

AN ORDINANCE OF WALTON COUNTY, GEORGIA OA21110006

AN ORDINANCE TO AMEND the Walton County Land Development Ordinance adopted 5-3-16 and amended as per attached errata dated 11/01/2021

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF WALTON COUNTY, GEORGIA, and it hereby ordained by the authority of the same, following a duly held and advertised Public Hearing by the Walton County Planning Commission and the Walton County Board of Commissioners to amend the Walton County Land Development Ordinance adopted 5-3-16, as amended as per errata sheet dated 011/01/2021

Errata #1 – Amend size restrictions on non-subdivision parcels and requirement for residential appearance in R1 platted subdivisions.

Errata #2 – Add exterminating & Pest Control Services as a conditional use in the “A” zoning with supplemental regulations – Article 6.

Errata #3 – Corrections to the Guest House, Caretaker House (2) Guidelines

Errata #4 – Amend Article 6 change percentage of slope of roadways in all private drive Subdivisions. Agricultural Subdivision (PDAS) (2)

Errata #5 – Amend Article 9 Streets and Sidewalks – Section 170 – Curbs and Gutters

Errata #6 – Add to Article 6 – Guidelines for mini-warehouses (Self-service storage, mini-warehouses.)

Errata #7 – Amend Article 6 Part 2 – Cell Towers no longer require conditional use approval from Bd of Commissioners

Adopted by the Walton County Board of Commissioners this January 4, 2022.

David G Thompson, Chairman
Walton County Board of Commissioners
Walton County, Georgia

Attest:

Rhonda Hawk, County Clerk
Board of Commissioners
Walton County, Georgia

Chris Atkinson
County Attorney
Walton County, Georgia

Errata #1 Amend size restrictions on non-subdivision parcels and requirement for residential appearance in R1 platted subdivisions.

Part 2 Accessory Uses

Section 100 General Standards

- A. All accessory buildings, structures, and uses of land, including off-street parking, shall be located on the same lot as the principal building(s) to which they are accessory.
 - 1. All accessory buildings or structures shall be located in the rear yard or in the side yard behind the front yard setback line. Excluded are tracts of land 5 acres or greater, whereas accessory uses shall not be located in the minimum required front yard setback.
 - 2. Except in A, A1 and A2 Districts no accessory building shall be utilized unless the principal structure is also occupied.
 - 3. No accessory structure shall be closer than five feet from an abutting property line.
 - 4. Temporary buildings used in conjunction with construction work only may be permitted in any district and shall be removed immediately upon completion of construction.
 - 5. The following cumulative square footage restrictions shall to apply to accessory buildings within R1 platted subdivisions. Except in A Districts floor space of accessory buildings on a single parcel shall not exceed the following cumulative areas:

Property Size	Cumulative Area
0 to 0.499 acres	600 sq. ft.
0. 5 to 0.999 acres	900 sq. ft.
1 to 4.999 acres	1200 sq. ft.
5 or more acres	2000 sq. ft.

Section 120 Accessory Uses in Residential Districts

- A. The following residential accessory uses and structures shall be permitted in the R1, R2, R3, and MHP districts, including the following and similar uses and structures:
 - 1. All accessory uses permitted in Section 110 above, except for items 9, 10 and 11.
 - 2. In R1 residential districtsplatted subdivisions, the accessory structure must maintain a residential appearance (ie: no storage containers). must be for residential use only and shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.

- 3. No accessory structure in a residential district shall be used by other than family members of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this Ordinance.**

Errata #2 Add exterminating & Pest Control Services as a conditional use in the “A” zoning with supplemental regulations – Article 6

NAICS Code	Principal Uses	Suppl. Reg.	A	A1	A2	R1	R2	R3	MHP	OI	B1	B2	B3	TC	MUBP	M1	M2
561710	Exterminating & Pest Control Services		C								P	P	P			P	P

Article 6

Exterminating & Pest Control Services

Exterminating and Pest Control Services are allowed by right in the B1, B2, B3, M1 and M2 zoning districts; and as a conditional use in the A-Agricultural (5-acre minimum lot size) districts with the following conditions:

- (1) Other than vehicles, there shall be no outdoor storage of goods or equipment.
- (2) Vehicles used in conjunction with the business shall be parked in the side and/or rear yard.
- (3) All chemicals must be properly stored within a building in accordance with Department of Agriculture guidelines.

