

Street line. The line between the street and abutting property.

Surface water. Water above the surface of the ground whether or not flowing through definite channels. This includes water accumulated in any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline or 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. All wetlands are also treated as surface water.

Tree protection zone. A circular zone around each protected tree equal to the drip line, except that the zone is never less than six feet or more than twenty (20) feet.

Wellhead protection area, (zone of exclusion). All land within a two hundred-foot radius of an existing or designated protected wellhead.

Wetland. Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to 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, cypress ponds, bayheads and bogs, wet prairies, freshwater marshes, tidal flats, salt marshes, mangrove swamps, and marine meadows.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided in this code.
(Ord. No. 2013-01, § 5(Attach., Art. II), 7-9-13)

Secs. 22-122—22-140. Reserved.

ARTICLE V. LAND USE: TYPE, DENSITY, INTENSITY

Sec. 22-141. Generally.

This article prescribes the specific uses and restrictions that are allowed within the land use districts established by the Future Land Use Element of the Baldwin Comprehensive Plan. These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies in the Baldwin Comprehensive Plan. Table 22-142 lists the specific uses that are allowed within each land use district and whether a conditional use permit must be obtained. Descriptions of land use districts within this chapter are limited by Table 22-142 and the restrictions found elsewhere in this article and code. If a proposed non-residential land use is not found in Table 22-142, the proposed non-residential use is eligible for permitting as a conditional use as long as the proposed non-residential use is an allowed use described in general terms in section 22-142 for the district in which the proposed use is located.

(Ord. No. 2013-01, § 5(Attach., § 3.00.00), 7-9-13)

Sec. 22-142. Land use districts and allowed uses.

(a) *Low density residential.* Residential land uses are allowed up to a maximum density of four (4) units per acre. Recreational and public service or utility uses are also allowed to support the residential uses.

(b) *Medium-low density residential.* Residential land uses are allowed from four (4) to nine (9) dwelling units per acre. Recreational and public service or utility uses are also allowed to support the residential uses.

(c) *Medium density residential.* Residential land uses are allowed from ten (10) to fifteen (15) dwelling units per acre. Recreational and public service or utility uses are also allowed to support the residential uses.

(d) *Commercial in-town.* Commercial uses with limited intensity, buffering, and designs that allow location close to residential areas without unduly interfering with the residential uses are allowed, as well as limited residential uses. Public service or utility uses are also allowed to support the limited commercial and residential uses.

(e) *Commercial.* General commercial, retail, food service, entertainment, service businesses, and offices are allowed. Public service or utility uses are also allowed to support the commercial uses.

(f) *Light industrial.* Light manufacturing, light assembly, processing, storage, warehousing, wholesaling, and distribution are allowed. Uses are limited and must be conducted so that noise, odor, traffic, and pollution do not unreasonably interfere with adjacent land uses. Recurrently generated vibration may not be perceptible beyond the property lines. Outside storage must be screened by a solid, opaque fence or opaque vegetation buffer at least six (6) feet high. Public service or utility uses are also allowed to support the light industrial and limited residential uses.

(g) *Industrial.* Manufacturing, processing, storing, assembly, and distribution of goods are allowed, whether conducted indoors or outdoors. Public service or utility uses are also allowed to support the industrial uses.

(h) *Mixed use.* Residential densities up to nine (9) units per acre and commercial uses with limited intensity, buffering, and designs that allow location close to residential areas without unduly interfering with the residential uses are allowed. Recreational and public service or utility uses are also allowed to support the mixed uses.

(i) *Governmental/institutional.* Governmental facilities, public or private utility and communications facilities, public or private educational and child care facilities, churches, funeral homes, residential care facilities, halfway housing, nursing homes, and hospitals are allowed. Recreational uses are also allowed to support the governmental or institutional uses.

(j) *Recreational.* Public outdoor recreational areas, golf courses, play grounds, athletic fields and courts, and swimming pools or water parks are allowed. Public service or utility uses are also allowed to support the recreational uses.

