BALDWIN COUNTY WORK SESSION

Tuesday, November 17, 2026
Government Building, Suite 220, 1601 N Columbia St
5:00 PM

AGENDA

CALL TO ORDER

ADMINISTRATIVE / FISCAL MATTERS

1. **Special Industry, extractive industry and mining**

   Discussion about amendments to the Land Use Code and Special Use Permit - Interim County Manager.

ADJOURNMENT

ORDINANCE NO. _____

TO AMEND CHAPTER 16, ARTICLE VI, SECTION 73 OF THE BALDWIN COUNTY CODE OF ORDINANCES ENTITLED "SPECIAL-USE PERFORMANCE STANDARDS"; TO PROVIDE FOR CODIFICATION; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE BALDWIN COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS

SECTION 1. That Section 16-73 of the Code of Ordinances, Baldwin County, Georgia is hereby amended to read as follows:

Sec. 16-73. – Special Use Performance Standards.

This code is concerned with minimizing the adverse effects on adjoining property of marginal types of land and structure uses rather than designating specific areas in which these uses may locate. Therefore, special performance standards are hereby established for these marginal uses to ensure that the adverse effects characteristics of each type of use are minimized.

For the purposes of this code, these standards are considered the minimum conditions necessary to protect and preserve public health, safety, convenience, order, and general welfare, and to allow marginal uses to perform their particular function compatibly within areas containing or which could contain uses with which such functions could otherwise be considered incompatible.

Unless modified by grant or hardship variance, these standards shall apply, in addition to those of section 16-72 of this code and are hereby declared to be the minimum requirements for designated uses of land and structures within the unincorporated limits of the county. However, no use of land shall be forced to be changed if the city grows to within said 300 feet of a business, industrial, agricultural or other activity, as specified in sections 16-73(1) through (18) below.

(1) *Property within 300 feet of private property located within city limits.*

a. If all of the privately-owned property within the city limits which lies within 300 feet of the subject property is zone residential, then the subject property shall be used only for those uses allowed in that zone and uses provided in all more restrictive zones; and

b. If all of the privately-owned property within the city limits which lies within 300 feet of the subject property is zoned commercial, then the subject property may be used for those uses allowed in that commercial zone and uses provided in all more restrictive zones, provided the setback line from any existing detached single-family residence in the unincorporated area shall be 50 feet; and

c. If part of the privately owned property within the city limits which lies within 300 feet of the subject property is zoned residential and part is zoned commercial, then the subject property may be used for those uses allowed in the commercial zone and uses provided in all more restrictive zones only if the subject property lies adjacent to or within 100 feet of the property zoned commercial and provided

further that the setback line from any existing site-built detached single family residence shall be 100 feet; and

d. The 100-foot and 50-foot minimum setbacks provided for in this paragraph may be waived by the owner of the property on which said residence(s) are located.

(2) *Group quarters.* No building or structure used in connection with any group quarters use shall be located closer than 1,000 feet to any side or rear property line, nor within 1,000 feet of any existing residence or residential subdivision. Group quarters shall also comply with all restrictions and requirements of density as set out for nonconventional use as provided in section 16-49(i).

(3) *Indoor activity use.* No building or structure used in connection with any indoor activity use shall be located closer than 75 feet to any side or rear property line, except that for hospital and school uses this distance shall be not less than 250 feet to any side or rear property line.

(4) *Outdoor activity use.* Except for the public parks, no building or structure used in connection with any outdoor activity use or outdoor event shall be located closer than 2,640 feet to any existing residence or residential subdivision. Such use must ensure that noise and odor levels do not constitute a nuisance as to any residential use. A six-foot buffer at time of planting is required and shall be a width of 50 feet around entire perimeter of property. A six-foot privacy fence may be erected with shorter plantings in the 50-foot buffer. This buffer shall be planted with evergreen trees and hedge-type shrubs designed to provide full noise and sight screening.

