

## **Chapter XX**

### ***ARTICLE I. - IN GENERAL***

#### ***Sec. XX-1. - Authority of Chapter.***

Pursuant to the authority conferred by Ga. Const. Art. IX, § II, ¶ IV, as amended, and to promote the health, safety, morals or general welfare of the community of Baldwin County and other purposes, this chapter regulates the location, construction and use of buildings, structures and land; and divides the unincorporated county into districts for such purposes and establishes boundaries therefore; provides for the method of administration and amendment; and prescribes penalties for the violation of its provisions.

#### ***Sec. XX-2. - Purpose of Chapter.***

The policies authorized in this chapter are intended to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to prevent flooding of improved property; to provide adequate light and air; to protect the aesthetic beauty of the county; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sanitation, schools, parks, housing, communications, health care and other public requirements; to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the county; and to improve the quality of life through protection of the county's total environment including, but not limited to, the prevention of air, water and noise pollution. Such regulations are made with reasonable consideration, among other things, of the character of the district and its peculiar suitability for particular uses, and to promote desirable living conditions and the sustained stability of neighborhoods, protect property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings and encouraging the most appropriate use of land and other buildings and structures throughout the county.

#### ***Sec. XX-3. - Title of Chapter.***

This chapter shall be known and may be cited as the "Baldwin County Zoning Ordinance of 2025."

***Sec. XX-4. - Interpretation and Application of Chapter Provisions.***

In interpreting and applying this chapter's provisions, the requirements contained in this chapter are declared to be the minimum requirements necessary to carry out the purposes therein. Except as provided in this chapter, this chapter shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever any easements, covenants or other agreements between parties. Whenever the provisions of this chapter impose greater restrictions upon the use of land or buildings or the height of buildings or require a larger percentage of lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits or any easements, covenants or other agreements between parties, the provisions of this chapter shall govern unless elsewhere provided in this chapter.

***Sec. XX-5. - Compliance with Chapter Required.***

No land, building, or structure shall be used; no building or structure shall be erected; and no existing building, use, or structure shall be moved, added to, enlarged or altered except in conformity with this chapter.

***Sec. XX-6. - Jurisdiction of Chapter.***

This chapter shall apply only in the unincorporated areas of the county.

***Sec. XX-7. - Repeal of Conflicting Ordinances and Validity of Prior Approvals and Actions.***

- (a) This chapter is the Baldwin County Zoning Ordinance of 2025, and all other conflicting ordinances or resolutions are hereby repealed; provided, however, that nothing in this section shall be construed as repealing or modifying the conditions of operation or conditions of zoning, or use, or building permits issued under previous zoning ordinances or resolutions; however, modification or repeal of these past conditions of approval may be accomplished as provided by this chapter.
- (b) All variances and exceptions heretofore granted by the planning and zoning commission or the board of commissioners, on appeal, shall remain in full force and effect, and all terms, conditions

and obligations imposed shall remain in effect insofar as required for the initiation of any proceedings against these violations and for the prosecution of any violations heretofore commenced.

- (c) Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**Sec. XX-8. - Administration.**

On a day-to-day basis, the County Manager shall administer this chapter's provisions.

**Sec. XX-9. - Effective date.**

This chapter shall take effect and be enforced from and after its adoption, the public welfare demanding it.

**Secs. XX-10—XX-19. - Reserved.**

**Sec. XX-20. - Definitions.**

- (a) *Generally.* This section is intended to define terms frequently used throughout this chapter. It is not intended to be exhaustive, and definitions also may appear in article IV of this chapter (the performance standards). Words not specifically defined in this section shall be construed to have the customary or preferred meaning given by Webster's New Collegiate Dictionary, latest edition published.
- (b) *Use and interpretation.* The following shall apply to the use of all words in this chapter:
  - (1) Words used in the present tense shall include the future tense.
  - (2) Words used in the singular shall include the plural and the plural includes the singular.
  - (3) The word "shall" is mandatory.
  - (4) The word "may" is permissive.

- (5) The nouns "zone," "zoning district," and "district" have the same meaning and refer to the zoning districts established by this chapter.
- (6) The noun "use" shall mean the manner in which a structure, building, or parcel of land is actually occupied.
- (7) The noun "map" means the "Official Zoning Districts Map of Baldwin County, Georgia," (aka the "Official Zoning Map" (see Section XX-32)) adopted contemporaneously with this chapter, but as amended from time to time as permitted in this chapter.
- (8) The word "structure" includes, but is not limited to, the word "building."
- (9) The word "lot" is a lot in a recorded subdivision and does not include the words "piece," "plot," and "parcel."
- (10) ¶The word "should" is suggested but not mandatory.
- (11) ¶The words "his" or "her" are not intended to be gender specific.

(c) *Specific Definitions.*

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where a more specific definition or use of the term may be found among the Article of this Chapter as may be amended from time to time by the Board of Commissioners:

**Accessory Building:** A subordinate building, the use of which is incidental to, and reasonably related to, a main building on the same lot or to the primary use of the property. The accessory building shall be of a size and nature customarily incidental and subordinate to the principal. Accessory buildings shall not include open air structures such as gazebos, pole barns, and pavilions. Signs and fences are not to be considered as accessory buildings. A "detached" accessory building shall be one that does not have a common wall, attached walkway, or roof connection with the main building on the same lot.

**Accessory Dwelling Unit:** A dwelling unit providing complete, independent living facilities for one or more persons that is separate from and subordinate to the principal dwelling unit. This definition includes garage apartments.

**Accessory Structure:** Any structure subordinate to the principal building on a lot which are open in nature such as a deck, fence, landscape wall, trellis (open roof), swimming pool, or

other similar structures. Pools and spas are also considered to be accessory structures for zoning purposes.

**Accessory Use:** A use on the same lot with, and of a nature, customarily incidental and subordinate to the principal use.

**Administrative and Support Services:** The use of a building or a portion of a building for the provision of executive, management, or administrative services.

**Adult Day Care Center:** A facility that provides adult day care services and/or adult day health services to three or more adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped. This may also include recreational, cultural, and social activities for said persons.

**Adult-Oriented Business:** includes an adult arcade, adult bookstore, adult retail store or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, or any other business, such as a car wash or a health club, which offers, for consideration, materials or services characterized as depicting "specified sexual activities" or "specified anatomical areas", or whose employees perform services in a state of nudity or semi-nudity.

**Adult-Oriented Business, Specified Anatomical Areas:** These areas include (a) less than completely and opaquely covered: human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; and, (b) human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Adult-Oriented Business, Specified Sexual Activity:** This activity includes (a) intercourse, oral copulation, masturbation or sodomy; or (b) excretory functions as a part of or in connection with any of the activities described in (a) above.

**Agriculture or Agricultural:** A parcel used primarily for soil-dependent 7 cultivation of agricultural crop production, the raising of livestock excluding poultry and other Confined Animal Feeding Operations, growth of a field, or forestry.

**Agricultural Processing:** The preliminary processing and packaging of agricultural products, such as a packing shed. This definition does not include slaughterhouses, butcheries, tanneries, or rendering plants.

**Agriculture, Animal Production:** The raising of agricultural animals on pastureland or the production of animal products on an agricultural or commercial basis. Animal Production shall include those accessory uses and activities customarily associated with this type of operation, as determined by the County Manager. Animal Production shall not include concentrated animal feeding operations, slaughterhouses or butcheries.

**Agriculture, Aquaculture:** Land devoted to the hatching, raising, and breeding of fish, shrimp, or other aquatic animals for commercial purposes. Animal aquaculture shall include those accessory uses and activities customarily associated with this type of operation, as determined by the County Manager.

**Agriculture, Crop Production:** The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis. Crop production shall include accessory uses and activities customarily associated with these types of agricultural operations, as determined by the County Manager. This definition excludes any agricultural uses that are more specifically defined in this Ordinance.

**Agriculture, Greenhouse Production:** Ornamental plants or food crops grown for wholesale sale within an enclosed structure or under cover.

**Agriculture, Horticultural Production:** Land used to grow horticultural and floricultural specialties (such as flowers, shrubs, or trees intended for ornamental or landscaping purposes) for wholesale or retail sale in order to be transplanted to a different location. This includes incidental accessory structures. This definition excludes crop and greenhouse production that have been identified elsewhere in this Ordinance.

**Alley:** A service way providing a secondary means of access to abutting properties. An alley does not constitute "lot frontage".

**Alteration:** Any change in the supporting member of a building, any modification or change in construction, any addition which increases the area or height, any change in use of or moving of a building from one location to another, or any increase in the amount or volume of space used for any activity.

**Alternative Financial Service:** A business that provides financial services outside traditional banking institutions. These businesses include check cashing establishments, title loan lenders, payday lenders, refund anticipation lenders, and pawn shops, among others.

**Animal Care, General:** Includes animal care uses with either an outdoor facility or an overnight component, or both. Examples may include animal day cares, animal shelters, overnight boarding facilities, veterinary clinics with boarding or nighttime emergency services, s, and pet stores that sell cats, dogs, and/or birds larger than 12 inches.

**Animal Care, Limited:** Includes animal care uses with neither an outdoor facility nor an overnight component. Examples may include animal grooming facilities and veterinary clinics without boarding.

**Animal:** All nonhuman members of the animal kingdom, including domestic, exotic, and agricultural animals.

**Animal, Domestic:** An animal that is tame or domesticated and not normally found in the wild state. A tame animal that is subject to the dominion and control of an owner and accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation. This includes any animal customarily kept by humans for companionship, such as: dogs, cats, birds, rabbits, hamsters, mice, turtles, and the like.

**Animal, Exotic:** Any species or animal not considered domestic or livestock, including but not limited to nonpoisonous snakes, lizards, potbellied pigs, elephants, camels, antelopes, anteaters, kangaroos, water buffalo and giraffes.

**Animals, Agricultural:** Animals considered accessory to an agricultural use, whether used for personal enjoyment or for commercial purposes, including horses, mules, burros, sheep, cattle, rabbits, chickens, ducks, geese, pigs, and goats

**Apartment:** A dwelling unit containing at least one room and a bath, which is intended for occupancy by one family or one person doing its cooking therein. For zoning purposes, an apartment is regarded as a dwelling unit.

**Applicant:** Any person who applies for a rezoning action, variance, conditional use permit, sign permit, or building permit, and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

**Assisted Living Facility:** A residential facility providing living quarters restricted to individuals who require access to services, but not daily nursing or medical intervention. Incidental uses and/or services may include protective supervision, personal care, social and recreational services, assistance with medical requirements, assistance with meals, laundry and transportation service.

**Automobile Rentals:** Uses involving the short-term rental of a vehicle.

**Automobile Sales:** A business that offers vehicles on-site for sale or long-term lease to the general public, whether at retail or through an auction. The vehicles must include only those customarily used for personal use, such as automobiles, pick-up trucks, and vans, as well as vehicles that are smaller than automobiles, such as all-terrain vehicles, golf carts, motorcycles, and similar.

**Automobile Service Station:** Any premises used primarily for the retail sale of fuel for automobiles, light and medium trucks, motorcycles, recreational vehicles, and other consumer motor vehicles. Automobile service stations may include light maintenance such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning, but shall not include heavy vehicle maintenance activities such as engine overhauls, automobile painting, and body fender work. This term may also include the sale of motor vehicle accessories, or used tires taken in trade on the premises, but does not include vehicle, moving truck, or trailer sales or rental. This use may include convenience stores.

**Aviation Facilities:** Airports, landing fields, helipads, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security. Aviation also includes facilities for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes of transportation.

**Bar/Tavern/Pub/Lounge:** A commercial structure open for public use in which alcoholic beverage sales may constitute more than 50 percent of the gross sale of goods. All such facilities must operate in compliance with O.C.G.A. § 3-3-40 et seq., as amended, or any other applicable state law.

**Basement:** An area below the first floor, having more than one-half of its clear floor-to-ceiling height below the average grade of the adjoining ground. Synonymous with the term "cellar."



**Bed and Breakfast/Inn:** A dwelling unit, other than a hotel, motel, or boarding house, or portion thereof, where short-term lodging rooms with or without a meal for no more than ten guestrooms. The bed and breakfast operator must live on the premises.

**Berm:** An elongated raised earthen mound intended to be a permanent natural barrier mitigating the effects of sound and sight from one use to another.

**Block:** A piece or parcel of land usually bounded on all sides by public streets or other transportation routes, such as railroad lines, or by physical barriers such as water bodies or public open spaces and not traversed by a through street. Blocks may be divided into lots.

**Board of Commissioners:** The local legislative body of Baldwin County, Georgia, which is empowered to make changes to the official zoning maps and text amendments to the zoning ordinance.

**Boardinghouse:** An establishment, other than a hotel or motel, which furnishes lodging for compensation for up to ten people and the period of occupancy, may serve as a principal residence. These establishments may also provide complementary services, such as housekeeping, meals, and laundry services, provided, however, that cooking must be done in a central kitchen and not in individual rooms or suites. These establishments include, but are not limited to, fraternity houses, sorority houses, rooming houses, and similar facilities.

**Boat Sales:** Establishments that offer boats and other marine vessels for sale or long-term lease to the general public.

**Boat Yard:** A land-based operation primarily for the repair and service of boats, including any incidental storage of boats in the process of being repaired. This term does not include boat building.

**Brewpub:** An eating establishment in which beer or malt beverages are manufactured or brewed, subject to the terms and conditions prescribed in O.C.G.A. § 3-5-36.

**Buildable Area:** The portion of a lot which is not located within any minimum required yard, landscape strip/area or buffer; that portion of a lot wherein a building or structure may be located.

**Building Code:** Any state minimum standard code as defined in O.C.G.A. § 8-2-20 and made effective by O.C.G.A. § 8-2-25.

**Building Permit:** A permit, issued by the Planning and Zoning Department, which authorizes actual construction, alteration, placement, or relocation of a physical structure on any property within the unincorporated limits of the county.

**Building, Height of:** The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip, or gambrel roof. Grade is defined as the average elevation of the ground on all sides of a building.

**Building, Principal:** A building in which the principal use of the lot on which it is situated is conducted.

**Building:** Any structure, either permanent or temporary, above or below ground having a roof or other covering, designed, built or used as a shelter or enclosure for persons, animals, or property of any kind.

**Business (or Trade) School:** A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college, or university.

**Campground:** An outdoor venue where mobile or non-permanent lodging is used or provided for recreation, educational, or vacation purposes. This may include permanent toilet and shower facilities for campground users to use. Short-Term Rental Properties and RV Parks are not included in this definition.

**Caretaker Dwelling or Employee Residence:** An accessory single-family dwelling placed on an occupied tract for use by a farm worker or another tract owned by the same owner of the agricultural activity and that is a part of the same farming operation.

**Catering Service:** An establishment that prepares and provides food and related services to off-premises locations.

**Cemetery: A plot of ground, building mausoleum, or other enclosure used for** the burial of the dead and dedicated for cemetery purposes.

**Child Day Care Center:** A building operated by a person, society, agency, corporation, institution, or group that receives for group care fewer than twenty-four (24) hours per day without transfer of legal custody, children under eighteen (18) years of age

**Child Home Day Care:** A private dwelling operated by any person who receives pay for supervision and care, fewer than 24 hours per day, without transfer of legal custody,<sup>3</sup> but not more than 6 children under 18 years of age who are not related to such person and whose parents or guardians are not residents in the same private dwelling.

**Clinic:** An institution or professional office, other than a hospital or nursing home, where people are counseled, examined, and/or treated by one or more people providing any form of healing or medical health service. People providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons.

**Commercial Truck or Equipment Rental or Sales:** Establishments that offer commercial trucks, such as tractor trailers or large utility, delivery, or moving trucks; farm equipment such as tractors; construction equipment; or utility or other trailers for sale, lease, or rental.

**Communication Service:** An establishment primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, but excludes those classified as major utility facilities.

**Communications Tower:** Any structure that is designed and constructed primarily to support one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like. For this ordinance, the term "communications tower" does not include any tower and antenna under seventy (70) feet in total height which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission, and any device designed for over-the-air reception of radio or television broadcast signals.

**Community Center:** A use operated by a public agency or non-profit or charitable organization that provides ongoing activities for the general benefit of people in the community, such as educational enhancement, training or tutorial experiences; arts classes; general health, wellness, and nutrition activities; and recreation or social activities.

**Comprehensive Plan:** The adopted City of Milledgeville / Baldwin County Comprehensive Plan.

**Concept Plan:** A preliminary development plan indicating the boundaries of a tract or tracts, identifying the proposed land use, land use intensity, and thoroughfare alignment.

**Conditional Use:** A use or occupancy of a structure, or a use of land, which is not permitted inherently, but may be permitted within a zoning district subject to the issuance of a conditional use permit and subject to the limitations and conditions specified therein

**Conditional Zoning:** A zoning type that is subject to conditions not applicable to other similarly situated properties. The special conditions imposed by the board of commissioners are not found in the text of this chapter and are considered appropriate to mitigate adverse effects of the proposed use.

**Confined Animal Feeding Operation:** Any animal feeding operation where animals are fed at the place of confinement and crops or forage growth in production is not sustained in the area of confinement, and the number of animals, including chickens and other birds, exceeds 999 at any given time.

**Consumer Goods Rental, General:** An establishment, with 5,000 square feet or less of gross floor area, primarily engaged in the rental or leasing of new or used products such as electronics, appliances, formal wear, costume, recreational good, and the like to the general public, excluding vehicle or watercraft rentals.

**Consumer Goods Rental, Limited:** An establishment, with greater than 5,000 square feet of gross floor area, primarily engaged in the rental or leasing of new or used products to the general public, excluding vehicle or watercraft rentals.

**Contractor Services, General:** An establishment engaged in the provision of construction activities, including, but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, landscaping, and other such activities, including the storage of material and equipment in outdoor storage areas.

**Contractor Services, Limited:** An establishment engaged in the provision of construction activities, including, but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, landscaping, and other such activities, that have an enclosed warehouse but no outdoor storage areas.

**Convalescent Service:** A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical

services. This term excludes facilities providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

**Convenience Store:** An establishment primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages, newspapers, and limited household supplies, to customers who generally purchase only a few items. This may include limited food preparation. Convenience stores shall not include fuel pumps or the selling of fuel for motor vehicles.

**Convention Center:** A formal meeting place where the building or rooms are rented or leased to the members, representatives, or delegates of a particular group. These centers can usually accommodate large groups.

**Covenant:** A private agreement or contract running with and intended to burden and benefit a particular tract of land. Under no circumstances does the county enforce such covenants.

**Crematorium:** An establishment containing a furnace, which is used to reduce corpses to ash by burning.

**Detention Center:** A publicly or privately operated facility housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

**Dock, Community:** Any docking facility that provides access for more than four families (greater than or equal to 5 watercraft slips and less than or equal to 10 watercraft slips) and is not a marina.

**Dock, Private:** A docking facility intended for the use of one family.

**Dwelling Unit:** An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

**Dwelling, Duplex:** Two single family dwelling units contained within a single building, other than a manufactured housing unit.

**Dwelling, Manufactured Home:** A structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and

electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development (HUD) and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. The term "manufactured home" does not include campers, travel trailers, recreational vehicles (RVs), motor homes, modular homes, or tiny homes.

**Dwelling, mobile home:** A factory-built home built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act, effective June 15, 1976. These are prohibited in Baldwin County.

**Dwelling, Modular Home:** A factory fabricated transportable building not designed to be moved once erected, installed or completed consisting of units designed for incorporation into a permanent structure at a building site on a permanent foundation to be used for residential purposes and bearing a seal of compliance with the regulations of the International Code Congress, and the Georgia Industrialized Building Act, as such regulations may be amended from time to time and approved by the Georgia Department of Community Affairs. A modular home is considered a single family detached dwelling.

**Dwelling, Multifamily:** A building containing at least 3 dwelling units designed for residential use by 3 or more families living independently of each other. This includes apartments but not group homes, row houses, condominiums, or single-family attached dwellings (townhouses).