Errata #3 Corrections to guidelines

Guest House, Caretaker House (2)

Guest Houses are allowed by right in the A, A1, A2 and R-1 properties that are 1.2 acres in size or larger with county water and 2.4 acres in size or larger with well.

Guest houses are an accessory use to the primary residence.

Caretaker Houses are allowed by right in the B-2, B-3, TC, MUBP, M-1 and M-2 zonings.

9-1-2020

- A. The use must maintain a residential appearance and shall produce no impacts in appearance, noise, light, and traffic that are detrimental to adjacent properties.
- B. The size of the guesthouse, tenant house or caretaker house can be no more than 800 square feet.
- C. The rental or lease of a guesthouse shall be prohibited.
- D. Specific Regulations for Residential Units- Units shall have the following additional requirements: (7-6-2021)
 - a. A minimum roof pitch of 6:12, which means having a pitch equal to at least six (6) inches of vertical height for every twelve (12) inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
 - b. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials approved by the Director.
 - c. Exterior materials shall consist of wood, brick, stone or other masonry type product, fiber cement siding and other similar material is permitted. Vinyl and aluminum siding is prohibited.
 - d. All primary roof overhang for exterior walls shall be no less than 12 inches for brick sided and 12 inches shall apply to gable ends as well as exterior walls supporting rafters.
 - e. ~~All exterior wall sections wider than 25 feet shall include an interruption in the plane of the façade by recess, protrusion, or fenestration. (garage side of house is excluded)~~
 - f. No exposed unpainted wood is allowed on the front façade of any dwelling except porch flooring boards.

- g. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirements of the IRC Building Code.
- ~~h. Utility meters shall be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus of manufactured homes shall be removed before occupancy.~~
- i. All residential structures shall have a minimum 6 ft. by 8 ft. front porch, patio or deck ~~and a minimum 6 ft. by 8 ft. rear porch~~. The structure shall include steps, which lead to ground level, and both landing, and steps shall meet the requirements of the IRC Building Code.

Errata #4 Article 6 change percentage of slope of roadways in all private drive subdivisions.

Agricultural Subdivision (PDAS) (2)

A. Purpose and Intent

The purpose of the Private Drive Agricultural Subdivision development is to authorize, subject to certain standards, the development of residential subdivisions composed of a small number of large acreage lots in which a street providing access to lots in the development is not dedicated to the public, but is held in common ownership by the owners of the lots. Private drives and streets are not maintained by Walton County. This development is only available in the A Agricultural, A1 Rural Estate, A2 Rural Estate, and R1 Residential Zoning Districts.

B. Principal Uses and Structures

Single-family detached residential dwellings permitted under the underlying zoning district.

C. Accessory Uses and Structures

Accessory uses permitted under the underlying zoning district.

D. Conditional Uses

Conditional uses as permitted under the underlying zoning district.

E. Property Development Standards

Property development standards shall be as permitted under the underlying zoning district with the following exceptions:

1. No more than five (5) lots shall be permitted in the subdivision.
2. Each lot must contain a minimum of twenty (20) acres.
3. Minimum floor area of the primary dwelling shall be 1,800 square feet.
4. Private drainage easements, drainage structures, ditches, and pipes shall be constructed to the same standards for public facilities permitted in the underlying zoning district, but shall be maintained in perpetuity by land owner or by a mandatory homeowner association.

5. No lot in a Private Drive Agricultural Subdivision shall have direct access to a public street.
6. The design and construction of private drives shall comply with the following unless approved by the Director:

Surface Type	Min. Easement Width	Min. Surface Width	Min. Shoulder Width	Max. Grade	Aggregate Base Required	Min. Asphalt Thickness	Zoning
Gravel	60 Feet	16 Feet	4 Feet	+412%	4" Min.	N/A	A & A1
Asphalt	60 Feet	16 Feet	4 Feet	+712%	4" Min.	1 1/2" E-Mix	A2 & R1

Private drives shall have a maximum length of 2,000 feet, unless otherwise approved by the Director. The termination of any private drive shall include a cul-de-sac turnaround area with a minimum outside radius of forth (40) feet.

Private Drive Roads shall comply with the minimum requirements of the Standard Design and Construction Details as shown on diagram 3.03.