(5) *Outdoor amusement use.* Except for public parks, no building or structure, including a racetrack or strip, rifle or gun firing range used in connection with any outdoor amusement or practice use, shall be located closer than 2,640 feet to any existing residence or residential subdivision. Such use must ensure that noise and odor levels do not constitute a nuisance as to any residential use. A six-foot buffer is required and shall be a width of 50 feet around entire perimeter of property. This buffer shall be planted with evergreen trees and hedge-type shrubs designed to provide full noise and sight screening.

(6) *Airport.* No building or structure, including runway surfaces, used in connection with a private airport shall be located closer than 500 feet to any property line and no part of a clear zone or transitional surface shall extend beyond the boundaries of the property of which the runway is located.

(7) *Animal shelters-zoological parks.* No building or structure used in connection with a zoological park, and housing any animal species shall be located closer than 300 feet to any property line nor within 500 feet of any existing residence or residential subdivision.

(8) *Utility towers.* Broadcasting and communications towers and antennae shall be permitted provided that the tract of land on which located is sufficient in size to have a lineal dimension from the base of the tower or antennae, or any structure on which the tower or antennae is located, to all property lines equal to or greater than the height of the tower or antennae, and shall be not less than 300 feet from any residence or residential subdivision.

(9) *Commercial or general business use.* No building or structure used in connection with any commercial or general business use shall be located closer than 150 feet to any side or rear property.

(10) *Extensive business use.* No building or structure including any equipment or materials storage or processing yards or areas, used in connection with any extensive business use shall be located closer than 250 feet to any side or rear property line, except that for a junkyard, this distance shall not be less than 350 feet and all operations and storage shall be fully enclosed by a wall or fence which shall not be less than eight feet in height, providing full screening from all adjacent properties and roadways, nor within 500 feet of any existing residence or residential subdivision.

(11) *Filling station.* No building or structure, including gasoline pumps, used in connection with any filling station shall be located closer than 100 feet to any side or rear property line nor within 200 feet of any existing residence or residential subdivision.

(12) *Funeral home, restaurant, and tourist service use.* No building or structure, including any equipment or materials storage barns, used in connection with any funeral home, restaurant or tourist service use shall be located closer than 100 feet to any side or rear property line nor within 200 feet of any existing residence or residential subdivision.

(13) *Truck stop.* No building or structure, including gasoline pumps, used in connection with any truck stop shall be located closer than 200 feet to any side or rear property line, nor within 300 feet of any existing residence or residential subdivision.

(14) *Agricultural industry.* No building or structure used in connection with any agricultural industry shall be located closer than 400 feet to any side or rear property line.

(15) *Light industry.* No building or structure used in connection with any light industry use shall be located closer than 300 feet to any side or rear property line nor within 500 feet of any existing residence or residential subdivision.

(16) *General industry.* No building or structure used in connection with any use in the general industry subgroup shall be located closer than 400 feet to any side or rear property line nor within 600 feet of any existing residence or residential subdivision.

(17) *Special industry, extractive industry, and mining.* No building or structure used in connection with any special industry, extractive industry or mining use, nor any portion of the property, where activity essential to the principal function of such use is conducted, shall be located closer than five hundred (500) feet to any side or rear property line nor within five thousand (5,000) feet of any existing residence, residential subdivision, or river, stream, lake, or other waterway.

(18) *Exceptions.* The following described property which would otherwise be subject to the provisions of sections 16-73(9) through (13) shall not be subject to the residential subdivision, rear or side setback lines provided in said sections; and the setback line from an existing site-built detached single-family residence shall be not less than 50 feet:

a. Property located adjacent to any railroad right-of-way; state or federal highway; or located on a county roadway when the subject property is located within 150 feet of any such railroad right-of-way or state or federal highway;

b. Property located on a county roadway when not less than 75 percent of the privately-owned property which is located within 300 feet of the subject property is presently used for commercial, rental, or multi-family use;

c. Property located within or adjacent to a subdivision specifically developed and approved for commercial use or in which not less than 75 percent of the lots are used for commercial purposes;

d. The 50-foot minimum setbacks provided for in this paragraph may be waived by the owner of the property on which said residence(s) are located.