**Dwelling, Single Family Attached:** Dwelling units that are erected in a row as part of a single building, on adjoining lots, each separated from the adjoining unit or units by approved fire-resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line. Each unit shall have its own front door, which opens to the outdoors. There is no access between adjoining units.

**Dwelling, Single Family Detached:** A site-built or modular residential detached structure designed for one dwelling unit. Each dwelling must comply with dimensional requirements specified by the zone in which it the structure is located, must be attached to a permanent foundation, and must be constructed in accordance with the standards established either by the State Minimum Standard Codes or other codes is locally-adopted or the State of Georgia

Industrialized Buildings Act for modular homes. This definition does not include manufactured homes.

**Dwelling, Upper Story Residential:** Residential units above ground-floor commercial uses.

**Emergency Response Facilities:** Facilities for the provision of emergency service response, such as firefighting and mobile medical emergency services, including areas for the storage and maintenance of emergency vehicles, and equipment and facilities for the housing and feeding of emergency personnel while on duty.

**Equine Stable, Commercial:** A lot used for a riding stable which may be private or open to the general public. This use allows the following: (1) boarding of livestock not involved with current breeding or training; (2) training involving large groups of eight or more students; (3) polo fields or arenas used for scheduled, public, or club events; and those uses permitted on a ranch.

**Event Venue:** A structure or space being used as a gathering place for meetings, receptions, events, or similar functions.

**Extractive Industry:** Uses are characterized by businesses that are engaged in the extraction, removal, or basic processing of minerals, liquids, gases, or other natural resources. Such uses also include quarrying, well operation, mining, or other procedures typically done at an extraction site.

**Family:** One or more persons related by blood, marriage or adoption or not more than six unrelated persons living as a single household.

**Farm Winery:** A domestic winery licensed by the State of Georgia that is located on premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery, or domestic winery that makes at least 40 percent of its annual production from locally grown agricultural produce. On-site retail sales and tasting facilities of wine and related promotional items, and winery tours may be permitted as part of the winery operations.

**Farmer's Market:** The seasonal selling or offering for sale at retail of home-grown vegetables or produce, occurring in pre-designated area, where the vendors are generally individuals who have raised the vegetables or produce or have taken the same consignment for retail sale.

**Financial Service:** An establishment primarily engaged in the provision of financial and banking services.

**Fuel Oil/Gas Distributors:** An establishment that distributes fuel oil or bottled gases, such as propane or liquid petroleum, for compensation.

**Funeral Service:** An establishment engaged in undertaking services such as preparing the human dead for burial and arranging and managing funerals.

**Garage (Private):** An accessory structure or space on a lot with a dwelling unit devoted to or designed for the storage of automobiles and small (one-half-ton capacity or less) trucks and not used for business purposes or occupancy. A carport is considered a private garage.

**Golf, Tennis, Swimming, or Country Club:** Land area and buildings containing golf courses, recreational facilities, a clubhouse, and other customary accessory uses, open only to members and their guests.

**Government Operations Center:** A facility operated by the government primarily for the storage, maintenance, and fueling of fleet vehicles; the storage of equipment and supplies in warehouses or outdoor storage yards; and/or the dispatching and training of field employees.

**Heavy Equipment Sales, Rental, Repair, or Storage:** An establishment engaged in the sale, leasing, repair or storage of heavy equipment of 12,000 or more pounds gross vehicular weight.

**Home Occupation:** An occupation customarily carried on by an occupant in a dwelling unit as a secondary use, which is clearly incidental to the residential use of the dwelling unit.

**Hospice Care Facility, General:** This use comprises establishments primarily engaged in providing inpatient nursing and rehabilitative services for more than six terminally ill patients. Care is generally provided for an extended period of time to individuals requiring nursing care. These establishments have a permanent core staff of registered or licensed practical nurses who, along with other staff, provide nursing and continuous personal care services.

**Hospice Care Facility Limited:** This use comprises establishments primarily engaged in providing inpatient nursing and rehabilitative services for up to six terminally ill patients. The care is generally provided for up to six months to individuals requiring nursing care. These



establishments have a permanent core staff of registered or licensed practical nurses who, along with other staff, provide nursing and continuous personal care services.

**Hospital:** A licensed facility primarily providing in-patient medical, surgical, or psychiatric care for a period exceeding 24 hours. Hospital facilities may also include out-patient services and the following types of accessory activities: out-patient diagnostic and treatment centers, rehabilitation facilities, offices, laboratories, teaching facilities, meeting areas, cafeterias, maintenance, and parking facilities.

**Hotel:** A building in which lodging, or board and lodging, are provided for more than 20 persons and offered to the public for compensation, and in which ingress and egress to and from each sleeping room is made through the interior of the building.

**Hunting Preserve:** Areas reserved for public or private hunting of wildlife and accessory structures in support of those activities.

**Indoor/Outdoor Firing Range:** A building or area that is used for the purpose of organized sporting events or practice using rifles, shotguns, and pistols.

**Industrialized Building:** Any structure or component thereof which is designed and constructed in compliance with the state minimum standards codes and is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized Buildings are constructed and regulated in accordance with the "Industrialized Buildings Act", Ga. L. 1982, pp. 1637-1643 (O.C.G.A. §8- 2-1 1 0, et se seq.) and they must bear an insignia of approval issued by the Commissioner of the Georgia Department of Community Affairs.

**Junked Vehicle:** A wrecked, damaged, inoperable, or dismantled or partially dismantled motor vehicle in such a condition that the cost of restoring the vehicle to an operating condition exceeds the market value of the vehicle

**Junkyard:** Any use on public or private property involving the parking, storage or disassembly of junked vehicles, or wrecked or non-operable automobiles, trucks or other automotive devices; storage, bailing or otherwise dealing in bones, animal hides, scrap iron and other metals; used paper, used cloth, used plumbing fixtures, old stoves, old refrigerators

and old household appliances; and used brick, wood or other building materials. These uses shall be considered junkyards whether or not all or part of these operations are conducted inside a building or in conjunction with, in addition to or accessory to other uses of the premises.

**Landscape Buffer:** A landscaped or naturalized area of varying width on a portion of a lot designed exclusively to provide screening between adjoining properties, rights-of-way, parking lots and structures.

**Laundry and Dry-Cleaning Plants:** A facility used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in water or volatile solvents.

**Library:** A building in which literary, musical, artistic, or reference materials (such as books, manuscripts, recordings, or films) are kept for public use.

**Liquor Store:** A retail outlet for the purpose of the sale of alcoholic beverages to include beer, wine and spirits.

**Lot Coverage:** The percentage of a given lot that may be occupied by all principal and accessory buildings and structures on said lot, measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings and structures on the lot.

**Lot of Record:** A lot which is part of a subdivision, a plat of which has been recorded in the records of the Clerk of Superior Court of Baldwin County; or a parcel of land, the deed of which has been recorded in the same office as of the effective date of this Ordinance.

**Lot Width:** The distance between side lot lines measured at the front building line and at the right-of-way of any street.

**Lot, Corner:** A lot abutting upon two or more streets at their intersection.

**Lot, Double Frontage:** A lot having a frontage on two streets, that do not intersect at a point abutting the property.

**Lot, Frontage:** The shortest property line of a lot parallel with a right-of-way line.

**Lot, Interior:** A lot other than a corner lot

**Lot, Lease Access:** The land that Georgia Power owns from the lake or navigable stream to the 350-foot contour line.

**Lot, On-Lake:** Any lot that is directly adjacent to a lake or navigable stream or lease access lot.

**Lot:** A tract of land in single ownership, which is legally transferable as a single unit of land. The term "lot" is not synonymous with the term "parcel." A lot must meet the requirements of the zoning district in which it is located and must front on a public street or on an approved private street.

**Manufactured Home Lot:** A lot of land in a manufactured home park for the placement of a single manufactured home and for the exclusive use of its occupants.

**Manufactured Home Park:** A parcel of land under single ownership on which three or more manufactured homes are located for the purpose of residential use.

**Manufacturing, General:** The mechanical transformation of predominantly prepared materials into new products, including assembly of component parts and the creation of products. Such uses are wholly confined within an enclosed building, do not include processing of hazardous gases and chemicals, and do not emit noxious noise, smoke, vapors, fumes, dust, glare, odor, or vibration that are discernible off the business site.

**Manufacturing, Heavy:** The manufacture or compounding process of raw or partially processed materials. These activities may involve noise, odor, dust, or vibration that is noticeable off the business site and may involve outdoor operations as part of the manufacturing process.

**Manufacturing, Limited:** The processing, fabrication, assembly, and packaging of products predominantly from previously manufactured parts and materials; to be considered limited manufacturing, the use must be small-scale (generally less than 10,000 square feet and with conventional business hours of operation) and low-impact (meaning no noise, odor, vibration, or other discernable impacts external to the building).

**Marina:** A facility for storing, servicing, fueling, berthing, and securing and launching private pleasure craft that may include the sale of fuel and incidental supplies for the boat owners, crews, and guests.

**Microbrewery:** A small-scale manufacturer of craft-style malted beverages as defined by O.C.G.A. § 3-5-1(2) and as further defined by O.C.G.A. § 3-5-24.1, which is a brewery producing no more than 3,000 barrels of malt beverages per year.

**Mixed-Use Structure:** A structure containing both residential (condo/apartment) and nonresidential (retail/office) uses.

**Motel:** A building in which lodging or board and lodging are provided for transient guests and offered to the motoring public for compensation, in which ingress and egress to and from all rooms is made primarily from an exterior walkway rather than from an interior lobby.

**Museum:** An organization displaying, preserving, and/or exhibiting objects of community and cultural interest related to historical, aesthetic, or educational significance. No commercial activities outside of admission fees and minimal related retail shall occur.

**Natural Vegetation:** A generally undisturbed, maintenance-free, self-perpetuating stand of vegetation comprised of indigenous shrubs, flowers, wild grasses, and trees.

**Non-Conforming Building or Structure:** Any lawfully existing building or structure which does not conform to this ordinance governing the type, bulk, location, height or size of buildings or structures permitted in the district prior to the adoption of or any amendments to this ordinance but which is in full compliance with all applicable federal, state and local laws, rules and ordinances, and for which all required federal, state and local permits have been issued.

**Non-Conforming Lot:** A lot which does not conform to the lot requirements of the land use intensity district in which the lot is located as established by this Ordinance, but which was a lot of record prior to the effective date of this ordinance or its amendment.

**Non-Conforming Use:** Any building or use of land lawfully existing on or before the effective date of this Ordinance or as a result of subsequent amendments to this ordinance, which does not conform with the use provisions of the use district in which it is located and would not otherwise be permissible under this ordinance or its amendment.

**Nurseries:** See Agriculture, Horticultural Production

**Office:** A use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers, and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious

organizations, stockbrokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the building, nor any use that would create any loud noise or noxious odors.

**Open Space:** Land that is designed, developed, or reserved for recreation, gardens, resource protection, amenity, or buffers providing limited human interaction, which may include playgrounds, walking trails, picnic areas, parks, or similar uses.

**Parking Space:** The storage space for one (1) motor vehicle.

**Permitted Use:** Any use by right that is specifically authorized in a particular zoning district.

**Person:** An individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

**Personal Care Home:** A building or group of buildings, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for 2 or more adults who are not related by blood or marriage to the owner or administrator of the home. The facility must comply with all regulations and requirements of the State of Georgia Department of Human Resources and of the Federal Government. Personal services include, but are not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

This term does not include buildings that are devoted to independent living units that include kitchen facilities where residents have the option of preparing and serving some or all of their own meals, or boarding facilities that do not provide personal care. Personal Care Homes are categorized as follows:

**Personal Care Home, Congregate:** A home for adults offering care to 16 or more persons.

**Personal Care Home, Family:** A home for adults in a family-type residence, non-institutional in character, which offers care to 2 through 6 persons.

**Personal Care Home, Group:** A home for adults in a residence or other type of building(s), non-institutional in character, which offers care to 7 through 15 persons.

**Personal Instruction:** An establishment primarily engaged in information or instruction related to a hobby such as art studios and classes, do-it-yourself project studios, and non-medical group therapy.

**Personal Service:** A facility engaged in the provision of services to persons and their apparel, including, but not limited to barber and beauty shops, coin-operated and full-service laundries and dry cleaners, photographic studios, shoe repair and shoeshine shops, dance studios, schools and halls, and travel agencies.

**Plat:** A map, plan or layout of a county, city, town, section or subdivision indicating the surveyed location and boundaries of properties and meeting all requirements to be recorded in the plat records of the Baldwin County Superior Court Clerk's Office.

**Pre-School:** A school, with an accredited training program and staffed with certified teachers, for children who are not old enough to attend kindergarten.

**Principal Use:** The primary purpose for which land, a structure, or a building is used.

**Printing and Publishing:** An establishment primarily engaged in the production of books, magazines, newspapers, and other printed matter, as well as engraving and photoengraving, but excluding photocopying, small-scale offset printing, and blueprinting services offered to retail and small business customers.

**Produce Stand:** A small enclosed or open-air structure for the retail sale of indigenous produce grown or produced on the property where the Roadside Stand is located. Space for parking must be available for customers' vehicles off the public right-of-way. This definition does not include Farmers Markets.

**Public Utility:** Entities engaged in regularly supplying the public with some commodity or service which is of public consequence or need, regulated and controlled by a state or federal regulatory commission and which many have the power of eminent domain, including, but not limited to: electrical power suppliers, natural gas suppliers, "hard-wired" telephone service providers, cable television providers, and water and sewer service providers. Privately owned landfills are not "public utilities" as defined in this Ordinance, and nothing contained herein is intended to convey "public utility" status upon any business simply because it sells a commodity or service and is subject to state and federal regulations.

**Recreation, Community:** A recreational facility that is the principal use of a parcel of land and that is for use by residents and guests of the following: a particular Residential Development, Planned Development, church, private primary or secondary educational facility, community affiliated non-profit organization. Community Recreation can include both indoor and outdoor facilities.

**Recreation, Indoor:** An indoor (entirely within an enclosed structure) use providing for sports and recreational activities. Examples may include gymnasiums; fitness centers; dance/gymnastics/yoga/ martial arts' studios; swimming pools; skating rinks; bowling alleys; "bounce houses"; climbing centers; trampoline centers; and billiards' halls.

**Recreation, Indoor (General):** Indoor recreation in a building that is greater than 3,000 square feet.

**Recreation, Indoor (Limited):** Indoor recreation in a building that is 3,000 square feet or less.

**Recreation, Outdoor:** An outdoor, or combination indoor/outdoor use, providing for sports and recreational activities. Examples may include neighborhood parks; arboretums and botanical gardens; stadiums, amphitheaters, and arenas; golf driving ranges; swimming pools; ball fields and courts; outdoor archery ranges; canoe, kayak, and water tube launches; and trail complexes.

**Recreational Vehicle Park:** Any parcel where 2 or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles or tents, as temporary living quarters for a period of less than 30 days per calendar year by the general public for recreation or vacation purposes.

**Recreational Vehicle Rental and Sales:** Establishments that offer recreational vehicles (RVs), travel trailers, and other similar products for sale, lease, or rental.

**Recreational Vehicle:** A vehicular type of unit primarily designed for recreation, camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are travel trailer, folding camping trailer, park trailer, truck camper, motor home and custom van conversions. It shall not be construed to be a dwelling unit.

**Rehabilitation Facility** A facility operated for the primary purpose of assisting in the rehabilitation of disabled individuals through an integrated program of medical,

psychological, social, or vocational evaluation and services under competent professional supervision.

**Religious Assembly** A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services. Associated accessory uses include, but are not limited to: schools, meeting halls, indoor and outdoor recreational facilities, day care, counseling, homeless shelters, and kitchens.

**Rental, Long Term:** The renting or leasing of a detached, attached or semi-detached single family dwelling unit, not including a boarding house, for long term occupancy, where the term of occupancy, possession, or tenancy is more than thirty (30) consecutive calendar days. Renting or leasing, as used herein, means the payment of compensation, money, rent, or other, bargained for consideration in exchange for occupancy, possession or use of the property.

**Rental, Short Term:** The renting or leasing of a detached, attached or semi-detached single-family dwelling unit, not including a boarding house, where the term of occupancy, possession, or tenancy is less than thirty (30) consecutive calendar days. Renting or leasing, as used herein, means the payment of compensation, money, rent, or other, bargained for consideration in exchange for occupancy, possession or use of the property.

**Research Laboratory:** A facility for scientific laboratory research in technology-intensive fields, including, but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities, computer software, information systems, communication systems, transportation, geographic information systems, and multi-media and video technology. Also included in this definition are facilities devoted to the analysis of natural resources, medical resources, and manufactured materials including: environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products; and, forensic laboratories for analysis of evidence in support of law enforcement agencies.

**Restaurant, Drive-In:** An eating and/or drinking establishment which caters to motor-driven vehicle business where the patron is served and consumes his food and/or drink while sitting in a motor-driven vehicle in a parking space on the property provided specifically for such service and consumption.



**Restaurant, Full Service:** An establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas, as contrasted to a limited-service restaurant.

**Restaurant, Limited-Service:** Any establishment, building or structure where food or drink are served for consumption, either on or off the premises, by order from or service to persons either over an interior counter, outside the structure or from an outdoor service window or automobile service window, or by delivery. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in established outdoor dining areas or where drive-through or take-out service is provided incidental to a Full-Service Restaurant.

**Retail Sales or Services, Indoor:** An establishment that provides goods and/or services directly to the consumer from an enclosed building. Some examples include grocery stores; book stores; gift shops; home improvement stores; furniture stores; pharmacies; jewelry stores; pet stores that sell only products, or only products and small animals that do not make noise or have odors that would be noticeable outside the walls of the building or tenant space (with examples of such animals including birds 12 inches and smaller, fish, amphibians, reptiles, small mammals such as hamsters or gerbils); small consumer repair shops such as but not limited to small appliance and equipment repair, locksmiths, and upholsters; and business services such as photocopying and mailing.

**Retail Sales or Services, Outdoor:** An establishment that provides goods and/or services directly to the consumer outside of an enclosed building. Examples include the sale of storage buildings, gazebos, bulk landscape materials, and retail plant stores. Also, keeping, in an unroofed area, of any material, merchandise, or vehicles in the same place for more than 24 hours. This facility may contain some indoor sales, but the principal use is outdoor storage.

**Retirement Community:** A building or buildings designed for occupancy primarily for elderly persons, which may contain, for the convenience of its residents, common eating areas, personal/infirmar care, common recreational areas and accessory retail uses.

**Right-of-Way:** A portion of land over which a local, state or federal government has designated a right of use.

**Sawmill, Portable/Temporary:** A sawmill moved onto one tract of land for purposes of clearing prior to actual permitted development.

**Pre-K-12 School:** A public or private facility that provides a curriculum of elementary and secondary academic instruction including kindergartens and pre-kindergartens.

**Scrap and Salvage Service:** A lot, land, or building, or part thereof primarily engaged in the storage, retail or wholesale sale, assembling, dismantling, sorting, distributing, or other processing of scrap, used equipment, mechanical components, or waste materials. This term excludes impound yards and towing facilities.

**Self-Service Storage (or Mini Warehousing):** Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding use as workshops, hobby shops, manufacturing, or commercial activity.

**Setback:** The minimum horizontal distance between the lot or property right-of-way and the nearest front, side or rear line of the building, including terraces, porches, decks, or any projections but excluding steps.

**Sign:** Any fixture, placard, structure, or device illuminated or nonilluminated that uses any color, form, graphic, symbol, or writing which is visible to the general public, announcing a product, service, place, activity, person, institution, business, solicitation, or to convey information of any kind.

**Site Built:** A building constructed on-site with approved building materials, inspected periodically during construction, and constructed according to locally adopted building codes.

**Site Plan:** A detailed scaled and dimensioned drawing based on a certified boundary survey, showing but not limited to the specific locations of all buildings, building elevations, structures, drainageways, roads, internal roadway circulation, means of ingress and egress, recreation areas, parking areas, landscape strips and buffers, public roads and facilities adjacent to the property for which the site plan has been drawn.