7. The private street easement shall be a cross-easement granting access to all lot owners and any other contiguous property that requires access to such street in order to access a public street adjacent to the property developed as a Private Drive Agricultural Subdivision.
8. Building setbacks are measured from the adjacent side of the private street easement line.
9. Gated entrances will be allowed only if the gate restricting access to the public provides adequate space outside the public right of way to provide for queuing of at least two standard vehicles in addition to a paved turnaround area.
10. Gated communities must provide approved access by emergency vehicles.
11. All streets within Private Drive Agricultural Subdivisions must provide approved street name signs, traffic control signs, and lots within the Private Drive Agricultural Subdivision shall display approved street numbers.
12. A 50 foot non-buildable buffer shall be maintained around the perimeter of the subdivision.
13. A 100 foot non-buildable buffer shall be maintained adjacent to existing public streets that abut the subdivision.
14. Minimum lot width shall be 150' with water, 200' with well. Setbacks shall be: 40' front, 15' sides and 40' rear.

15. Streets, roadside ditches, cross-drain pipes, and required storm water management facilities shall be maintained entirely by a mandatory homeowner's association. Other drainage ways, drainage structures, lakes, and dams may be maintained by either a homeowner's association or the individual homeowner.

Private Drive Subdivision (PDS) (2)

A. Purpose and Intent

The purpose of the Private Drive Subdivision development is to authorize, subject to certain standards, the development of residential subdivisions in which a street providing access to lots in the development is not dedicated to the public, but is held in common ownership by the owners of the lots. Private drives and streets are not maintained by Walton County. This development is only available in the A Agricultural, A1 Rural Estate, A2 Rural Estate and R1 Residential Zoning Districts.

B. Principal Uses and Structures

Single-family detached residential dwellings permitted under the underlying zoning district.

C. Accessory Uses and Structures

Accessory uses permitted under the underlying zoning district.

D. Conditional Uses

Conditional uses as permitted under the underlying zoning district.

E. Property Development Standards

Property development standards shall be as permitted under the underlying zoning district with the following exceptions:

1. No more than fifteen (15) lots shall be permitted in the subdivision.
2. Each lot must contain a minimum of five (5) acres.
3. Minimum floor area of the primary dwelling shall be 1,800 square feet.
4. Private drainage easements, drainage structures, ditches, and pipes shall be constructed to the same standards for public facilities permitted in the underlying zoning district, but shall be maintained in perpetuity by land owner or by a mandatory homeowner association.
5. No lot in a Private Drive Subdivision shall have direct access to a public street.

6. The design and construction of private drives shall comply with the following unless approved by the Director:

Surface Type	Min. Easement Width	Min. Surface Width	Min. Shoulder Width	Max. Grade	Zoning
Asphalt	60 Feet	16 Feet	4 Feet	4.712%	A, A1, A2 & R1

Private drives shall have a maximum length of 2,000 feet, unless otherwise approved by the Director and shall be paved as per “standard for local streets” as outlined in Article 9 of this Ordinance. The termination of any private drive shall include a cul-de-sac turn-around area with a minimum outside radius of forty (40) feet. (4-1-14)

Private Drive Roads shall comply with the minimum requirements of the Standard Design and Construction Details as shown on diagram 3.03.

7. The private street easement shall be a cross-easement granting access to all lot owners and any other contiguous property that requires access to such street in order to access a public street adjacent to the property developed as a Private Drive Subdivision.
8. Building setbacks are measured from the adjacent side of the private street easement line.
9. Gated entrances will be allowed only if the gate restricting access to the public provides adequate space outside the public right of way to provide for queuing of at least two standard vehicles in addition to a paved turnaround area.
10. Gated communities must provide approved access by emergency vehicles.
11. All streets within Private Drive Subdivisions must provide approved street name signs, traffic control signs, and lots within the Private Drive Subdivision shall display approved street numbers.
12. A 50 foot non-buildable buffer shall be maintained around the perimeter of the subdivision.
13. A 100 foot non-buildable buffer shall be maintained adjacent to existing public streets that abut the subdivision.
14. Minimum lot width shall be 150’ with water, 200’ with well. Setbacks shall be: 40’ front, 15’ sides and 40’ rear.
15. Streets, roadside ditches, cross-drain pipes, and required storm water management facilities shall be maintained entirely by a mandatory homeowner’s association. Other drainage ways, drainage structures, lakes, and dams may be maintained by either a homeowner’s association or the individual homeowner.