(19) When any subdivision approved under this code specifically reserves a certain lot or lots for limited commercial use which is noted on the plat and in the restrictive covenants, then such commercial lots shall not be subject to the provisions of sections 16-73(9) through (13) as to the residential subdivision, rear or side setback lines provided in said sections; and the setback line from an existing residence shall be not less than 100 feet.

(20) These provisions shall not apply to public uses and functions being performed, operated or constructed by the State of Georgia, or Baldwin County.

SECTION 2.

A. It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable, and constitutional.

B. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other Section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining Sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 3. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. Effective Date. This ordinance shall become effective immediately upon its adoption by the Chairperson and Board of Commissioners of Baldwin County.

SO ORDAINED this 17th day of November, 2026.

KENDRICK BUTTS, Chairman

ATTEST:

BO DANUSER, County Clerk
(Seal)

ORDINANCE NO. _____

TO AMEND CHAPTER 16 OF THE BALDWIN COUNTY CODE OF ORDINANCES ENTITLED "LAND DEVELOPMENT CODE" TO ADD AN ARTICLE XIII TO BE TITLED "SPECIAL USE PERMITS"; TO PROVIDE FOR CODIFICATION; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

THE BALDWIN COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS:

SECTION 1.

That the Code of Ordinances, Baldwin County, Georgia is hereby amended by adding a new Article XIII to Chapter 16, which article reads as follows:

ARTICLE XIII. – Special Use Permits

Sec. 16-81. Purpose.

It is the purpose and intent of this article to require special use permits for the development or substantial expansion of industrial uses of property in the unincorporated portion of Baldwin County. Consistent with this purpose, this article establishes the procedures and standards for the issuance of special use permits. Note that additional requirements and design criteria are located throughout this chapter in particular sections, in regard to specific uses.

Sec. 16-82. Industrial Uses defined, exemptions.

(a) *Industrial Use* means the use of any building, structure or land, including accessory uses or tenant facilities used, operated in conjunction with, or developed for the purpose of any of the following economic activities:

1. Mining, which shall include any activity constituting all or part of a process for the removal or extraction of minerals, ores, and other solid matters for sale or for processing or for consumption in the regular operation of a business, including but not limited to, surface mining, open pit mining, quarrying, removal or extraction of granite, rock, stone, aggregate, sand, gravel or any other mineral, ore, or solid matter, drilling and blasting, excavation, crushing, screening, sorting and washing, stockpiling, overburden and spoil storage, concrete or asphalt batching;
2. Granite quarrying and land clearing for such quarrying;
3. Heavy manufacturing, which shall any activity involving the assembly, fabrication, processing, or conversation of raw materials, semi-finished goods, or bulk products into finished or intermediate goods, where such operations may involve significant outdoor storage, heavy truck traffic, or large-scale machinery or cranes, produce or utilize explosive, flammable, toxic, radioactive, or otherwise hazardous materials, or generate noticeable off-site impacts, including but not limited to smoke, gas, fumes,

odor, dust, glare, high noise levels, or ground vibration beyond property lines as shown by the records of the tax assessor;
4. Recycled materials processing;
5. Uses requiring a state or federal permit for collection, transfer or disposal of radioactive equipment or supplies;
6. Uses requiring a state or federal permit for collection, transfer or disposal of solid waste;
7. Uses requiring a state or federal permit for collection, generation, transfer, storage or disposal of hazardous waste;
8. Uses requiring a state or federal permit for the discharge of wastewater; and
9. Uses requiring a state or federal permit for air quality or emissions.

(b) This article shall not apply to:

1. Uses which are expressly exempt from local land use regulation by state or federal law.

Sec. 16-83. Special Use Permits for Industrial Uses.

(a) No person or entity shall develop a new industrial use or substantially expand an existing industrial use without first obtaining a special use permit from the board of commissioners. For purposes of this ordinance, to substantially expand an existing facility means to increase the developed square footage of a lawfully-existing facility by more than ten percent (10%) in a one-year period, when such development includes any land disturbance activity, increase in building square footage, or other activity requiring compliance with the life-safety code or building related codes.

