain designated individuals, or governing bodies.

**Subdivision**

Subdivision is the division of a parcel of land, whether improved or unimproved, into three or more lots or parcels of land, for the purpose of transferring fee simple ownership, whether by deed, or other recorded instrument or, if the establishment of a new street is involved, any division of such parcel into three or more lots or parcels. In addition, pursuant to the Baker County Subdivision Ordinance, the term does include, by preliminary exemption, the division of any lands which are greater than ten (10) acres in size. The term also includes a re-subdivision of previously subdivided parcels.

The term shall not mean or apply to the transfer of property by sale or gift or estate succession by the property owner to his or her spouse or lineal descendants, or the transfer of properties between tenants in common for the purpose of dissolving the tenancy in common among those tenants, provided the division(s) meet minimum lot size requirements and zoning, subdivision rules shall not apply.

However, to forestall the illegal creation of subdivisions by estate succession or by sale or gift within and among family members or spouses; if such transfer involves division of a single parcel into more than three parcels and does not meet lot size and zoning requirements, the division(s) may be subject to all rules of subdivision for development.
PART 8.03.00 DEVELOPMENT REQUIREMENTS AND EXEMPTIONS

Sec. 8.03.01 General Provisions

(Revised Per ORD 2004-47 & 2005-42 and all previous versions repealed.)

No development permit or building permits, shall be issued unless the developer has complied with the provisions of this section. A residential development permit may only be issued after the following conditions are met:

1. On any lot used for residential purposes, no more than one residential building or structure will be allowed on a lot, unless a guest house or exception is approved as set out in this Code.

2. Every residential lot shall abut a street other than an alley for at least twenty-five feet, except the minimum frontage for a lot on a cul-de-sac shall be fifteen feet.

3. All roads included within the proposed subdivision of land shall be paved in accordance with the standards set forth in Section 7.02.04(C).

4. All other applicable ordinance requirements will also be satisfied.

This section shall not apply to single family residences constructed on a) platted subdivisions or unplatted lands which do not meet the definition of subdivision above, or b) the division of land as a Homestead Exemption as defined in this code.

(Sec. 8.03.02 revised & all previous repealed per ORD 2004-47/2005-42/2006-3/ 2007-09)

Sec. 8.03.02 Roads, Streets, etc.

(Per ORD 2006-03 & 2007-09)
All roads and driveways within a subdivision shall be paved and constructed in accordance with the requirements set forth herein and within the Baker County Land Development Regulations. All subdivisions shall have direct paved access to the connection with a county-maintained road or street dedicated to public use which has been accepted for maintenance by the County of or Florida Department of Transportation. If the county-maintained road or street is not paved, the developer shall pave the county road or provide paved access from the subdivision to connect with a paved county road or street accepted by the county or state. If the county road is paved but in substandard condition, improvements may be required of the developer in order to bring the road up to standards. Said paving and driveway construction shall be in accordance with the requirements set forth herein and the Baker County Land Development Regulations.

a) Relation to adjoining street system. The arrangement of streets in the new subdivisions shall make provisions for the continuation of the principal existing streets in adjoining areas (or their proper projection, where adjoining land is not subdivided) insofar as that may be deemed necessary by the board for public requirements. The street arrangement shall not cause hardships to owners of adjoining property when they plat their own land and/or seek to provide convenient access to it. Offset streets shall be avoided but in no event shall there be less than one hundred fifty (150) feet between offsets. The angle of intersection between streets shall not vary by more than fifteen (15) degrees from a right angle.

b) Access. All proposed developments shall meet the standards set forth in the Baker County Land Development Regulations. All subdivisions consisting of twenty-five (25) lots or more shall provide at least two (2) points of access subject to the approval of the Board of County Commissioners. One access may be closed to public access provided that it is approved by the emergency services director or his designee as being accessible to county emergency services.

c) Existing Roads. If the width of an existing county-maintained road which is required to be paved pursuant to this section does not meet the width requirements for road improvements as set forth within the Baker County Land Development Regulations, then
the developer may present to the County an engineering plan for the paving of said road which accounts for the existing width available for road improvements. If the County accepts the presented engineering plan, then the road may be paved pursuant to the presented engineering plan and the width requirements shall be waived for said road, provided that all other applicable requirements for road improvements as set forth in the Baker County Land Development Regulations are met.

Sec. 8.03.03 Preliminary Exemption Process

The Board of County Commissioners (BCC) may grant a preliminary exemption from the requirements of Sections 8.04.00 and 8.10.00A of Article VIII when the minimum lot size in the proposed subdivision is five or more acres. Such a preliminary exemption requires a majority vote by the BCC and may only be applied for and granted after the developer satisfactorily demonstrates that he or she has completed the requirements of the County preliminary checklist and such other requirements as may be specified by the Board of County Commissioners.

Sec. 8.03.04 Fee for 10-Acre Subdivision Exemption

The fee to apply for a 10-acre subdivision exemption shall be paid at the time of the filing of the application for a preliminary exemption from the requirements of sections 8.03.00 and 8.04.00.

Sec. 8.03.05 Prohibition on Individual Lots before Approval

All developers are hereby prohibited from selling or transferring title to any lots or parcels within a proposed development before the developer is either granted a final development permit or a final exemption from the requirements of sections 8.03.00 and 8.04.00. If any developer sells or transfers title, including but not limited to contract for deed to similar instrument, any land or parcels in a planned proposed subdivision before receiving a final exemption by the Board of County Commissioners, then such proposed development shall be prohibited from requesting or receiving any exemption from the Board.
Sec. 8.04.01 Minor Development

A minor development is a commercial parcel of less than five acres or a residential subdivision of less than ten lots, with direct access onto a county-maintained paved road and where no improvements are to be constructed. The developer of a proposed minor development may choose to submit the preliminary development plan and file a final plat simultaneously.

Sec. 8.04.02 Preliminary Development Plan

1. For all development, the developer of a proposed development shall submit a Preliminary Development Plan (PDP) and fees as adopted by the Board of County Commissioners to the Department, which shall meet the requirements of this Section.

2. Within ten (10) working days of receipt of a Preliminary Development Plan, the Director shall:
   a. Determine that the Preliminary Development Plan application is complete and proceed with the procedures below; or
   b. Determine the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended Preliminary Development Plan within 30 working days without payment of a reapplication fee, but, if more than 30 days have elapsed, must thereafter reinitiate the review process and pay any additional fees.

3. A copy of the Preliminary Development Plan shall be sent to each reviewing agency as set out below. Each agency shall review the proposal to determine compliance with the standards contained herein. Written comments shall be submitted to the Director within 10 days of receipt of the Preliminary Development Plan.
   a. Planning Department
   b. Health and Rehabilitative Services
   c. Soil and Conservation Services
d. Property Appraiser

e. County Engineer

4. The Director shall review the Preliminary Development Plan and comments of the reviewing agencies and determine whether the proposal complies with the requirements of this Code.

5. Within five working days of receipt of the comments of the reviewing agencies, the Director shall issue a Preliminary Development Plan order which:
   a. approves the Preliminary Development Plan;
   b. approved the Preliminary Development Plan with conditions; or
   c. denies the Preliminary Development Plan, specifying the specific reasons for denial.

Sec. 8.04.03 Final Development Plans

1. For all development, after approval of a Preliminary Development Plan, a Final Development Plan (FDP) shall be submitted within six months. Otherwise, the Preliminary Development Plan approval expires.

2. The Developer shall submit a Final Development Plan and applicable fees as adopted by the Board of County Commissioners for review within the time period in which the Preliminary Development Plan approval is valid, which shall meet the requirements of Section 8.03.00.

3. Within five working days of receipt of a Final Development Plan, the Director shall:
   a. Determine that the Final Development Plan application is complete and proceed with the procedures below; or
   b. Determine that the information is incomplete and inform the developer in writing of the deficiencies. The developer may submit an amended Final Development Plan within thirty (30) working days without payment of a reapplication fee. However, if more than thirty (30) working days have elapsed, the developer must reinitiate the review process and pay any
4. Once complete, a copy of the Final Development Plan shall be sent to each reviewing agency as set out below. Each agency shall review the proposal to determine compliance with the standards contained herein. Written comments shall be submitted to the Director within ten (10) days of receipt of the Final Development Plan.
   a. Planning & Zoning Department
   b. Health and Rehabilitative Services
   c. Soil and Conservation Services
   d. Property Appraiser
   e. County Engineer

5. The Director shall review the Final Development Plan and comments of the reviewing agencies and determine whether the proposal complies with the requirements of this Code.

6. Within five working days of the receipt of the comments of the reviewing agencies, the Director shall issue a Final Development Plan order which:
   a. approves the Final Development Plan;
   b. approves the Final Development Plan with conditions; or
   c. denies the Final Development Plan, specifying the specific reasons for denial.

7. The Developer shall not commence construction of the improvements until a Final Development Plan is approved and order is issued.

Sec. 8.04.04 Project Phasing

A Master Plan for the entire development site must be approved for any Major Development that is to be developed in phases. The Master Plan shall be submitted simultaneously with an application for review of the Preliminary Development Plan for the first phase of the development and must be approved as a condition of approval of the Preliminary Development Plan for the first phase. A Preliminary and Final Development Plan...
Plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

Sec. 8.04.05 Submittals

A. Applications

Applications for development review shall be available from the Planning Department. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

A.1 Applications with Development Agreements

Development Agreement and Application

If proposed development will require a Development Agreement, the application must be accompanied by payment of this application fee plus reimbursement to the County of all reasonable and necessary consultant and legal fees. The application shall set forth all items required to be included in the Development Agreement (see Article XI) and applicable Florida law. The Board of County Commissioners is authorized in its discretion to refund application fees for Development Agreements upon commencement of new construction by any “high-wage employer” as defined by Enterprise Florida. (plus advertising, and postage (See Section 10.02.09 Fees for more information on all application fees.)

B. General Plan Requirements

All Preliminary and Final Development Plans submitted pursuant to this Code shall conform to the following standards:
1. All plans shall be drawn to a scale of one inch equals 100 feet, unless the Director determines that a different scale is sufficient or necessary for proper review of the proposal.

2. The front cover sheet of each plan shall include:
   a. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).
   b. Each sheet shall contain a title block with the name of the development stated a graphic scale, a north arrow, and date.
   c. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
   d. The area of the property shown in square feet and acres.
   e. Ten copies of the submittal shall be required.

3. Unless a format is specifically called for below, the information required may be presented textually, graphically, or on a map, plan aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the Developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.

C. Preliminary Development Plan Requirements

Each Preliminary Development Plan shall show:

1. Existing Conditions
   a. The location of existing property or right-of-way lines both for private and public property, streets, railroads, buildings, transmission lines, sewers, bridges, culverts, drain pipes, water mains, fire hydrants, underground and overhead utilities and any public or private easement.
   b. Any land rendered unusable for development purposes by deed
restrictions or other legally enforceable limitations (restricted development zone).

c. All water courses, water bodies, floodplains, wetlands, important natural features and wildlife areas, soil types and vegetative cover.

d. The approximate location of environmentally sensitive zones, restricted development zones, and historic sites.

e. Existing Land Use Category of the Comprehensive Plan and Zoning District of the parcel.

f. A depiction of the abutting property within 400 feet of the proposal, not including right-of-way in the measurement, showing land uses and locations of principal structures and major landscape features.

g. Location of proposed development in relation to any established urban services.

2. Proposed Development Activities and Design

a. The approximate location, type, intensity and/or density of the uses within the proposed development.

b. A general parking and circulation plan.

c. Points of ingress to and egress from the site vis-a-vis existing or planned public or private road rights-of-way, pedestrian ways, or bicycle paths, and proposed access points to existing or planned public transportation facilities.

d. Existing and proposed stormwater management systems on the site and proposed linkage, if any, with existing or planned public water management system.

e. Proposed location and sizing of potable water and wastewater facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities, or if septic tanks are to be used, preliminary results of soil percolation tests.
f. Proposed open space areas on the development site and types of activities proposed to be permitted on them.
g. Lands to be dedicated or transferred to a public or private entity and the purposes for which the lands will be held and used.
h. A description of how the plan mitigates or avoids potential conflicts between land uses.