Errata # 5 Article 9 Streets and Sidewalks

Section 170 Curbs and Gutters

- B. Streets without curb and gutter shall be allowed ~~with approval of Board of Commissioners~~ per Article 6 in residential subdivisions. Such streets shall be graded to provide a minimum eight (8) foot shoulder on each side of the pavement. Such shoulders shall have at least a four percent (~~4~~ ½ ~~per 1~~%) slope away from the edge of the pavement.

Errata #6 Article 6 Add guidelines for mini-warehouses

Self-service storage, mini-warehouses.

Minimum standards for the use, site development, construction, and placement of self-service storage facilities and mini-warehouses shall be as follows:

A. General regulations.

- (1) No wholesale or retail sales shall be permitted within a storage bay.
- (2) As a principal use, a self-storage facility shall not occupy a site larger than ten acres.
- (3) The only commercial activities permitted exclusively on the site of the self-service storage facility shall be rental of storage bays, pick-up and delivery of goods or property in dead storage, and the sale or rental of items related to moving and storage such as moving boxes, packing supplies and hand trucks.
- (4) Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing band instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities on site.
- (5) Residential quarters for security purposes may be established on the site (see Article 6 Caretaker residence).
- (6) A minimum six-foot fence or wall shall enclose the self-storage facility. Said fence or wall shall be constructed of brick, stone, masonry units, wood, chain link, cyclone, or other similar materials.
- (7) Individual storage bays within a self-service storage facility shall not be considered a premises for the purpose of assigning a legal address in order to obtain an occupational license or any other governmental permit or licenses to do business.
- (8) Except as provided, all property stored on site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals are prohibited.

B Access. A self-service storage facility shall be located on a lot that gains access from a local commercial or industrial street, a minor or major collector, or an arterial street.

- (1) Buildings that are not sprinkled shall have 2 means of access.

C. Outside storage. Open storage of Operational recreational vehicles and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use, truck trailers, antique cars and other vehicles shall be permitted within a self-service storage facility provided the following conditions are met.

- (1) Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for approval by the county.

(2) The storage area shall not exceed 25 percent of the total buildable area of the site.

(3) The storage area shall be entirely screened from view from adjacent residential properties and public streets by a building or by the installation of a six-foot high opaque wall or fence. If existing vegetation or topography provides the required screening, then this wall or fence requirement may be eliminated.

(4) Vehicles shall not be stored within the area set aside for minimum building setbacks.

(5) No vehicle maintenance, washing, or repair shall be permitted on site. Pleasure boats stored on site shall be stored upon wheeled trailers. No dry stacking of boats shall be permitted on site.

D. *Development regulations.*

(1) Separation between storage buildings.

a. If separate buildings are constructed, there shall be a minimum of 26 feet separating the individual buildings.

(2) Maximum bay size. The maximum size of a storage bay shall be 450 square feet.

(3) Maximum building height.

a. With the exception of the structure used for security quarters, the maximum height of a self-service storage facility shall be one story unless the board of commissioners approves additional stories.

b. The height of the building shall not exceed 12 feet.

(4) Parking requirements.

a. Designated customer parking is not required; however, a minimum of five parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site.

b. Interior parking. Interior parking shall be provided in the form of aisle ways adjacent to the storage bays. These aisle ways may be used for both circulation of traffic and user parking while using the storage bays. The minimum width of these aisle ways shall be as follows:

(1) Aisle ways shall be ~~26~~ 30 feet between buildings

c. Prior to issuance of a certificate of occupancy, the traffic flow patterns in the aisle ways shall be clearly marked. Marking shall consist at a minimum of the use of standard directional signage and painted lane markings with arrows. In order to assure appropriate access and circulation by emergency vehicles and equipment, the fire department shall approve the turning radii of the aisle ways.

(e) *Dumpsters and trash receptacles.* Dumpsters and trash receptacles shall be located where they are not visible from adjacent residentially-zoned properties and shall be adequately screened from view from all other adjacent properties and streets.

