

Errata # 5 Amendment to Article 4 Part 2 Section 170 – To clarify: 2 acre minimum lot size unless a subdivision is developed wherein the density changes for septic to (1) lot per (2) acres and with sewer (1) lot per (2) acres. Also add wording for Cornish Creek Reservoir Management

Section 170 Cornish Creek, Beaver dam Creek Watershed & Hard Labor Creek Overlay Protection District (W-P2)

A. Purpose of Intent

The intent of this Land Development Overlay District is to protect the designated watershed areas from the possible adverse effects of residential and non-residential development such as the leaching of septic systems, increased storm water runoff, sedimentation and other sources of water pollution, in order to insure water quality. All property within this Land Development District shall simultaneously carry the Land Development District designation of the underlying Land Development District as well as the W-P2 designation.

B. Location of the District

The W-P2 Watershed Protection Overlay District is comprised of all land areas within the Cornish Creek, Hard Labor Creek and Beaver dam Creek watershed basins, which have been officially designated for use as public water supplies. The W-P2 Watershed Protection District is shown on the Official Land Development Maps of Walton County, Georgia. In all cases, the watershed is defined by the ridgelines that separate the flow of storm water between the Cornish Creek, Hard Labor Creek and Beaver dam Creek watershed basins and all other watersheds. The actual boundary of W-P2 Watershed Protection Overlay District must therefore be determined on a property-by-property basis using the actual topography of each site.

C. Permitted and Conditional Uses

1. In the W-P2 Watershed Protection Overlay District, the Permitted Uses, as well as the Conditional Uses, shall be those of the underlying Land Development District provided for in this Ordinance, except where the provisions of this Overlay District differ or are more restrictive than the underlying Land Development District.
2. The following uses are restricted in all Land Development Districts within the W-P2 District:

- a. Sanitary landfills are prohibited.
- b. Hazardous waste treatment or disposal facilities are prohibited (except septic tanks).
- c. Facilities, which handle hazardous materials, of the types and amounts regulated by the Georgia Department of Natural Resources, are prohibited.
- d. Mining and quarrying activities are prohibited.

D. Required Greenways and Setbacks

The following greenways and setbacks are hereby established along each perennial stream (i.e., a stream that flows throughout the year) and water impoundment (i.e., a pond or lake) in the W-P2 District:

1. Stream Greenway

(2-6-07)

The area extending a distance of 100 feet from the banks of all perennial streams. This area shall remain a natural and undisturbed buffer except as otherwise provided in this District, below.

2. Stream Setback

No impervious surface shall be constructed within a distance of 150 feet from the banks of all perennial streams except as otherwise provided in this District.

3. Water Impoundment Greenway

The area extending a distance of 150 feet from the normal pool elevation of any water impoundment, except that greenway requirements shall not apply adjacent to the dam side of the impoundment. The greenway shall remain a natural and undisturbed buffer except as otherwise provided in this District.

For the Hard Labor Creek Reservoir, the greenway shall be the area extending a distance of 150 feet from the normal pool elevation of 700' Mean Sea Level (MSL) or to the reservoir flood elevation of 712' MSL, whichever is greater, except that greenway requirements shall not apply adjacent to the dam side of the impoundment. The greenway shall remain a natural and undisturbed buffer except as otherwise provided in this District.

E. Development Regulations

In the W-P2 Watershed Protection District, all requirements relating to the development of a site shall be those that apply to the underlying Land Development

District as required by this Ordinance, except where the provisions of this District differ or are more restrictive than the development regulations applying to the underlying Land Development District or contained elsewhere in this Ordinance.

1. Minimum Lot Area (non-residential subdivision)

a. The minimum lot size shall be 2 acres.

b. Minimum house size shall comply with the underlying zoning.

2. Residential Subdivision Developments shall be allowed in the A1, A2 and R1 zoning districts as follows:

a. The minimum lot area shall be one (1) acre with a density of one (1) lot per two (2) acres for lots served by septic tanks.

b. Lot serviced by public sewer have a density of one (1) lot per one (1) acre.

c. Minimum House size shall be 1,800 square feet.

d. Open Space or Green Space

- a. Required open space: It is the intent of these regulations that open space be unsubdivided and comprised of contiguous buildable and nonbuildable lands. Land so designated as open space shall be in a location and configuration that relates to the ultimate purpose of the open space (i.e., outdoor recreation, landscape protection, habitat protection, etc.) Development should be designed around these natural features.
- b. Not less than twenty-five (25%) of the total area of the tract of land to be developed shall be dedicated as open space.
- c. No more than fifty (50%) percent of the required open space may be in land that is located in a floodplain, wetlands, utility easements, slopes greater than twenty-five (25%) percent or other non-buildable land.
- d. Fifty percent of the required open space shall contain or provide minimum 30 units per acre, as defined in Article 12 Tree Preservation.
- e. Rights-of-way for streets shall be excluded from land considered for open space.