D. Final Development Plan

A Final Development Plan shall include the information required in a Preliminary Development Plan plus the following additional or more detailed information:

1. Existing Conditions:
   a. A soils map of the site (existing U.S. Soil Conservation Service maps are acceptable).
   b. A topographic map of the site clearly showing the location, identification, and elevation of benchmarks, including at least one benchmark for each major water control structure.
   c. A detailed overall project area map showing existing hydrography and runoff patterns, and the size, location, topography, and land use of any off-site areas that drain onto, through, or from the project area; and
   d. Seasonal high water table elevations and attendant drainage areas for each.
   e. A map showing the locations of any soil boring or percolation tests as may be required by this code. Percolation tests representative of design conditions shall be performed if the stormwater management system will use swales, percolation (retention), or detention with filtration designs.
   f. The locations of protected environmentally, environmentally sensitive zones, and restricted development zones.
g. The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year floodplain for all parts of the proposed development.

2. Proposed Development Activities and Design
   a. Area and percentage of total site to be covered by an impervious surface.
   b. Construction phase lines.

3. Buildings and Other Structures
   a. Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.
   b. Front, rear and side architectural elevations of all non-residential buildings.
   c. Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.
   d. Minimum floor elevations of any proposed buildings within any 100-year floodplain.
   e. The location, dimensions, type, composition, and intended use of all other structures.

4. Potable Water and Wastewater Systems
   a. Proposed location and sizing of potable or on-site water and wastewater facilities to serve the proposed development, including required improvements or extensions of existing off-site facilities.
   b. The boundaries of proposed utility easements.
   c. Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used, including location of septic tank drain fields, individual wells, etc.

5. Streets, Parking and Loading
a. The layout of all streets and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.
b. A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected on site traffic flow.
c. The location of all exterior lighting.
d. The location and specifications of any proposed garbage dumpsters.
e. Cross sections and specifications of all proposed pavement.
f. Typical and special roadway and drainage sections and summary of quantities.
g. Grading plans specifically including perimeter grading.
h. Where development abuts existing or dedicated or platted streets where rights-of-way are inadequate, the Developer shall dedicate to the public additional rights-of-way to meet the minimum standards. If the Development is a subdivision, said dedication shall occur with the platting. All other development shall submit a deed, to be approved by the County Attorney and accepted by the Board of County Commissioners prior to Final Development Plan.

6. Landscaping
   a. Location and dimensions of proposed buffer zones and landscaped areas.
   b. Description of plant materials existing and to be planted in buffer zones and landscaped areas.

7. Stormwater Management
   a. An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they

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will be put into place or used, and maintenance provisions.

b. A description of the proposed stormwater management system, including:

(1) Channel, direction, flow rate, and volume of stormwater that will be conveyed from the site, with a comparison to natural or existing conditions.

(2) Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.

(3) Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.

(4) Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrography, side slopes, depths, and water-surface elevations or hydrographs.

(5) Linkages with existing or planned stormwater management systems.

(6) On and off site rights-of-way and easements for the stormwater system including locations and a statement of the nature of the reservation of all areas to be reserved as part of the Stormwater Management System.

(7) The entity or agency responsible for the operation and maintenance of the Stormwater Management System.

(8) Runoff calculations shall be submitted if requested by the County Engineer.

8. Environmentally Sensitive Lands

a. The exact sites and specifications for all proposed drainage, filling,
grading, dredging, and vegetation removal activities including estimated quantities of excavation or fill materials computed from cross sections, proposed within an environmentally sensitive zone or restricted development zone.

b. Detailed statement or other materials showing the following:
   (1) The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.
   (2) The distances between development activities and the boundaries of the environmentally sensitive zone.

c. The manner in which habitats of endangered and threatened species are protected.

9. Subdivision

a. Proposed number, minimum area, and location of lots, if development involves a subdivision of land.

b. All lots shall be numbered either by progressive numbers or, if in block, progressively numbered or lettered, except that block in numbered additions bearing the same name may be numbered consecutively throughout several additions.

c. All interior excluded parcels shall be clearly indicated and labeled "Not part of this plat/development.

d. All man-made lakes, ponds, and other man-made bodies of water excluding retention-detention areas shown on the final development plan shall be made a part of adjacent private lot(s) as shown on the final plat. The ownership of these bodies of water shall not be dedicated to the public unless approved by the County.

e. Where the development includes private streets, ownership and maintenance association documents shall be submitted with the final

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development plan and the dedication contained on the development plan shall clearly indicate the roads and maintenance responsibility to the association without recourse to the County or any other public agency.

10. Well Field Protection
Location of onsite wells and wells within 1000 feet of any property line, exceeding 100,000 gallons per day. Well fields shall be protected according to Comprehensive Plan Policy A.1.4.5.

11. Historic and Archaeological Sites
The manner in which historic and archaeological sites on the development property, or within one thousand (1000) feet of any boundary of the site development property will be protected.

12. Prior to approval of a Final Development Plan
The Developer must obtain and submit to the Department copies of the all required federal, State and local environmental and development permits.

13. All development will comply with applicable design standards in Article VII, *Development Design and Improvement Standards*, unless a variance is approved as set out in this Article.

Sec. 8.04.06 Development Name

Every development shall be given a name by which it shall be legally known. The name shall not be the same as any other name appearing on any recorded plat except when the proposed development includes a subdivision that is subdivided as an additional unit or section by the same Developer or his successors in title. Every subdivision name shall have legible lettering of the same size and type including the words *section, unit, replat, amended,* and the like. The name of the development shall be indicated on every page.
Sec. 8.04.07 Platting and Recording

A. Generally

Where proposed development includes the subdivision of land, the final approval of the development plan shall be made contingent upon approval by the County Commission of a final plat conforming to the final development plan.

B. Filing and Review by Department and Recording

1. After receiving Final Development Plan approval, the Developer shall submit to the Department six copies of a final plat conforming to the development plan and the requirements of Chapter 177, Florida Statutes. Alternatively, the Developer may submit the final plat simultaneously with the Final Development Plan. The final plat shall not be submitted to the Board of County Commissioners until the Final Development Plan is approved. Additionally, final plat and/or Mylar digital files shall be submitted in DXF, DWG, GIS shape file/coverage format. Projection shall be in the Florida North State Plane Coordinate System, NAD83.

2. The final plat shall contain (1) a certificate of a registered surveyor or, (2) certificate of approval by the County Engineer; (3) certificate of approval by the County Health Department; (4) certificate of approval of Planning Director and 5) the County Attorney. The form for these certificates shall be obtained from the Planning Department.

3. The Developer must also provide to the Planning Director a title opinion of an attorney-at-law licensed in Florida or a certification by an abstractor or a title company showing that apparent record title to the land as described and shown on the plat is in the name of the person, persons, or corporation executing the dedication, if any, as it is shown on the final plat. The title opinion or certification shall also show all mortgages not satisfied or released on record. The Developer shall include on the plat a joinder and consent by all such mortgage holders.
a. No plat or plan of a subdivision of land shall be recorded by the Clerk of the Circuit Court until the plat has received final approval in accordance with the Baker County Land Development Regulations (LDRs).

b. No final plat shall be recorded unless all mortgages have been released or a joinder and consent executed.

c. No person or his agent owning land shall transfer or sell or agree to sell a lot or parcel of land located in a proposed subdivision by reference to, by exhibition, or by any other use of a plat of a subdivision before the plat has been approved by ordinance and has been recorded, unless exempted by these LDRs.

d. Nothing in this section shall prohibit a developer from agreeing to sell land located within a proposed subdivision to a builder or co-developer who wishes to develop and build upon the land for resale purposes. The developer shall be permitted to refer to, exhibit or otherwise use a plat of the proposed subdivision in connection with an agreement to sell before the plat has been approved by ordinance and recorded; provided, that no document shall be recorded in the public records of Baker County, Florida referring to or attaching a copy of a plat of a subdivision before the plat has been approved by ordinance and recorded, unless the plat is exempted from this provision by other rule.

4. The Department shall, within fifteen (15) working days of receiving the plat, determine whether the plat conforms to the approved development plan and the requirements of Chapter 177, Florida Statutes. If the Department determines that the plat so conforms, it shall place the plat on the next available agenda of the Board of County Commissioners. If it does not conform, the Department shall explain the deficiency in the plat to the Board of County Commissioners.
Developer and inform him that a corrected plat may be resubmitted for approval.

C. Review by County Commission

Review of the plat by the County Commission shall be strictly limited to whether or not the plat conforms to the requirements of Chapter 177, Florida Statutes. A conforming plat shall be approved. The County Commission shall return a nonconforming plat to the Developer with an explanation of deficiencies and a notice that a corrected plat may be resubmitted for approval.

D. The County attorney shall sign all final plats approved by the Board of County Commissioners.

Sec. 8.04.08 Re-subdivision Plats

1. For any replatting or resubdivision of land, the same procedure, rules, and regulations shall apply as prescribed herein for an original subdivision except that lot sizes may be varied on an approved plat after recording, provided that:
   a. No lot or tract of land shall be created or sold by the developer that is more than ten 10 percent smaller than the size shown on the approved plat;
   b. rights-of-way shall not be changed;
   c. street alignment and block sites shall not be changed;
   d. the rear portion of the lots abutting only one street shall not be subdivided from the front part; and
   e. the character of the area shall be maintained.
   f. A replat is recorded, after review as specified herein for a final plat. However, vacating of the original plat is not required.

2. When the subdivision of land does not involve a new street, final plat procedure may be followed. A vicinity map may be requested by the Board of County Commissioners.
Sec. 8.04.09 Flag Lots

A. Existing Flag Lots

1. No zoning or building permits shall be issued for a structure on a Flag Lot unless the Flag Lot has been approved by the County or is a Flag Lot of record as 2002.

2. Flag Lots of record shall not be divided or otherwise altered in area or dimension unless the lot division is done as part of a formal subdivision/re-subdivision application and results in all remaining parcels of land being in compliance with the zoning and subdivision regulations.

B. New Flag Lots

No Flag Lots shall be created after the effective date hereof unless approved by a majority vote by the Board of County Commissioners and only after the owner of the land to be flagged satisfactorily demonstrates the following:

1. All Flag Lots shall be part of an approved subdivision that is platted in accordance with Section 7.02.06;

2. Flag Lots shall only be approved if the access strip abuts a paved public road maintained by either Baker County or the State of Florida;

3. Access from a public road to a Flag Lot shall be on land that is owned in fee simple by the owner of said Flag Lot. The access strip shall be limited to the exclusive use of the single Flag Lot; additional access strips may not be adjoined.

4. The width of an access strip shall be at least twenty five (25) feet or greater if required to insure proper design and public safety;

5. The minimum separation distance, as measured along the street, from centerline, between single access strips and any other access strip or driveway shall be 140 feet for access strips located off collector roads and 300 feet for access strips located off arterial roads;

6. All Flag Lot access strips shall be designed so as to adequately provide for watercourses, wetlands, and stormwater runoff.
7. No Flag Lots may be located behind another Flag Lot and no Flag Lot may gain access along the side of another Flag Lot (i.e. Flag Lots shall not be stacked one behind the other or up against one another);

8. A Flag Lot shall not be less than five (5) acres in size. No portion of the access strip shall be included in computing the required lot area for a Flag Lot;

9. Driveway construction plans shall be submitted to the Board of County Commissioners or its designated agent in order to demonstrate adequate ingress and egress for regular and emergency vehicles to the Flag Lot, and shall include mitered end culverts encased in concrete;

10. A deed restriction shall be placed on each Flag Lot and must be recorded in the County Clerk’s office stating that “this lot shall not be re-subdivided to form any additional flag lots” and a statement that “the related access strip shall never be eligible for acceptance or dedication to the County as a public road or street”;

11. All reciprocal easements and maintenance agreements, approved by the County Attorney, shall be recorded as to those Flag Lots that have adjoining access strips.

PART 8.05.00 COMPLETION OF IMPROVEMENTS

Sec. 8.05.01 Applicability

1. The provisions of this section apply to all proposed developments in the County, including private road subdivisions with private roads.

2. Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency in Article V, Concurrency Determinations of this Code.

3. This section does not modify existing agreements between a Developer and the County for subdivisions platted and final development orders granted prior to the effective date of this Code, providing such agreements are current as to all conditions and terms thereof.

4. The Board of County Commissioners will no longer accept for maintenance
or repair the dedication of streets or roads which are not provided and constructed in accordance with design standards herein.