Errata #7 Article 6 Part 2- Cell Towers no longer require conditional use approval from Bd of Commissioners

Article 6 Part 2 Telecommunications Antennas and Towers (10)

Section 100 Purpose

The siting of telecommunications facilities within unincorporated Walton County shall balance the interests of the residents of Walton County, telecommunications providers, and telecommunications customers in so as to protect the health, safety, and integrity of residential neighborhoods; and to foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services. This Ordinance shall not prohibit, or have the effect of prohibiting, the provision of personal wireless services. This ordinance is intended to promote Walton County as a proactive County in the availability of personal wireless telecommunications service. To that end, this Ordinance shall:

- A. Provide for the appropriate location and development of telecommunications facilities within unincorporated Walton County.
- B. Protect Walton County's built and natural environment by promoting compatible design standards for telecommunications facilities.
- C. Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflaging techniques.
- D. Avoid potential damage to adjacent properties from tower or antennae failure through engineering and careful siting of telecommunications tower structures and antennae.
- E. Maximize use of any new and existing telecommunications towers through co-location so as to minimize the need to construct new towers and minimize the total number of towers throughout the County.
- F. Maximize and encourage use of alternate telecommunication tower structures as a primary option rather than construction of additional single-use towers.
- G. Encourage and promote the location of new telecommunications activities in areas which are not zoned for residential use.

Section 110 Applicability

- A. District Height Limitations

The requirements set forth in this Ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.

B. Public Property

Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this Ordinance, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.

C. Amateur Radio, Receive-Only Antennas

This Ordinance shall not govern any tower, or the installation of any antenna, that is under seventy feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

D. Pre-Existing Towers and Antennas

Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of Section 120 F of this Part. Any such towers or antennas shall be referred to in this ordinance as "preexisting towers" or "preexisting antennas".

Section 120 Standards Applicable to All Towers and Antennas

The following standards shall apply to all towers and antennas, unless the governing authority reduces the standards if the goals of this Ordinance would be better served thereby:

A. Principal or Accessory Use

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.

B. Inventory of Existing Sites

Each applicant for an antenna and/or tower shall provide to the Planning and Development Department an inventory of its existing towers that are either within the geographic area of Walton County or within one-half mile of the border thereof, including specific information about the location, height, and design of each tower (pursuant to Sec. C. of this Article). ~~The Department may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however that the Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.~~

C. Aesthetics

The guidelines set forth in this paragraph shall govern the location of all towers, and the installation of all antennas, governed by this ordinance; provided, however, that the governing authority may waive these requirements if it determines that the goals of this ordinance are better served thereby. The determination whether a proposed tower or antenna meets these requirements shall be within the discretion of the Walton County ~~Board of Commissioners~~ Planning and Development Department. This list is not an exclusive list of the aesthetic issues the governing authority may consider; these are merely guidelines. The governing authority may consider any factor that serves the goals and purposes of this ordinance.

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

D. Lighting

Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

E. Aesthetics

1. Site location and development shall preserve the pre-existing character of the surrounding buildings and land uses and the zoning district as much as possible. Personal wireless

telecommunication towers shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical.

2. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
3. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower and related facilities to the natural setting and built environment.
4. Placement of more than one tower on a lot shall be permitted, provided all setback, design, and landscape requirements are met as to each tower.
5. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.
6. Towers must be set back a distance equal to the height of the tower from any residential property line and all public rights-of-way, plus any other applicable setback requirements for the zoning district encompassing the proposed tower.
7. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for front, side, and rear yards. In no case shall a tower be located in the required front yard, back yard, or side yard in a residential district.
8. Towers shall not be sited where they will negatively affect historic or scenic view corridors as designated by the governing authority or any state or federal law or agency or where they will create visual clutter.
9. Towers shall be enclosed by decay-resistant security fencing installed along the perimeter of the compound not less than six feet in height and shall be equipped with an appropriate anti-climbing device or other similar protective device designed to prevent tower access.
10. The following requirements shall govern the landscaping surrounding towers:
 - a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent properties. The standard buffer shall consist of a landscaped strip at least ten feet wide outside the required fence.
 - b. In locations where the visual impact of the tower would be minimal, as determined by the Planning and Development Department, the landscaping requirement may be reduced or waived altogether.

- c. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide an adequate buffer at the discretion of the Planning and Development Department.
- d. Any tower proposed at a height greater than one hundred feet, up to one hundred twenty feet shall be designed and intended to accommodate at least three users. Furthermore, for every additional twenty feet of height, said tower shall be designed to accommodate an additional user.

F. **Federal Requirements**

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the governing authority shall be in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia.

