

ORDINANCE NUMBER 2005-55

**AN ORDINANCE AMENDING THE BAKER COUNTY
LAND DEVELOPMENT REGULATIONS TO CREATE
THE "ST. MARY'S RIVER OVERLAY DISTRICT";
DEFINING SAID DISTRICT; IMPOSING DEVELOPMENT
RESTRICTIONS; EXEMPTING NON-CONFORMING
LOTS; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the St. Mary's River is one of the most beautiful and unique streams in the Northeast Florida-Southeast Georgia area, and possesses excellent water quality, outstanding natural habitats, diverse wildlife and considerable recreational value; and

WHEREAS, the St. Mary's River borders Nassau and Baker Counties in Florida, and Camden and Charlton Counties in Georgia, thereby affecting economic and quality of life issues for the residents of those counties in both states; and

WHEREAS, The St. Mary'S River management Committee (hereafter referred to as "SMRMC") as appointed by the Boards of County Commissioners of Nassau and Baker Counties in Florida, and Camden and Charlton Counties in Georgian, and is tasked with developing a river management plan for protecting the long-term viability of the environment, economic, and aesthetic resources of the St. Mary's River; and

WHEREAS, the headwaters of the river are associated with numerous flood plain wetlands, which provide both flood storage and water quality improvement; and

WHEREAS, these important areas provide for the river's health and lie mostly in Baker County; and

WHEREAS, the SMRMC has found that one key to protecting all of the river's resources is community control over development density and adequate setbacks from the river bank; and

WHEREAS, Camden County, Georgia, and Nassau County, Florida have already moved proactively for river protection by creating a zoning overlay district along the river in their respective counties to protect the river's resources, and Charlton County, Georgia has also moved proactively by adopting the State's River and Mountain Protection Corridor Act; and

WHEREAS, Baker County allows septic systems on lots as small as half an (1/2) acre and allows septic systems within seventy-five (75) feet of a river bank; and

WHEREAS, the Board of County Commissioners has determined that it is in the best interest of the citizens of Baker County that the Baker County Land Development Regulations be amended to create the "St. Mary's River Overlay District," as defined herein; and

WHEREAS, the Board of County Commissioners finds that it would be improper to impose the limitations and restrictions of the St. Mary's River Overlay District on existing homes and platted lots,

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

Section 1. St. Mary's River Overlay District Created.

The Baker County Land Development Regulations are hereby amended with the addition of the following numbered section:

"2.01.19 St. Mary's River Overlay District

A. Purpose.

The intent of the St. Mary's River Overlay District is to protect and preserve the beautiful and unique St. Mary's River, and its excellent

water quality, outstanding natural habitats, diverse wildlife, and considerable recreational value.

B. Applicability.

The St. Mary's River Overlay District applies to those properties along the St. Mary's River, within the upper and middle St. Mary's River Basin that lie within Baker County, Florida.

C. Permitted Uses and Structures.

The permitted uses and structures of the underlying zoning shall apply as required by the Baker County Land Development Regulations.

D. Permitted Accessory Uses and Structures.

The permitted accessory uses and structures of the underlying zoning shall apply as required by the Baker County Land Development Regulations.

E. Conditional Uses.

The conditional uses of the underlying zoning designation shall apply as required by the Baker County Land Development Regulations.

2. Minimum Lot Requirement.

1. Minimum lot width:

- a. One hundred fifty (150) feet for lots directly adjacent to the riverbank.

- b. Lots not directly adjacent to the riverbank shall be the same as the underlying zoning district as required by the Baker County Land Development Regulations..

3. Minimum lot area:

- a. Lots directly located on the riverbank: Two (2) acres.
- b. Lots not located directly on the riverbank shall be the same as the underlying zoning district as required by the Baker County Land Development Regulations.

G. Minimum Yard Requirements

- 1. Front yard: The front yard requirements of the underlying zoning district shall apply as required by the Baker County Land Development Regulations.
- 2. Side yard: The side yard requirements of the underlying zoning district shall apply as required by the Baker County Land Development Regulations.
- 3. Rear yard: The rear yard requirements of the underlying zoning district shall apply as required by the Baker County Land Development Regulations.

H. Building Restrictions.

The building restrictions of the underlying zoning district shall apply as required by the Baker County Land Development Regulations.

I. **Special requirements.**

Septic systems are prohibited within one hundred (100) feet of the riverbank and are prohibited on lots of less than two (2) acres."

J. **Nonconforming Lots Exempted:**


The minimum lot width requirements, minimum lot area requirements and special building restrictions hereby imposed by this ordinance and the St. Mary's River Overlay District shall not apply to lots developed prior to the adoption of this ordinance and shall not apply to undeveloped lots platted prior to adoption of this ordinance. The "merger" provision and other limitations and restrictions on non-conforming uses contained within other sections of the Baker County Land Development Regulations shall not apply to additional restrictions and limitations created by this ordinance

Section 2. Effective Date.

This ordinance shall become effective upon its filing with the Secretary of State.

DULY ENACTED in regular session of the Board of County Commissioners of Baker County, Florida, this 15th day of August 2005.

**BOARD OF COUNTY COMMISSIONERS OF
BAKER COUNTY, FLORIDA**

By: 

JULIE COMBS
CHAIRMAN

Attest:

AL Fraser
AL FRASER
CLERK TO THE BOARD

As Chairman of the Board of County Commissioners of Baker County, Florida, I do hereby certify that the above and foregoing ordinance was ordained and adopted by the Board of County Commissioners of Baker County, Florida, during the regular meeting at the Baker County Administration Building, Macclenny, Florida, this 15th day of August 2005.

Julie Combs
JULIE COMBS
CHAIRMAN

I, Al Fraser, Clerk of the Circuit Court of Baker County, Florida, and Clerk to the Board of County Commissioners of Baker County, Florida, do hereby certify that the above appearing signature is true and correct and do hereby attest to same.

AL Fraser
AL FRASER
CLERK TO THE BOARD