5. Unless otherwise specified, improvements must be completed within 1 year from approval or approval is voided.

Sec. 8.05.02 Acceptance by the Board of County Commissioners

The approval of any development shall be subject to the Developer providing assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, water and sewer lines, have been satisfactorily constructed according to the approved development plan. The following information shall be provided:

1. Security Instrument
   a. Security requirements may be met by, but are not limited to the following:
      - Cashiers check
      - Certified check
      - Developer/Lender/County Escrow Agreement
      - Interest-bearing Certificate of Deposit
      - Irrevocable Letter of Credit
      - Surety Bond
   b. The security shall be in the amount of fifteen (15) percent of the construction cost of the improvements.

2. Final Inspection Report
   When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance by the Board of County Commissioners as recommended by the County Engineer. A recommendation for final acceptance shall be made upon receipt of a certification of project completion, a copy of the as-built, and one copy of all
3. Development Agreement
The developer shall execute a Development Agreement for maintenance in the form prescribed by the County and shall provide a security instrument at the time of final acceptance.
   a. Development Agreement for maintenance and security shall be provided to warrant the materials and workmanship and to assure the County that all required improvements shall be maintained by the Developer according to the following requirements:
   b. The period of the warranty and maintenance agreement shall be a minimum of three years beginning with the acceptance by the County of the improvements.

4. The item, including the engineer's recommendations and Development Agreement shall then be placed on the next available agenda of the Board of County Commissioners.

Sec. 8.05.03 Issuance of Building Permits
Building permits shall not be issued until the Board of County Commissioners has accepted the improvements. However, the permits for model homes may be issued by the Building Inspector in accordance with rules adopted by the Department.

Sec. 8.05.04 Privately Owned Improvements
1. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the County, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.
   a. When the proposed development is to be organized as a condominium under the provisions of Chapter 718, Florida Statutes,
common facilities and property shall be conveyed to the condominium's association pursuant to that law.

b. When no condominium is to be organized, an owners’ association shall be created and all common facilities and property shall be conveyed to that association.

c. No development order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the County Attorney.

2. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the County shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the County.

PART 8.06.00 REVERSION OF SUBDIVIDED LAND TO ACREAGE

Sec. 8.06.01 Reversion by an Owner

The owner of any land subdivided into lots may file for reversion of a plat for the purpose of returning land to acreage. Such plat and the procedure in connection therewith, shall conform to the requirements of this ordinance, except that:

a. No survey or certificate of any surveyor or engineer shall be required, provided, however, that the governing body may required a survey of the exterior boundaries of the land, the positioning of suitable monuments along such boundaries if it should find the last preceding survey of record is faulty or, inadequate, or that insufficient monuments are in position along such boundaries; and

b. No improvement shall be required except such as may be necessary to
provide equivalent access, as provided hereafter in this Section. No findings need be made as to the suitability of the land or to the provision of public facilities and services thereof.

Sec. 8.06.02 Reversion by the Governing Body

The governing body may, on its own motion, order the vacation and reversion to acreage of all or any part of a subdivision within its jurisdiction, including the vacation of streets or other parcels of land dedicated for public purposes or any of such streets or parcels, when:

a. The plat of the subdivision was recorded as provided by law not less than five years before the date of such action; and

b. In the subdivision or part thereof, not more than 10 percent of the total subdivision area has been sold as lots by the original subdivider or his successor in title. Such action by the Board of County Commissioners shall not be taken until the Planning Department has made its recommendation that the proposed vacation and reversion to acreage of subdivided lands conforms to the comprehensive plan and that the public health, safety, economy, comfort, or convenience will be promoted thereby. Before acting on a proposal for the vacation and reversion of subdivided land to acreage, the Planning Department shall hold a public hearing thereon with public notice given according to procedures stated in this ordinance.

PART 8.07.00 ENFORCEMENT OF DEVELOPMENT PERMITS AND ORDERS

Sec. 8.07.01 Definitions

A. Minor Deviations

A minor deviation is a deviation from a Final Development Plan that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably
anticipated during the initial approval process:

1. Alteration of the location of any road, walkway, landscaping or structure by not more than five (5) feet.

2. Reduction of the total amount of open space by not more than five (5) percent, or reduction of the yard area or open space associated with any single structure by not more than five (5) percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this code.

B. Major Deviations

A major deviation is a deviation other than a Minor Deviation, from a Final Development Plan.

Sec. 8.07.02 On-Going Inspections

A. Inspection

The Department shall implement a procedure for periodic inspection of development work in progress to insure compliance with the Development Permit which authorized the activity.

B. Minor Deviations

If the work is found to have one or more Minor Deviations, the Department shall amend the Development Order to conform to actual development.

C. Major Deviations

1. If the work is found to have one or more Major Deviations, the Department shall:
   a. Place the matter on the next agenda of the Board of County Commissioners, allowing for adequate notice, and recommend appropriate action for the Board to take.
   b. Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public
interest. The order shall remain in effect until the Department determines that work or occupancy may proceed pursuant to the decision of the Board of County Commissioners.

c. Refer the matter to the Code Inspector, if it appears that the Developer has committed violations within the jurisdiction of the Code Enforcement Board.

2. The Board of County Commissioners shall take one of the following actions at its meeting:

a. Order the developer to bring the development into substantial compliance (i.e., having no or only minor deviations) within a reasonable period of time. The Development Order or Permit may be revoked if this order is not complied with.

b. Amend the Development Order to permit or accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty, and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.

c. Revoke the relevant Development Order or Permit based on a determination that the development cannot be brought into substantial compliance and that the Development Order or Permit should not be amended to accommodate the deviations.

d. Action of Developer After Revocation of Development Order
After a Development Order or Permit has been revoked, development activity shall not proceed on the site until a new Development Order or Permit is granted in accordance with procedures for original
Sec. 8.07.03 Variance Procedure for Design Standards

A request for a variance from the standards or requirements of the design standards in Article VII, Development Design and Improvement Standards, or the requirements for a Mobile Home Park, Recreational Vehicle Park or family lot shall be submitted with the application and shall be considered an attachment to the application. The request for the variance shall include specific and documented reasons and authority for the request. The variance request shall be considered along with the application. If the variance request is consistent with the intent and general requirements and would not be detrimental to the public health, safety, and welfare then the variance may be granted. The approval of a variance request may include special terms and conditions. The approval or denial of a variance request may be appealed to the Board of County Commissioners.

PART 8.08.00 APPLICATION FOR CERTIFICATE OF OCCUPANCY

Sec. 8.08.01 Generally

Upon completion of work authorized by a Development Permit or Development Order, and before the development is occupied, the developer shall apply to the Department for a Certificate of Occupancy. The Department shall inspect the work and issue the Certificate if the development is found to be in conformity with the Permit or Order.
BAKER COUNTY SIGNS

ARTICLE IX
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## ARTICLE IX SIGNS

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**ARTICLE IX SIGNS**

**PROPOSED June 17, 2014**
ARTICLE IX SIGNS

PART 9.01.00 Intent

The intent of this Article is to promote the County's economic well-being, traffic safety, and visual environmental quality by encouraging the use of signs compatible with their surroundings, appropriate to the type of activity to which they pertain, and by creating the necessary legal framework for a fair and balanced sign system. The legal framework established includes regulations governing the number, location, and other characteristics of signs.

PART 9.02.00 Signs – General Standards, Permissions, and Prohibitions

Sec. 9.02.01 Standards for All Zoning Districts

A. No sign shall exceed thirty (30) feet in height without specific approval of the County Planning Director;

B. No illuminated sign shall be located so to face directly, shine, or reflect glare into a dwelling home situated in the vicinity of such sign;

C. All signs must conform to the design standards set out in Article VII Development Design and Improvement Standards.

D. All signs together with any supports, braces, guys, and anchors shall be kept in good repair.
Sec. 9.02.02 Signs Allowed in All Zoning Districts

Some signs shall be allowed in all zoning districts without a special sign permit, although they may be required to have a building permit. The signs in this Section 9.02.02 are allowed in all zoning districts unless not allowed due to other provisions of this ordinance or other County laws:

A. Signs not visible from a street due to the location of a building, other structure, topographic features of the land, intensive year-round natural vegetation, or some other object or objects.

B. Signs within enclosed structures provided they are not within six (6) inches of a pane of glass visible from a street.

C. For each lot with a semi-public use, religious, charitable, educational, or cultural signs not exceeding six (6) square feet in an area that are used for not more than thirty (30) days.

D. For each lot - one historic marker not exceeding four (4) square feet in size.

E. For each lot - temporary signs not exceeding six (6) square feet in size which advertise the sale, lease, or rental of property on which the signs are located and/or that state the name of a future site occupant and other such information.

F. Temporary political signs are signs supporting campaigning candidates or causes before, during, and after an election. These signs must also conform to all other local ordinances pertaining to temporary signage. To support citizens’ rights to express their political preference and their rights of free speech, while creating regulatory conformity across the jurisdictional boundaries of Baker County, City of Macclenny, and Town of Glen St. Mary so that candidates and citizens alike will be clear regarding the use of temporary political signage before, during, and after elections. The provisions listed below apply to all temporary political signs.

(1) Temporary political signs shall be allowed in all zoning districts, providing the responsible party displaying the sign has filed an Affidavit of Understanding with the Supervisor of Elections, that states the temporary
signage has been approved, and confirming that the responsible party has received a copy of the local ordinances pertaining to temporary political signs. Conditions to display temporary political signs include:

- Signs may be erected thirty (30) days before the date of early voting established for the election.
- All temporary political signs must be removed within five (5) days of the related election.
- No signs may be placed in or on the public Right-of-Way, any other public property, or obstructing any utility line either above or below ground.
- All signs must be posted on private property.
- Signs may be double-sided.
- Signs must be at least fifteen (15) feet apart.
- Signs must be at least five (5) feet from the front property line of the lot and at least fifteen (15) feet from side property lines.
- For residential lots, signage dimensions may not exceed four (4) feet by four (4) feet for a total maximum of sixteen (16) square feet per lot. Signs in residential zones must be less than five (5) feet high.
- For commercial lots, signage dimensions may not exceed four (4) feet by eight (8) feet for a total maximum of thirty-two (32) square feet per lot. Signs in commercial zones must be less than ten (10) feet high.
- All temporary political signs shall be free standing and not illuminated.

(2.) This ordinance shall not be construed to prohibit citizens from lawfully expressing their political preferences or support in accordance with Florida Statutes.
G. For each dwelling unit, one (1) sign no larger than two (2) square feet in area that contains the name of the occupant, profession of the occupant, and/or house member.

H. For each occupant of a commercial or semi-public use, one (1) sign no larger than two (2) square feet in area that contains the name and profession of the occupant.

I. Governmental or other legally required posters, notices, or other signs.

J. Parking or directional signs not over two (2) square feet in area with no advertising content.

Sec. 9.02.03 Signs Prohibited in All Zoning Districts

The following signs are prohibited in all applicable zoning districts.

A. Signs that incorporate any flashing, moving, or intermittent lighting. This does not include time and temperature units.

B. Signs that due to their position, wording, illumination, size, shape, or color may obstruct, impair, obscure or interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device.

C. Signs that due to of their position, size, or shape obstruct any sign previously erected.

D. Signs that for whatever purpose are obscene, lewd, indecent, immoral, or lascivious.

E. Signs that create a safety hazard by obstructing the view of pedestrian or vehicular traffic.

F. Signs located all or partially on or over a street, alley, or public property other than sidewalks.

G. Signs on public utility posts or poles, unless required by law.

H. Portable signs.

Sec. 9.02.04 Signs Permitted in Residential Zoning Districts

In addition to the signs specified in Section 9.02.01 and 9.02.02 of this Part, the following signs are permitted in residential or Planned Unit Development (PUD) zoning districts unless not allowed due
to other provisions of this ordinance or other County laws.

A. The Planning Director may allow non-illuminated ground or wall signs identifying a neighborhood for residential areas which include are at least five acres of land area. These signs shall only be allowed at major entrance ways and not more than one sign shall be located at each entrance way.

B. Multi-family housing developments may have one identification sign per street frontage. These signs may be ground or wall signs. The only form of artificial illumination allowed is indirect illumination. Identification signs shall be limited to one (1) square foot of area per dwelling unit up to a maximum of thirty (30) square feet.

C. The Land Planning Agency (LPA) may allow non-residential special exceptions to have non-illuminated signs no larger than twenty-four (24) square feet in area.