**Sketch/Concept Plan:** A drawing to scale, based on a certified boundary survey, reflecting the requirements of a rezoning or subdivision or development request.

**Slaughterhouse:** A facility for the killing and butchering of animals for their meat and by-products.

**Solar Energy System:** An energy conservation system, including appurtenances, which converts solar energy to a usable form of energy to be used on-site or to transfer to the public electric grid in order to sell electricity to a public utility entity.

**Street or Road, Arterial:** means a high-capacity road with the primary function of delivering traffic from collector roads to freeways, and between urban centers at the highest level of service.

**Street or Road, Collector:** A low to moderate-capacity road which serves to move traffic from local streets to arterial roads; also designed to provide access to residential properties.

**Street or Road, County Arterial:** A road that links places of importance such as schools, subdivisions, communities, etc. to towns, cities or other places of importance including arterial roads or other higher classified roads on the state system and serve as important intra-county travel corridors. An arterial road on the county roadway network, whose average daily traffic (ADT) count is 2,000 or over shall be considered an arterial road. A list of county arterials is maintained by Baldwin County Planning and Development.

**Street or Road, County Collector:** Streets, which carry traffic from local streets to the major system of arterials or to activity centers. It carries a relatively high traffic volume.

**Street or Road, Freeway:** Streets used primarily for fast or heavy through traffic and which are divided with full control of access and no crossing at grade. The required future right-of-way for freeways will be based upon design criteria established by the Georgia Department of Transportation.

**Street or Road, Local Street:** A road that provides the principal means of vehicular access to abutting property and connects to streets of higher classification such as the state and county systems.

**Structure:** Anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on the ground. Structures include but are not limited to the following: site-built buildings, manufactured, mobile and modular homes, swimming pools, and signs.

**Subdivision:** The division of land into two or more parcels. A "major" subdivision is the creation of five or more parcels.

**Temporary Building:** A building used temporarily for the storage of construction materials and equipment incidental and necessary for on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction. A temporary building is not allowed to serve as a residence at any time without prior approval from the Director of Planning & Development.

**Timber:** The growing of trees for the production of timber.

**Towing Facility** This use comprises establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as storage and emergency road repair services. Any vehicle storage shall be fenced and screened.

**Traffic Impact Analysis or Study:** An evaluation performed and submitted by the developer to the Baldwin County Director of Planning and Development in accordance with this Ordinance to assess the impact on the existing street system of traffic generated by the proposed development.

**Truck or Freight Terminal:** A building or area in which freight brought by truck, air, or ship is assembled and/or stored for routing or reshipment. This facility does not include permanent or long-term accessory storage of goods but may include storage areas for trucks and repair of trucks associated with the facility. This definition includes truck terminals and packing and crating facilities.

**Truck Stop:** This use comprises establishments engaged in retailing automotive fuels (e.g., diesel fuel and gasoline) in combination with convenience store or food mart items. These establishments can either be in a convenience store (e.g., a food mart) setting or a gasoline station setting. These establishments may also include overnight parking and provide automotive repair services. Any overnight accommodation and restaurant facilities primarily for the use of truck crews shall be considered a separate use and shall follow the use requirements for that particular use as provided for in this Ordinance.

**Variance:** A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading ordinances as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, not due to the fault of the owner of said property,

compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

**Vehicle Repair:** An establishment that primarily provides services to automobiles, light and medium trucks, motorcycles, or recreational vehicles. These services include the maintenance, repair, or refinishing of motor vehicles, including both minor and major mechanical overhauling, paint and body work. Generally, the customer does not wait at the site while the service or repair is being performed. This term excludes any dismantling or scrap and salvage service.

**Vehicle Retail:** An establishment that primarily sells auto parts, supplies, and accessories for automobiles, light and medium trucks, motorcycles, recreational vehicles, and related equipment. A vehicle retail shop may provide minor services such as diagnostic checks and battery installation.

**Vehicle Service:** An establishment that provides direct services to motor vehicles where the driver or passengers generally wait in the vehicle or nearby while the service is performed.

**Vehicle and Other Storage:** An establishment offering long- or short-term storage of operating vehicles/equipment or vehicles/equipment contracted for repair. This term excludes impound yards, towing facilities, and any dismantling, scrap and salvage service, or junked vehicle yards.

**Wholesale and Warehousing, General:** Firms involved in storage, or the sale and distribution of goods to other locations for ultimate use or sale, as well as similar uses involving high turnover or large-scale storage of goods and equipment. This may also include a cold storage plant, which is a use involved with the freezing or storing of frozen food products. Businesses may or may not be open to the general public. While retail sales are a permitted accessory use, sales are predominantly to businesses, contractors, and other wholesale customers. Products are generally delivered to the customer with limited will-call pick-up on site.

**Wholesale and Warehousing, Limited:** Firms involved in smaller-scale storage or the sale and distribution of goods to other locations for ultimate use or sale. Limited wholesale and warehouse uses are generally less than 50,000 square feet in area and generally operate less than 16 hours a day. Such uses may include distributor showrooms designed to display products for selection by customers. While retail sales are a permitted accessory use, sales

are predominantly to businesses, contractors, and other wholesale customers. Products are generally delivered to the customer, although there may be provisions for customer pick-up.

**Workshop, Commercial:** An establishment, with 5,000 square feet or less of gross floor area, primarily engaged in light industrial tasks such as welding, woodworking, carpentry, or other similar trades.

**Yard:** The area of a lot between the principal building and adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward. A yard shall not be confused with a setback.

## **Article II - Districts and Maps**

### **Section XX-21 Establishment of Zoning Districts**

The zoning districts, as shown in the following table as "Zoning Districts" are hereby established.

<b>Zoning Districts</b>
AG (Agriculture District)
R-1 (Low-Density Single-Family Residential District)
R-1R (Low-Density Single-Family Residential Restricted District)
R1-AG (Low-Density Single-Family Agricultural Residential District)
R2-AG (Unrestricted Agricultural Residential District)
R-2 (Single-Family Residential District)
RM (Multi-Family Residential District)
MHP (Manufactured Home Park District)
C-1 (Neighborhood Commercial District)
C-2 (General Commercial District)
I-M (Industrial and Manufacturing District)
PUD (Planned Unit Development)
CPUD (Commercial Planned Unit Development)

### **Sec. XX-22 Zoning Districts**

#### **a. Agriculture District (AG)**

This district is comprised primarily of open farmland, forested lands, and land used in agricultural production. This district intends to encourage the maintenance of the general rural character and promote dairying and other forms of agriculture in Baldwin County.

Residential subdivisions in this district should have large lots and be designed in a way that is compatible with the rural, agrarian nature of this district.

The Agriculture District will support agriculture by restricting the division of farmland so that it does not become broken up into small parcels. This restriction will reduce the likelihood that land will be converted to residential or commercial uses.

b. ***Low-Density Single-Family Residential District Restricted (R-1R)***

The purpose of this district is to provide areas for the development of low-density, traditional, single family residential neighborhoods and uses that complement traditional residential developments. This district is intended to encourage the development of subdivisions with larger homes with large floor areas.

c. ***Low-Density Single-Family Residential District (R-1)***

The purpose of this district is to provide areas for development of traditional, single family residential neighborhoods and uses that complement traditional residential developments. This district is intended to encourage the development of subdivisions with a greater variety of uses and residential structure types permitted.

d. ***Low-Density Single-Family Residential District (R-2)***

The purpose of this district is to provide areas for development of single-family residential neighborhoods and uses that complement traditional residential developments. This district is intended to encourage the development of residential subdivisions with smaller floor areas than other single-family residential districts, helping to foster the development of starter homes.

e. ***Low-Density Single-Family Agricultural Residential District (R1-AG)***

The purpose of this district is to provide areas for the development of low-density, single-family housing. This district is intended to encourage the development of all site-built types of single-family housing that can exist in more agricultural areas.

f. ***Unrestricted Agricultural Residential District (R2-AG)***

The purpose of this district is to provide areas for a wide variety of residential types. This district is intended to encourage the development of every type of residential use found in the other Residential districts.



g. ***Multifamily Residential (R-M)***

The purpose of this district is to provide areas for multifamily development. This district may be used as a transition area between single-family residential districts and non-residential districts.

h. ***Manufactured Home Park District (MHP)***

The purpose of this district is to provide areas with space, improvements, and utilities for the long-term parking of multiple manufactured homes. This district may include services and facilities for residents such as laundry facilities or recreation areas.

i. ***Neighborhood Commercial District (C-1)***

This is the district where typical commercial uses are to be found. These uses satisfy the local consumer's daily needs for retail and professional goods and services as well as the needs of transient consumers. Residential uses are limited in this district.

j. ***General Commercial District (G-2)***

This district consists of commercial uses serving a large consumer area. This district typically contains commercial uses with large floor areas like big-box retailers, multiplex theaters, or large hardware and home repair stores. These large floor area stores often exist as anchors in a mall or can be on a single-use site.

k. ***Industrial-Manufacturing District (I-M)***

This district's purpose is to protect and promote a suitable environment for industrial purposes, including accessibility to major transportation facilities, and availability of adequate utilities and other public services. This district is intended to provide areas for industries that manufacture, fabricate, change, or alter materials to form a product or subassemblies. Uses in this district may have outdoor storage of materials, vehicles, and equipment. Uses in this district typically require isolation from conflicting land uses such as those found in residential districts.

l. ***Commercial Planned Unit Development (CPUD)***

The purpose of the PUD is to encourage flexibility in the design and development of land while providing consistency between the various uses in that district. A PUD may contain a variety

of commercial, office/institutional, and residential uses that are designed to function together, not as independent building sites. A PUD will provide flexibility on street and utility provision, open space requirements, and the appropriate mix of uses. This designation does not allow for bypassing good planning practices and general development regulations and standards.

m. ***Planned Unit Development (PUD)***

The PUD district allows for innovative concepts in large-scale residential development, enabling efficient site design, the preservation of amenities such as open space, lower costs for infrastructure construction, and utility extension. The PUD process will provide planning flexibility while also supporting the development of a unified design between the various elements of the development. This flexibility, however, does not allow for bypassing good planning practices and general development regulations and standards.

Sec. **XX-23**      Designation on Official Zoning Map

The boundaries of the various zoning districts are shown upon the official zoning maps of Baldwin County, as they may be amended from time to time and which are hereby made a part of this chapter and which shall be maintained in the office of the clerk to the board of commissioners as a public document available for public inspection and examination. The official zoning maps shall be those tax parcel maps entitled, "The Official Zoning Maps of Baldwin County, Georgia, July 17, 2007," signed by the chairman of the board of commissioners, which contain land lot, district, parcel and street boundaries located in the county; and the "Aerial Photo-Sheet Index" map. All such official zoning maps and all notations, references and information shown thereon shall be as much a part of this chapter as if all the matter and information set forth by the maps were fully described in this section.

Sec. **XX2-4**      Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of any district shown on the Official Zoning Maps, the following rules shall apply:

- a. Unless otherwise indicated, the district boundaries are indicated as approximately following property lines, land lot lines, center lines of streets, highways, alleys or railroads, center lines

of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.

- b. On unsubdivided property or tracts, where a district boundary divides a lot, the location of these boundaries, unless they are indicated by dimensions, shall be determined by use of the scale appearing on these maps.
- c. Where district boundaries are approximately parallel to or extend to the center lines of streets, highways, railroads, including their rights-of-way, or the center lines of streams, reservoirs, or other bodies of water, district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, dimensions shall be determined by the scale shown on the Official Zoning Map.
- d. In case any further uncertainty exists, the Board of Commissioners shall determine the location of boundaries as a request for interpretation and only after public hearing as per the policies and procedures set forth in Division 2 of Article IV of this Chapter.
- e. No single lot or parcel shall be located in more than one zoning district, nor shall only a portion of a lot or parcel be rezoned. In the event an owner desires to rezone a portion of a tract, the land must be separated into a lawful lot, and the remainder must also be a lawful lot, which requires a re-survey and a recorded plat. In the event a lot appears to have been placed in two separate zoning districts, the interpretive rules above shall apply, and the entire lot shall be designated as located in the district that covers the greatest area of the lot. The sole exception shall be parcels split by a municipal boundary, since the County's zoning powers do not extend into a municipality.
- f. Where a district boundary line divides a lot that is under single ownership at the time of enactment of this Ordinance, the use classification of a larger portion may be extended by the Board of Commissioner to the remainder without recourse to the amendment procedure.

#### Sec. XX-25 Permitted and Conditional Uses

Permitted and Conditional Uses shall be as provided in Table XX-1 "Permitted and Conditional Uses by Zoning District."

Permitted use is any use by right that is specifically authorized in a particular zoning district.

Conditional use is the use of a structure or land which is not permitted inherently, but may be permitted within a zoning district, subject to the issuance of a conditional use permit and subject to the limitations and conditions specified therein.

Table XX-25.1	Residential Permitted and Conditional Uses
Table XX-25.2	Commercial Permitted and Conditional Uses
Table XX-25.3	Accessory Uses to Commercial Permitted and Conditional Uses
Table XX-25.4	Agriculture Permitted and Conditional Uses
Table XX-25.5	Public and Commercial Permitted and Conditional Uses
Table XX-25.6	Industrial Permitted and Conditional Uses
Table XX-25.7	Temporary Uses and Structures Permitted and Conditional Uses

Table XX-25.1 Residential Permitted and Conditional Uses

Use	AG	R-1R	R-1	R-2	R1-AG	R2-AG	RM	MHP	C-1	C-2	I-M	Use-Specific Standards
<b>RESIDENTIAL</b>												
<b>HOUSEHOLD LIVING</b>												
Duplexes	-	-	-	-	-	P	P	-	-	-	-	
Manufactured Home	P	-	C	C	-	P	P	-	-	-	-	
Manufactured Home Park	-	-	-	-	-	P	-	C	-	-	-	
Multi-family Dwelling	-	-	-	-	-	P	P		-	-	-	
Single-Family Attached Dwelling	-	-	-	-	P	P	P	P	-	-	-	
Single-Family Detached Dwelling	P	P	P	P	P	P	P	P	-	-	-	
Upper Story Residential	-	-	-	-	P	P	-	-	P	P	-	
<b>GROUP LIVING</b>												
Personal Care Home, Congregate	C	-	-	-	-	P	C	-	P	P	-	
Personal Care Home, Family	C	-	-	-	-	P	C	-	-	-	-	
Personal Care Home, Group	C	-	-	-	-	P	C	-	P	P	-	
<b>ELDER CARE</b>												
Assisted Living Facility	-	-	-	-	-	P	P	-	P	P	-	
Retirement Community	-	-	-	-	-	P	P	-	P	P	-	
<b>ACCESSORY USES TO RESIDENTIAL USES</b>												
Accessory Dwelling Unit	P	P	P	P	P	P	-	-	-	-	-	
Animal Shelter and Pens, Domestic	P	P	P	P	P	P	-	-	-	-	-	
Carport	P	-	P	P	P	P	P	P	-	-	-	
Community Recreation	C	C	C	C	C	P	C	C	-	-	-	
Coin Operated Laundry	-	-	-	-	-	P	P	P	P	P	-	
Dock, Private	P	P	P	P	P	P	-		-	-	-	

Dock, Community	-	P	P	P	P	P	P	P	-	-	-	
Child Day Care Home	P	-	P	P	P	P	P	-	-	-	-	
Fences and Wall	P	P	P	P	P	P	P	P				
Greenhouse, Non-Commercial	P	P	P	P	P	P	-	-	-	-	-	
Home Occupation	P	P	P	P	P	P	P	P	-	-	-	
Hospice Care Facility, Limited	-	-	-	-	-	P		-	-	-	-	
Office in Manufactured Home or Multifamily Development	-	-	-	-	-	P	P	P	-	-	-	
Personal Care Home, Family	-	-	-	-	-	P		-	-	-	-	
Private Garage	P	P	P	P	P	P	P	P	-	-	-	
Stable, Private	P	-	-	-	P	P	-	-	-	-	-	
Storage Building, Auxiliary Shed, Workshop	P	P	P	P	P	P	C	P	-	-	-	
Swimming Pool	P	P	P	P	P	P	P	P	-	-	-	
Tennis Courts	P	P	P	P	P	P	P	P	-	-	-	

Table XX-25.2

## Commercial Permitted and Conditional Uses

Use	AG	R-1R	R-1	R-2	R1-AG	R2-AG	RM	MHP	C-1	C-2	I-M	Use-Specific Standards
<b>COMMERCIAL</b>												
<b>ACCOMODATIONS</b>												
Bed and Breakfast/Inn	C	-	C	C	C	P	C	-	-	-	-	
Boardinghouse	-	-	C	C	C	P	P	-	-	-	-	
Campground	P	-	-	-	-	-	-	-	-	-	-	
Hotel/Motel	-	-	-	-	-	-	-	-	P	P	-	
Recreational Vehicle Park	-	-	-	-	-	-	-	-	C	C	-	
<b>ANIMAL SERVICES</b>												
Animal Care, Limited	C	-	-	-	-	P	-	-	C	C	-	
Animal Care, General	C	-	-	-	-	P	-	-	C	C	-	
Equine Stable, Commercial	C	-	-	-	-	-	-	-	-	-	-	
<b>COMMUNICATIONS</b>												
Communication Service	-	-	-	-	-	-	-	-	P	P	P	
Communication Tower	C	-	-	-	-	-	-	C	C	C	C	
<b>EVENTS AND ENTERTAINMENT</b>												
Adult-Oriented Business	-	-	-	-	-	-	-	-	-	-	C	
Bar/Tavern/Pub/Lounge	-	-	-	-	-	-	-	-	P	P	P	
Convention Center	-	-	-	-	-	-	-	-	-	P	-	
Event Venue	C	-	-	-	-	-	-	-	C	C	C	
Microbrewery	-	-	-	-	-	-	-	-	C	C	C	
<b>FOOD SERVICES</b>												
Brewpub	-	-	-	-	-	-	-	-	C	C	-	
Catering Service	-	-	-	-	-	-	-	-	P	P	-	

Restaurant, Drive-In	-	-	-	-	-	-	-	-	P	P	P	
Restaurant, Full-Service	-	-	-	-	-	-	-	-	P	P	P	
Restaurant, Limited Service	-	-	-	-	-	-	-	-	P	P	P	
<b>OFFICES</b>												
Administrative and Support Services	-	-	-	-	-	-	-	-	P	P	P	
Alternative Financial Services	-	-	-	-	-	-	-	-	-	P	P	
Contractor Services, General	-	-	-	-	-	-	-	-	-	-	P	
Contractor Services, Limited	-	-	-	-	-	-	-	-	P	P	P	
Financial Services	-	-	-	-	-	-	-	-	P	P	P	
Professional Services	-	-	-	-	-	-	-	-	P	P	P	
<b>COMMERCIAL</b>												
<b>RETAIL AND SERVICES</b>												
Consumer Goods Rental, Limited	-	-	-	-	-	-	-	-	P	P		
Consumer Goods Rental, General	-	-	-	-	-	-	-	-		P		
Convenience Store	-	-	-	-	-	-	-	-	P	P	P	
Liquor Store	-	-	-	-	-	-	-	-	P	P	-	
Retail Sales or Service (Indoor)	-	-	-	-	-	-	-	-	P	P		
Retail Sales or Service (Outdoor)	C	-	-	-	-	-	-	-	-	P	P	
Personal Service	-	-	-	-	-	-	-	-	P	P	-	
Personal Instruction	-	-	-	-	-	-	-	-	P	P	-	
<b>STORAGE</b>												
Self-Service Storage or Mini Warehousing		-	-	-	-	-	-	-	P	P	P	
Vehicle and Other Storage	C	-	-	-	-	-	-	-	-	-	P	
<b>VEHICLE SALES AND RENTAL</b>												
Automobile Rentals	-	-	-	-	-	-	-	-	P	P	P	



