

AN ORDINANCE OF WALTON COUNTY, GEORGIA    OA22080002

AN ORDINANCE TO AMEND the Walton County Land Development Ordinance adopted 5-3-16 and amended as per attached errata dated 09/01/2022

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 09/01/2022.

**Errata #1 – Article 14 Section 160-change notification time on letters, advertising and posting of sign to no less than 30 days for Board of Appeals cases.**

**Errata #2- Article 13 Section 120 – Add the word “intended” to discontinuance of legal non-conforming uses.**

Adopted by the Walton County Board of Commissioners this 1<sup>st</sup> day of November, 2022.

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

Attest:

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

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Charles Ferguson  
County Attorney  
Walton County, Georgia

**Errata #1 Change notification time on Board of Appeals actions from no less than 15 days to no less than 30 days – this is to be in compliance with the Zoning Procedure Law adopted in July 2022**

**Article 14 Appeals, Variances, Special Exceptions and Administrative Approvals**

**Section 160 Notices of Public Hearings**

Notice of public hearing applications on appeals, variances and special exceptions shall be provided as follows:

Written Notice

Written notice of each application shall state the nature of the action requested, and the date, time, and place of the public hearing before the Board of Appeals and shall be mailed by first class mail to the owner of the property, owners of all property abutting and across the street from property, as such property owners are listed on the tax records of Walton County, at least ~~15~~ 30 days before the public hearing before the Board of Appeals and not more than 60 days prior to the date of the public hearing before the Board of Appeals.

Posted Notice

For each application, the Department shall post signs on the subject property at least ~~15~~ 30 days before and not more than 60 days prior to the date of public hearing before the Board of Appeals. The sign shall state the case number, the nature of the action request, and the date, time and place of the public hearing before the Board of Appeals.

At least one sign shall be posted on each street on which the subject property has frontage in a conspicuous location within the right of way in front of property or on the property in front. Signs shall be double-faced and posted so that the face of the sign is at a right angle to the street to allow the signs to be read by the traveling public in both directions. The lettering on the signs shall be at least one-inch height.

The public notice sign will be removed by the Department. Removal of the sign by any other individual is subject to fine or penalty.

## Published Notice

For each application, notice of the nature of the action request and the date, time and place of the public hearing before the Board of Appeals shall be published in a newspaper of general circulation within the County in which are carried the legal advertisements of the County at least ~~fifteen (15)~~thirty (30-days) days prior to and not more than sixty (60) days prior to the public hearing before the Board of Appeals.

**Errata #2 Add verbiage that reads whether or not the abandonment of a non-conforming use was intended that it will no longer be “grandfathered in” after 12 months of discontinued use.**

## **Article 13 Nonconforming Situations**

### **Section 120 Discontinuance of a Nonconforming Building or Use**

A pre-existing use that was legally established, but became a nonconforming use after the adoption of this Ordinance and that has been discontinued for a continuous period of twelve (12) months, whether or not abandonment of the use is intended, shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.

1. Amendment: OA22080002 – Amendment to Walton County Land Development Ordinance per Errata Sheet dated 09/01/2022

Errata #1 – Article 14 Section 160 – Change notification of ad/letter/sign on BOA cases to 30 days

Charna Parker explained that the Zoning Procedures laws changed in July of last year to require that all Board of Appeals cases be advertised, letters mailed to adjoining property owners and signs be posted 30 days prior to the hearing. Ms. Parker stated the staff learned of this change while attending a conference. This amendment will correct our ordinances as per these changes.

Errata #2 – Article 13 – Section 120 – Non-conforming use discontinued-intentional or not

Charna Parker stated that another issue that staff learned about in training was in regard to uses that are grandfathered in or “Legal Non-conforming uses”. Our ordinance states that if the use is discontinued for 12 months, the status of legal non-conforming ceases to exist. Ms. Parker explained that staff also learned in the same conference that in order for this ordinance to hold up in court, that it needed to state whether the uses ceases intentionally or not for 12 months, the legal non-conforming status drops from that use. We are amending the ordinance so that it reads: A pre-existing use that was legally established, but became a nonconforming use after the adoption of this Ordinance and that has been discontinued for a continuous period of twelve (12) months, **whether or not abandonment of the use is intended**, shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.

**Recommendation:** Wesley Sisk made a motion to approve with a second by Brad Bettis. The motion carried unanimously.