Sec. 9.02.05 Signs Permitted in Commercial and Industrial Zoning Districts

In addition to the signs specified in Section 9.02.01 and 9.02.02 of this Part, the following signs are permitted in commercial and industrial zoning districts unless not allowed due to other provisions of this ordinance or to other County laws:

A. The total surface area of signs other than billboards shall not exceed 200 square feet.

B. Signs serving or incidental to a special exception subject to approval by the LPA.

C. Small incidental signs such as those necessary to control or direct traffic, parking, or access shall be permitted in addition to those allowed above provided no such sign shall exceed two (2) square feet on one side.

D. Notwithstanding other provisions of this ordinance, the Planning Director may grant a permit for a special event signing program for a period of no more than thirty (30) days in a calendar year for any use or combination of uses of any type with the following findings:

1. The event is a festive occasion, which would be enhanced by the use of signage not already allowed.

2. All segments of the County’s population may attend the event.
3. The event is appropriate for the location where it is being held. Such a location must conform to zoning requirements.

4. The event is being undertaken for the purpose of advertising or otherwise promoting a public-oriented use or uses.

E. Within the requirements of this Code, billboards shall be allowed in the Commercial Highway (CH) Zoning District, Light Industrial (LI) Zoning District, Industrial (I) Zoning District, and Heavy Industrial (HI) Zoning District.

PART 9.03.00 Billboard Sign Provisions

Sec. 9.03.01 Types of Billboards Allowed
A billboard structure may be a sign that identifies or communicates a commercial or non-commercial message related to an activity conducted as service rendered or a commodity sold at a location other than where the sign is located. Billboards may be of any of the following types:

A. Single-faced billboard, which is a billboard with one (1) face that faces one (1) direction only.

B. Double-faced billboard, which is a billboard with two (2) faces that face two (2) different directions. The following billboards shall be considered double-faced billboards:
   - A structure having two (2) faces placed back to back; and
   - A structure constructed in the form of a "V" (when viewed from above).

C. Tri-faced billboard, which is a billboard with three (3) faces forming a triangle (when viewed from above) that faces three (3) different directions.

Sec. 9.03.02 Requirements, Setbacks, and Spacing

Corner Lots
On any corner lot, no billboard shall be erected or project within the triangular area formed by the street right-of-way lines and a line connecting them at points fifty (50) feet from the corner formed...
by the intersection of the street right-of-way lines.

**Embellishments**
Embellishments may be added to billboard facings, provided, the embellishments shall not exceed ten percent (10%) of the total advertising display area.

**Height**
Billboards shall not exceed thirty-five (35) feet in height; except those on Interstate 10 may rise to forty (40) foot maximum height. The height of a billboard shall be measured from the crown of the road immediately adjacent to the structure or from the existing natural grade immediately adjacent to the structure, whichever is higher.

**Materials**
Billboards may be constructed upon wood poles, steel I-beams or monopoles.

**Movement**
No billboard shall be erected or any existing billboard modified or operated that incorporates flashing, scintillating, beacon or running lights, animated copy, or any automatic changeable message device.

**Multi-Message Faces**
Nothing herein shall prohibit a billboard face from displaying no more than two (2) horizontal, side-by-side advertising messages of the same size and shape, excluding embellishments, facing the same direction.

**Non-conforming Billboards**
Any billboard face or structure failing to meet all requirements of this Article on the effective date of this Code shall become non-conforming.
Owner Identification
All billboards erected, operated, and maintained within the County shall carry and have displayed upon them the owner's name information displayed in a clearly readable text visible from the abutting road right-of-way during daylight hours.

Public Facilities
No part of a billboard or supporting structure shall be located within one hundred (100) feet of the nearest property lines of any public park, municipal, county, state or federal building, religious institution, or any public or private school.

Right-of-Ways
No part of a billboard or supporting structure shall be erected within fifteen (15) feet of the right-of-way of an interstate highway, federal-aid primary highway, or other right-of-way.

Separation from Residential Property
No part of a billboard or supporting structure shall be erected within one hundred (100) feet of any property zoned residential as a principal use.

Sign Structure
No portion of the sign structure shall be visible above any advertising display area, excluding embellishments and no billboard or supporting structure shall be above a building. No new building shall be permitted when any portion would be beneath any part of an existing billboard.

Size
A billboard facing area shall not exceed three hundred seventy-eight (378) square feet, exclusive of embellishments except those on Interstate-10 which may be five hundred sixty (560) square feet maximum area, excluding embellishments.
Spacing

No part of a billboard or supporting structure shall be permitted or erected unless all the required distances to the nearest existing billboard structure are compliant with the following spacing requirements:

1. **Along Interstates**: No billboard structure shall be erected closer than one thousand, five hundred (1,500) feet to the nearest billboard structure on the same side of the highway.

2. **Along Federal-Aid Primary Highways or Other Right-of-Way**: No billboard structure shall be erected closer than one thousand (1,000) feet to the nearest billboard structure on the same side of the highway.

3. **Measurement Along Same Side of Highway**: Distance between billboard structures on the same side of the roadway shall be measured linearly along the center line of the roadway abutting the billboards, between points directly opposite that part of the Sign nearest the roadway; or in the case of parallel billboards, from a point opposite the center of the billboards.

4. **Radial Spacing**: Excluding street intersections, no billboard structure shall be permitted or erected within a five hundred (500) foot radius from an existing billboard structure. The distance between such billboard structures shall be measured as the shortest horizontal distance between any part of the structures or faces.

5. **Intersections**: No more than two (2) billboard structures may be located at a road or street intersection and such billboard structures (if more than one) shall be located at diagonal corners of the intersection. The minimum separation distance between the nearest parts of the diagonally placed billboards shall be two hundred (200) feet. For the purpose of this paragraph, intersection shall mean within five hundred (500) feet of the point where the roadway center lines Intersect. For the purpose of determining non-conforming existing billboards, the order in time of billboard erection shall determine if the spacing is non-conforming.
6. **Utility Lines**: No signs or billboards shall be erected that interfere with any underground or over-head utility lines in compliance with the National Electric Code (NEC) and OSHA regulations.
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ARTICLE X - ADMINISTRATION

PART I 10.01.00 ADMINISTRATION

Sec. 10.01.01 Establishment of Planning and Zoning Department

A Planning and Zoning Department is hereby established. The Department shall have a Director, who shall be the designee of the County Manager and such other employees as the Director and County Commission shall provide. The Planning and Zoning Department shall take all actions through the Director.

Sec. 10.01.02 Planning Director; Authority and Duties

1. The Planning Director shall act upon all applications for development permits as provided by this code.
2. The Planning Director shall make recommendations on all applications to be heard by other agencies for planning and zoning matters, including the Board of County Commissioners, Land Planning Agency, and Code Enforcement Board.
3. The Planning Director shall keep records of any applications, development permits, and other documents used in the review of applications for development permits.

Sec. 10.01.03 Board of County Commissioners; Authority and Powers

The Board of County Commissioners (BOCC) shall hear and determine all matters so designated by this code, including petitions for rezoning, petitions for plan amendments, petitions for determinations of vested rights, and shall appoint all of the other Boards designated by this code. Pursuant to Section 163.3174, Florida Statutes, and these LDRs, the BOCC through Ordinance 2005-49 has reassigned the Board of Adjustment to be the Baker County Land Planning Agency (LPA) and the powers and duties as described in this Article X Administration. Any person(s) aggrieved by a decision of the LPA may within thirty (30) days thereafter appeal that decision to the BOCC (See Articles III, Zoning and X Administration – Sections on Appeals of these LDRs for full process.)
Sec. 10.01.04  Land Planning Agency (LPA); Organization and Procedures

A. Organization

1. The LPA shall have five (5) members appointed by the Baker County Board of County Commissioners and one (1) member appointed by the Baker County School Board. The Baker County School Board appointee shall be a non-voting member of the LPA. The Town of Glen St. Mary shall also appoint a non-voting member to the LPA.

1.a. The BOCC shall appoint two (2) alternate members who shall be allowed to vote and participate in LPA business subject to the requirements of this section when called upon by the LPA Chair to participate in LPA meetings in order to ensure a quorum. Such alternate members shall be appointed and serve pursuant to the requirements for active members. (This provision was provided in ORD 2006-01 and overlooked in the updating by ORD 2009-17)

2  Each member shall reside in the County.

3. When a position becomes vacant before the end of the term, the Board of County Commissioners shall appoint a substitute member to fill the vacancy for the duration of the vacated term. A member whose term expires may continue to serve until a successor is appointed and qualified.

4. All members serve at the pleasure of the Board of County Commissioners and may be removed at any time without cause.

5. There shall be a term limit of two (2) years for two of the appointees. For the remaining three appointees, there shall be a term limit of three (3) years.

6. Members shall not be compensated, but may be paid for travel and other expenses incurred on Agency business under procedures prescribed in advance by the Board of County Commissioners.

7. If any member fails to attend three (3) consecutive, regularly scheduled meetings or ten (10) of twenty-four (24) regular or special meetings or workshops. The Board of County Commissioners shall declare the member's office vacant.
8. An appointee of the LPA can hold another non-elective public office or a non-elective position in Baker County provided:
   a. The board or commission does not have authority over or make policy decisions which affect or regulate the public office or position in the County held by the person being considered for the appointment; and
   b. The regularly scheduled board or commission meetings do not conflict with the workday or work duties of the person being considered for the appointment.

B. Officers
1. The members of the LPA shall annually elect a Chair and Vice-Chair from among the members and may create and fill other offices as the Agency deems needed or necessary. The Vice-Chair shall preside in the absence of the Chair or when the Chair has need to disqualify himself or herself. However, the alternate member may not serve as Chair or Vice-Chair.
2. The County Manager shall appoint a County employee to serve as secretary to the LPA, recorder and custodian of all Agency records.

C. Meetings
1. The LPA shall meet at least once each calendar month, unless canceled by the LPA or its Chair, and more often at the call of the Chair or the Board of County Commissioners.
2. The LPA shall keep minutes of its proceedings, indicating the attendance of each member, and the decision on every question.
3. Four (4) regular voting members or three (3) regular voting members and the alternate shall constitute a quorum. It is the intent of the Board of County Commissioners to provide an alternate voting member to cure the lack of a quorum for voting purposes, such that decisions may be made in a timely fashion and not delayed for want of a full quorum.
D. Subcommittees

1. The LPA shall create whatever subcommittees it deems needed to carry out the purposes of the Agency.

2. The Chair of the LPA shall annually appoint the membership of each subcommittee from the members of the Agency.

E. Decisions

Each decision of the LPA must be approved by a majority vote of the members present at a meeting in which a quorum is in attendance and voting. Failure to receive a majority vote of the members present shall act as a denial of the application, appeal, or other matter that is before the LPA. In the event that the regular quorum of voting members results in a tied vote; the alternate voting member may vote to cause a true majority.

F. Disqualification of Members

If any member of the LPA shall find that his or her private or personal interests are involved in a matter coming before the Board, he or she shall disqualify himself or herself from all participation on that case. No member of the LPA shall appear before the LPA as agent or attorney for any person. In the event that a regular voting member must disqualify themselves, and that disqualification reduces the LPA so that it no longer presents a quorum, the alternate voting member may be called to vote to assure timely decisions by a true voting quorum of the LPS.

G. Other Rules

The LPA shall adopt other rules of procedure necessary to carry out its purposes. All rules must conform to this Code, other County ordinances, and state law. The rules shall be in writing and freely available to the public.

Sec. 10.01.05 Land Planning Agency (LPA); Powers and Duties

A. Advisory

The Land Planning Agency (LPA) shall serve in an advisory capacity and recommending body to the Baker County Board of County Commissioners on matters relating to zoning of
land, amendment of Land Development Regulations, land use amendments and major modifications to planned developments, including those functions as the County's Local Planning Agency per Chapter 163, Florida Statutes.