Automobile Sales	-	-	-	-	-	-	-	-	-	P	P	
Boat Sales	-	-	-	-	-	-	-	-	-	P	P	
Commercial Truck or Equipment Rental or Sales		-	-	-	-	-	-	-	-	P	P	
Recreation Vehicle Rental or Sales	-	-	-	-	-	-	-	-	-	P	P	
<b>VEHICLE SERVICES</b>												
Automobile Service Station	P	-	-	-	-	-	-	-	P	P	P	
Boat Yard	-	-	-	-	-	-	-	-	-	-	P	
Marina	-	-	-	-	-	-	-	-	P	P	-	
Towing Facility	-	-	-	-	-	-	-	-	-	P	P	
Truck Stop	-	-	-	-	-	-	-	-	-	C	C	
Vehicle Repair	-	-	-	-	-	-	-	-	-	P	P	
Vehicle Retail	-	-	-	-	-	-	-	-	P	P	P	
Vehicle Service	P	-	-	-	-	-	-	-	P	P	P	

Table XX-25.3 Accessory Uses to Commercial Permitted and Conditional Uses

<b>ACCESSORY USES TO COMMERCIAL USES</b>												
Automobile Sales and Rentals	P	-	-	-	-	-	-	-	P	P	P	
Commercial Truck or Equipment Rental or Sales	P	-	-	-	-	-	-	-	P	P	P	

Table XX-25.4 Agriculture Permitted and Conditional Uses

Use	AG	R-1R	R-1	R-2	R1-AG	R2-AG	RM	MHP	C-1	C-2	I-M	Use-Specific Standards
<b>AGRICULTURE</b>												
Agricultural Processing	P	-	-	-	C	P	-	-	-	-	P	
Animal Production	P	-	-	-	-	P	-	-	-	-	-	
Animal Shelter and Pens, Exotic	C	-	-	-	-	P	-	-	-	-	-	
Aquaculture	P	-	-	-	-	P	-	-	-	-	-	
Confined Animal Feeding Operation	C	-	-	-	-	P	-	-	-	-	-	
Crop Production	P	-	-	-	C	P	-	-	-	-	-	
Greenhouse Production	P	-	-	-	C	P	-	-	-	-	-	
Horticultural Production	P	-	-	-	C	P	-	-	-	P	-	
Sawmill, Temporary or Permanent	C	-	-	-	-	P	-	-	-	-	C	
Slaughterhouse	C	-	-	-	-	P	-	-	-	-	-	
<b>ACCESSORY USES TO AGRICULTURE</b>												
Farm Winery	C	-	-	-	C	P	-	-	-	-	-	
Produce Stand	P	-	-	-	P	P	-	-	-	-	-	
Barbershop or Beauty Salon	P	-	-	-	-	P	-	-	-	-	-	
Animal Care, General	P	-	-	-	C	P	-	-	-	-	-	
Workshop, Commercial	P	-	-	-	-	P	-	-	-	-	-	
Vehicle Repair	P	-	-	-	-	P	-	-	-	-	-	
Caretaker Dwelling or Employee Residence	P	-	-	-	P	P	-	-	-	-	-	

Table XX-25.5 Public and Commercial Permitted and Conditional Uses

PUBLIC AND COMMUNITY												
COMMUNITY SERVICES												
Community Center, Youth Center, Senior Center	-	-	-	-	-	-	-	-	P	P	-	
Homeless/Rehabilitation Center	-	-	-	-	-	-	-	-	C	C	-	
Library	-	-	-	-	-	-	-	-	P	P	-	
Museum or Cultural Facility	-	-	-	-	-	-	-	-	P	P	-	
DEATH CARE SERVICES												
Cemetery	P	-	-	-	-	-	-	-	P	P	-	
Crematorium	-	-	-	-	-	-	-	-	-	P	P	
Funeral Service	-	-	-	-	-	-	-	-	P	P	-	
DAY CARE												
Adult Day Care Center		-	-	-	-	-	-	-	P	P	-	
Child Day Care Center	P	-	-	-	-	-	-	-	P	P	-	
EDUCATIONAL INSTITUTIONS												
Business or Trade School	-	-	-	-	-	-	-	-	P	P	-	
Pre-School	P	-	-	-	-	-	-	-	P	P	-	
Pre-K-12 School	-	-	-	-	-	-	-	-	P	P	-	
Detention Center	-	-	-	-	-	-	-	-	-		P	
Emergency Response Facilities (Fire, EMS, Police)	P	-	-	-	-	-	-	-	P	P	P	
Government Operations Center	P	-	-	-	-	-	-	-	-	P	P	
Public Utility	C	C	C	C	C	C	C	C	C	C	C	
HEALTH CARE												
Ambulance and EMS, Private	P	-	-	-	-	-	-	-	P	P	P	
Clinic	P	-	-	-	-	-	-	-	P	P	P	
Convalescent Service	-	-	-	-	-	-	-	-	P	P	-	

Hospice Care Facility, Limited	-	-	-	-	-	-	-	-	-	P	P	-	
Hospice Care Facility, General	-	-	-	-	-	-	-	-	-	P	P	-	
Hospital	-	-	-	-	-	-	-	-	-	-	P	-	
Rehabilitation Facility	-	-	-	-	-	-	-	-	-	P	P	-	
<b>RECREATION</b>													
Golf, Tennis, Swimming, or Country Club	-	C	C	C	C	C	C	C	-	C	C	-	
Hunting Preserve	P	-	-	-	-	-	-	-	-	-	-	-	
Indoor/Outdoor Firing Range	C	-	-	-	-	-	-	-	-	C	C	-	
Indoor Recreation, General	-	-	-	-	-	-	-	-	-	P	P	-	
Indoor Recreation, Limited	-	-	-	-	-	-	-	-	-	P	P	-	
Outdoor Recreation	P	-	-	-	-	-	-	-	-	P	P	P	
Racetracks	C	-	-	-	-	-	-	-	-	C	C	C	
<b>RELIGIOUS INSTITUTIONS</b>													
Religious Assembly	P	P	P	P	P	P	P	P	P	P	P	-	
<b>OTHER</b>													
Aviation Facilities	C	-	-	-	-	-	-	-	-	-	-	C	

Table XX-25.6 Industrial Permitted and Conditional Uses

Use	AG	R-1R	R-1	R-2	R1-AG	R2-AG	RM	MHP	C-1	C-2	I-M	Use-Specific Standards
<b>INDUSTRIAL</b>												
<b>EXTRACTIVE INDUSTRY</b>												
All Uses	-	-	-	-	-	-	-	-	-	-	C	
<b>GENERAL INDUSTRIAL</b>												
Fuel Oil/Gas Distributor	-	-	-	-	-	-	-	-	-	-	P	
Heavy Equipment Sales, Rental, Repair, and Storage	-	-	-	-	-	-	-	-	-	P	P	
Laundry and Dry Cleaning Plants	-	-	-	-	-	-	-	-	-	-	P	
Solar Energy System	C	C	-	-	-	-	-	-	-	C	C	
Manufacturing Heavy	-	-	-	-	-	-	-	-	-	-	C	
Manufacturing, General	-	-	-	-	-	-	-	-	-	-	P	
Manufacturing, Limited		-	-	-	-	-	-	-	-	P	P	
Printing and Publishing	-	-	-	-	-	-	-	-	-	P	P	
Research Laboratory	-	-	-	-	-	-	-	-	-	P	P	
<b>WHOLESALE, WAREHOUSE, AND FREIGHT MOVEMENT</b>												
Warehouse and Distribution Facility, Limited	-	-	-	-	-	-	-	-	-	P	P	
Warehouse and Distribution Facility, General	-	-	-	-	-	-	-	-	-	-	P	
Truck or Freight Terminal	-	-	-	-	-	-	-	-	-	-	P	
<b>WASTE-RELATED SERVICES</b>												
Scrap and Salvage Service		-	-	-	-	-	-	-	-	-	C	
Junkyard		-	-	-	-	-	-	-	-	-	C	

Table XX-25.7 Temporary Uses and Structures Permitted and Conditional Uses

Use	AG	R-1R	R-1	R-2	R1-AG	R2-AG	RM	MHP	C-1	C-2	I-M	Use-Specific Standards
<b>TEMPORARY USES AND STRUCTURES</b>												
<b>TEMPORARY USES</b>												
Farmers' Market	P	-	-	-	-	C	-	-	P	P	-	
Fireworks Sales	P	-	-	-	-	-	-	-	P	P	-	
Mobile Food Vendors	C								P	P	P	
Mobile Services (non-food)	P	P	P	P	P	P	P	P	P	P	P	
Seasonal Sales of Agricultural Products	P								P	P	-	
Sidewalk and Parking Lot Sales									P	P	-	
Special Events	P	P	P	P	P	P	P	P	P	P	P	
<b>TEMPORARY STRUCTURES</b>												
Construction-Related Structures and Uses	P	P	P	P	P	P	P	P	P	P	P	
Real Estate Sales Office/Model Home	P	P	P	P	P	P	P	P	P	P	P	

Sec. XX-26 Undefined Uses.

It is impossible to set forth each and every use of land which may exist now or in the future in the county. If approval is sought for a use not specifically identified, the Director shall consider the requested use to determine whether it is substantially similar to identified uses. For purposes of this section, the term "substantially similar" shall mean that the unidentified use shares the same characteristics as an identified use in terms of nature of operation, size of operation, impact from operation and requirements of the use. The Director's decision in this regard may be appealed to the Board of Commissioners pursuant to the provisions in this chapter pertaining to the appeal of an administrative decision. The decision shall be kept in the official records of the county so as to ensure consistency of decision-making about heretofore-unidentified uses.

Sec. XX-27 Dimensional Requirements

Table XX-27.1. Dimensional Requirements for Agricultural and Single-Family Residential Districts

Table XX-27.2 Dimensional Requirements for Multifamily Residential Districts

Table XX-27.3. Dimensional Requirements for the Manufactured Home Park District

Table XX-27.4. Dimensional Requirements for Commercial and Industrial Districts

## **Article III      General Requirements**

### **Sec. XX-28      General Requirements and Standards**

Statements in this section apply to the entirety of this chapter. The specific applications are dependent on the extent of the dissimilarity between the existing zoning district and the new one, the following shall apply:

#### ***a.    Allowed Uses***

No building, structure, premises, or land shall be used or occupied, and no building or part thereof shall be erected, extended, enlarged, constructed, moved, or altered except in conformity with this Ordinance as well as other applicable laws, regulations, and ordinances.

#### ***b.    Height***

No building or structure shall be erected, constructed, or altered in a way that exceeds the height limit for the district in which it is located. The height limitations of this Ordinance shall not apply to the following:

1.    Barns, silos, or other farm structures when located on farms, belfries, cupolas and domes, monuments, water towers, windmills, chimneys, smokestacks, flagpoles, radio or television towers, masts and aerials; and
2.    Bulkheads, elevators, penthouses, water tanks and scenery lofts and similar structures, provided that these structures shall not cover more than 25 percent of the total roof area of the building on which these structures are located

#### ***c.    One Principal Building per Lot***

Only one principal building and its customary accessory buildings may hereafter be erected on any lot, unless this Ordinance specifically provides otherwise; further provided that more than one multi-family dwelling, office, institutional, commercial or industrial building may be located on a lot or tract.

#### ***d.    Double Frontage and Corner Lots***

Lots that adjoin a public street on any side shall provide the minimum required front setback on each street.

#### ***e.    Minimum Required Yards***



No building shall hereafter be erected in a manner to have narrower or smaller rear yards, front yards, or side yards than specified for the use district in which the property is located, or for specific use if yards and setback regulations pertain to a specific use in this Ordinance. No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the front, side or rear yards required by the use district in which said lot and building are located are not maintained. No part of a yard or other open space required for one building shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be unoccupied and unobstructed by any portion of a structure from the ground upward. This Chapter shall not apply when a portion of a lot is acquired for a public purpose. As established by this Ordinance, the application of buffer requirements supersedes these minimum required yards.

***f. Projections into Setbacks***

Every part of a required setback shall be open to the sky and unobstructed except for the ordinary projections of sills, belt courses, cornices, eaves, chimneys, buttresses and other ornamental and architectural features, provided that these features do not project more than three feet into any required setback. Decks, porches, patios, carports, and similar structures (including steps to access the foregoing) are not permitted to project into the setback area.

***g. Vision Clearance***

1. No plant, structure, fence, wall, sign, or other element between the heights of 4 feet and 10 feet from the ground shall be placed within twenty (20) feet of or maintained in a manner that obstructs vision at the intersection of:
  - The right of way lines of two public streets;
  - Any vehicular access drive with a right of way on a public street;
  - Any vehicular access drive with another vehicular access drive;
  - A public street's right of way line and a railroad;
  - Two railroad lines.
2. Notwithstanding other provisions of this chapter, fences, walls, hedges, driveways and buffer areas may be permitted in any required yard or along the edge of any yard, provided that fences, walls or hedges on a corner lot in a residential district shall not exceed four feet in height. See performance standards for specific requirements on fences and walls.

#### ***h. Buffers and Berms***

1. A buffer or landscaped berm which provides visual screening and may be required to provide a screening fence or wall on the interior edge of the buffer or berm shall be established and maintained in any required side or rear yard when a development in a C-1, C-2, or I-M district adjoins a R-1R, R-1, R-2, R-M, or MHP zoning district. The minimum fence or wall height shall be four feet. The dimensions of the buffer between adjoining uses are in Table XX-28.1.

Table XX-28.1 Distance requirements of buffers between adjoining uses.

<b>Proposed Use</b>	<b>Adjoining Use (ft)</b>				
	<b>R-1R, R-1, R1-AG, R2-AG, R-2</b>	<b>R-M</b>	<b>MHP</b>	<b>C-1 and C-2</b>	<b>I-M</b>
<b>R-1R, R-1, R1-AG, R2-AG, R-2</b>	None	20	50	50	100
<b>R-M</b>	20	None	50	50	100
<b>MHP</b>	50	50	25	50	100
<b>C-1 and C-2</b>	50	50	50	None	100
<b>I-M</b>	100	100	100	None	50

2. The requirements of a fence or wall may be waived based on the Director's discretion that the existing vegetation provides sufficient visual screening, or that a fence or wall may be detrimental, unless the Board of Commissioners mandates otherwise.
3. Required buffer areas shall not be used for parking or a structure other than fence or drainage improvements required by the county.
4. Required buffers must be separated by at least a five-foot setback from a parking area or structure.
5. All sparsely vegetated buffers shall be replanted with evergreen trees of at least two inches measured at diameter breast height (DBH) and with evergreen shrubs to create an understory among the trees. An evergreen ground cover shall exist throughout the buffer.
6. The spacing of trees when creating a buffer shall be approximately ten feet between each tree at the time of planting, to create a solid appearance, another row of trees shall be

planted ten feet behind the first row, also spaced ten feet apart so that the trees in one row visually fill the gaps in the next row (as depicted in the following diagram).

7. Where the use to be protected exists (or will exist) above or below the new one, the slope of the cut/fill shall constitute the buffer, provided the angular length of the slope is at least equal (in feet) to the width of the required buffer. The densest plantings of trees and understory occur at the top of the slope, diminishing as the slope proceeds downward. An evergreen ground cover shall be planted on the slope. A six-foot-high fence constructed of opaque material shall be placed at the top of the cut slope.
8. Where using a berm, a berm shall be no flatter than a three to one slope, achieving a height above the ground throughout its entire length of not less than six feet. It may exist throughout the length of a buffer or as a separate entity within a setback.
9. A berm must be landscaped and shall be planted with evergreen trees, shrubs, and ground cover in the same fashion as a buffer. If natural vegetation does not exist in a buffer area, a berm must be installed.
10. Unless certifiable low-water consumption plantings are used, an irrigation system shall exist through the buffer or landscaped berm to ensure the continued vitality of the vegetation.
11. When the ground between the new and the existing uses is relatively flat, either a buffer or a landscaped berm, at the discretion of the Director, shall be used. A berm may be located within a setback, but a buffer may not.

***i. Street Access***

Except as provided in this chapter, each building shall be located on a lot or parcel that abuts a public paved street or has access to a public street by means of a recorded access easement. However, should an owner of a tract of property subdivide it to provide smaller parcels only to other family members for their residential use, then the new parcels so created may be accessed by recorded, permanent, and private easements between the original owner (grantor) and his grantees, upon approval of the Director.

***j. Storage and Parking of Recreational Vehicles, Trailers, and Other Vehicles***

Commercial vehicles with more than four wheels, recreational vehicles, travel trailers, campers, buses, motorized homes, boat trailers and haulers, and boats shall not be parked in the front yard in any residential district. Travel trailers, recreational vehicles, campers, motorized homes, boat

trailers and haulers, and boats may be parked or stored in an enclosed garage or carport or in rear or side yards, if they remain more than 20 feet from the rear property line and ten feet from the side property line. No vehicle shall be occupied for sleeping or as a residence, either permanently or temporarily, when parked.

***k. Lighting***

All exterior lighting shall be deflected away from adjacent properties and the public right-of-way.

***l. Parking***

See development standards in each district for residential requirements in Article IV.

***m. Nuisance***

The use may not create noise, dust, vibration, smell, excessive traffic, smoke, glare, or electrical interference to arise to the level of a nuisance.

***n. Manufactured Homes***

Pre-owned manufactured homes must meet the minimum requirements outlined in the Baldwin County Code of Ordinance prior to the issuance of a building permit. The building inspector shall inspect all pre-owned manufactured homes at the expense of the applicant, including, but not limited to, inspection fees and travel expenses when located outside of Baldwin County. Travel expenses shall be calculated based on the current mileage rate used by the county.

***o. Combining Acreage Between Lake Lots and Georgia Power Property***

The owner of a lot who has exclusive use of property owned by Georgia Power by written lease, license, or other document may combine the acreage of said lot with the acreage of the property owned by Georgia Power to meet the requirements of the development standards of the zoning district in which said lot is located provided that both the lot and property are depicted as a single lot filed in the land records of Baldwin County.

***p. Outdoor Sales of Merchandise***

No outside display of merchandise shall obstruct the flow of traffic or otherwise introduce safety hazards. No retail items shall be parked or sold within a street right-of-way. No external display of merchandise shall interfere with sightlines in a way to create traffic or safety hazards.

***q. Other Regulations***

The property owner should be aware of and consult the other ordinances that may apply to the development or use of any property, including but not limited to any conditions applied by the Board of Commissioners at the time the property was rezoned, International Building Code, Chapter 16 – Land Development Code, Chapter 17 - Solar Energy Development, Chapter 18 – Buildings and Building Regulations, and other applicable Chapters of Baldwin County code of ordinances.