Section 130 Application Procedures for All Towers and Antennas

The following must be provided when applying for a permit for a telecommunications facility:

- A. Site plan, prepared and sealed by an appropriate licensing professional, to scale specifying the location of the telecommunications facilities, height of facilities, setbacks, transmission building and/or other accessory uses, access, parking, fences, landscape plan, and adjacent land uses.
- B. A full description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance, or scenic view corridors.
- C. A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic, noise, or safety impacts of such maintenance.
- D. Report from a qualified, independent engineer licensed in the State of Georgia, documenting the following:

1. Telecommunications facility height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design;
2. Total anticipated capacity of the telecommunications facility, including number and types of antennae which can be accommodated;
3. Evidence of structural integrity of the tower structure; and Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris should a failure occur.
4. A definition of the area of service to be served by the antenna or tower and whether such antenna or tower is needed for coverage or capacity.
5. Information showing the proposed facility would provide the needed coverage or capacity, and that they cannot provide personal wireless communication service without the use of the proposed tower or antennae.
6. The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Include name, address, telephone number, facsimile number, and electronic mail address and pager number, if applicable.
7. Identification of the geographic service area for the SU installation, including:
 - a. A map showing the site and the nearest or associated telecommunications facility sites within the network;
 - b. A description of the distance between existing or proposed telecommunications facility sites; and
 - c. A description of how this service area fits into and is necessary for the service network.
8. Provide information to justify why co-location on an existing tower is not being proposed.
9. If the proposed site is zoned residential applicants must justify why alternative non-residential sites have not been proposed.
10. Each application shall include a five-year facilities plan and site inventory including the following:
 - a. A list of all existing, to be upgraded or replaced, and proposed telecommunications facility sites within Walton County and a map showing these sites. The list must include (1) street address, land lot, district, and tax map and parcel number; (2)

zoning district; (3) type of building and number of stories; (4) the number of antennas and base transceiver stations per site and the location and type of antenna installation (stand alone, rooftop, building facade, etc.), and location of the base transceiver station installation(s); (5) the height from ground to the top of the antenna installation; and (6) the radio frequency range in megahertz, the wattage output of the equipment and effective radiated power. Furthermore, after a tower structure has been approved, the applicant must submit a permit renewal application, which reports the status on the use of said tower, annually to the Planning and Development Department for administrative approval.

- b. If the applicant does not know specific future tower and antenna site locations but does know of areas where telecommunications facilities will be needed within the next five years to provide service, the applicant shall list the land lots contained within the anticipated geographic service area and identify each geographic service area with a number that will correspond to the future telecommunication facility site.
- c. The applicant shall provide any other information requested by the Planning and Development Department in order to fully evaluate the potential impact of the proposed facility.

Section 140 Permitted Uses

A. The uses listed in this Section are deemed to be permitted uses and shall not require administrative review ~~or a conditional use permit~~. Nevertheless, all such uses shall comply with Article 3 of this ordinance and all other applicable ordinances. The following uses are specifically permitted:

- 1. A building, sign, light pole, water tower, or other free-standing nonresidential structure) so long as said additional antenna adds no more than twenty feet to the height of said existing structure. For antennas attached to the roof or a supporting structure on a rooftop, a 1: 1 setback ratio (example: ten foot high antenna and supporting structures requires a ten foot setback from edge of roof) shall be maintained unless an alternative placement is shown to reduce visual impact.
- 2. Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than twenty feet to the height of said existing tower and said existing tower is not a pre-existing tower; provided, however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

Section 150 Administrative Approvals

A. General

The Planning and Development Department may administratively approve the uses listed in this Article. Each applicant for administrative approval shall apply to the Planning and Development Department, providing the information set forth in Sections 120 and 130 of the Part. The applicant shall provide to the Planning and Development Department all

information and supplementary materials that the Department requests in consideration of the requested administrative approval. If an administrative approval is denied, the applicant may appeal said denial to the Board of Appeals of Walton County.

B. Specific Administratively Approved Uses

After conducting an administrative review, the Department may approve installation of an antenna on an existing tower of any height, including a pre-existing tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty feet to the height of said existing tower; provided the requirements and intent of this Ordinance are met.