(b) The developer or owner wishing to request a special use permit for an industrial use must have at least fifty-one percent (51%) ownership of the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing, under the owner's signature.

(c) No special use permit shall be issued by the county until the applicant has shown, to the satisfaction of the Board of Commissioners, that the development or use of the property for industrial use will comply with all Federal, State, and County regulations and ordinances and that the location in question is appropriate for the intended use under the standards and criteria in this chapter. No land disturbance permit, building permit, subdivision approval, state certification, or other development approval required for the industrial use shall be approved or issued until the special use permit has been approved and issued by the Board of Commissioners.

(d) If an application for a special use permit is filed for a proposed use that is a development of regional impact (DRI) as defined by state law and regulation, the land use committee and Board of Commissioners will delay processing the application until the DRI review process is complete.

(e) No special use permit shall be issued for an industrial use where the use, including any building or structure used in connection therewith, or any portion of the property on which the special use is proposed to be conducted, is located closer than five hundred (500) feet to any side or rear property line or within five thousand (5,000) feet of any existing residence or residential subdivision, as shown by the records of the Baldwin County Board of Tax Assessors. As measured, platted, and sealed by a Georgia registered land surveyor and submitted with the special use permit application, the distance shall be measured by the shortest horizontal distance between the nearest exterior property line of the entire tract proposed for, or functionally used in connection with, the proposed industrial use and the nearest exterior recorded property line of a parcel containing an existing residence or residential subdivision. For purposes of this provision, an existing residence shall include an established dwelling intended for human habitation, whether currently occupied full-time, seasonally, or intermittently. While processing a special use permit application, a dwelling or residential subdivision existing on the date of filing a complete special use permit application shall remain protected notwithstanding later demolition, vacancy, ownership change or parcel reconfiguration, except as may be required by applicable general law.

(f) No special use permit will be issued for an industrial use where the use, including any building or structure used in connection therewith, or any portion of the property on which the special use is proposed to be conducted, is located closer than five thousand (5,000) feet to the waters of any river, stream, lake, or other waterway including, but not limited to, Lake Sinclair, Oconee River, Little River, Island Creek, Rocky Creek, Potato Creek, Sand Creek, Beaver Dam Creek, Buck Creek, Camp Creek, Reddy Creek, Little Camp Creek, Turkey Creek, Gaylor Branch, Beaver Creek, Champion Creek, Fishing Creek, Tobler Creek, Rooty Creek, Flatrock Branch, Town Creek, Black Creek, Gumm Creek, and Gantry Creek. As measured, platted, and sealed by a Georgia registered land surveyor and submitted with the special use permit application, the distance shall be measured based on the shortest horizontal distance between the nearest exterior recorded property line of the entire tract proposed for, or functionally used in connection with, the proposed industrial use and the highest water level of the closest bank of any such water body.

(g) Any person or entity which develops or operates an industrial use which is required by this ordinance to have a special use permit without first obtaining said permit shall be in violation of this ordinance and subject to separate citation for each day that the property is being used for an industrial use is under development or in operation without a special use permit. Any violation of the provisions of this article shall constitute a misdemeanor and shall be punishable as set forth in section 1-12 of the Code of Ordinances of Baldwin County, Georgia. Further, the County or Board of Commissioners may seek to abate the nuisance or seek temporary, interlocutory, or permanent injunctive relief or other relief provided by law.

(h) Application. Each applicant for a special use permit shall apply by submitting a written application to the land use administrator on a form specified by the land use administrator or his/her designee, accompanied by a fee as set forth by the County Board of Commissioners' fee schedule. All questions and information requested on the application form shall be filled in and subscribed to by all applicants under oath by the owner of the proposed site to be developed for industrial use, if an individual, or by an authorized officer if a corporate entity. The

application shall be required to include at a minimum the information required by this article, and more specifically, the following information or documentation:

1. The name, mailing address, telephone number, and email address of the owner(s) of record of the tax parcel for which a special use permit is sought. If such owner is not a natural person, the application shall identify all partners, officers, members, and/or directors of any such entity, including personal contact information;