Table XX-27.1 Dimensional Requirements by Zoning District (Agriculture, R-1R, R-1, R-2, R1-AG, R2-AG)

District	Min Lot Size		Min Road Frontage (ft) <sup>2</sup>	Min Heated Floor Area (ft <sup>2</sup> )	Max Lot Coverage by Impervious Surface (%)	Max Height of Structure (ft) <sup>3</sup>	Setbacks			
	Lot Area (ft <sup>2</sup> )	Lot Width (ft) <sup>1</sup>					Front <sup>4</sup>	Side	Rear <sup>5</sup>	State Hwy or Arterial
<b>AG</b>	217,800	100	50	SF Detached: 1,000 Manufactured: 600	35	35	30	20	20	50
<b>R1-AG</b>										
<b>Off Lake</b>		100	50	SF Detached: 1,000 Manufactured: 600	35	35	30	20	20	50
No W or S	47,916									
With W or S	30,000									
With W & S	20,000									
<b>On Lake</b>		100	50	SF Detached: 1,000 Manufactured: 600	35	35	30	20	20	50
<b>R-1R</b>										
<b>Off Lake</b>		100	50	1,600	35	35	30	20	20	50
No W or S	47,916									
With W or S	30,000									

With W & S	20,000									
On Lake		100	50	1,600	35	35	30	20	20	50
No W or S	65,340									
With W or S	36,250									
With W & S	20,000									
R-1										
Off Lake		100	50	SF Detached: 1,200 Manufactured: 1,000	35	35	30	20	20	50
No W or S	47,916									
With W or S	30,000									
With W & S	20,000									
On Lake		100	50	SF Detached: 1,200 Manufactured: 1,000	35	35	30	20	20	50
No W or S	65,340									
With W or S	36,250									
With W & S	20,000									

R-2											
Off Lake		100	50	SF Detached: 1,000 Manufactured: 600	35	35	30	20	20	50	
No W or S	47,916										
With W or S	30,000										
With W & S	20,000										
On Lake		100	50	SF Detached: 1,000 Manufactured: 600	35	35	30	20	20	50	
No W or S	65,340										
With W or S	36,250										
With W & S	20,000										
R2-AG											
Off Lake		100	50	-	1,000	35	35	30	20	20	50
No W or S	47,916										
With W or S	30,000										
With W & S	20,000										
On Lake		100	50	-	1,00	35	35	30	20	20	50
No W or S	65,340										
With W or S	36,250										
With W & S	20,000										

<sup>1</sup> Measured at building setback line

<sup>2</sup> If property frontage is along cul-de-sac, minimum road frontage is 40 ft

<sup>3</sup> Excludes silos or water towers

<sup>4</sup> Front setback is measured as specified distance in table or where the minimum lot width is achieved, whichever is greater.

<sup>5</sup> If property is along lake, creek, or river, rear setback must be 100 feet



Table XX-27.2 Dimensional Requirements by Zoning District (Multi-Family Residential)

District	Min Lot Size (ft²)	Lot Width¹	Min Road Frontage (ft) ²	Density (units/acre)	Min Heated Floor Area (s.f.)	Max Lot Coverage by Impervious Surface (%)	Max Height of Structure (ft)	Setbacks			State Hwy or Arterial
								Front³	Side	Rear⁴	
RM – Single-Family Detached Structures, Manufactured Homes, and Duplexes											
Off Lake		100	50	-	1,000	35	35	30	20	20	50
No W or S	47,916										
With W or S	30,000										
With W & S	20,000										
On Lake		100	50	-	1,00	35	35	30	20	20	50
No W or S	65,340										
With W or S	36,250										
With W & S	20,000										
RM – Multi-Family Structures⁶											
Off Lake		125	50	6	1BR unit – 700 2BR unit – 900 3BR unit – 1100	35	35	30	20	20	50
With W and Septic	87,120										
With W & S	87,120										
On Lake		125	50	6		35	35	30	20	100	50

With W and Septic	87,120				1BR unit – 700						
With W & S	87,120				2BR unit – 900 3BR unit – 1100						

<sup>1</sup> Measured at the building setback line

<sup>2</sup> If the property frontage is along a cul-de-sac, the minimum road frontage is 40 ft

<sup>3</sup> Front setback is measured as the specified distance in the table or where the minimum lot width is achieved, whichever is greater.

<sup>4</sup> If property is along a lake, creek, or river, rear setback must be 100 feet

Table XX-27.3 Dimensional Requirements for the Manufactured Home Park District.

<u>District</u>	<u>Min Lot Area</u>	<u>Max Density</u>	<u>Min Open Space</u>	<u>Max Lot Coverage by Impervious Surface</u>	<u>Setbacks</u>				
					<u>From State/Federal Hwy</u>	<u>From County Road</u>	<u>Front Setback</u>	<u>Side Setback</u>	<u>Rear Setback</u>
<b>MHP</b>	10 acres	5 manufactured homes per acre	15% (may include recreational uses)	35%	150 ft	100 ft	50 ft	25 ft 100 ft if the side abuts other R districts	40 ft 100 ft if the rear abuts other R district or from a lake, creek, or river

Table 27.4 Dimensional Requirements by Zoning District (Commercial and Industrial-Manufacturing)

<u>District</u>	<u>Min Lot Size</u>		<u>Max Com. Floor Area (sf/acre)</u>	<u>Max Lot Coverage by Impervious Surface (%)</u>	<u>Max Height of Structure (ft)</u>	<u>Min Res. Heated Floor Area (s.f.)</u>	<u>Res. Density (bldg/acre)</u>	<u>Setbacks</u>		<u>Buffer (ft)<sup>4</sup></u>	
	<u>Lot Area (sf)</u>	<u>Lot Width (ft)<sup>1</sup></u>						<u>Front</u>	<u>Side</u>	<u>Rear<sup>3</sup></u>	<u>State Hwy or Arterial</u>
<b>C-1</b>	20,000	100	15,000	35	35	1BR – 700 2BR – 900 3BR – 1100	2	30	15	20	50
<b>C-2</b>	43,560	100	25,000	35	35	1BR – 700 2BR – 900 3BR – 1100	2	30	15	20	50
<b>I-M</b>	43,560	100	150,002	35	35	-	-	100	20	50	100

<sup>1</sup> Measured at the building setback line

<sup>2</sup> Excludes exterior storage spaces and structures

<sup>3</sup> If property is along a lake, creek, or river, rear setback must be 100 feet

<sup>4</sup> A buffer is required when any commercial use or district adjoins any residential use or district. A buffer shall be included within the required setback. Additional buffer standards are located in Sec. XX-28 (h).

<sup>5</sup> A 100-foot buffer is required when any industrial use is adjacent to any residential district or along a state highway or major arterial road. Additional buffer standards are in Sec. XX-28 (h).

## **Article IV      Use-Specific Standards**

### **Scope**

The requirements of this article shall apply to all conditional and permitted uses listed in Article II. For conditional uses, an application shall be submitted to the Baldwin County Manager, who shall approve the use if all the conditions and requirements herein are satisfied.

### **Residential Uses**

#### **Household Living**

##### *Single-Family Detached in MHP District*

1. Detached single-family residential dwellings are only permitted within the MHP District as dwellings for the exclusive use of the owner or manager that is residing on site.

### **Group Living**

#### *Personal Care Home*

1. No personal care home shall be established or erected within 1,000 feet of the nearest property line where another personal care home has been established.
2. Prior to application for a conditional use permit, the Applicant shall obtain qualification inspection from the County Building Official to determine if any existing building proposed for use as any type of Personal Care Home will be satisfactory for the requested use.
3. Any type of personal care home under this ordinance must be of a minimum lot size that conforms to the zoning district in which it is located.
4. Parking shall be limited to one space per bedroom plus one per paid on-duty staff member.
5. Parking areas shall have adequate turn-around areas so that all vehicles may enter the street in a forward manner.
6. No certificate of occupancy shall be issued prior to the issuance of required permits and certificates by federal, state, or local agencies.
7. Parking areas shall be designed so that sanitation, emergency and other public service vehicles can serve the facility without the necessity of backing unreasonable distances or having to make hazardous or dangerous turning movements.
8. All personal care homes shall be set back from the road right-of-way and from all properties lines as required by the zoning district except for the following:

- a. Where adjacent to residentially zoned properties, the minimum side and rear setbacks shall be 50 feet.
  - b. When adjacent to a state highway, the minimum front setback shall be 50 feet.
9. Prior to approval of the conditional use permit, a special public hearing shall be held in accordance with O.C.G.A § 36-66-4(f) for personal care homes serving as halfway houses, drug rehabilitation centers, and centers for treatment of drug dependency.

## **Accessory Uses to Residential Uses**

### *Accessory Dwelling Unit*

1. Accessory Dwelling Units (ADUs), where permitted as conditional uses, shall meet the following conditions:
  - a. The square footage of the ADU, whether attached or detached, must be greater than 600 square feet and less than 1,000 square feet.
  - b. The ADU may not be rented or leased separately from the principal dwelling unit; however, this provision shall not restrict the rental or lease of the accessory dwelling unit to family members of the structure's primary occupants. Family, as used in this subsection, shall mean one or more persons related by blood, adoption, or marriage.
  - c. The ADU must be a complete living space, with kitchen and bathroom facilities separated from the principal unit.
  - d. An ADU may be accessory only to a single-family detached dwelling (site-built or modular).
  - e. The ADU shall meet all setback requirements of the principal use. When detached from the principal dwelling, it shall be set back not less than 20 feet from the principal dwelling.
  - f. Two additional off-street parking spaces shall be required for an ADU.
  - g. Neither the primary residence nor the accessory apartment shall be a manufactured home.
2. Accessory Dwelling Units in the R-1R District shall meet all conditions provided in **§6.3.01 (A) as well as the following conditions:**
  - a. **ADUs must be enclosed as part of the principal dwelling unit.**

### *Animal Shelter and Pens, Domestic Animals*

1. All noncommercial kennels and shelters shall be located on a site of not less than one acre.

2. All structures must be set back at least 100 feet from any property zoned or used for residential purposes.
3. All facilities shall be constructed and activities conducted so as not to create a nuisance.
4. A six-foot fence shall enclose all property on which such shelters are operated. This fence shall be completed prior to occupancy or use of the primary structure.
5. All structures shall have adequate soundproofing, and odor-proofing shall be provided, so the use does not create a nuisance.
6. No more than 20 small animals are permitted. However additional animals may be allowed by determination by the County Manager based on factors including but not limited to parcels sizes and characteristics of adjoining landowners.

#### *Community Recreation Facilities*

1. Site plans of the community recreation facilities shall be submitted with conditional use application to ensure compatibility of the recreation facility with the neighborhood or with the affiliated facility as detailed in Sec. XX-20(c) – Specific Definitions. If the recreation facility is part of a residential development or is part of the development of an affiliated facility, it shall be submitted to the County Manager at the time of application for a development permit.
2. Buildings and structures established in connection with this use shall be set back at least 100 feet from any property line except for the front setback. The front setback of the zoning district shall apply on property lines adjacent to the public right-of-way.
3. Outdoor activity shall cease by 12:00 midnight
4. Exterior lighting shall be deflected away from adjacent properties and the public right-of-way.
5. Adequate off-street parking must be provided. The County Manager shall determine the number of off-street parking spaces necessary for a community recreation facility based on the health department's determination about the number of people that can use the facility and the fire marshal's determination of the building's occupancy rating.
6. Central loudspeakers shall be prohibited.
7. A swimming pool or other water feature shall be enclosed by a fence having a height of at least four feet. This fence shall be completed prior to use of the swimming pool.
8. A swimming pool shall be permitted only upon written approval of the Baldwin County Health Department to indicate compliance with the health department's swimming pool regulations.

#### *Child Home Day Care*

1. Child Home Day Cares may serve no more than six children.

2. No more than 25 percent of the heated floor area of the principal dwelling unit may be used for a Child Home Day Care.
3. An outdoor play or exercise area must be provided.
4. A Child Home Day Care service cannot be established and operated in Baldwin County until final permits for operation have been obtained in accordance with the Georgia Department of Human Services (DHS). Permits shall be presented to the County Manager prior to initiation to use.
5. A permit for the Child Home Day Care service shall expire every year or whenever its holder ceases to occupy the premises for which it was granted, whichever shall first occur; provided, however, that this provision shall not prevent reapplication for a new permit. This permit must be renewed by January 1 of each year.

#### *Home Occupation*

1. There shall be no exterior evidence of the home occupation, other than a non-illuminated identification sign having an area of not more than six square feet, which shall be attached to the dwelling below the roof line. If not attached to the dwelling, it may be placed in the front yard between the dwelling and the right-of-way, the height of which shall not be more than four feet above ground.
2. No use shall create noise, dust, vibration, smell, excessive traffic, smoke, glare or electrical interference that would be detected beyond the dwelling unit.
3. This use shall be conducted entirely within the dwelling unit and only persons living in the dwelling unit shall be employed at the location of the home occupation. Non-owner applicants for home occupations must have expressed authorization from the property owner.
4. No more than 25 percent of the heated floor area of the dwelling unit may be used for the conduct of the home occupation.
5. Any use involving the sale of products or services, or public contact on the property, shall require the obtaining of a "home occupation registration" permit.
6. Other than the personal vehicles of the legal residents, no more than two business visitor vehicles may be parked on the property at any one time. In addition, any material or equipment must be stored out of public view within the premises or within an enclosed garage or storage shed. One business vehicle, the carrying capacity of which shall not exceed one- and one-half tons, may be kept on the premises. There shall be no storage of any mechanical earthmoving or similar equipment unless the property is five acres or more and the equipment is screened from public view.



7. A permit for a home occupation shall expire every year or whenever its holder ceases to occupy the premises for which it was granted, whichever shall first occur; provided, however, that this provision should not prevent reapplication for a new permit. This permit must be renewed, and a fee paid by January 1 of each year.

## **Accessory Structures**

### **A. General Requirements**

1. All accessory buildings and structures shall be located on the same lot and within the same zoning boundary as the principal building/use to which they are accessory.
2. Accessory buildings and structures shall be constructed in conjunction with or after a building permit for the principal building is lawfully approved.
3. No accessory building or structure shall be constructed upon a lot until construction of the principal building/use has commenced. If the principal building/use has not been completed within 12 months of the issuance of a building permit, then the accessory structure/use shall be continued only with express permission of the County Manager of the planning and development department based upon unusual circumstances or hardship. Under no circumstances shall the accessory structure/use continue for more than 24 months if the principal structure/use has not been completed.
4. The use of mobile or manufactured homes, shipping containers, or similar structures as accessory buildings shall not be permitted in any district.
5. Accessory buildings or structures in residential districts shall not be used for storage in connection with a trade, except with an approved home occupation permit.

### **B. Location Requirements**

1. An accessory building, with the exception of garages and carports, shall only be permitted in the side or rear yard of any Single-Family or Multi-Family Residential District.
2. For waterfront lots along Lakes Oconee and Sinclair, a detached accessory building may be located in the front yard between the house on the property and the street. Setbacks for the district must be followed.

### **C. Setback Requirements**

1. Unless specifically provided herein, all accessory buildings and uses shall observe all required setbacks, yard, and other requirements applicable to the principal building or use within the

district in which they are located. In no case shall any accessory use or structure be built or placed within a public right-of-way.

2. When an accessory building is attached to the principal building by a breezeway, passageway or similar means, the accessory building shall comply with the setback requirements of the principal building to which it is accessory.
3. Where a corner lot in a residential district adjoins another lot, no accessory building shall be located closer to the side street's right-of-way line than the principal building or closer than 25 feet to the rear property line. The setback of 25 feet will not be required when the adjoining yard is a rear yard.
4. There shall be no less than five (5) feet of distance between a principal and accessory building, unless they are connected by a common wall, passageway, or similar means.

#### D. Height and Size Requirements

1. Accessory buildings shall not exceed two stories or 25 feet in height and may not cover more than 30 percent of the side or rear yard, or front yard for waterfront lots along Lakes Oconee or Sinclair.
2. The square footage of an accessory building shall not exceed 75 percent of the square footage of the principal building or structure, except in the AG district.

#### E. Specific Requirements and Conditions.

##### 1. Dock, Private or Community

- a. All requirements of the Georgia Power Company pertaining to docks must be met.

##### 2. Stable, Private

- a. No structure shall be located within 50 feet of any property line, except in the AG District.

##### 3. Swimming Pools

- a. Swimming pools may be located in a side or rear yard only.
- b. Swimming pools in all residential districts shall comply with the minimum side and rear setback requirements of that district. Setback minimums shall be measured from the decking or closest part of the pool structure to the applicable property line.

##### 4. Fences and Walls

- a. No fences or freestanding wall in a yard, other than a retaining wall, shall be more than eight feet in height.

- b. No fence or wall shall be constructed in a public right-of-way or future street or right-of-way.
- c. No fence in a front yard in a residential district shall exceed four (4) feet in height.
- d. No fence, wall, or shrubbery, which creates an obstruction to vision or creates a traffic safety hazard, shall be erected, permitted, or maintained.

## **Commercial Uses**

### **Accommodation**

#### *Bed and Breakfast/Inn*

- 1. Bed and Breakfasts/Inns must be owner-occupied with the owner-operator residing on the premises.
- 2. No more than ten guestrooms may be rented for overnight use.
- 3. The only uses permitted shall be the renting of rooms and the serving of foods to guests renting said rooms (accessory uses commonly associated with hotels and motels, i.e. laundry services, banquet halls, barber and beauty shops, shall not be permitted)
- 4. All parking shall be off-street and in accordance with regulations in Chapter 28.
- 5. One sign, not exceeding six square feet in area, shall be permitted.

#### *Boardinghouse*

- 1. No more than ten persons may occupy this facility as a principal residence at any one time.
- 2. There shall be no individual kitchens or laundry facilities within individual rooms or suites; however, centralized kitchen or laundry facilities are permitted.
- 3. All parking shall be off-street and in accordance with regulations in Chapter 28.

#### *Recreational Vehicle (RV) Park*

- 1. No RV Park shall be located except with direct access to a county, state or federal highway, with a minimum lot width of at least 50 feet for access points. No entrance or exit shall be through a residential district or shall require movement of traffic from the park through a residential district.
- 2. The minimum lot area per park shall be ten acres with a maximum density of ten (10) spaces per acre.

3. Recreational vehicles shall be separated by at least ten (10) feet. Any accessory structure such as attached awnings, for purposes of this separation requirement, will be considered part of the RV.
4. Spaces in RV Parks may be used by RVs, provided that they meet any additional laws or ordinances and shall be rented by the day or week only. An occupant of such space shall remain in the same RV Park for a period of not more than 30 days per six-month period.
5. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of an RV Park are permitted as accessory uses in any district in which RV Parks are allowed, provided that:
  - a. No space shall be so located so that any part intended for occupancy for sleeping purposes shall be within 50 feet of the right-of-way line of any freeway, expressway, arterial or collector streets.
  - b. In addition to meeting the above requirements, the RV Park site plan shall be accompanied by a certificate of approval from the Baldwin County Health Department.
  - c. A minimum 50-foot buffer or a berm is required when adjacent to any residential use, 25 feet for other districts, densely planted with evergreen and hedge-type shrubs designed to provide full screening for the park.
  - d. Setbacks, open space requirements, internal roads, parking, refuse collection, and illumination shall meet the standards of MHP district regulations.

## **Animal Services**

### *Animal Care, Limited*

1. All structures shall be located and activities conducted at least 100 feet from any property or building zoned or used for residential purposes.
2. All structures shall have adequate soundproofing, and odor-proofing shall be provided, so the use does not create a nuisance.
3. No boarding shall be allowed unless required in connection with medical treatment.

### *Animal Care, General*

1. All structures shall be located and activities conducted at least 100 feet from any property or building zoned or used for residential purposes.
2. All structures shall have adequate soundproofing, and odor-proofing shall be provided, so the use does not create a nuisance.

3. Any facility with an outdoor component such as an exercise area shall require a fence surrounding the outdoor area that is six feet tall and located more than 100 feet from a residential property or building.
4. Any animal is prohibited from being in the outdoor area between 9:00pm and 7:00am.

#### *Equine Stable, Commercial*

1. Barns, stables, arenas, and other event facilities must be at least one hundred (100) feet from all property lines and at least two hundred (200) feet from any residentially zoned or used property, unless it is the owner's dwelling.
2. The use shall comply with the Baldwin County Health Department regulations.
3. A site plan for any proposed commercial equine development shall be submitted to Baldwin County Manager with the application for a conditional use permit.
4. Parking requirements will be evaluated based on a review by the County Manager. Approval shall be subject to consideration of seating capacity, size of designated parking area, ingress and egress, erosion control, adequate parking areas for animal trailers, and other issues specific to the site and proposed use.

### **Food Services**

#### *Microbrewery*

1. A license for on-premises production and on-premises sale of malt beverages may be authorized by the Board of Commissioners to persons otherwise entitled to a brewery production and sales of malt beverages license, provided the following conditions are met:
2. All brewing operations by a brewery shall be conducted within an enclosed building. Production space is limited to 15,000 square feet and up to 3,000 square feet of tasting room, and up to 3,000 square feet of outside seating and activity area. All support functions (restrooms, storage, offices, etc.) must be within this overall space limit.
3. All state regulations relating to the manufacture, sale, and distribution of beer, as revised from time to time, promulgated by the state revenue department, are hereby incorporated into and made a part of this chapter as if fully set out in this section.
4. Breweries shall be permitted to serve malt beverages produced at the brewer's licensed premises for consumption on the premises, subject to the following restrictions:
  - a. Total sales of malt beverages for consumption on the premises and for consumption off the premises at the brewer's licensed premises shall be less than 3,000 barrels in

each calendar year in which the licensee is permitted. For the purposes of this section, barrels shall be defined in accordance with state law.