B. Decisions

The LPA shall serve as an appeals and adjustment board on matters relating to zoning. In this capacity, the Agency shall be authorized to:

1. Grant minor modifications to planned developments as provided in this Code.
2. Review zoning changes for consistency with the Baker County Comprehensive Plan, as amended from time to time.
3. Grant Special Use Permits/Special Exceptions as provided in this Code.
4. Perform such other functions and take such actions as provided by this Code.
5. To hear and decide only those special exceptions as the LPA is specifically authorized to pass on under the terms of this Regulation; to decide such questions as are involved in determining when special exceptions should be denied or granted with appropriate conditions and safeguards. After review of an application and a public hearing thereon, with due public notice, the LPA may allow uses for which a special exception is required; provided that the LPA must first make a determination that the use requested meets all of the following criteria:
   a. Is not detrimental to the character of the area or neighborhood or inconsistent with trends of development in the area; and
   b. Does not have an unduly adverse effect on existing traffic patterns, movements, and volumes; and
   c. Promotes the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or the general welfare of the neighborhood; and
   d. Is consistent with the approved Baker County Comprehensive Plan; and
   e. Meets any additional requirements specified in the Land Development Regulations authorizing the use in a particular zoning district or category; and
f. Does not require a variance to any of the provisions in the Land Development Regulations.

In granting any special exception or use, the LPA may prescribe appropriate conditions and safeguards to ensure the compatibility of the use with the surrounding neighborhood. The decision from the LPA granting the approval or denial of the special exception or use shall be final, but may be appealed to the Board of County Commissioners.

5. Grant Zoning Variances as provided in this Code further provided that no such Variance may be granted which allows a use of property contrary to this Code. The LPA may grant variances that are not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of Article III -Zoning will result in unnecessary and undue hardship. The LPA has the power to authorize such variance from the terms of these land development regulations governing the height, area, and size of structures, yards, and open spaces, as will not be contrary to the public interest and where, owing to conditions peculiar to the property.

The establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning classification or district or adjoining classification or districts. In order to grant a variance, LPA must first determine that the following criteria are all met:

a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning classification; and
b. That special conditions and circumstances do not result from the actions of the applicant; and

c. That granting the variance request will not confer on the applicant any special privilege that is denied by Article III - Zoning to other lands, buildings, or structures in the same zoning classification; and
d. That literal interpretation of the provisions of Article III - Zoning would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification and would work unnecessary and undue hardship on the applicant; and

e. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; and

f. That the grant of the variance will be in harmony with the general intent and purpose of Article III - Zoning will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting a variance, the LPA may prescribe appropriate conditions and safeguards. Violations of such conditions and safeguards, when made a part of the terms granted shall be deemed a violation of this chapter. The LPA may prescribe a reasonable time limit within which the action for the variance is required shall be begun or completed, or both.

The decision of the LPA granting the approval or denial of the variance shall be final, but may be appealed to the Board of County Commissioners (BOCC).

C. Comprehensive Plan Duties of the LPA

The LPA shall serve as the County's local planning agency. In this capacity the LPA shall:

1. Be responsible for the preparation of the Comprehensive Plan or plan amendment and shall make recommendations to the BOCC regarding the adoption or amendment of such plan.

2. Monitor and oversee the effectiveness and status of the Comprehensive Plan and recommend to the BOCC such changes in the Comprehensive Plan as may from time to time be required.

3. Review proposed Land Development Regulations, land development codes, or amendments thereto, and make recommendations to the BOCC as to the consistency of the proposal with the adopted Comprehensive Plan or portion thereof.
4. Perform any other functions, duties and responsibilities assigned to it by the BOCC or by general or special law.

PART II 10.02.00 APPLICATIONS, AMENDMENTS AND FEES

Sec. 10.02.01 Generally
The Land Development Regulations, Official Zoning Map, and other material as set out may be amended, supplemented, changed, or repealed. Whether initiated by the Board of County Commissioners (BOCC) or the property owner, the procedure shall be as follows:

Sec. 10.02.02 Initiation of Amendments
An amendment may be proposed by:

1. The Board of County Commissioners (BOCC);
2. The Planning Director;
3. Any person other than those listed in (1) and (2) above; provided that no such person shall propose an amendment for the rezoning of property which he/she does not own except as agent or attorney for an owner.

All amendment proposals shall be submitted in writing to the office of the Planning Director accompanied by all pertinent information which may be required by the BOCC for proper consideration of the matter, along with, for persons identified in (3) above, the payment of such fees and charges as have been established by the BOCC. (See Section 10.02.09 Fees.)

Sec. 10.02.03 Application Requirements
All applications for rezoning shall include the following information:

1. Legal description of the property to be rezoned, lot and block numbers included.
2. Existing and proposed zoning classification of the property.
3. A statement of the petitioner’s interest in the property, including a copy of the last recorded warranty deed, and:
4. The address and signature of the property owner or if joint or several owners,
signatures of all owners of record.

a. If an authorized agent for the property owner, written consent of the owner.

b. If a corporation or other business entity, the name of the officer or person responsible for the presentation of the application and written proof that the representative is the delegated authority to represent the corporation or business entity.

c. If the property is group-owned, written consent of at least fifty-one (51) percent of the people owning the property.

5. In addition to the above requirements, if the requested amendment is a large-scale residential, commercial or industrial development, the following shall be submitted as determined by the Planning Director:

a. A vicinity map indicating the general location of the site, abutting streets and utilities, and a complete legal description of the property.

b. A site plan at an appropriate scale illustrating:
   * the conceptual location and identification of all uses;
   * vehicular and pedestrian circulation diagram, including access points, width of existing street pavement and the type of street;
   * a topographic map at an appropriate scale showing existing contour lines, including all existing buildings, wooded areas, and unique natural features;
   * location of habitat of rare, endangered or special concern plant and animal species, if any; and location of any wellfields on the property or within 2,000 feet of the property boundary;

c. location of any high aquifer recharge areas;

d. location of flood plain within the property, approximate location of wetlands, environmentally sensitive line and proposed setbacks.

Sec. 10.02.04 Frequency of Application

A property owner shall not initiate action for a land use amendment affecting the same parcel of
land more often than once every six (6) months.

Sec. 10.02.05 Withdrawal of Application
Any petition for a land use amendment may be withdrawn prior to action thereon by the Board of Commission at the discretion of the applicant upon written notice to the Planning Director.

Sec. 10.02.06 Review
1. All proposed amendments shall be reviewed in the first instance by the Planning Director.
2. All applications for land use amendments, rezoning, and special exceptions shall be formally reviewed by the Baker County Development Review Committee (DRC) for compliance with applicable regulations for Baker County, such as, but not limited to the Baker County Comprehensive Plan, Land Development Regulations, and Building Codes.
3. The Planning Director shall review relevant information from the applicant regarding the requested zoning change. The Planning Director shall also review written and/or oral comments from the public.
4. The Planning Director shall make a recommendation regarding the application and shall advise the Land Planning Agency and BOCC of the recommendation. The recommendation may be for approval, approval with conditions, or denial. The Planning Director shall also forward the recommendations of the Land Planning Agency to the BOCC for its review.

Sec. 10.02.07 Board of County Commissioners Hearing
1. The Planning Director shall schedule a hearing before the Board of County Commissioners (BOCC) pursuant to Part 10.06.00, which includes Notice of Public Hearing and Hearing Procedures, to consider the application. Scheduling of this hearing shall provide ample time to give public notice thereof, as well as due notice to the parties involved. In no event shall such hearing be scheduled more than forty-
five (45) days from the date of application.

2. The hearing provided for under this section shall be for the purpose of reviewing all pertinent information regarding the application. The applicant shall provide all relevant factual data, materials and/or oral testimony to support the action requested in the application. The BOCC shall also review written and/or oral comments from the public in accordance with its established procedures. The Planning Director, during the course of the hearing, shall inform the BOCC of his recommendation regarding the application.

3. The BOCC may consider but is not limited to the following factors:
   a. the zoning history of the subject parcel;
   b. applicable zoning regulations promulgated by the BOCC;
   c. the Comprehensive Plan;
   d. reports and recommendations filed by reviewing agencies;
   e. uses permitted and the characteristics of the subject parcel and surrounding lands;
   f. physical characteristics of the subject parcel and surrounding lands;
   g. impact on the surrounding transportation network;
   h. applicable goals, objectives, and policies contained in the Comprehensive Plan;
   i. availability and capacity of public services;
   j. nature of and impacts on surrounding land use;
   k. environmental impact of the use;
   l. applicable development standards promulgated by the BOCC.

4. At the conclusion of the hearing provided for under this section, the BOCC shall render a decision on the application. The decision may be to approve the application, approve the application with conditions, which shall have the force of law, or deny the application. Any decision rendered by the BOCC during this hearing shall be deemed final.
Sec. 10.02.08 Judicial Review

Any persons claiming to be injured or aggrieved by any final actions of the County may present to the Circuit Court of the County a petition for writ of certiorari to review such final action as provided by law. Such petition shall be presented to such court within thirty (30) days after the date of such final action by the County. No act of the Planning Director, the BOCC, or any other County agency, other than the issuance of a development order, is intended to be a final County action under this Article for the purpose of judicial review.

Sec. 10.02.09 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, 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:

Development Agreement and Application $500.00*

*Established by ORD. 2012-02 – Development Agreements must be accompanied by payment of this $500.00 application fee plus reimbursement to the County of all reasonable and necessary consultant and legal fees. The application shall set forth all items required to be included in the Development Agreement pursuant to this Article and applicable Florida law. The Board of County Commissioners is authorized in its discretion to refund application fees for Development Agreements upon commencement of new construction by any “high-wage employer” as defined by Enterprise Florida.

Article Amendment - Text................................................................. $ 150.00
<table>
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<tr>
<th>Service Description</th>
<th>Fee</th>
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<tr>
<td>Attorney Review</td>
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<tr>
<td>Engineer Review</td>
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<td>Home Occupation Limited Notice</td>
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<td>Northeast Florida Regional Planning Council assistance for Small Scale Amendments, Large Scale Amendments, PUDs, and DRIs</td>
<td>$ 55.00 per hour minimum two (2) hours per map</td>
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<td>Northeast Florida Regional Planning Council assistance for Mapping Services</td>
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<td>Large Scale Future Land Use Map Amendment</td>
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<td>Planned Unit Development (PUD)</td>
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<td>Exempt Subdivision</td>
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<td>Preliminary Development Plan</td>
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<td>Small Scale Future Land Use Map Amendment</td>
<td>$ 250.00 (plus – $200 for one (1) acre or less, for more than one acre plus $20.00 per acre)</td>
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<td>Special Exception</td>
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<td>Zoning Change</td>
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PART III 10.03.00 APPEALS

Sec. 10.03.01 Appeals

A. Appeals of Administrative Decisions

An appeal from any decision of the Planning Director concerning any order, requirement, decision or determination made by the Director may be taken by any person aggrieved or by any officer, agency or bureau of the county affected by any such action of the Director. (See also Section 10.03.02 Appeals of Planning Director Decisions.)

1. Appeals to the Land Planning Agency (LPA) shall be taken by filing a written notice of appeal within thirty (30) days after a rendition of any such order, requirement, decision or determination, with the Director specifying the grounds for review of the decision.

2. The notice of appeal may be accompanied by such other materials and drawings as are needed by the LPA to clearly understand the substance of the appeal.

3. Action to grant or deny the request shall be taken within thirty (30) days of the meeting at which the request is heard.

4. In the case of denial of a request, written notice of the reason(s) for denial shall be sent to the applicant within thirty (30) days of the meeting at which the action was taken.

5. Before rendering a decision upon the appeal, the LPA shall review the request at its next regularly scheduled meeting. The LPA shall fix a reasonable time for the hearing, giving public notice thereof, and due notice to the parties involved pursuant to Section 10.06.00, Hearing Procedures.

6. In exercising the powers granted, the LPA may, in conformity with the provisions of this Article, reverse, affirm, wholly or in part, or may modify the order, requirements, decision, or determinations of the Director and may issue or direct the issuance of a compliance
permit.

7. Any petition for a hearing before the LPA may be withdrawn at the discretion of the applicant upon written notice to the Director.

8. Failure of any person to appear at the hearing set forth in accordance with the provisions of this Article shall constitute a waiver of his or her right to an appeal on the notice.

9. At the hearing, any party may appear in person or by agent or attorney.

10. Standing to appeal shall be limited to those property owners affected by the decision of the Planning Director.

11. Appellants may be required to assume such reasonable costs as the BOCC may determine through action in setting fees to be charged.

12. An appeal stays all proceedings in furtherance of the action appealed from, unless the Planning Director from whom the appeal is taken certifies to the LPA after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the LPA or by a court of record on application or notice to the Planning Director from whom the appeal is taken and on due cause shown.