Section 160 ~~Conditional Use~~ Permits

~~A. General~~

~~The following provisions shall govern the issuance of conditional use permits:~~

- ~~1. If the tower or antenna is not a permitted use under Article 5 of this ordinance or permitted to be approved administratively pursuant to Section 150 of this Part, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.~~
- ~~2. In granting a conditional use permit, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.~~
- ~~3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.~~

BA. Information Required

Each applicant requesting a ~~conditional use~~ permit under this ordinance shall ~~comply with the requirements of Section 160 of this Part and other applicable provisions of this ordinance. In addition to the requirements of Sections 120 and 130 of this Part, the~~ provide a site plan ~~shall also which shall~~ include:

1. A scaled elevation view; and
2. Supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, and other information deemed by the governing authority to be necessary to assess compliance with this ordinance.

C. Factors Considered in Granting ~~Conditional Use~~ Permits

The governing authority shall consider the following factors in determining whether to issue a ~~conditional use~~ permit, although the governing authority may waive, reduce, or increase the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this ordinance are better served thereby.

1. Height of the proposed tower;
2. Proximity of the tower to residential structures and residential district boundaries;
3. Nature of uses on adjacent and nearby properties;
4. Surrounding topography;
5. Surrounding tree coverage and foliage;
6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
7. Proposed ingress and egress; and
8. Availability of suitable existing towers, other structures, and alternative sites as discussed in this ordinance.
9. Any other factors, limitations, or standards listed in Sections 120 and 130 of this Part.

~~Section 170 — Availability of Suitable Existing Towers or Other Structures~~

~~No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence, submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:~~

~~A. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;~~

~~B. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements;~~

~~C. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.~~

~~D. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.~~

~~E. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.~~

Section 180 Removal of Abandoned Antennas and Towers

- A. Any antenna or tower that is not operated for a continuous period of twelve months shall be considered abandoned, and the owner of such antenna or tower shall remove it within ninety days of receipt of notice from the governing authority notifying the owner of such abandonment.
- B. If such antenna or tower is not removed within said ninety days, the governing authority may, in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia, remove such antenna or tower at the owner's expense.
- C. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Section 190 Written Decisions

- A. Any decisions by the Planning and Development Department or the Board of Appeals denying a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence in a written record.
- ~~B. Any decision by the Board of Commissioners denying or approving a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence in a written record.~~
- ~~C. At any time after a hearing on a conditional use permit application under Section 160 of this Part, the Board of Commissioners may instruct the Planning and Development Department, in consultation with legal counsel, to determine whether substantial evidence contained in a written record exists to support either approval or denial of the conditional use permit application. Having voted to so instruct the Planning and Development Department, the Board of Commissioners shall postpone its decision on the application until the specified date of a future regularly scheduled meeting of the Board of Commissioners.~~
- ~~D. In the intervening time between an instruction from the Board of Commissioners under Paragraph C of this subsection and the next specified regularly scheduled meeting of the Board of Commissioners, the Planning and Development Department shall compile any additional evidence regarding the application for conditional use permit that the Planning and Development Department deems necessary to constitute the substantial evidence contained in a written record necessary to support either approval or denial of the conditional use permit application.~~

~~E. Ten days before the meeting of the Board of Commissioners on the date specified in Paragraph C of this subsection, the Planning and Development Department shall present any additional evidence compiled under Paragraph D of this subsection for the Board of Commissioners' consideration, and shall make such evidence available to the applicant. At the meeting of the Board of Commissioners on the date specified in Paragraph C of this subsection, the Board shall render its decision to approve or deny the conditional use permit application. At this meeting there will be no additional public comment or applicant presentation regarding the conditional use permit application, provided, however, that any affected party, including the applicant, may present additional written materials to the Board.~~

Section 200 Penalties for Violation

- A. Any person who erects or attempts to erect a telecommunications facility covered by this Ordinance without having first obtained the necessary building permit, use by right, ~~conditional use permit~~, or variance in the manner provided in this Ordinance shall be deemed in violation of this Ordinance. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of this Ordinance shall be guilty of violating a duly adopted Ordinance of the County and shall be punished either by a fine not to exceed \$1,000.00 or by imprisonment not to exceed 60 days or both.
- B. If any structure is erected, constructed, reconstructed, altered; repaired, converted, or maintained in violation of this Ordinance or without obtaining required permits, or if any building, structure or land is used in violation of this Ordinance, the County, in addition to any other remedies, may institute proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violations. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues it may be deemed a separate offense.