TABLE 22-142

Explanation of Table:

| | |
|---|-----------------------------------|
| L - Low Density Residential | LI - Light Industrial |
| ML - Medium Low Density Residential | I - Industrial |
| M - Medium Density Residential | MU - Mixed Use |
| CIT - Commercial In-Town | G/IN - Governmental/Institutional |
| CO - Commercial | R - Recreation |
| P - Use is permissible | |
| C - Use is permissible with a conditional use permit issued by town council | |

| <i>Permitted Uses By Land Use District</i> | | | | | | | | | | |
|---|--------------------------|-----------|----------|------------|-----------|-----------|----------|-----------|-------------|----------|
| <i>Uses</i> | <i>Land Use District</i> | | | | | | | | | |
| | <i>L</i> | <i>ML</i> | <i>M</i> | <i>CIT</i> | <i>CO</i> | <i>LI</i> | <i>I</i> | <i>MU</i> | <i>G/IN</i> | <i>R</i> |
| Residential | | | | | | | | | | |
| Single Family | P | P | P | C | C | | C | P | C | |
| Mobile Home (1) | C | | C | | C | | C | C | C | |
| Mobile Home Parks | C | C | C | | C | | | C | | |
| Multi-Family Dwelling | | C | P | | | | | P | | |
| Adult Congregate Living Facility (Group Home) | C | C | C | | | | | C | P | |
| Child Care (in the home) | C | C | C | C | | | | P | C | |
| Rooming House | C | P | P | | | | | C | P | |
| Temporary Residences (construction, model home, etc.) | C | C | C | C | C | C | C | C | | |
| Home Occupations | C | C | C | C | | | | P | C | |
| Guest Cottage | P | C | C | C | | | | C | | |
| Offices | | | | | | | | | | |
| Professional Offices | | C | C | P | P | | | P | | |
| Business Offices | | | | P | P | C | C | P | | |
| Bank | | | | P | P | | | P | | |
| Medical Clinic/Hospital | | | | C | P | | P | P | P | |
| Office Park | | | | | P | | C | C | | |
| Retail/Sales/Service | | | | | | | | | | |
| Personal Services | | | | P | P | | | P | | |
| Day Care Center | C | C | C | P | P | | | P | P | |
| Beauty/Barber Shop | | | | P | P | | | P | | |
| Drug Store/Apothecary | | | | P | P | C | C | P | | |
| Repair Shops (No trucks or outdoor storage) | C | C | C | C | P | | P | C | | |
| Repair Shops (No outdoor storage) | | | | C | P | | P | C | | |

| <i>Permitted Uses By Land Use District</i> | | | | | | | | | | |
|---|--------------------------|-----------|----------|------------|-----------|-----------|----------|-----------|-------------|----------|
| <i>Uses</i> | <i>Land Use District</i> | | | | | | | | | |
| | <i>L</i> | <i>ML</i> | <i>M</i> | <i>CIT</i> | <i>CO</i> | <i>LI</i> | <i>I</i> | <i>MU</i> | <i>G/IN</i> | <i>R</i> |
| Repair Shops | | | | | | | P | | | |
| Restaurants | | | | P | P | C | C | P | | |
| Funeral Home | | | | P | P | C | C | P | C | |
| Service Stations | | | | | P | P | P | C | | |
| Specialty Shops | | | | P | P | | | P | | |
| Alcoholic Beverage Package Store | | | | | C | C | C | | | |
| Retail Sales (No outdoor storage) | | | | P | P | P | C | P | | |
| Retail Sales (Outdoor storage) | | | | | C | P | C | C | | |
| Theaters (Indoor) | | | | | P | | | C | | |
| Convenience Stores | | | | C | P | C | C | C | | |
| Dry Cleaners, Laundromat | | | | P | P | C | C | P | | |
| Trade Shops | | | | | | P | | | | |
| Welding or Soldering Shop | | | | | | P | | | | |
| Retail Sales (With outside storage) | | | | | C | | C | | | |
| Equipment Rental (Some outside storage) | | | | | P | P | P | | | |
| Personal Storage (Mini warehouse) | | | | | P | P | P | | | |
| Veterinarian | | | | | P | P | P | C | | |
| Motel/Hotel | | | | C | P | | | C | | |
| Shopping Center | | | | | P | | | C | | |
| Wholesale Sales (No outdoor storage or display) | | | | C | P | P | P | C | | |
| Wholesale Sales | | | | | | P | P | | | |
| Nurseries/Greenhouses (with retail sales) | | | | C | P | P | P | C | | |
| Manufacturing (No outdoor storage or display) | | | | | P | P | P | | | |
| Manufacturing | | | | | | P | P | | | |
| Industrial Equipment, Sales and Repair | | | | | | P | | | | |
| Mobile Home Sales | | | | | | P | | | | |
| Swimming Pool Sales, Installation and Service | | | | | | P | | | | |
| Educational, Cultural, Religious Uses | | | | | | | | | | |
| Elementary, Middle and High Schools | P | P | P | C | P | P | P | P | P | P |
| Trade and Vocational Schools | | | | C | P | P | P | P | P | |