13. The concurring vote of a majority of the members of the LPA who are present and voting shall be necessary to reverse any order, requirement, decision, or determination of the Planning Director or to decide in favor of the appellant in respect to any matter upon which it is required to pass under the terms of Article III, Zoning of these land development regulations or to effect any variance of Article III, Zoning of these land development regulations.

14. Any person or persons, severally or jointly, aggrieved by the decision of the LPA regarding their application may within thirty (30) days thereafter appeal that decision to the BOCC Circuit Court as provided in a regular session by Section 125.018, Florida Statutes. Failure to file an appeal within said thirty (30) days shall be deemed a waiver of all appellate rights. (Section 14. was amended by ORD2006-01 and overlooked in the updating by ORD 2009-17.)
**B. Flood Damage Prevention Regulations Appeals Provisions**

1. The Land Planning Agency (LPA) shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Planning Director in the enforcement or administration of Section 6.04.00, *Floodplains*.

2. Any such appeal shall be in written form and filed with the Planning Director within thirty (30) days of the decision of the Planning Director. The appellant must state the modification requested, the reasons therefore, and the hardship or conditions upon which the appeal is made.

3. In passing upon such appeal, the LPA shall consider all technical evaluations, all relevant factors, and standards specified in Section 6.04.00, *Floodplains*.

4. Upon consideration of the factors of said Article, the LPA may attach such conditions to the granting of modifications to the Planning Director’s determination as deems necessary to further the purposes of Section 6.04.00, *Floodplains*, of these land development regulations.

5. Any person aggrieved by the decision of the LPA may appeal such decision in the Circuit Court, as provided in Section 125.018, Florida Statutes.

**Sec. 10.03.02 Appeals of Planning Director Decisions**

An appeal from any decision of the Planning Director concerning any order, requirement, decision or determination made by the Director may be taken by any person aggrieved or by any officer, agency or bureau of the county affected by any such action of the Director.

a. Appeals to the Land Planning Agency (LPA) shall be taken by filing a written notice of appeal within thirty (30) days after a rendition of any such order, requirement, decision or determination, with the Director specifying the grounds for review of the decision.

b. The notice of appeal may be accompanied by such other materials and drawings as are needed by the LPA to clearly understand the substance of the appeal.

c. Before rendering a decision upon the appeal, the LPA shall review the request at its next regularly scheduled meeting. The LPA shall fix a reasonable time for the hearing, giving public notice thereof, and due notice to the parties involved pursuant
to Section 10.06.00, *Hearing Procedures*.

d. In exercising the powers granted, the LPA may, in conformity with the provisions of this Article, reverse, affirm, wholly or in part, or may modify the order, requirements, decision, or determinations of the Director and may issue or direct the issuance of a compliance permit.

e. Action to grant or deny the request shall be taken within thirty (30) days of the meeting at which the request is heard.

f. In the case of denial of a request, written notice of the reason(s) for denial shall be sent to the applicant within thirty (30) days of the meeting at which the action was taken.

g. Any petition for a hearing before the LPA may be withdrawn at the discretion of the applicant upon written notice to the Director.

h. Failure of any person to appear at the hearing set forth in accordance with the provisions of this Article shall constitute a waiver of his or her right to an appeal on the notice.

i. At the hearing, any party may appear in person or by agent or attorney.

j. Standing to appeal shall be limited to those property owners affected by the decision of the Planning Director.

k. Appellants may be required to assume such reasonable costs as the BOCC may determine through action in setting fees to be charged.

l. An appeal stays all proceedings in furtherance of the action appealed from, unless the Planning Director from whom the appeal is taken certifies to the Land Planning Agency after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the LPA or by a court of record on application or notice to the Planning Director from whom the appeal is taken and on due cause shown.

m. The concurring vote of a majority of the members of the LPA who are present and
voting shall be necessary to reverse any order, requirement, decision, or determination of the Planning Director or to decide in favor of the appellant in respect to any matter upon which it is required to pass under the terms of Article III, Zoning, of these land development regulations or to effect any variance of Article III, of these land development regulations.

n. Any person or persons, severally or jointly, aggrieved by the decision of the LPA regarding their application may within thirty (30) days thereafter appeal that decision to the BOCC.

Sec. 10.03.03 Appeals of County Manager Decisions.
An appeal from any decision of the County Manager concerning any order, requirement, decision or determination made by the County Manager may be taken by any person aggrieved or by any officer, agency or bureau of the county affected by any such action of the County Manager.

a. Appeals to the Land Planning Agency (LPA) shall be taken by filing a written notice of appeal within thirty (30) days after a rendition of any such order, requirement, decision or determination, with the Director specifying the grounds for review of the decision.

b. The notice of appeal may be accompanied by such other materials and drawings as are needed by the LPA to clearly understand the substance of the appeal.

c. Before rendering a decision upon the appeal, the LPA shall review the request at its next regularly scheduled meeting. The LPA shall fix a reasonable time for the hearing, giving public notice thereof, and due notice to the parties involved pursuant to Section 10.06.00, Hearing Procedures.

d. In exercising the powers granted, the LPA may, in conformity with the provisions of this Article, reverse, affirm, wholly or in part, or may modify the order, requirements, decision, or determinations of the County Manager and may issue or direct the issuance of a compliance permit.

e. Action to grant or deny the request shall be taken within thirty (30) days of the
meeting at which the request is heard.

f. In the case of denial of a request, written notice of the reason(s) for denial shall be sent to the applicant within thirty (30) days of the meeting at which the action was taken.

g. Any petition for a hearing before the LPA may be withdrawn at the discretion of the applicant upon written notice to the County Manager.

h. Failure of any person to appear at the hearing set forth in accordance with the provisions of this Article shall constitute a waiver of his or her right to an appeal on the notice.

i. At the hearing, any party may appear in person or by agent or attorney.

j. Standing to appeal shall be limited to those property owners affected by the decision of the County Manager.

k. Appellants may be required to assume such reasonable costs as the BOCC may determine through action in setting fees to be charged.

l. An appeal stays all proceedings in furtherance of the action appealed from, unless the LPA after the notice of appeal is filed that, by reason of facts stated in the certificate, determines that a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the LPA or by a court of record on application from whom the appeal is taken and on a showing of due cause.

m. The concurring vote of a majority of the members of the LPA who are present and voting shall be necessary to reverse any order, requirement, decision, or determination or to decide in favor of the appellant in respect to any matter upon which it is required to pass under the terms of Article III, Zoning, of these land development regulations or to effect any variance of Article III, Zoning of these land development regulations.

Any person or persons, severally or jointly, aggrieved by the decision of the LPA regarding their application may within thirty (30) days thereafter appeal that decision to the BOCC.

**Sec. 10.03.04 Appeals of Development Standard**

Any developer may appeal to the BOCC the application of any development standard
imposed by this Code. The application for waiver may be made with the Planning and Zoning Department, which shall bring the matter before the BOCC and make a recommendation on the application. The BOCC may take testimony from the applicant or other persons, and shall make a decision on the variance using the same criteria as the Land Planning Agency (LPA) review of zoning variances.

PART IV 10.04.00 APPLICATION PROCEDURES

Sec. 10.04.01 Special Exceptions; General
The Land Planning Agency (LPA) shall have the power to hear and decide upon requests for special exceptions as authorized by land classifications; to decide such questions as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with appropriate conditions and safeguards or to deny special exceptions when they would not promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare as set forth in Article III, Zoning, of these land development regulations. Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which a special exception is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall:

A. void the special exception,
B. be deemed a violation of these land development regulations; and,
C. shall be punishable as provided in these land development regulations.

NOTE: See Also ARTICLE III Zoning, Part 3.05.00.

Sec. 10.04.02 Special Exception; Application Procedure
The procedure for taking a request for a special exception shall be as set forth in this Article and Section and Article III Zoning, Part 3.05.00.

A. Written Petition

A written petition for special exception shall be submitted by the applicant stating the pertinent facts on which the request is based. The petition should include material necessary
to demonstrate that the granting of the special exception would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such material shall include, but is not limited to the following:

1. An acceptable site plan at an appropriate scale with such reasonable information shown thereon as may be required by the Planning Director. Such site plan shall include, as a minimum, the following:
   a. Lot dimensions with property line monuments located thereon.
   b. Proposed placement and size of proposed structures on the property.
   c. Location and size of existing structures on the property.
   d. Provisions for ingress and egress, off-street parking and off-street loading areas, refuse and service areas; and required yards and other open spaces.
   e. Easements (public and private), water courses, and if existing and proposed, fences, street names, and street right-of-way lines and such information regarding abutting property as directly affects the application.
   f. Plans showing proposed locations for utility hook-up.
   g. Plans for screening and buffering with reference as to type, dimensions, and character.
   h. Proposed landscaping; and signs and lighting, including type, dimensions, and character.

Where these land development regulations place additional regulations on specific special exceptions, the petition should demonstrate that such requirements are met.

**B. Schedule of Hearing**

Upon receipt of the petition, the Planning Department shall schedule a hearing before the Land Planning Agency (LPA) pursuant to Section 10.06.00, *Hearing Procedures*, to consider the application. Scheduling of this hearing shall provide ample time to give public notice thereof, as well as due notice to the parties involved. In no event shall such hearing be scheduled more than forty-five (45) days from the date of application.
C. Findings

The hearing provided for under this section shall be to review written and/or oral comments from the public in accordance with the BOCC’s established procedures; to determine whether the specific rules governing the special exception, if any, have been met by the petitioner; to review relevant information from the applicant regarding the requested special exception and to insure that satisfactory provision and arrangement has been made concerning the following matters, where applicable:

1. Ingress to and egress from the property shall provide for automotive and pedestrian safety and convenience, shall not unduly interfere with traffic flow and control, and shall provide access in case of fire or catastrophe.

2. Off-street parking and loading areas shall be provided as required, shall take into account relevant factors in (1) preceding and shall be located to minimize economic, noise, glare or odor effects on adjacent and nearby properties.

3. Refuse and service areas shall be located with consideration for relevant factors in number (1) and number (2) preceding.

4. The proposed use shall be compatible with the availability and location of utility services, whether public or private.

5. Screening and buffering shall be provided which preserves or improves compatibility and harmony of use and structure between the proposed use and adjacent and nearby properties, according to the type, dimensions and character of the proposed use.

6. Signs and exterior lighting, if any, shall maintain traffic safety and minimize glare and economic effects on adjacent and nearby properties.

7. Required yards and open spaces shall be provided.

8. The height of structures shall be in harmony with that of adjacent and nearby uses and structures.

9. The economic effect of the proposed use on adjacent and nearby properties...
shall be positive. Considerations shall include, but not be limited to:

a. Conformity with the County’s Comprehensive Plan and the effects upon the Comprehensive Plan;
b. The existing land use pattern;
c. The impact of the proposed use upon the load on public facilities such as schools, utilities, and streets;
d. Changed or changing conditions which find the proposed use to be advantageous to the community and the neighborhood;
e. The impact of the proposed use upon living conditions in the neighborhood;
f. The impact of the proposed use upon traffic congestion or other public safety matters;
g. The impact of the proposed use upon drainage;
h. The impact of the proposed use upon light and air to adjacent areas;
i. The impact of the proposed use upon property values in the adjacent area;
j. The impact of the proposed use upon the improvement or development of adjacent property in accordance with existing regulations; and
k. The impact of the proposed use with regard to the scale of needs of the neighborhood or the community.

If the LPA determines that sufficient factual data was presented, then it shall render a decision to either:

1. approve the request as submitted;
2. approve the request with conditions, which shall have the legal force of zoning; or
3. disapprove the request.

If the LPA shall deny a special exception, it shall state fully in its record its reasons for doing
so. Such reasons shall take into account the factors stated in this Article, or such of them as may be applicable to the action of denial, and the particular regulations relating to the specific special exception requested, if any.

D. Limitations on Subsequent Written Petition for a Special Exception

No written petition by an owner of real property for a special exception for a particular parcel of property, or part thereof, shall be filed with the Planning Department until the expiration of twelve (12) calendar months from the date of denial of a written petition for a special exception for such property, or part thereof, unless the Land Planning Agency (LPA) specially waives said waiting period based upon a consideration of the following factors:

1. The new written petition constitutes a proposed special exception different from the one proposed in the denied written petition.

Failure to waive said twelve (12) month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration. Within thirty (30) days of the rendering of a decision by the LPA regarding a requested special exception, an appeal may be filed with the Circuit Court. Such appeal may be filed by the original applicant, the Planning Director, or a surrounding property owner. See Part 10.03.00, Appeals, for appeal procedures.