5. The following standards apply for consumption off premises:
  - a. Total sales of malt beverages for consumption on the premises and for consumption off the premises at the brewer's licensed premises shall be less than 3,000 barrels in each calendar year in which the licensee is permitted. For the purposes of this section, barrels shall be defined in accordance with state law.
  - b. Any sales of malt beverages shall not exceed a maximum of 288 ounces per consumer per day.
  - c. Retail sales of growlers in compliance with this section shall be authorized for licensees under this section. The filling of growlers by means of a tapped keg shall not constitute the breaking of a package as contemplated by O.C.G.A. §§ 3-3-26, and 3-4-25, or other provisions of this section. Growlers may be filled from either kegs procured by the licensee from a duly licensed wholesaler for malt beverages not produced on-site or by malt beverages produced on-site, subject to and counting towards the 3,000-barrel limitation cited previously. Only professionally sanitized and sealed growlers may be filled and made available for retail sale. Each growler must be securely sealed with a tamperproof plastic cap and removed from the premises in its original sealed condition. Consumption on premises is strictly prohibited. However, samples of tap beers may be made available, but shall not exceed more than one ounce, nor shall any one individual be offered more than three samples within a 24-hour period.
6. Samples of tap beers may be made available but shall not exceed more than one ounce, nor shall any one individual be offered more than three samples within a 24-hour period.
7. It shall be unlawful for a brewery licensee or any employee thereof to be on duty at the licensed premises in an intoxicated condition. "Intoxication" shall be defined as when a licensee's or employee's alcohol concentration is 0.08 grams or more at any time while on duty. For purposes of this section, "on duty" shall mean being paid any salary, wage, or remuneration of any kind for services rendered during the time he or she is on the premises; on the licensed premises for the benefit of or at the direction of the licensee or its management (other than as a customer, patron, or guest) or taking a break during periods of any on-duty employment.

8. Subject to the provisions in this article, a brewery licensee or employee thereof shall be permitted to taste malt beverages at the licensed premises for quality control or educational purposes only. Such tastings shall not exceed four ounces in volume per hour and eight ounces in volume total within a calendar day.
9. Off-street parking shall be provided in accordance with the requirements set forth in Chapter 28.
10. The facility shall be serviced by public water and sewer. At no time will a septic system be considered adequate.
11. Tasting room/brewpubs must provide parking as required for a restaurant, including provision of spaces to serve outside seating or activity areas in accordance with Chapter 28.
12. Microbreweries that have outdoor areas for seating, music/live entertainment, or outdoor games must comply with the following standards:
13. The outdoor area must be designed and located so as not to obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
14. This use, including an outdoor area if applicable, must be located at least 100 feet from the boundary of a residential district or building used as a residence.
15. The outdoor seating area must be enclosed by a fence no less than four feet in height.
16. This use may only operate Monday through Saturday, from 8:00 a.m. to 11:30 p.m.

## **Event and Entertainment**

### *Adult-Oriented Business*

1. An adult oriented business must have front, side, and rear setbacks of no less than 500 feet.
2. The maximum height for an adult-oriented business is 25 feet.
3. The distances established by this section shall be radial distances determined by a straight line and not street distance, measured from property line to property line.
4. An adult-oriented business shall not be permitted within 1,000 feet of the boundary of a residential district or building used as a residence.
5. An adult-oriented business shall not be permitted within 1,000 feet of any historic district of structure defined or created pursuant to this chapter or by applicable state or federal law.
6. No bar, tavern, pub, lounge, restaurant serving alcohol, or any place where alcohol is sold for consumption on the premises shall be established, operated, or maintained within 2,000 feet of an adult-oriented establishment.

7. No adult-oriented business shall be established, operated or maintained within 2,000 feet of a bar, tavern, saloon, nightclub, or restaurant serving alcohol or any place where alcohol is sold for consumption on the premises.
8. An adult-oriented business shall not be established, operated, or maintained within 1,000 feet the following: (1) the boundary of a residential district, (2) a building used as a residence, (3) a religious assembly institution, (4) a park or recreation area, (5) a school or child day care facility, (6) college and universities, (7) personal care homes, or (8) community service establishments.
9. This use shall not be established, operated, or maintained within 2,000 feet of another adult
10. Adult-oriented businesses are prohibited from serving or selling alcoholic beverages. Alcoholic beverages may not be consumed on the property.
11. There shall be one parking space per 200 square feet of building space.

#### *Event Venue*

1. Any building or structure established in connection with this use shall be set back at least 75 feet from rear and side property lines in all residential districts or when the adjoining properties are residential.
2. This use shall be permitted only on a lot that has direct access to an arterial or collector street.

### **Storage**

#### *Self-Service Storage of Mini Warehousing*

1. All structures must be set back 100 feet from the front property line.
2. The property line must be fenced with a minimum six-foot security barrier.

#### *Vehicle and Other Storage*

1. This use shall not be permitted within 300 feet of any property used for a residence, school, park, religious assembly establishment, playground or hospital.
2. This use shall not be permitted within 300 feet of the boundary of an R, RM, or MHP district.
3. A solid fence or wall at least six feet in height shall be erected along all property lines.
4. The maximum lot coverage is 50 percent.
5. A minimum buffer of 100 feet or berm shall be required.

#### *Vehicle Sales and Rental*

All uses categorized under Vehicle Sales and Rental in Section \_\_\_ are subject to the following regulations:



1. All vehicles, boats, and equipment shall be set back at least 30 feet from the street's right-of-way lines.
2. All parking areas shall be clearly marked, and no vehicle, boat, or piece of equipment shall be parked outdoors other than within these boundaries, except when serviced.

## **Vehicle Services**

### *Truck Stop*

1. A truck stop shall not be permitted within 1,000 feet of any property used for a residence, school, park, religious assembly, playground, or medical facility.
2. A truck stop shall not be permitted within 1,000 feet of the boundary of any residential (R-1R, R-1, R-2, RM, MHP) district.
3. The principal structure associated with this use shall be set back at least 200 feet from all property lines.
4. A minimum buffer of 100 feet or a berm shall be required along all property lines adjoining another property.
5. All uses other than the dispensing of fuel must be contained within a single principal structure. Such buildings may contain convenience shopping space, a restaurant, TV viewing and recreation lounges, rest room facilities, showers, and laundry spaces.
6. Facilities may include a service center to provide minor repairs or services such as oil changes, tire replacement or repair, brakes and minor engine and transmission work. No major repairs such as engine and transmission overhaul, differential repairs, body and fender work, and other repairs of a similar nature shall be performed on the site.
7. No outside storage of parts or non-operable vehicles is permitted.

### *Vehicle Retail*

1. There shall be no dismantling of vehicles on premises to obtain auto parts.
2. Auto part installation shall only include installation of tires and the installation of minor accessory parts.
3. Major auto repair shall not be permitted. Minor auto repair and maintenance may be permitted, provided this repair and maintenance is incidental to the normal upkeep of an automobile.

### *Vehicle Service*

1. There shall be no body and fender repair, painting, or dismantling of vehicles on the premises.

2. All minor auto repair, maintenance, service, storage of materials or similar activities connected with this use shall be carried on entirely within an enclosed building, which shall be located at least 100 feet away from any residential district or use and any property containing a school, public playground, religious assembly institution, hospital community center, or public library.
3. Property shall have minimum frontage on public streets of 100 feet. All buildings shall be set back 40 feet from the right-of-way lines, and all canopies shall be set back 15 feet from the same.
4. Gasoline pumps and other service facilities shall be set back not less than 15 feet from the right-of-way line and also shall not be located less than 60 feet from the centerline of the arterials or collectors or 45 feet from the centerline of local streets.
5. For uses with a car wash machine, a paved area shall be located on the same lot as the principal use for the storage of vehicles awaiting service equivalent to one-third of the practical hourly capacity of wash machines.

#### Accessory Uses to Commercial Uses

##### *Automobile Sales and Rentals*

1. This use shall only be an accessory use to an automobile service station.
2. This use shall not occupy more than ten percent of the lot area.
3. No more than four trailers, trucks or cars shall be permitted outdoors on the lot at any one time.
4. Parking areas for the permitted trailers shall be located only in portions of the lot where off-street parking is permitted, but no area or space shall occupy spaces set aside for required off-street parking or use by cars awaiting service. No trailer shall be parked in any way that interferes with normal traffic flow to, within, or out of the lot.
5. All parking areas shall be clearly marked, and no trailer, truck or car shall be parked outdoors other than within these boundaries except when being serviced.

##### *Commercial Truck or Equipment Sales*

1. This use shall only be an accessory to the use of an automobile service station.
2. Only trailers and utility, delivery, or moving trucks are permitted as part of this accessory use.
3. This use shall not occupy more than ten percent of the lot area.
4. No more than four trailers, trucks or cars shall be permitted outdoors on the lot at any one time.

5. Parking areas for the permitted trailers shall be located only in portions of the lot where off-street parking is permitted, but no area or space shall occupy spaces set aside for required off-street parking or use by cars awaiting service. No trailer shall be parked in any way that interferes with normal traffic flow to, within, or out of the lot.
6. All parking areas shall be clearly marked, and no trailer, truck or car shall be parked outdoors other than within these boundaries except when being serviced.

## **Agriculture Uses**

### *Animal Production*

1. No structure used for housing poultry, livestock, or hogs shall be located within 200 feet of any property line or within 300 feet of a residential dwelling unit located on another parcel.
2. No areas where manure is stored shall be located within 200 feet of any property line or within 300 feet of a residential dwelling unit located on another parcel.
3. No machinery of functions that produce odor or dust shall be located or occur within 200 feet of any property line or within 300 feet of a residential dwelling unit located on another parcel.

### *Animal Shelter and Pens, Exotic Animals*

1. All noncommercial kennels and shelters shall be located on a site of not less than one acre.
2. All structures must be set back at least 100 feet from any property zoned or used for residential purposes.
3. All facilities shall be constructed and activities conducted so as not to create a nuisance.
4. A six-foot fence shall enclose all property on which such exotic animals are sheltered. This fence shall be completed prior to occupancy or use of the primary structure.
5. All structures shall have adequate soundproofing, and odor-proofing shall be provided, so the use does not create a nuisance.
6. The number of animals will be determined by the County Manager based upon factors including but not limited to the types of proposed exotic animals and characteristics of adjoining properties

### *Confined Animal Feeding Operations*

1. Livestock quarters associated with this use must be located at least 100 feet away any property line.
2. This use is not located in the one-hundred (100) year floodplain.
3. This use must comply with the regulations and permitting requirements of the Georgia Department of Natural Resources, Environmental Protection Division.

4. This use must be located at least 1,500 feet from the nearest residential zoning district, or any building used as a residence; 2,500 feet from the nearest potable water well; and 2,500 feet from the nearest school or recreation area.

#### *Sawmill, Temporary or Permanent*

1. This use must be set back at least 500 feet from any property zoned or used for residential purposes or a school, park, church, playground or hospital.
2. A minimum buffer of 100 feet shall be required on all sides and rear property lines.
3. This use is subject to hours of operation from 7:00 a.m. to 7:00 p.m.
4. All vehicular access shall be from an arterial street.
5. A sawmill may also be an accessory for use in other agricultural activities.

#### *Slaughterhouse*

This use is only permitted on a lot of at least twenty (20) acres.

#### *Accessory Uses to Agriculture Uses*

##### *Farm Winery*

Farm wineries as defined and permitted under O.C.G.A. § 3-6-21.1 may only be permitted in the AG district provided compliance with the following additional conditions:

1. The winery is located on the same property as the vineyard, with such a parcel of land being not less than five (5) acres.
2. The winery may have a total of one (1) tasting room on premises for purposes of on-site consumption of wine and related activities to the extent such additional activities are expressly provided in this Section (the "Tasting Room").
3. The principal entrance through which vehicles will enter the premises of the winery, and the Tasting Room shall be from a public road.
4. A farm winery licensee may offer samples of its wine in the tasting room for consumption on premises or in closed packages for consumption off the premises. Alcoholic beverage sales for consumption on premises shall be limited to flights of individual 1.5 oz. servings of different wines produced from grapes, berries or fruits grown on site, unless otherwise approved herein.
5. The use of outdoor speakers shall not be permitted, unless otherwise approved herein.

6. Food service shall be limited to cheese and crackers, unless otherwise approved herein. No ovens, fryers, grills, burners, or other commercial kitchen equipment shall be utilized in the preparation of such food, unless otherwise approved herein.
7. A retail sales area may be included in the Tasting Room, with package sales limited to wine produced from grapes, berries, or fruits grown on-site. Retail sales other than wine shall be limited to items used in connection with the serving, storing, or display of wine, or written material describing wine or food or the experience of consuming the same, or items displaying the name and/or logo of the winery.
8. All operations, activities, and events unrelated to the growing, harvesting or processing of grapes, berries, or fruits on the property of the winery shall cease by 7:00 p.m. eastern standard time.

#### *Produce Stand*

1. Structures for produce stands shall not exceed 100 square feet in floor area and shall not be closer than 35 feet to the right-of-way.
2. Entrances to and exits from the produce stand shall be clearly delineated and located so as to provide safe ingress and egress from roads. They shall be channeled to prevent unrestricted access to and from the premises.
3. There shall be a minimum of four off-street parking spaces. These spaces cannot be located in the public right-of-way.
4. Produce stands shall have access to at least one collector street.

#### *Barbershop or Beauty Salon*

A barbershop and beauty salon are accessory uses conditionally permitted in the AG district, and they do not have to conform to the standards specified for the businesses as a home occupation. Requirements for barbershops and beauty salons are as follows:

1. The front setback shall be no less than 200 feet. The side and rear setbacks shall be no less than 100 feet.
2. Outside storage shall be at the rear of the building and must be screened from view.
3. If property abuts a residential district, there shall be a 50-foot buffer that screens use from view.
4. The use must be within an enclosed structure that has frame construction and a residential or agriculture facade.
5. The driveway to business must be paved at least five feet into the property.

6. The maximum number of employees is five.

#### *Animal Care, General*

Animal Care, General establishments are accessory uses conditionally permitted in the AG district, and they do not have to conform to the standards specified for the businesses as a home occupation. Requirements for Animal Care, General establishments are as follows.:

1. The front setback shall be no less than 200 feet. The side and rear setbacks shall be no less than 100 feet.
2. All structures shall be located and activities conducted at least 100 feet from any property or building zoned or used for residential purposes.
3. Outside storage shall be in the rear of the building and must be screened from view.
4. If property abuts a residential district there shall be a 50-foot buffer that screens use from view.
5. Buildings must have frame construction and have a residential or agriculture facade.
6. Driveway to business must be paved at least five feet into the property.
7. The maximum number of employees is five.
8. All structures shall have adequate soundproofing and odor-proofing shall be provided so the use does not create a nuisance.
9. Any facility with an outdoor component such as an exercise area shall require a fence surrounding the outdoor area is six feet tall and located more than 100 feet from a residential property or building. This fence shall be completed prior to occupancy of the primary structure.
10. Any animal is prohibited from being in the outdoor area between 9:00pm and 7:00am.

#### *Workshop, Limited*

A Workshop, General establishment is an accessory use conditionally permitted in the AG district and they do not have to conform to the standards specified for the businesses as a home occupation. Requirements for Workshop, Limited establishments are as follows.:

- A. The front setback shall be no less than 200 feet. The side and rear setbacks shall be no less than 100 feet.
- B. The use must be located at least 100 feet from any residentially zoned district or any building used as a residence.

- C. If the workshop activity consistently produces any noise above 60 decibels, appropriate soundproofing of structure must occur.
- D. If property abuts a residential district there shall be a 50-foot buffer that screens use from view.
- E. The use must be within an enclosed structure that has frame construction and a residential or agriculture facade.
- F. Outside storage shall be in the rear of the building and must be screened from view.
- G. Driveway to business must be paved at least five feet into the property.
- H. The maximum number of employees is five.

#### *Vehicle Repair*

A Vehicle Repair establishment is an accessory use conditionally permitted in the AG district and they do not have to conform to the standards specified for the businesses as a home occupation. Requirements for Vehicle Repair establishments are as follows:

- A. The front setback shall be no less than 200 feet. The side and rear setbacks shall be no less than 100 feet.
- B. Outside storage shall be in the rear of the building and must be screened from view.
- C. If property abuts a residential district there shall be a 50-foot buffer that screens use from view.
- D. The use must be within an enclosed structure that has frame construction and a residential or agriculture facade.
- E. Driveway to business must be paved at least five feet into the property.
- F. The maximum number of employees is five.

#### *Caretaker Dwelling or Employee Residence*

- 1. A caretaker dwelling or employee residents is subject to the minimum space requirements of the AG District.
- 2. No more than 10 persons, unrelated or related by family, may occupy an employee residence at any one time.
- 3. Structures associated with this use must have frame construction and a residential or agriculture facade.

## **Public and Community**

### **Death Services**

#### *Cemetery*

1. All graves or burial lots and structures must be set back not less than twenty-five (25) feet from any property line or minor street right-of-way lines, and not less than fifty (50) feet from any collector, arterial, expressway or freeway right-of-way line.
2. The entire cemetery property must be landscaped and maintained.

#### *Crematorium*

1. All buildings used for a crematorium shall be set back no less than 300 feet from all property lines and no less than 1,000 feet from any property zones or use for residential purposes.

### **Health Care**

#### *Ambulance and EMS, Private*

1. These uses shall be permitted only on property with frontage on an arterial or collector with access limited to that arterial or collector.
2. The proposed development shall be reviewed, and written approval granted by the Director of Emergency Services and the County Manager prior to the issuance of any permit or license.
3. The owner of the business shall bear all costs for traffic signs and signals necessary to advise the motoring public of emergency vehicle access. The requirement for, and location of, these warning signs and signal devices shall be determined by the director and shall not be located within the public rights-of-way.

### **Recreation**

#### *Golf, Tennis, Swimming, or Country Club*

1. All buildings and structures associated with such use shall be set back not less than 50 feet from property zoned for R, RM, or MHP District.
2. Central loudspeakers shall be prohibited.
3. Exterior lighting shall be deflected away from adjacent properties and the public right-of-way.
4. Outdoor activity shall cease by 12:00 midnight.

#### *Indoor or Outdoor Firing Range*

1. This use shall not be permitted adjacent to or across the right-of-way from an R, RM, or MHP District. In the case of an outdoor range, it shall not be permitted adjacent to or across the



right-of-way from a dwelling unless there is a 2,000-foot setback from the property line adjacent to the dwelling or consent is obtained from any affected owner(s) of the dwelling(s) for a lesser distance.

2. The outdoor range shall have at least a 300-foot planted or naturally forested buffer or berm from any property line.
3. The downrange direction of an outdoor range shall be in a direction that is the least likely to cause any harm or damage in the case of a gross accident but in no case shall bear directly upon a street, dwelling or place of business.
4. A berm of at least 20 feet in height shall run downrange and to the outside of the outdoor range and encompass the shooters' booth/bench or discharge point. At the end of the range (indoor or outdoor) there shall be some type of bullet trap whether earthen or of a manufactured/constructed nature and shall be of a suitable height but no less than 20 feet in the case of an outdoor range.
5. There shall be some means of protection between each shooter bench or position in the case of a lateral discharge.
6. Any exterior lighting shall be directed away from adjacent properties.
7. A six-foot minimum fence shall completely encompass at least the physical outdoor shooting range. This fence shall be completed prior to the occupancy of the primary structure.
8. Adequate ventilation shall be provided for indoor facilities.
9. Operational hours may be established and/or restricted by the County Manager, as deemed appropriate.
10. In the case of compound bows, recurved bows or other forms of weapon ranges, as well as the above, the County Manager may waive certain conditions or place additional conditions as he deems necessary.