2. The address and tax parcel identification number of the tax parcel for which a special use permit is sought;

3. Proof of the owner's current ownership of the tax parcel for which a special use permit is sought;

4. A land use plan which contains a sufficient description of the proposed land use to apprise the land use committee and Board of Commissioners of the applicant's development and land use plans. The land use plan must provide for provisions for the protection of the environment and must also incorporate sound engineering and conservation measures for protecting the health, safety, and welfare of the people of the county from adverse effects of the land use; and

5. A site plan, drawn, surveyed, and sealed (as to scale) by a Georgia-licensed surveyor or engineer showing the location of the proposed industrial use, the location, width, existing tree canopy, and proposed planting schedule for all required buffers, and any other information required by this article or as may be reasonably required by the land use administrator, land use committee, or Board of Commissioners.

(i) The land use administrator may require additional information within reason. The land use administrator will take the required information and transmit it to the land use committee and the Board of Commissioners for their consideration.

Sec. 16-84. Determination of completeness.

All special use permit applications shall be complete before acceptance for review and decision making. A determination of completeness is a determination that all required documents, information, and plans have been submitted in a sufficient number and that all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.

Sec. 16-85. Review by Land Use Committee.

Within sixty (60) days of the submission of a complete application for a special use permit, the land use committee shall schedule a meeting to review the application, including all supportive information. Either the applicant or a representative of the applicant must be in attendance to address any questions the land use committee may have. In reviewing the application, the land use committee shall consider whether the proposed special use is consistent with the requirements of

this article and the standards for review of special use permits. The land use committee may recommend that the application be denied, granted, or granted with special conditions reasonably designed to mitigate any negative effects from the proposed industrial use. The land use committee shall vote to approve its recommendation and submit its written recommendation to the Board of Commissioners within ten (10) days of the decision.

Sec. 16-86. Notice of Public Hearing.

(a) Within thirty (30) days of the land use committee's issuance of a decision, the Board of Commissioners shall hold a public hearing on the special use permit application prior to making its final decision to approve or deny the application.

(b) Applicant shall post a sign, supplied by the land use administrator, on the subject property, at least fifteen (15) but not more than forty-five (45) days prior to the public hearing, in a conspicuous place along every street frontage and public or private right-of-way of the property for which an application has been submitted. The sign(s) shall be a minimum of forty-eight (48) inches by forty-eight (48) inches and, using three-inch lettering, shall identify the address of all the property subject to the application along with their respective tax parcel identification numbers, the nature of the industrial use sought per the application, and the date, time, place, and purpose of the public hearing to receive public comment regarding the proposed application for special use permit.

(c) Applicant shall provide a dated photograph of each sign with location information and a signed and notarized Affidavit of Notice swearing or affirming the posting of the signs in accordance with this article to the land use administrator a minimum of seven (7) business days prior to the date of the public hearing.

(d) Applicant shall remove any and all signs from the subject property within three (3) business days after the date of final action by the Board of Commissioners.

(e) County staff shall prepare a legal notice consistent with the requirements of the State of Georgia in the legal organ of the County once, at least fifteen (15) days, but not more than forty-five (45) days, prior to the date of the public hearing. Said notice shall state the time, place, and purpose of the hearing, and shall identify the address and tax parcels associated with the property, and the intended industrial use of the property.

(f) At least fifteen (15) days prior to the public hearing, each owner of real property with a tax parcel adjoining the property identified in the application for the special use permit, as shown by the map maintained by the County tax assessor, shall be notified of such public hearing by mail addressed to each such adjoining property owner based upon the records of the County tax assessor. The notice shall contain the same information as the legal notice which is published in the legal organ of the County. Only owners reflected on the records of the tax assessor shall be entitled to notice. A copy of the mailed letters shall be provided to and retained by the land use administrator. The notices must be postmarked a minimum of at least fifteen (15) calendar days before the date of the public hearing. The mailing shall be sent via a letter by first class mail, with proof of mailing obtained from the Post Office.