Sec. 10.04.03 Variance; General

A. The specific provisions of this Section apply to the following portions of these land development regulations. Not all portions of these land development regulations provide for variances to the requirements contained therein. This is due to the inappropriateness of granting variances to such specific regulations as, but not limited to, the use of land, hazardous building requirements, and historic site designation. However, a variance may be granted upon application from the terms and provisions of this Code as will not be contrary to the public health, safety, welfare, and morals where, owing to special conditions, a literal enforcement of the provisions of this Code will, in an individual case, result in unnecessary hardship not
created by actions of the applicant.

B. Such variances may be granted by the LPA upon a written finding that:

1. There are practical or economic difficulties in carrying out the strict letter of the regulation.

2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.

3. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.

4. The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.

5. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

6. The variance does not contravene the provisions of the Comprehensive Plan.

In granting any variance to the provisions of Article III, Zoning, of these land development regulations, the LPA may prescribe appropriate conditions and safeguards in conformity with such regulations, including but not limited to, reasonable time limits within which the action for which the variance is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall:

1. void the variance

2. be deemed a violation of these land development regulations;

and,

3. shall be punishable as provided in these land development regulations.

7. Under no circumstance shall the LPA grant a variance to permit a use not permitted under the terms of these land development regulations in the zoning district involved. Or any use expressly or by implication prohibited by
the terms of these land development regulations in the zoning district. No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

(Repealed in ORD 2005-49 amending ORD 2004-23)

Sec. 10.04.04 Variance; Application Procedures
The procedure for taking an appeal for a variance shall be as set forth in this Article, and in addition, a variance shall not be granted by the Land Planning Agency (LPA) unless and until:

A. Written Petition
A written petition for a variance from the terms of these land development regulations is submitted by the applicant indicating the section of these land development regulations from which the variance is sought and stating the grounds on which it is requested, with particular reference to the types of findings which the LPA must make under Section C, Findings, below.

B. Schedule of Hearing
Upon receipt of the petition, the Planning Department shall schedule a hearing before the LPA pursuant to Section 10.06.00, Hearing Procedures, to consider the application. Scheduling of this hearing shall provide ample time to give public notice thereof, as well as due notice to the parties involved. In no event shall such hearing be scheduled more than forty-five (45) days from the date of application.

C. Findings
In order to authorize any variance from the terms of these land development regulations, the LPA must find:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
2. The special conditions and circumstances do not result from the actions of the applicant.

3. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district.

4. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations.

5. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.

6. The grant of the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these land development regulations would result in unnecessary and undue hardship on the land.

D. Limitations on Subsequent Written Petition for a Variance

No written petition by an owner of real property for a variance for a particular parcel of property, or part thereof, shall be filed with the Planning Director until the expiration of twelve (12) calendar months from the date of denial of a written petition for a variance for such property, or part thereof, unless the Land Planning Agency (LPA) specially waives said waiting period based upon a consideration of the following factors:

a. The new written petition constitutes a proposed variance different from the one proposed in the denied written petition.

b. Failure to waive said twelve (12) month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration.

Sec. 10.04.05 Variances to the Subdivision Regulations

Where the Board of County Commissioners finds that compliance with the design standards for lot
and street layout of the provisions of Article VIII, *Development Procedures, Impact Fees, and Subdivisions*, of these land development regulations would cause unusual or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage, or other physical features of the site, it may grant a variance from the subdivision regulations found herein so that substantial justice may be done and the public interest secured; provided, that the public interest is protected and the development is in keeping with the general spirit and intent of these land development regulations. No such variance shall be granted if the special conditions or circumstances are the result of action of the applicant. No such variance shall be granted if it would have the effect of nullifying the intent and purpose of these land development regulations. Furthermore, no variance shall be granted from the required improvements as specified within Article VIII, *Development Procedures, Impact Fees, and Subdivisions*, of these land development regulations.

A. **Conditions.** In granting variances and/or modifications, the Board of County Commissioners (BOCC) may require such conditions as will, in the judgment of the BOCC, secure substantially the objectives of the standards for requirements so varied or modified.

B. **Procedures.** Variances may be granted upon written request of the subdivider setting forth the reasons for each variance. A petition for any such variance shall be submitted in writing by the subdivider to the Planning Director for the consideration of the BOCC, in conjunction with the submission or the preliminary plat. The BOCC shall by majority vote to approve, approve with conditions, or deny the request. Such matters shall be handled in a public session as part of a previously prepared agenda.

**Sec. 10.04.06 Variances to Flood Damage Prevention Regulations**

The Board of County Commissioners may permit modifications in the minimum standards of design under the following conditions:

A. Because of unique topographic or other conditions of the land involved, and not the result of the actions of the applicant, the literal application of the provisions of
Section 6.04.00, *Floodplains*, of these land development regulations would impose unnecessary and undue hardship;

B. Conditions are attached to development permit approval that assure compliance with the requirements of Section 6.04.00, *Floodplains*, of these land development regulations insofar as practical and the modification granted is the minimum modification necessary to make possible a reasonable use of the land;

C. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set out in Section 6.04.00, *Floodplains*, of these land development regulations, except that the variance shall be the minimum necessary so as not to destroy the historic character and design of the building and the Planning Director shall report such variance to the Federal Emergency Management Agency (FEMA) upon request;

D. In passing upon such variance applications, the BOCC shall consider all technical evaluations, all relevant factors, all standards specified within Section 6.04.00, *Floodplains*, of these land development regulations, and:

1. The danger that materials may be swept onto other land to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
6. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
7. The compatibility of the proposed use with existing and anticipated...
8. The relationship of the proposed use to the County’s Comprehensive Plan and floodplain management program for the County;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise and sediment, transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. The purposes and intent of these land development regulations are observed;

F. There is no substantial increase in flood hazard or flood damage potential, if certified by a registered Florida professional engineer; and

G. The Planning Director shall maintain the records of all variance actions and report any variances to the Federal Emergency Management Agency upon request.

PART V 10.05.00 CODE ENFORCEMENT BOARD

A Code Enforcement Board is established to enforce the provisions of this Code pursuant to Chapter 162, Florida Statutes.

Sec. 10.05.01 Organization and Membership

The Code Enforcement Board (CEB) shall consist of seven (7) members appointed by the Board of County Commissioners (BOCC). Each Commissioner of the BOCC shall nominate one person to serve on the CEB. The nomination shall be subject to the confirmation of a majority vote of the BOCC. In addition to these appointments, the BOCC shall appoint two persons to serve on the CEB as at-large appointments. All members of the CEB may be appointed at-large by the BOCC but must be residents of Baker County, Florida.
Whenever possible, membership of the CEB shall include a member from some or all of the following professions: an architect, business person, engineer, general contractor, landscape architect, land use planner, subcontractor, realtor, or attorney.

Sec. 10.05.02 Terms of Office
The initial appointments to the Code Enforcement Board (CEB) shall be as follows:
1. Two (2) members appointed for a term of one (1) year each.
2. Three (3) members appointed for a term of two (2) years each.
3. Two (2) members appointed for a term of three (3) years each.

Thereafter, any appointment shall be made for a term of three (3) years. Any member may be re-appointed for one (1) successive term upon approval of the BOCC, as provided for herein.

Sec. 10.05.03 Removal for Cause
Members of the CEB may be removed for cause by the BOCC after filing of written charges, a public hearing, and a majority vote of the BOCC.

Sec. 10.05.04 Removal for Absenteeism
The term of office of any member of the Code Enforcement Board (CEB) who is absent from three consecutive, regularly scheduled meetings of the CEB shall be declared vacant by the BOCC.

Sec. 10.05.05 Appointments to Fill Vacancies
Any appointment to fill any vacancy on the Code Enforcement Board (CEB) shall be for the remainder of the unexpired term of office. If any member fails to attend two (2) of three (3) successive meetings without providing notice prior to the meetings of said member's absence from the meeting to the Code Enforcement Officer or the Chairperson of the CEB, the CEB may declare
the member's office vacant. The BOCC shall promptly fill such vacancy. Members of the CEB may be suspended or removed for cause.

**Sec. 10.05.06 Reimbursement for Expense**

Members of the Code Enforcement Board (CEB) shall receive reimbursement for such travel mileage and per diem expenses where authorized by the BOCC or as otherwise provided by law.

**Sec. 10.05.07 Officers**

At the first meeting of the Code Enforcement Board (CEB), the members shall elect a Chairperson and Vice-Chairperson. The Chairperson and Vice-Chairperson shall serve a one (1) year term, but may be re-elected for additional terms at the discretion of the CEB. The Chairperson shall preside at all meetings and shall direct the business affairs of the CEB, subject to the directions of the CEB. The Vice-Chairperson shall act in the absence of the Chairperson in the conduct of meetings or otherwise and shall perform such duties as may be delegated to him/her by the Chairperson from time to time. In acting in the Chairperson's absence, the Vice-Chairperson shall have all the powers of and be subject to all restrictions upon the Chairperson. The election of a Chairperson and Vice-Chairperson shall occur during the month of the one year anniversary of the CEB’s first meeting and each subsequent yearly anniversary thereafter.

**Sec. 10.05.08 Quorum**

Four (4) members shall constitute a quorum for the purposes of a meeting. The affirmative vote of a majority of the members present at any meeting of the Code Enforcement Board shall be necessary to take action. In the event of a tie vote, the proposed motion shall be considered to have failed.

**Sec. 10.05.09 Meetings**

Regular meetings of the Code Enforcement Board (CEB) will be convened on an "as needed" basis, as determined by the CEB or Planning Director. Written notice and a formal agenda package will be
prepared and forwarded to each member of the CEB. Special meetings of the CEB may be convened by the Chairperson upon the giving of written notice thereof to each member of the CEB. Unless waived by a majority of the CEB, notice of special meeting shall be given at least twenty-four (24) hours prior thereto.

Sec. 10.05.10 Disqualification of Members
If any member of the Code Enforcement Board (CEB) shall find that his or her private or personal interests are involved in a matter coming before the CEB, he or she shall disqualify himself or herself from all participation on that case. No member of the CEB shall appear before the CEB as agent or attorney for any person.

Sec. 10.05.11 Minutes and Records
Minutes shall be maintained of all hearings held by the Code Enforcement Board (CEB), and all hearings shall be open to the public. The Planning Department shall provide clerical and administrative personnel as may be reasonably required by the CEB for proper performance of its duties. The County Attorney or his/her designee shall attend meetings to serve as counsel to the CEB. The Planning Director or his designee shall represent the County by presenting alleged violations to the CEB.

Sec. 10.05.12 Jurisdiction
1. The Code Enforcement Board (CEB) shall have the jurisdiction and authority to hear and decide alleged violations of the codes and ordinances enacted by Baker County and conditions imposed thereto including, but not limited to, the following codes: building, electrical, environmental, fire, gas, health, landscape, plumbing, sign, zoning, land development and any other similar type codes which may be passed by Baker County in the future which regulate aesthetics, construction, environmental health, safety, or location of any structure on real property in Baker County. A complaint before the CEB may be initiated only by the Planning Director, who shall be the code inspector, or his designee by a notice of violation to the property owner.
2. The provisions of this Code are supplemental and shall not prohibit the County from enforcing its codes by other legal means.

3. It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes; however, no member of the CEB shall have the power to initiate such enforcement proceedings.

4. Except as provided in Subsections (5) and (6) below, if a violation of the codes is found, the code inspector shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify the CEB and request a hearing. The CEB, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in Section 162.12, Florida Statutes, to said violator. At the option of the CEB, notice may additionally be served by publication or posting as provided in Section 162.12, Florida Statutes. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the CEB even if the violation has been corrected.

5. If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify the CEB and request a hearing. The CEB, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to Section 162.12, Florida Statutes. The case may be presented to the CEB even if the repeat violation has been corrected prior to the board hearing and the notice shall so state.

6. If the code inspector has reason to believe a violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the CEB and request a hearing.

Sec. 10.05.13 Powers

The Code Enforcement Board (CEB) shall have the power to:
A. **Rules**

Adopt rules for the conduct of its hearings.

B. **Subpoenas**

1. Subpoena alleged violators and witnesses to its hearing. Subpoenas may be served by a Sheriff or other authorized persons consistent with Rule 1.410(c), *Florida Rules of Civil Procedure* upon request by the Chairperson.