| <i>Permitted Uses By Land Use District</i> | | | | | | | | | | |
|---|--------------------------|-----------|----------|------------|-----------|-----------|----------|-----------|-------------|----------|
| <i>Uses</i> | <i>Land Use District</i> | | | | | | | | | |
| | <i>L</i> | <i>ML</i> | <i>M</i> | <i>CIT</i> | <i>CO</i> | <i>LI</i> | <i>I</i> | <i>MU</i> | <i>G/IN</i> | <i>R</i> |
| Churches, Synagogues, Temples, etc. | C | C | C | C | P | C | C | P | P | C |
| Libraries, Art Museums, etc. | C | C | C | C | P | C | C | P | P | C |
| Social, Fraternal Club, Lodges | | | | C | P | C | C | P | P | P |
| Recreation, Amusement, Entertainment | | | | | | | | | | |
| Uses where activity is conducted entirely within building (bowling alleys, skating rinks, exercise facilities, etc.) | | | | | P | | | P | | |
| Drive-in Movie | | | | | P | C | C | | | |
| Privately owned recreational facilities such as golf courses, country clubs, swimming or tennis clubs | C | C | C | | P | | | P | C | P |
| Publicly owned and operated recreational facilities such as athletic fields, parks, swimming pools, tennis courts, etc. | C | C | C | | P | P | P | P | P | P |
| Golf driving range (not accessory to golf course), par 3 golf, miniature golf, water slides, skate board parks, and similar commercial ventures | | | | | P | | | C | C | P |
| Horseback Riding Stables | | | | | C | | | | | P |
| Motor Vehicle related Sales and Service | | | | | | | | | | |
| Sales with installation of motor vehicle parts | | | | C | P | P | P | | | |
| Motor vehicle repair and maintenance (no substantial body work) | | | | C | P | P | P | | | |
| Motor vehicle, painting and body work | | | | | P | P | P | | | |
| Gas Sales | | | | C | P | | P | | | |
| Car Wash | | | | | P | P | P | | | |
| Miscellaneous Facilities | | | | | | | | | | |
| Utility Facility | C | C | C | C | P | C | P | C | C | C |
| Post Office | | C | C | P | P | | | C | P | |
| Cemetery | | | | | C | | | C | C | P |
| Open Air Markets, Flea Markets, Crafts, etc. | | | | C | C | C | C | C | | |

| <i>Permitted Uses By Land Use District</i> | | | | | | | | | | |
|---|--------------------------|-----------|----------|------------|-----------|-----------|----------|-----------|-------------|----------|
| <i>Uses</i> | <i>Land Use District</i> | | | | | | | | | |
| | <i>L</i> | <i>ML</i> | <i>M</i> | <i>CIT</i> | <i>CO</i> | <i>LI</i> | <i>I</i> | <i>MU</i> | <i>G/IN</i> | <i>R</i> |
| Cold Storage and Frozen Food Lockers | | | | | | P | | | | |
| Moving and Storage Companies | | | | | | P | | | | |
| Printing and Publishing Establishments | | | | C | | P | | | | |
| Construction contractors, and similar Contractors, Yards and Related Activities | | | | C | | P | | | | |
| Machine Shop | | | | | | P | | | | |

(Ord. No. 2013-01, § 5(Attach., § 3.01.00), 7-9-13)

Sec. 22-143. Lot coverage.

(a) *Generally.* Lot coverage is the highest allowed percentage of a lot to be covered by structures or impervious materials.

(b) *Calculating lot coverage.* Lot coverage is calculated by dividing the square footage of all structures or impervious materials by the total square footage of the lot.

(c) *Table of lot coverage.*

TABLE 22-143

| <i>Land Use/District</i> | <i>Maximum Lot Coverage</i> |
|----------------------------|-----------------------------|
| Commercial In-Town | 40% |
| Commercial | 40% |
| Light Industrial | 50% |
| Industrial | 50% |
| Mixed Use | 40% |
| Governmental/Institutional | 40% |

(Ord. No. 2013-01, § 5(Attach., § 3.02.01), 7-9-13)

Sec. 22-144. Planned unit development.