Proof of mailing means either a "Certificate of Mailing" or a "Certified Mail" receipt; a "Return Receipt" showing delivery is not required.

(g) A copy of the materials provided to each property owner, a copy of all certified mailing receipts, and a signed and notarized Affidavit of Notice swearing or affirming the correctness of the mailing and compliance with the mailing notice requirement of this section shall be provided to the land use administrator a minimum of seven (7) business days prior to the date of the public hearing.

Sec. 16-87. Procedures for issuance of special use permit; standards and criteria; decision.

(a) The following policies and procedures will be observed in conducting the required public hearing on consideration of the application for a special use permit:

(1) The hearing will be held in the Baldwin County administration building or as advertised. Printed copies of these procedures shall be available for public review at the hearing.

(2) Formal rules of evidence shall not apply to the public hearing.

(3) All testimony presented at the public hearing shall be under oath or affirmation administered by the chairman or his/her designee.

(4) County staff shall introduce the application, present data and analysis of the application, and the recommendation of the land use committee.

(5) The applicant requesting the special use permit shall then be allowed at least ten (10) minutes to speak and present data, evidence and witnesses regarding the subject of the application. The chairman, or his/her designee, of the Board of Commissioners may grant a reasonable extension of time to the applicant at his or her discretion.

(6) The chairman or his/her designee shall then open the floor to other interested persons. Proponents and opponents of the proposed special use permit shall be allowed at least three (3) minutes per person and at least ten (10) minutes per side to speak and present data, evidence, and witnesses regarding the subject of the application. The length of time for presentations permitted to each speaker will be governed by the chairman or his/her designee, depending upon the number of persons present and desiring to speak, and provided that both proponents and opponents shall have equal opportunity to address the Board of Commissioners. The chairman, or his/her designee, of the Board of Commissioners may grant a reasonable extension of time at his or her discretion.

(7) Members of the Board of Commissioners may ask of anyone present questions pertinent to the application or proposed industrial use.

(8) Written comments on the subject of the hearing may be submitted by any citizen or property owner at any time prior to the adjournment of the hearing.

(9) Minutes of the public hearing shall be maintained and any other written or tangible materials presented at the hearing shall be kept as part of the hearing record.

(10)Any person desiring a transcript of the hearing must arrange for a court reporter at their own expense.

(11) Cross examination of persons making oral presentations will not be permitted.

(12) All questions will be addressed to the chairman or his/her designee then presiding.

(13) Standing to challenge a decision on the special use permit application is not conferred by being permitted to speak orally at a hearing, nor by being permitted to file a statement or pleadings.

(b) In addition to the specific criteria and requirements in this article, the land use committee and Board of Commissioners will consider the following criteria in arriving at a decision on whether to issue a special use permit:

(1) Whether the proposed industrial use is contrary to the purpose of this ordinance;

(2) Whether the proposed industrial use will be suitable in view of the use and development of adjacent and nearby properties;

(3) Whether the proposed industrial use will adversely affect the use or development of adjacent properties or to the general neighborhood; it must not adversely affect the health or safety of residents or workers;

(4) Whether the proposed industrial use would constitute a nuisance or hazard because of the number of persons who will attend or use such a facility, vehicular movement, noise or fumes generated, or type of physical activity;

(5) Whether the proposed industrial use would adversely affect existing uses;

(6) Whether the proposed industrial use is to be placed on a lot of sufficient size to satisfy the space requirements of the use;

(7) Whether the public infrastructure of Baldwin County is sufficient to support the proposed industrial use;

(8) Whether the proposed industrial use is one which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

(9) How the proposed industrial use would affect the economy of Baldwin County;

(10)How the proposed industrial use would affect the environment of Baldwin County, including water quality and resources, air quality and wildlife;

(11)Whether the proposed industrial use will reasonably be expected to have a significant detrimental impact to property values of adjacent or nearby properties; and

(12) Whether the proposed industrial use meets all other requirements of this article.