2. Subpoena records, surveys, plats and other documentary materials.

C. **Testimony**

Take testimony under oath.

D. **Orders**

Issue orders having the full force and effect of law to command whatever steps are necessary to bring a violation into compliance.

E. **Fines**

Assess fines pursuant to Section 10.05.14, *Administrative Fines; Liens*, of this Code.

F. **Liens**

Lien property pursuant to Section 10.05.14, *Administrative Fines; Liens*, of this Code.

**Sec. 10.05.14 Administrative Fines; Liens**

A. Whenever one of the Code Enforcement Board's (CEB) orders has not been complied with by the time set for compliance, or if the same violation has been repeated by the same violator, the CEB may order the violator to pay a fine not to exceed $250 for each day thereafter during which each violation continues past the date set for compliance. In determining the amount of a fine, the CEB shall consider the following factors:

1. the gravity of the violation;
2. any actions taken by the violator to correct the violation; and
3. any previous violations committed by the violator.

The CEB may consider any other factors pertaining to the violator or violation which it deems relevant and shall not be limited to the above recited factor.
B. The Planning Director or his/her designee may record a certified copy of an order imposing a fine in the public records in the office of the Clerk of the Circuit Court in and for Baker County, Florida. Once recorded, the certified copy of an order shall constitute a lien against the land on which the violation exists, or if the violator does not own the land upon any other real or personal property owned by the violator, and it may be enforced in the same manner as a court judgment, including levy against the personal property. Once recorded, the lien shall be superior to any mortgages, liens, or other instruments recorded subsequent to the filing of the CEB lien.

C. After six (6) months from the filing of any such lien which remains unpaid, the County may foreclose the lien in the same manner as mortgage liens are foreclosed. Such lien shall be superior to all other liens except liens for taxes, and shall bear interest at the rate of ten percent (10%) per annum from the date recorded. No lien created pursuant to the provisions of this article may be foreclosed on real property which is a homestead under Article X, Section 4, of the Florida Constitution.

Sec. 10.05.15 Appeal
Any aggrieved party may appeal an order of the Code Enforcement Board (CEB), including Baker County, to the Circuit Court of Baker County, Florida. Such appeal shall not be a hearing de novo, but shall be a petition for Writ of Certiorari and the Court shall be limited to appellate review of the record created before the CEB. Any appeal filed pursuant to this article shall be considered timely if it was filed within thirty (30) days after the hearing at which the order was announced. The timely filing of an appeal shall stay the accrual of any fines ordered to be paid pursuant to Section 10.05.14, Administrative Fines; Liens, of this Code until the final disposition of the appeal. The County may assess a reasonable charge for the preparation of the record to be paid by the petitioner in accordance with Section 119.07 Florida Statutes.

Sec. 10.05.16 Notices
All notices required by this Code shall be by certified mail, return receipt requested, or when mail is
not effective, by hand delivery by a code inspector. Notice may also be provided by publication or posting, consistent with the provisions of Chapter 162, Florida Statutes and Chapter 125, Florida Statutes. This section shall not apply to notices of special meetings as described in Section 10.05. 10, Meetings, and Section 10.06.04, Notice of Hearing of this code. Notices placed shall contain at a minimum, the date, and time of the scheduled meeting of the CEB during which time the alleged violator is required to appeal; the name and address of the alleged violator; the address or legal description of the property wherein the alleged violations have occurred; and those codes or provisions of a code for which the alleged violator has been cited.

PART VI 10.06.00 HEARING PROCEDURES

Sec. 10.06.01 General
This Article provides specific requirements for hearing procedures and public notification.

Sec. 10.06.02 Hearings Before the Land Planning Agency (LPA)
All meetings of the Land Planning Agency (LPA) are required to be open to the public.

1. Before making a decision on an appeal or an application for a variance, or special exception, or a petition from the Planning Director for a determination, the LPA shall hold a public hearing on the appeal or application.

2. Subject to number (3) below, all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.

3. The LPA may place reasonable and equitable limitation on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.

4. The LPA may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six...
calendar weeks or more elapsed between hearing dates.

Sec. 10.06.03 Hearings Before the Board of County Commissioners
1. Before making a recommendation or decision on an application for certain specified special use permits, land use amendments, comprehensive plan amendments, amendments to the zoning map or an amendment to the text of these land development regulations, the Board of County Commissioners (BOCC) shall hold a public hearing on the application.
2. Subject to number (3) below, the public hearing shall be open to the public and all persons interested in the outcome of the application shall be given an opportunity to be heard.
3. The BOCC may place reasonable and equitable limitation on any discussion or presentation so that the matter at issue may be heard and decided without undue delay.
4. The BOCC may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six calendar weeks or more elapsed between hearing dates.
Sec. 10.06.04 Notice of Hearing

The Planning Department shall give notice of any public hearing required by Section 10.06.01, Hearings Before the Land Planning Agency and Section 10.06.02, Hearings Before the Board of Commissioners, as follows:

1. Any application for a variance and/or special exception or use requiring a public hearing before the Land Planning Agency (LPA), shall be noticed once in a newspaper of general circulation in the area, with the publication not less than ten (10) days prior to the hearing per Chapter 125.66(2)(a), 163.3164(39), 163.3174(4)(a), and 166.041(3) Florida Statutes.

2. A special permit requiring a public hearing before the Board of County Commissioners shall be noticed once in a newspaper of general circulation in the area, with the publication not less than ten (10) days prior to the hearing.

3. An amendment to these land development regulations and the Baker County Comprehensive Plan including the Official Zoning Map and Future Land Use Map, requiring a public hearing before the BOCC and the LPA shall be noticed in accordance with the requirements of Chapter 125.66(2)(a), 163.3164(39), 163.3174(4)(a), and 166.041(3), Florida Statutes.

4. In addition to the above stated notice requirements, all rezoning public hearings and land use amendments before the BOCC and all special exception and variance public hearings before the LPA shall be noticed by prominently posting a sign three feet square in area on the property clearly visible to the public that is the subject of the proposed action. Such sign shall be posted not less than ten (10) days prior to the scheduled hearing.

5. In addition to the above stated notice requirements, surrounding property owners, as determined by record of the property appraiser, shall be mailed a notice which provides information as to the nature of the requested rezoning, special exception or variance. Such notice shall be mailed no later than ten (10) days prior to the scheduled hearing.
For the purposes of this section, the term *surrounding property owners* shall mean: All owners or persons having an equitable interest in real property located within a 250 foot distance of any point on the perimeter boundaries of the parcel of land under consideration.

6. The notices required by this Section shall:
   a. State the date, time and place of the public hearing;
   b. Reasonably identify the property that is the subject of the application or appeal;
   c. Give a brief description of the action requested or proposed;
   d. State the place where a copy of the proposed action may be inspected by the public;
   e. Advise that interested parties may appear at the public hearing(s) and be heard regarding the proposed action.

In the event that sufficient notice was not given, the Planning Director shall so inform the BOCC in the case of notice required. In the absence of sufficient notice, the scheduled public hearing shall be rescheduled by the Planning Director. In the event of a rescheduled hearing, the notice requirements of this part shall be met as if the rescheduled hearing were an original application.

**PART VII 10.07.00 VESTED RIGHTS**

**Sec. 10.07.01 Generally**

In recognition of the fact that certain land development rights of property owners may be vested with respect to the Comprehensive Plan, the land development regulations adopted to implement the Plan, and the requirements for the determination of capacity of public facilities and availability of public facilities ("Concurrency"), this section sets forth a procedure for the determination of vested rights. Any person claiming vested rights to develop property shall make application for a Vested Rights permit pursuant to this section.
Sec. 10.07.02 Determination of Vested Rights

An application for a Vested Rights permit shall be approved and a permit issued if an applicant has demonstrated rights that are vested under the standards of Section 10.07.03 Possession of a Vested Rights permit shall enable a permittee to complete the development approved under such permit up to and through issuance of appropriate certificates of occupancy, subject to the limitations set forth in Section 10.07.03, and subject to compliance with such laws and regulations against which the development is not vested.

Sec. 10.07.03 Standards for Vested Rights

An application for a vested rights determination shall be approved if the applicant has demonstrated all of the following:

A. The applicant:
   1. As to vesting for the Comprehensive Plan, owned the property proposed for development on June 24, 2004, the effective date of the last amendment of the Comprehensive Plan; or Land Development Regulations
   2. As to vesting for concurrency and the land development regulations adopted to implement the plan, owned the property on August 1, 2004; and
   3. As to vesting from any future change, owned the property on the date the change became effective.

B. Entered into a contract or option to purchase the property on or before such date; or

C. Presents facts such that it would be inequitable, unjust or fundamentally unfair to deny an application for vested rights where the applicant acquired ownership after such date; and

D. There was a valid, unexpired act of an agency or authority of government upon which the applicant reasonably relied in good faith; and

E. The applicant, in reliance upon the valid unexpired act of government, made a substantial change in position or incurred extensive obligations or expenses; and
F. It would be inequitable, unjust or fundamentally unfair to destroy the rights acquired by the applicant. In making this determination, Baker County may consider a number of factors, including but not limited to:

1. Whether construction or other development activity has been commenced and is continuing in good faith.

2. Whether the expense or obligation incurred cannot be substantially utilized for a development permitted by Baker County's comprehensive plan and land development regulations.

Sec. 10.07.04 Limitations on Determination of Vested Rights

1. All development subject to a Vested Rights permit must be consistent with the terms of the development approval(s) upon which the permit was based. Any substantial deviation from a prior approval, except a deviation required by governmental action, shall cause the development involved to be subject to the policies and implementing decisions and regulations set forth in the Comprehensive Plan, including concurrency. It is understood, however that non-site planned approvals may allow some flexibility in development scenarios. The Planning and Zoning Department shall determine whether a proposed change is a substantial deviation according to the following criteria:

   a. Any change in use or intensity of use that would increase the development's impacts on those public facilities subject to Concurrency by more than five (5) percent.

   b. Any change in access to the project that would increase the development's transportation impacts by more than five (5) percent on any road subject to Concurrency unless the access change would result in an overall improvement to the transportation network.

2. Except for changes that meet the criteria of a. or b. above, proposed changes shall not cause the development approved under the Vested Rights permit to become subject to concurrency, but, to the extent feasible, shall cause such development to become subject to the land development regulations.
development regulations adopted to implement the Plan. The permittee may appeal a substantial deviation determination to the Land Planning Agency (LPA) within ten (10) days of such determination.

3. A Vested Rights Special Use Permit shall apply to the land and is therefore transferable from owner to owner of the land subject to the permit.

Sec. 10.07.05 Florida Statutes Section 380.06 RE: DRI Vested Rights
Developments of Regional Impact (DRI) which are authorized under Chapter 380.06, Florida Statutes (1987), pursuant to a valid, unexpired Binding Letter of Vested Rights used by the state land planning agency, including approved modifications to such Binding Letter of Vested Rights (the "Binding Letter"), shall automatically qualify for a Vested Rights permit to be issued upon completion of the procedure set forth below. Such permit shall recognize the vesting of the development as set forth in the Binding Letter for purposes of the Plan, from the land development regulations adopted to implement the Plan and from concurrency.

Sec. 10.07.06 Vested Rights Application Requirements
A. Applications for a determination of vested rights shall be submitted to the Planning and Zoning Department on forms provided by the Department and shall contain information sufficient to permit a determination by Baker County. The Department shall review the application for sufficiency, and insufficient applications shall be returned to the applicant for additional information. If complete, the Director shall set the matter before the County Commission and forward the application to the County Attorney.

At the hearing before the County Commission, the applicant, and any other interested party, may present evidence. The County Attorney shall make a recommendation as to the legal sufficiency of the evidence presented. If the Board approves the application the Planning and Zoning Department shall issue the Vested Rights permit. The Board's action shall be final local administrative action.
PART VIII 10.08.00 AUTHORIZATION TO ADOPT DEVELOPMENT AGREEMENTS
PER CH 163, FLORIDA STATUTES

The Baker County Board of County Commissioners hereby adopts the “Florida Local Government Development Agreement Act” Sections 163.3220 through 163.3243, Florida Statutes.

Sec.10.08.01 Authority

The Board of County Commissioners (BOCC) may, in its sole discretion, enter into Development Agreements in accordance with the provisions of Chapter 163, Florida Statutes and applicable Florida law. The BOCC also repeals all Land Development Regulation or any part of same that is in conflict with this Article.