Planned unit developments allow the permitting of land uses within land use districts that might not otherwise allow the proposed land use. A development may be approved as a planned unit development to encourage new development or redevelopment if the development is beneficial to the town and as long as the development is consistent with the overall goals and policies of the comprehensive plan and the intent of the Code. Nothing in this chapter shall be construed to create any vested right to develop a parcel as a planned unit development. In addition to complying with all aspects of this code other than those sought to be varied or

altered by virtue of proceeding as a planned unit development, all planned unit developments must also be approved by a separate legislative enactment of an ordinance approving the planned unit development.

(Ord. No. 2013-01, § 5(Attach., § 3.03.00), 7-9-13)

Sec. 22-145. Submittals required for planned unit developments.

All proposed planned unit developments must provide the following information with the application for development approval, in addition to other information required by this code:

- (1) The application must state the development approval is requested as a planned unit development.
- (2) The application must clearly show the existing future land uses for the parcel and the land uses proposed for the parcel by the planned unit development.
- (3) The application must show the planned unit development will benefit the town and will:
 - a. Result in a development that creates more benefits to the town than a development that otherwise followed the requirements of this code;
 - b. Provide a more efficient use of land and smaller networks of utilities or streets than would be possible by following the other requirements of this code;
 - c. Enhance the aesthetic appearance of the area in which the planned unit development is located;
 - d. Preserve more natural features than this code would otherwise require;
 - e. Provide underground utilities;
 - f. Provide areas for recreation or open space;
 - g. Be compatible with surrounding land uses and not unreasonably interfere with or degrade surrounding residential areas; and
 - h. Not diminish the value of nearby property.
- (4) The application for development approval must comply with all other requirements of this Code.

(Ord. No. 2013-01, § 5(Attach., § 3.03.01), 7-9-13)

Secs. 22-146—22-170. Reserved.

ARTICLE VI. CONSISTENCY AND CONCURRENCY DETERMINATIONS

Sec. 22-171. Generally.

It is the purpose of this article to describe the requirements and procedures for determination of consistency of proposed development projects with the Baldwin Comprehensive Plan, including meeting the concurrency requirements of the plan.

(Ord. No. 2013-01, § 5(Attach., § 4.00.00), 7-9-13)

Sec. 22-172. Concurrency.

Adopted levels of service shall not be degraded.

- (1) *General rule.* All applications for development orders shall demonstrate that the proposed development does not degrade the adopted levels of service in the Baldwin Comprehensive Plan and/or any interlocal agreement with the City of Jacksonville concerning such services.
 - (2) *Exception.* Notwithstanding the foregoing, the prescribed levels of service may be degraded during the actual construction of new facilities, if upon completion of the new facilities the prescribed levels of service will be met.
- (Ord. No. 2013-01, § 5(Attach., § 4.01.00), 7-9-13)

Sec. 22-173. Determination of available capacity.

For purposes of these regulations the available capacity of a facility with an adopted level of service in the Baldwin Comprehensive Plan shall be determined by:

- (1) *Adding together:*
 - a. The total capacity of existing facilities operating at the required level of service; and
 - b. The total capacity of new facilities, if any, that will become available on or before the date of occupancy of the development.
 - (2) *Subtracting from that number the sum of:*
 - a. The demand for the service or facility created by existing development; and
 - b. The demand for the service or facility created by the anticipated completion of other approved developments.
 - (3) *Action upon failure to show available capacity.* Where available capacity cannot be shown, the project owner or developer may provide the necessary improvements to maintain level of service and to provide necessary documentation that the improvements will maintain the existing level of service.
- (Ord. No. 2013-01, § 5(Attach., § 4.01.01), 7-9-13)

Sec. 22-174. Burden of showing compliance on developer.

The burden of showing compliance with these levels of service requirements shall be upon the developer. Applications for development approval shall provide sufficient information showing compliance with these standards in order to be approved.

(Ord. No. 2013-01, § 5(Attach., § 4.01.02), 7-9-13)

Sec. 22-175. Level of service reports.

- (a) The town may prepare level of service reports that include:
 - (1) A summary of actual development activity.