### *Racetracks*

#### A. Racetrack, Auto

1. This use shall not be permitted within 500 feet of any property used for a residence, school, park, religious assembly, playground, or hospital.
2. This use shall not be permitted within 500 feet of the boundary of an R, RM, or MHP district.
3. A solid fence or wall at least six feet in height shall be erected along all property lines. This fence shall be completed prior to occupancy or use of the primary structure.
4. A minimum buffer of 100 feet or a berm shall be required.
5. This use may be subject to limitation upon hours of operation or noise levels.

6. This use shall be permitted only if located on property with frontage on an arterial or collector with access limited to the same.

#### B. Racetrack, Horse

1. This use shall not be permitted within 500 feet of any property used for a residence, school, park, religious assembly, playground, or hospital.
2. This use shall not be permitted within 500 feet of the boundary of an R, RM, or MHP district.
3. A fence or wall at least six feet in height shall be erected along all property lines. This fence shall be completed prior to occupancy or use of the primary structure.
4. A minimum buffer of 100 feet or a berm shall be required.
5. This use may be subject to limitation upon hours of operation or noise levels.

#### *Aviation Facility*

1. All such uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution, or other official act adopted by the governmental entity proposing the use and authorizing the establishment of the proposed use at the proposed location.
2. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by agencies such as the Federal Aviation Administration and all other applicable federal, state or local statutes, ordinances, rules or regulations.
3. A statement shall be provided detailing noise abatement procedures, methods, and devices that will be employed on the operation of the facility and sufficient analysis shall be presented to indicate what adjoining lands will be affected by the anticipated noise.
4. All facilities shall be located and so designed that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.
5. All areas used by aircraft under its own power shall be provided with an all-weather, dustless surface.
6. A map shall be presented showing the landing and take-off corridors as projected, with the map to cover an area within at least a 5,000-foot radius of the boundaries of the proposed facility.

## **Industrial**

### **Extractive Industry**

#### *All Uses*

##### **A. General Requirements**

1. This use, exclusive of office and administrative space, shall not be permitted within 1,000 feet of any property used for a residence, school, park, religious assembly, playground, hospital and any property zoned for residential or commercial use.
2. The boundary of the property shall not be within 2 miles of Lake Sinclair or Lake Oconee.
3. A solid fence or wall at least six feet in height shall be erected no less than 300 feet from the excavated area. This fence shall be completed prior to occupancy or use of the primary structure.
4. A minimum buffer of 200 feet shall be required along all property lines.
5. Access through properties used for or zoned for residential uses is prohibited.
6. The use shall have direct access to a state highway or an arterial road having a minimum of six inches graded, aggregate base.
7. A minimum of 100 acres is required.
8. The operators or owners of the quarry/mine must present to the County Manager and to the board of commissioners an acceptable comprehensive plan for the re-use of the property at the cessation of the quarry/mining operation. The plan shall include:
  - a. Plans for the property after the operation has ceased;
  - b. Re-vegetation plans;
  - c. Maintenance of the site during the operation;
  - d. Return water turbidity levels.
9. All blasting shall be done in accordance to O.C.G.A. §§ 25-8-1 through 25-8-12.
10. At the time of application for the building permit, the owners or operators shall present to the administrative officer documentation and permit number which confirms that a permit has been issued in accordance with the Georgia Surface Mining Act of 1968, as amended O.C.G.A. § 12-4-75.
11. The board of commissioners may require a performance bond in an amount satisfactory to cover any exposure to the citizens that is not required by EPA.

B. Removal or extraction of dirt, sand, soil and other natural materials.

1. The removal area shall be completely enclosed with a fence not less than six feet in height, which shall be completed prior to occupancy or use of the primary structure or purpose.
  - a. Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a development permit.
  - b. This section shall not prohibit the removal of earth and rock and filling and grading in any district for land development purposes, upon issuance of a development permit in accordance with the provisions of this chapter.

C. Removal or extraction of rock and other natural materials for the production and processing of crushed stone.

1. Blasting shall coincide with the period between 8:00 a.m. and 5:30 p.m., Monday—Friday, except when on-site hazards to safety dictate otherwise.
2. This use shall be permitted only if located on property with frontage on an arterial or collector with access limited to the same.

General Industrial

*Fuel Oil/Gas Distributor*

1. This use shall not be permitted within 500 feet of the boundary of an R, RM, or MHP district.
2. There shall not be outside storage of materials, supplies, equipment or vehicles.

Manufacturing and Production

*Manufacturing, Heavy*

1. The use must be designed in a way so as not to create noise, dust, vibration, smell, excessive traffic, smoke, glare, or electrical interference so as to rise to the level of a nuisance.
2. This use shall not be permitted within 500 feet of any property used for residential use, school, park, religious assembly, playground, or medical facility.

*Scrap and Salvage Services*

1. This use shall not be established on a lot which is either adjacent to or directly across the street from any R, RM, or MHP district.
2. This use shall not be permitted within 500 feet of the boundary of any R, RM, or MHP district.
2. A solid fence or wall at least six feet in height shall be erected along all property lines. This fence shall be completed prior to occupancy or use of the primary structure.

3. This use may be subject to limitation upon hours of operation or noise levels.
4. This use shall be permitted only if located on property with frontage on an arterial or collector with access limited to the same.

### *Junkyards*

1. This use is only permitted on a lot of at least five (5) acres.
2. The minimum lot width is 300 feet.
3. This use can only be accessed from arterial or collector roadways.
4. This use must be set back at least 500 feet from any residentially zoned or used property, unless it is the owner's dwelling.
5. A solid fence at least eight (8) feet high shall be erected around the entire perimeter of the property with a gate to be opened only to access the site. The gate shall contain a lock to prevent unauthorized entry. This fence shall be completed prior to occupancy or use of the primary structure.
6. There is a minimum buffer of 100 feet.
7. Approval of this use is subject to the provision of a plan for rodent/pest control by the Baldwin County Health Department.

## **Temporary Uses and Structures**

### *Construction-Related Structures and Uses*

Temporary structures including offices, storage buildings, trailers, and similar as well as outdoor storage areas and employee parking areas may occur on the same site as construction activity or on an adjacent or nearby site.

These structures must be removed within ten (10) after issuance of a certificate of occupancy for the final structure in the development.

Campers may be used by permit but not to exceed 14 days in any one consecutive month. No permit is required when a valid building permit has been issued.

### *Real Estate Sales Office/Model Home*

The real estate sales office/model home is permitted but must cease when 80 percent of the lots are sold or occupied.

## ARTICLE V. - ADMINISTRATION AND ENFORCEMENT

### DIVISION 1. - ESTABLISHMENT AND RESPONSIBILITIES OF THE PLANNING AND ZONING COMMISSION

#### Sec. XX-29. - Creation, membership, organization and meetings.

- (a) *Creation.* The planning and zoning commission is hereby established with the number of members equal to the number of commissioners on the board of commissioners as of each January 1.
- (b) *Membership; qualifications.* Each district commissioner on the board of commissioners shall nominate one member, in accordance with section 2-53, from the full-time residents of their district, for a term of two years except for the initial appointment which will terminate on December 31, 2025, and the chairman of the board of commissioners shall nominate, in accordance with section 2-53, from among the full-time residents of the county, one member for a term of two years except for the initial term which will terminate on December 31, 2025. Nothing shall prevent a member from succeeding him or herself, and, except as otherwise provided herein, all members of the planning and zoning commission shall hold office for the term specified and until the board of commissioners shall have appointed such member's successor. Any vacancy on the planning and zoning commission shall be filled in the same manner as the position was filled prior to the occurrence of the vacancy for the unexpired term of the member. Within three months of their initial appointment, each member must receive 12 hours of training in zoning procedures and/or comprehensive planning conducted and/or sponsored by ACCG or the University of Georgia's Carl Vinson Institute of Government or equivalent, as determined by the director of planning and development. No member shall be allowed to vote on any zoning matter until at least six hours of the aforementioned training has been received. The appointed member may participate in all meetings, discussions, and activities, but may not vote until six hours of training have been received. Failure to receive 12 hours of training within three months of appointment will be automatic grounds for removal from office. Members are removable only for cause by the board of commissioners.
- (c) *Organization and meetings.*
  - (1) *Officers.* The member appointed by the chairman of the board of commissioners shall serve as chairperson. The planning and zoning commission members shall elect a vice-chairperson on an annual basis. The chairperson shall: Preside at all meetings of the planning and zoning commission and at all public hearings as called by the planning and zoning commission; sign all documents authorized by the planning and zoning commission and transmit reports, plans and

recommendations of the planning and zoning commission to the board of commissioners; act as spokesman for the planning and zoning commission; appoint committees, and the chairs thereof, as may be necessary to perform the tasks of the planning and zoning commission. An employee of the planning and development department shall act as secretary to keep a minute book recording attendance, the vote of each member upon each question, or if absent, the failure to vote, indicating such fact; and keep records of examination and hearing and other official action.

The planning and zoning commission shall have the right to request interpretation of this chapter by the county attorney, in writing, through the planning and development department.

(2) *Rules.* All public hearings will be held in accordance with the procedural requirements of public hearings detailed in Georgia Code 36.66.4, and all subsequent updates going forth. The following shall be the rules on how and where meetings of the planning and zoning commission shall be held:

- a. The regular public hearing of the commission for requests such as rezoning and conditional use permits shall be held the first Thursday of the month at 6:30 p.m., unless there is no cause for holding such a meeting. The regularly scheduled public hearing of the commission for requests such as variance requests shall be held every second and fourth Thursday at 6:30 p.m., unless there is no cause for holding such a meeting. If there is no reason to have a regular meeting, the secretary shall inform the members of the commission at least five days in advance. The planning and zoning commission has the authority to reschedule any meeting should a conflict arise to include but not limited to holidays, conferences, or inclement weather.
- b. All meetings shall be held in a county-owned or leased facility. The regular meeting place will be the Baldwin County Administration Office or such facility as established by the board of commissioners. Any change in meeting place will be advertised as required by law.
- c. Special meetings may be called by the planning and zoning chairperson, provided that at least 24 hours' notice of such meeting is given each member and that such public notice as required by law is provided.
- d. Three members shall constitute a quorum to conduct all business.
- e. No member of the planning or zoning commission or the director, the secretary, building inspector, or code enforcement officer shall appear for or represent any person in any matter

pending before the commission. No member of the planning and zoning commission shall hear or vote upon any matter in which he/she is directly or indirectly interested in a personal or financial way.

- f. The order of business at each meeting shall be as follows: Roll call. Approval of minutes of previous meeting. Unfinished business. Hearing of agenda items. New business.
- g. Failure to attend three consecutive meetings without notice shall be considered automatic resignation from the planning and zoning commission, and upon resignation or other vacancies occurring in office, the director shall inform the board of commissioners of such occurrence as promptly as possible, so that the relevant appointing commissioner shall appoint a replacement to fill the unexpired term.
- h. The planning and zoning commission shall be free to adopt such additional rules to govern further the conduct of its meetings and of public hearings as are consistent with state laws and county codes and are appropriate to its responsibilities, which shall be published and available to the public.

- (3) *Compensation.* Members of the planning and zoning commission shall be entitled to a per diem as provided in the established schedule of per diems for boards and committees. In addition, the members may be reimbursed, at the current county rate, for up to 50 miles of travel each month for official planning and zoning business. Mileage reimbursement is not allowed for travel to the monthly scheduled meeting.

Secs. XX-30—XX-34. - Reserved.

## **DIVISION 2. - SCOPES OF AUTHORITY AND GENERAL PROCEDURES**

Sec. XX-35. - Director, scope of authority.

- (a) *Issuance of permits.* Supervise the issuance of development and building permits so as to make sure that all new development and construction complies with this chapter and other relevant chapters.
- (b) *Variances.* Review variance requests and refer, with recommendations to the planning and zoning commission, including any conditions that may be deemed advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.
- (c) *Enforcement; penalties for violation of chapter.*



- (1) In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, covered or maintained, or any building, structure or land is or is proposed to be used in violation of any provision of this chapter, the director, shall in addition to other remedies, and after due notice to the owner of the violation, issue a citation for violation of this chapter requiring the presence of the violator in the magistrate's court; or institute injunction or other appropriate action or proceeding to prevent this unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate this violation or to prevent the occupancy of this building, structure or land. Where a violation of the regulations of this chapter exists with respect to a structure or land, the director may, in addition to other remedies, require that public utility service be withheld until such time as the structure or premises are no longer in violation of this chapter.
  - (2) Any firm, person or corporation that shall do anything prohibited by this chapter as they exist, or as they may hereafter be amended, or who shall fail to do anything required by this chapter as they now exist or as they may hereafter be amended, upon conviction of a violation, shall be subject to punishment as provided by law. Any violation of this chapter shall be regarded as a misdemeanor, punishable by up to one year's imprisonment and/or a fine of \$1,000.00. Each day that this violation exists shall be deemed a separate offense.
- (d) *Appeals from decisions of the director.* It is the intention of this article that all questions arising in connection with the administration and enforcement of this article shall be presented first to the director and that these questions shall be presented to the planning and zoning commission only on appeal from the decision of such an official. Fees shall be set from time to time by the board of commissioners governing the cost of such appeals. All appeals must be filed within ten days of the issuance of the decision being appealed. Division 2 of this article shall govern policies and procedures for such appeals. A permit applicant proceeds with construction at his own risk until the appeal period expires and while an appeal of the issuance of a permit is pending.
- Sec. XX-36. - Planning and zoning commission, scope of authority.
- (a) *Initiation.* All planning and zoning issues, including those relative to the official zoning maps, shall be reviewed by the planning and zoning commission. Amendments to the official zoning maps may only be made by the board of commissioners.

- (b) *Conditional use permits.* If a use is not permitted in any zoning district, the planning and zoning commission may hear and recommend a conditional use permit approval application as submitted according to the rezoning process. In granting such a conditional use permit, the planning and zoning commission may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured, and substantial justice done. Conditional use permits shall be issued for a period of two years and will be reviewed for compliance.
- (c) *Variances.* The planning and zoning commission shall hear applications for all variances from the development standards and performance standards of this chapter. All variance approval shall be contiguous with the property. Such variances may be granted only:
  - (1) Whereby reason of exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of adoption of this chapter, was a lot or plat of record; or
  - (2) Where by reason of exceptional topographic conditions to include floodplains or other extraordinary or exceptional conditions of a piece of property, strict application of the development requirements of this chapter would result in practical difficulties to, and undue hardship upon the owner of this property, which difficulty or hardship is not the result of acts of the applicant; and further provided that this relief may be granted without substantially impairing the intent and purpose of this chapter and is not contrary to the public welfare.
  - (3) In granting a variance, the planning and zoning commission may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured, and substantial justice done. However, the planning and zoning commission shall not be authorized to grant a density variance or a use variance to permit a density or use in a district in which the density or use is otherwise prohibited. The planning and zoning commission shall not be authorized to grant a variance to development standards set forth in a statement of zoning conditions accompanying a conditional zoning.
- (d) *Appeals of administrative decisions.*
  - (1) *Who may seek an appeal.* Any person, firm or officer, department, board or agency directly affected by the decision of the planning and development department director may bring an appeal before the planning and zoning commissioners. Such request shall be made within ten

days following notification of the decision from which an appeal is taken by filing with the director a notice of appeal and specifying the grounds thereof. The director shall forthwith transmit to the planning and zoning commission all papers constituting the record upon which the action appealed from was taken.

- (2) *Extent of commission power.* The planning and zoning commission may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed.
- (3) *Effect of appeal.* An appeal waiting for a hearing shall not stay the effectiveness of the permit or decision being challenged. However, if the owner of property who has received the permit, variance or favorable interpretation proceeds with development at the property owner's own risk that such development may be halted if the appeal is successful.

Sec. XX-37. - Board of commissioners, scope of authority.

- (a) *Initiation.* This chapter, including the official zoning maps, may be amended by the board of commissioners on its own motion or by private petition or on recommendation of the planning and zoning commission.
- (b) *Variances.* The board of commissioners shall hear and decide on applications for variances from the development standards or performance standards of this chapter only on appeal of the decision of the planning and zoning commission. Such variances may be granted only:
  - (1) Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property, which at the time of adoption of this chapter, was a lot or plat of record; or
  - (2) Where, by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of a piece of property, the strict application of the development requirements of this chapter would result in practical difficulties to, and undue hardship upon, the owner of this property, which difficulty or hardship is not the result of acts of the applicant; and further provided that this relief may be granted without substantially impairing the intent and purpose of this chapter and is not contrary to the public welfare.
  - (3) In granting a variance, the board of commissioners may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare

secured, and substantial justice done. The board of commissioners is authorized to grant a density variance or a use variance to permit a density or use in a district where otherwise prohibited.

(c) *Appeals of administrative decision.*

- (1) *Who may seek an appeal.* Any person, firm or officer, department, board or agency directly affected by the decision of the planning and zoning commission may bring an appeal before the board of commissioners. Such request shall be made within ten days following notification of the decision from which an appeal is taken by filing with the director a notice of appeal and specifying the grounds thereof. The director shall forthwith transmit to the board of commissioners all papers constituting the record upon which the action appealed from was taken.
- (2) *Extent of commission power.* The board of commissioners may, in conformity with this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed.
- (3) *Effect of appeal.* An appeal waiting for a hearing shall not stay the effectiveness of the permit or decision being challenged. However, if the owner of property who has received the permit, variance or favorable interpretation proceeds with development at the property owner's own risk that such development may be halted if the appeal is successful.

Sec. XX-38. - Procedures for public hearings and meetings.

- (a) The following rules of procedure govern meetings and public hearings on all amendments, rezoning, variances, appeals, matters of interpretation and similar matters relating to this chapter before the planning and zoning commission or the board of commissioners. These rules apply to all such public hearing items appearing on any agenda.
  - (1) Individuals desiring to address the planning and zoning commission or the board of commissioners regarding an agenda item are required to sign in prior to the commencement of the meeting or public hearing. Such comments by any one person should not exceed three minutes. Applicants or proponents of an item on the public hearing agenda shall be heard first and shall have a minimum of ten minutes in which to present any information pertinent to the issue to be decided. Opponents of the issue may respond and shall have a minimum of ten minutes in which to present any information pertinent to the issue to be decided. Applicants or proponents may use any unused portion of their ten minutes for rebuttal. Opponents shall not have the right of rebuttal. No demonstrations will be permitted.

- (2) Written comments on the subject of the meeting or hearing may be submitted by any person at any time prior to the adjournment of the hearing.
- (3) Following the presentation of positions by members of the public, a recommendation from the county staff shall be presented.
- (4) Following the staff recommendation, members of the planning and zoning commission or the board of commissioners may ask of anyone present questions pertinent to the issue.
- (5) Following questions and/or comments by the planning and zoning commission or the board of commissioners, a motion for action on the issue will be in order.
- (6) Authorized action by the planning and zoning commission or the board of commissioners, with respect to any motion pending before it, consists of one of the following: Approval, approval with conditions, denial, deferral, withdrawal without prejudice, or deferral to a time certain. Any vote shall be by roll call. A tie vote acts as a denial.
- (7) No official action shall be taken except upon the affirmative vote of at least three members of the planning and zoning commission or the board of commissioners, or a majority of a quorum.
- (8) Minutes of the meetings of the planning and zoning commission and the board of commissioners shall be maintained and any written or other tangible materials presented at the hearing must be kept as a permanent record. Any person desiring a transcript of the hearing must arrange for a court reporter at their own expense.
- (9) The board of commissioners shall confirm, in writing to the applicant, its decisions with respect to any matter pending before it at the request of a private applicant. Any map amendment shall be posted by the director of the planning and development department on the official zoning maps within 30 days of its approval by the board of commissioners. On the effective date of the amendment of the official zoning maps, such amendments shall be posted in an appropriate manner; and records accompanying or references upon the maps shall enable the identification of the official action by which such amendment was made and the date of such action. No such amendment shall become effective until such change in entry has been made on the official maps, it being the intent of this chapter that the public shall be able to rely on such maps as correct and final authority as to current zoning status without investigating for possible errors or omissions. No change of any nature shall be made in the official zoning maps except in conformity with the procedures and requirements of this division.