(c) Within sixty (60) days of the public hearing, the Board of Commissioners may deny the application, grant the application, or grant the application with special conditions reasonably designed to mitigate any negative effects from the proposed industrial use. No official action shall be taken except upon the affirmative vote of at least three (3) members of the Board of Commissioners, or a majority of the quorum. The final decision, including any conditions, shall be reduced to writing, delivered to the applicant, and kept on file in the records of the County Clerk. The decision of the Board of Commissioners on the application may be appealed to the Baldwin County Superior Court by way of a petition for such review pursuant to O.C.G.A. § 36-66-5.1(a)(2) within thirty (30) days of the final decision of the Board of Commissioners. If the applicant does not file an appeal to the Baldwin County Superior Court within thirty (30) days, then the decision of the Board of Commissioners shall be final.

(d) An application that has been denied may not be re-filed for any proposed industrial use on any portion of the property subject to the denied application until one-year following the date of a final action rejecting the application.

(e) Any permit granted by the Board of Commissioners shall be subject to any additional conditions, restrictions, or development standards that the Board of Commissioners deems appropriate or necessary to protect the health and safety of workers and residents, or to mitigate any undesirable effects of the new or expanded industrial use.

Sec. 16-88. Landscape Buffer Requirements.

(a) Landscape buffers are intended to eliminate or minimize potential nuisances associated with industrial uses, prevent adverse impacts on adjacent properties, protect property values, and preserve natural resources.

(b) The Board of Commissioners may impose reasonable conditions, including buffer zones wider or denser than the base minimums stated herein, when the Board of Commissioners deems it appropriate or necessary to protect the health and safety of workers and residents, or to mitigate any undesirable effects o the new or expanded industrial use.

(c) Unless modified as an explicit condition of approval, any property granted a special use permit for industrial use shall establish and maintain a permanent transitional buffers along all side and rear property lines of the property on which the special use is proposed to be conducted.

(d) Buffer widths shall be a minimum of one hundred (100) feet, comprised of an undisturbed or planted vegetative buffer.

(e) Buffers shall provide a year-round, opaque visual screen. Where existing natural vegetation is sparse or absent, the applicant shall install evergreen trees which are a minimum of eight (8) feet in height at planting and evergreen shrubs which are a minimum of three (3) feet in height at planting in staggered rows. Artificial plant materials are strictly prohibited.
(f) Where topography or lot dimensions prevent a full vegetative buffer, the Board of Commissioners may require or allow an opaque masonry wall, earth berm, or solid wooden fence of at least eight (8) feet in conjunction with supplemental plantings.
(g) Buffers shall remain free of buildings, principal or accessory structures, parking lots, loading areas, outdoor storage, and motorized vehicle circulation. Only perpendicular utility crossings and approved access drives may encroach into a required buffer.
(h) Buffer planting requirements shall be guaranteed for the lifetime of the development. Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to ensure that the buffer serves the purpose for which it is intended.

Sec. 16-89. Permit Revocation.

If the Board of Commissioners finds that the land use plan or any conditions or restrictions upon which a special use permit was granted, including, but not limited to the buffer requirements of Section 16-88, are not being complied with, it may revoke the permit. Public notice and hearing on the issue of whether the permit should be revoked shall be provided in the same manner as provided for any application for a special use permit except that the County will be responsible for issuing and posting all notices and mailing a notice of hearing to the permit holder at least thirty (30) days prior to the public hearing.

SECTION 2.

A. It is hereby declared to be the intention of the Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of this Ordinance are and were, upon their enactment, believed by the Board of Commissioners to be fully valid, enforceable, and constitutional.

B. It is hereby declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

C. In the event that any section, paragraph, sentence, clause or phrase of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid,

unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance and that, to the greatest extent allowed by law, all remaining sections, paragraphs, sentences, clauses, or phrases of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 4. Repeal of Conflicting Provision. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 5. Effective Date. This ordinance shall become effective immediately upon its adoption by the Chairperson and Board of Commissioners of Baldwin County.

SO ORDAINED this ____ day of December, 2026.

KENDRICK BUTTS
Chairman, Baldwin County Board of Commissioners

ATTEST:

BO DANUSER,
County Clerk

(Seal)