- (b) If the official zoning maps become damaged, lost or difficult to interpret by reason of the nature or number of changes, the commission may by ordinance authorize new official zoning maps which shall supersede the prior maps; provided, however, that if there is uncertainty about the zoning status of any area because of the condition of the maps or any part thereof, such action shall take the form of an amendment to this chapter, and shall resolve the uncertainty. The new official zoning maps may correct drafting or other omissions or errors in the prior maps. The new official zoning maps shall be authenticated and attested as for the original, with wording indicating when and by what instrument the prior document was adopted. Unless the prior official zoning maps have been lost or wholly destroyed, such documents, or any remaining significant parts thereof, shall be preserved, together with any significant records pertaining to its adoption or amendment, as a guide to prior zoning status of areas.

Sec. XX-39. - Reserved.

### **DIVISION 3. - ZONING CHANGES**

Sec. XX-40. - Application for a zoning change.

- (a) *Authority to initiate amendments.* Applications to amend this chapter may be in the form of proposals to amend the text, or proposals to amend part or all of the official zoning maps (a rezoning) or by actions initiated by the board of commissioners. An application for an amendment to the official zoning map, affecting the same property, shall not be submitted more than once every 12 months. Such interval begins with the date of the final decision by the board of commissioners. The board of commissioners, in its discretion and by unanimous vote, may reduce or waive the final six-month time interval to amend the official zoning map affecting the same property. However, an application to alter conditions of rezoning as contemplated in subsection XX-40(b) of this division may be submitted at any time. Applications shall be the same as for a rezoning and shall comply with the requirements of this section, excluding subsections (b) and (c) hereof.
- (b) *Application: receipt and acceptance.*
- (1) Whenever an application is initiated by a person or persons other than the board of commissioners, the following requirements shall be met. Prior to processing any such application, the applicant shall be required to file the necessary documentation and follow the procedures as set forth in this section.

- (2) An application shall be made in writing to the planning and development department on forms provided by the department. Each application shall include the signatures of the applicant and the property owner. It shall affirm that the owner is in fact the current owner of record. The letter of agency form shall be notarized.
  - (3) No application will be considered to have been made until such form(s) as described in subsection **XX-8(c)** herein have been completed and submitted to the planning and development department with the application fees as established by the board of commissioners and supporting materials as required under this article.
  - (4) Any communication relative to an application for a zoning change will be regarded as informational only until a proper and complete application is accepted by the director of the planning and development department or designee. The planning and development department shall review the application for completeness within five workdays following the submission deadline. Incomplete or improper applications will be returned to the applicant with a written list of deficiencies and signed by the director. The application submittal deadline shall be the last Thursday of every month, unless said day is a holiday, as may be established by the board of commissioners, then the deadline shall be the day before.
- (c) *Application contents for all developments, excluding Planned Unit Developments.* An application is to be submitted in one signed original copy and in a number of copies as established by the planning and development department. The following is required for all residential and commercial subdivision rezoning requests. All other requests must include subsections (c)(1)—(13).
- (1) Properly executed application form supplied by the planning and development department, including the owner's signature and a letter of agency form or a specific notarized written authorization by the owner delegating the applicant to act on behalf of the owner and that the applicant may agree to any conditions and stipulations on the behalf of the owner that may be attached to the application by the approval of the application by the board of commissioners.
  - (2) The location of the subject property, including street number, if any;
  - (3) Copy of warranty deed;
  - (4) Legal description and recorded plat of the property to be rezoned;
  - (5) A general location map;

- (5) Existing zoning district classification of the property and adjacent properties; and the proposed zoning district desired;
- (6) The comprehensive plan future land use map category in which the property is located. If more than one category applies, the areas in each category are to be illustrated on the concept plan;
- (7) A detailed description of existing land uses, buildings, and structures on the subject property and adjacent properties;
- (8) The area of land proposed to be rezoned, stated in square feet if less than one acre and in acres if one acre or more;
- (9) A statement as to the source of the domestic water supply;
- (10) A statement as to the provision for sanitary sewage disposal;
- (11) Statement of political contributions by the applicant and the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. § 36-67A);
- (12) The application designation, date of application and action taken on all prior applications filed for rezoning for all or part of the subject property;
- (13) Proof that property taxes for the parcel(s) in question have been paid;
- (14) Concept plan. (If the application is for less than 25 single-family residential lots, a concept plan need not be submitted.)
  - a. An application shall be accompanied by a concept plan. A concept plan may be prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person professionally involved in and familiar with land development activities.
  - b. The concept plan shall be drawn on a boundary survey of the property. The boundary survey shall have been prepared by a currently registered Georgia Registered Land Surveyor and meet the requirements of the State of Georgia for such a map or plat under O.C.G.A. § 15-6-67(b).
  - c. The concept plan shall show the following:
    - 1. Proposed use of the property.
    - 2. The proposed project layout includes:



- i. For residential subdivisions, commercial, or industrial applications, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
  - ii. For multifamily and nonresidential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, dumpsters, zoning buffers, parking areas, loading stations, stormwater detention facilities, and driveways, entrances and exits.
3. Name, address, telephone number, and email address of the applicant, if different than the owner.
  4. The approximate location of proposed stormwater detention facilities and the location shown.
  5. Such additional information may be useful to permit an understanding of the proposed use and development of the property, particularly with respect to the compatibility of the proposed use with adjacent properties.

(15) Impact analysis. (If the application is for less than 25 single-family residential lots, an impact analysis need not be submitted.) The impact analysis shall be prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person professionally involved in and familiar with land development activities.

- a. The application must be accompanied by a written, documented analysis of the proposed zoning change concerning each of the standards governing consideration, which are enumerated under subsection XX-12(d).
- b. A traffic impact analysis is to include the existing average daily traffic on roads/streets leading to the nearest intersection and the projected average daily traffic. Additional requirements of the analysis may be provided by the planning and development department and included with the application.
- c. The estimated number of dwelling units and total floor area of nonresidential uses (if applicable) of the proposed development.
- d. Effect on the environment surrounding the area to be rezoned, including the effect on all natural and historic resources. (State source of the information.)

- e. Impact on fire protection with respect to the need for additional firefighting equipment or personnel. (State source of the information.)
- f. What are the physical characteristics of the site with respect to topography and drainage courses?
- g. Adjacent and nearby zoning and land use.

(d) *Application contents for Planned Unit Developments*

An application is to be submitted in one signed original copy and in a number of copies as established by the planning and development department. The following is required for all Planned Unit Development rezoning requests. All other requests must include subsections (c)(1)—(13).

- (1) Properly executed application form supplied by the planning and development department, including the owner's signature and a letter of agency form or a specific notarized written authorization by the owner delegating the applicant to act on behalf of the owner and that the applicant may agree to any conditions and stipulations on the behalf of the owner that may be attached to the application by the approval of the application by the board of commissioners.
- (2) The location of the subject property, including street number, if any;
- (3) Copy of warranty deed;
- (4) Legal description and recorded plat of the property to be rezoned;
- (5) A general location map;
- (6) A project narrative detailing the proposed development and explaining how it meets the purposes, intents, and standards of all applicable laws, rules, regulations, and ordinances. The narrative shall include the following:
  - a. Identification of the present owners of all land within the proposed project;
  - b. Explanation of the existing zoning district classification of the property and adjacent properties, and the proposed zoning district desired;
  - c. Explanation of the comprehensive plan future land use map category in which the property is located. If more than one category applies, the areas in each category are to be illustrated on the concept plan.
  - d. A detailed description of existing land uses, buildings, and structures on the subject property and adjacent properties;

- e. Explanation of the proposed character of the planned unit development, including a summary of acreage by use, number and type of dwelling units, gross residential density per acre, gross commercial density per acre (if applicable) area and percent of the project to be preserved as common open space, minimum lot sizes by type of use;
  - f. Explanation of creative or innovative features of the proposed development,
  - g. A description of the relationship of the proposed development to the surrounding natural features and all existing development on the site;
  - h. A description of water, wastewater, and stormwater facilities to be provided.
  - i. Proposed restrictive covenants (for informational purposes only)
  - j. A general description of the proposed development schedule and anticipated phases
- (7) Statement of political contributions by the applicant and the applicant's attorney as required by the Georgia Conflict of Interest in Zoning Act (O.C.G.A. § 36-67A);
- (8) The application designation, date of application, and action taken on all prior applications filed for rezoning for all or part of the subject property;
- (9) Proof that property taxes for the parcel(s) in question have been paid;
- (10) Concept plan for all Planned Unit Developments
- a. An application shall be accompanied by a concept plan. A concept plan may be prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person professionally involved in and familiar with land development activities.
  - b. The concept plan shall be drawn on a boundary survey of the property. The boundary survey shall have been prepared by a currently registered Georgia Registered Land Surveyor and meet the requirements of the State of Georgia for such a map or plat under O.C.G.A. § 15-6-67(b).
  - c. The concept plan shall have the following:
    - 1. Proposed uses within the PUD
    - 2. Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, area to be developed by type of use and housing unit type if applicable, parking areas, and easements.
    - 3. All perimeter streets abutting the property, including right-of-way width.

4. Existing topography with a maximum contour interval of five (5) feet
5. Existing natural features (wood, ponds, jurisdictional wetlands, slopes greater than 12 percent)
6. Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey;
7. Delineation of any significant historic or archaeological feature, grave, object or structure marking a place of burial if known, and a statement indicating how the proposed development will impact it.
8. Conceptual plans for drainage and approximate location and estimated size of all stormwater management facilities and a statement as to the type of facility proposed.
9. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
10. Such additional information as may be useful to permit an understanding of the proposed use and development of the property particularly with respect to the compatibility of the proposed use with adjacent properties.

(11) Impact analysis. The impact analysis shall be prepared by a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person professionally involved in and familiar with land development activities.

- a. The application must be accompanied by a written, documented analysis of the proposed zoning change with regard to each of the standards governing consideration, which are enumerated under subsection XX-12(d).
- b. A traffic impact analysis is to include the existing average daily traffic on road/streets leading to the nearest intersection and the projected average daily traffic. Additional requirements of the analysis may be provided by the planning and development department and included with the application.
- c. The estimated number of dwelling units and total floor area of nonresidential uses (if applicable) of the proposed development.
- d. Effect on the environment surrounding the area to be rezoned including the effect on all natural and historic resources. (State source of the information.)

- e. Impact on fire protection with respect to the need for additional firefighting equipment or personnel. (State source of the information.)
- f. What are the physical characteristics of the site with respect to topography and drainage courses?
- g. Adjacent and nearby zoning and land use.

(d) *Processing of zoning change applications by staff.*

- (1) Prior to a public hearing for any zoning change pursuant to section XX-40, the director shall send a copy of the agenda to each member of the planning and zoning commission and the board of commissioners.
- (2) Conflict of interest. Following receipt of the agenda and prior to the first public hearing, the individual officials shall file a conflict of interest disclosure report as may be required by O.C.G.A. § 36-67A.
- (3) Staff review and recommendation. The planning and development department director shall prepare, with the assistance of the technical review process when applicable, a written recommendation and zoning analysis that shall include: The items listed in subsection (c)(14)c.1.—5. as appropriate, and the items listed in subsection (c)(15)a.—g. as appropriate, and the following:
  - a. Comments on a site review of the property and surrounding area, as well as an analysis of any previous zoning history relative to the tract; and
  - b. Statement as to the conformity with Baldwin County's Comprehensive Plan; and
  - c. The opinions and findings resulting from the technical review process.

- (e) *Recommendation distribution.* In advance of the public hearing by the planning and zoning commission, copies of the written recommendations and the attachments shall be provided to each member of the planning and zoning commission and the board of commissioners. A copy of the recommendation shall be provided to the applicant within a reasonable time after distribution has been made. A reasonable number of copies will be available to the public on a first-come basis.

Sec. XX-42. - Application scheduling and fees.

- (a) Applications shall be submitted in accordance with subsection XX-8(b)(4) and shall be heard by the planning and zoning commission at a public hearing on the first Thursday of the second month following the application deadline and the board of commissioners at a public hearing on the third Tuesday following the planning and zoning public hearing. Applicants will be notified if a hearing is cancelled per subsection XX-1(c)(2)a., along with the rescheduled date of the new hearing.
- (b) Application fees for an application to amend the official zoning map shall be established by the board of commissioners and made available by the planning and development department. A fee shall not be charged for applications initiated by the board of commissioners.

Sec. XX-43. - Public notification of zoning hearings.

- (a) *Legal notice.* Due notice of the public hearings before the planning and zoning commission and the board of commissioners shall be published in the newspaper of general circulation in the county in which are carried the legal advertisements of the county by advertising the nature of the application and the date, time, place and purpose of the public hearings at least 15 days and not more than 45 days prior to the date of the first hearing conducted by the planning and zoning commission, and not more than 45 nor less than 15 days prior to the date of any deferred public hearing as contemplated in subsection XX-12(f)(2 3). If the application is for amendment to the official zoning maps, then the notice shall also include the location of the property, the present zoning district of the property, and the proposed zoning district of the property.
- (b) *Signs.* As to an application to amend the official zoning maps, the planning and development department director shall post at least 15 days and not more than 45 days prior to the planning and zoning commission's public hearing and not more than 45 days nor less than 15 days prior to the date of any deferred public hearing in a conspicuous place adjacent to the public right-of-way along all frontages of the property for which an application has been submitted, signs containing information as to the application as set forth in section XX-40 and the date, time and place of the public hearing.
- (c) *Publishing of notice.* In the event the rezoning is initiated by the board of commissioners, the legal notice published need only contain the time, place and purpose of the hearing, and there is no requirement that a sign be placed.

Sec. XX-43. - Withdrawal of application.

An application shall not be withdrawn by the applicant after the legal advertising, as required by this article, has first appeared, except as may be permitted by the planning and zoning commission or the board of commissioners at their public hearing.

Sec. XX-44. - Action on rezoning application or text amendment.

- (a) *Hearing.* The planning and zoning commission and the board of commissioners shall hold public hearings on each application or text amendment as provided in section XX-29.
- (b) *Director's reports.*
  - (1) The director of the planning and development department at the public hearings shall state the staff's recommendation for each application or text amendment after hearing proponents' and opponents' issues.
  - (2) For the BOC hearing, the director will also state the Planning and Zoning recommendation.
- (c) *Considerations.* In addition, the planning and zoning commission and the board of commissioners shall, with respect to each application or text amendment, consider each of the matters set forth in subsection (d) of this section, the opinions and findings of the technical review process and the recommendation of the director of the planning and development department.
- (d) *Standards governing consideration of a zoning change.* All amendments to the zoning map shall be viewed by the planning and zoning commission and the board of commissioners in light of the following standards used to determine the balance between an individual's unrestricted right to the use of his or her property and the public's right to the protection of its health, safety, morality, or general welfare of the community. These standards shall be printed, and copies thereof shall be available to the general public during regular business hours. Emphasis may be placed on those criteria most applicable to the specific use proposed:
  - (1) Is the proposed use consistent with the stated purpose of the zoning district that is being requested?
  - (2) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
  - (3) Will the proposed use adversely affect the existing use, value or usability of adjacent or nearby property?
  - (4) Is the proposed use compatible with the purpose and intent of the comprehensive plan?

- (5) Are there substantial reasons why the property cannot or should not be used as currently zoned?
  - (6) Will the proposed use cause excessive or burdensome use of public facilities or services or exceed the present or funded capabilities, including but not limited to streets, water or sewer utilities, and police or fire protection?
  - (7) Is the proposed use supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties?
  - (8) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, and a reasonable private use of the subject property?
  - (9) In addition to the standards enumerated in items (1)—(8) of this section, the planning and zoning commission and the board of commissioners may consider the following standards in a rezoning application if applicable:
    - a. Duration for which the property has been vacant;
    - b. Development patterns and trends in the community; and
    - c. Potential air, water, noise and light pollution.
- (e) *Amendments to the application or to text amendments.*
- (1) The planning and zoning commission may recommend amendments to an applicant's request which would: reduce the land area, change the district requested, number of dwelling units, locations of ingress and egress, and building height. The planning and zoning commission may also apply buffers, increase setbacks and hours of operation and impose conditions of rezoning, which may be deemed advisable so that the purpose of this chapter will be served, and the health, public safety and general welfare are secured.
  - (2) The board of commissioners is hereby authorized to enter into a development agreement setting forth the conditions placed on the approval of a zoning application. The development agreement will be referred to the planning and zoning commission to draft the conditions and terms before resubmitting to the board of commissioners for approval.
  - (3) If the request is for a rezoning of a portion of a parcel, the approval of such rezoning shall be conditioned upon the resurveying and the recordation of the plat. If conditions have been made to the rezoning approval, the new zoning district designation on the official zoning maps shall include



an asterisk (\*), such conditions being reflected in the official minutes of the meeting of the board of commissioners.

(f) *Planning and zoning commission's and board of commissioners' decisions.*

- (1) The planning and zoning commission may recommend approval or deny the application, or change, reduce or modify any part of the application to best achieve a balance between rights of the applicant and the public interest.
- (2) The board of commissioners may grant approval or deny the application, or change, reduce or modify any part of the application to best achieve a balance between rights of the applicant and the public interest.
- (3) The planning and zoning commission and the board of commissioners may defer its vote to another hearing date or allow an application to be withdrawn with or without prejudice with respect to the 12-month limitation of this division. An action by the planning and zoning commission or the board of commissioners to defer the application shall include a statement of the date and time of the next meeting at which the application will be considered. However, if the second public hearing will allow continued presentation of positions or information by proponents or opponents, the deferred hearing also shall be readvertised in compliance with section XX-10.

(g) *Communication to property owner after approval.* After each application has been disposed of by the board of commissioners, the property owner shall receive notification from the director of the planning and development department of the zoning change and the conditions related thereto. The director shall also notify the property owner to survey and plat new divisions of property for recording, if applicable.

(h) *File maintenance.* The Department of Planning and Zoning shall maintain a file containing each application, which shall remain current throughout the development's construction to completion. The file shall contain references to all other permits issued pursuant to the approval of the rezoning. The department may maintain a summary of the pertinent data and status of the development in a computer database.

Sec. XX-45. - Changes.

- (a) All approved rezoning applications are subject to the Baldwin County Code of Ordinances and to the conditions as may have been applied by the board of commissioners. All the approved rezoning applications must comply with the International Building Code, the development regulations, and to

the performance standards of this chapter prior to any disturbance of land. The director may modify the application to the extent that compliance with the International Building Code, development regulations, and performance standards may require.

- (b) Any alterations of conditions of rezoning as applied by the board of commissioners shall be processed in accordance with all provisions applicable to changes to the official zoning maps.

Sec. XX-46. - Conflict of interest and disclosure rules for rezoning, map or text amendment.

- (a) A member of the planning and zoning commission, the board of commissioners, or any other county official must comply with O.C.G.A. § 36-67A-3, as amended.
- (b) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:
  - (1) The name and official position of the local government official to whom the campaign contribution was made; and
  - (2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution. The disclosure required by this section shall be filed at least five calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.
- (c) When any applicant for a rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
  - (1) The name and official position of the local government official to whom the campaign contribution was made; and
  - (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application

for the rezoning action and the date of each such contribution. The disclosures required by this section shall be filed within ten days after an application for the rezoning action is first filed.

Sec. XX-47. - Compliance with zoning procedures.

This article, as from time to time amended, is intended to set forth and constitute the policies, procedures and standards required under O.C.G.A. § 36-66-5, and copies of this article's provisions shall be available to the public upon request.

Secs. XX-48—XX-56. - Reserved.