- f. If the development is to be built in phases, 100 percent (100%) of the open space of the entire development must be shown on the first Phase.
 - g. Ownership of the Open Space: Open Space shall be dedicated by recorded deed to a mandatory homeowners association.
- 3. Residential developments serviced by public sewer shall be allowed in the R1 RND Overlay District as follows:
 - 1. Density: The density shall be two (2) lots per one (1) acre.

F. Impervious Surface

The maximum permitted impervious surface area, including all public and private structures, utilities or facilities within the watershed shall be 25 percent or existing, if greater than 25 percent. No buildings, pavement, patios or other impervious surface shall be constructed within the greenway or setback areas of any perennial stream or water impoundment established in this District, except as otherwise provided in this District.

G. Septic Tank Construction

Septic tanks and septic tank drain fields are prohibited within the greenway or setback areas of any perennial stream or water impoundment as established under this District.

H. Public Utilities

Utilities shall be exempt from the above greenway and setback provisions in accordance with the following conditions if the utilities to be located in the greenway or setback areas cannot feasibly be located outside these areas:

- a. The utilities shall be located as far from the stream bank or water impoundment as reasonably possible.
- b. The installation and maintenance of the utilities shall be such to protect the integrity of the greenway and setback areas as best as reasonably possible using watershed best management practices to the greatest extent practical.

I. Roadways

Roadways, bridges and drainage structures may encroach upon required greenways and setbacks where such structures are necessary to provide access. Such roadways and bridges shall cross-streams perpendicularly where reasonably possible. The number of such stream crossings and associated structures shall be minimized to the greatest extent possible.

J. Stormwater Management

- 1. With the exception of an individual single-family residential lot, all development sites and subdivisions shall provide storm water detention in accordance with the requirements of Article 11 of this Ordinance.**
- 2. If a subdivision (residential or nonresidential) project is provided with an on-site storm water detention facility, a property owner's association shall be established for its ownership and maintenance. The association bylaws shall be recorded concurrently with the recording of a final subdivision plot. The association bylaws shall include the following provisions:**
 - a. Automatic (mandatory) membership of all purchasers of lots therein and their successors; and,**
 - b. Conditions and timing of transferring control of the association from the developer to the lot owners shall be specified which shall not exceed four (4) years from the date of recording of the Final Plat of the subdivision; and,**
 - c. Responsibility for maintenance, insurance and taxes; and,**
 - d. Sharing of the costs of maintenance among the lot owners with shares defined by the association bylaws; and,**
 - e. Authority to place liens on the real property of members who fail to pay their dues or assessments; and,**
 - f. Prohibition on the dissolution of the association without the approval of the Board of Commissioners.**

K. Limitation on Variances

Variances from the provisions of the W-P2 Watershed Protection Overlay District are prohibited except as follows:

1. Lots of Record

All lots or parcels of record as of the effective date of this amendment and all lots or parcels that are shown on a preliminary plat approved by the County prior to the effective date of this amendment, that are made unbuildable by the stream or water impoundment greenway or setback provisions of this District, may still be developed on a case by case basis. Requests for development of these lots shall be made to the Director of Development as Administrative Variances. If development is allowed, the minimum possible impervious surface and maximum

setback and greenway width, given the configuration of the lot, shall be maintained.

2. Nonconforming Lots, Buildings and Uses

Nonconforming lots, buildings and uses shall be governed by the provisions of Article 13, Non Conforming Situations. (3-2-04)

3. Variances shall not be required for encroachments into watershed buffers within a stream mitigation plan provided that EPD and the US Army Corp of Engineers have granted a variance or allowed an encroachment into the minimum state tributary buffer.

L. Hard Labor Creek Reservoir Management

Management of recreational usage, maintenance of natural and cultural resources and other public and non-public activities within the Hard Labor Creek reservoir, including greenways, shall be governed by the Hard Labor Creek Reservoir Management Plan.

M. Cornish Creek Reservoir Management

Management of recreational usage, maintenance of natural and cultural resources and other public and non-public activities within the Cornish Creek reservoir, including greenways, shall be governed by the Reservoir Management Plan of Cornish Creek Reservoir Lake Varner of 2004.

PC ACTION 6/3/2021:

Errata #5 – Changes to WP-2 for clarity

This amendment is simply clarifying that all lots are required to be 2-acres except within a residential development where the overall density is 1 lot per 2 acres with septic and 1 lot per 2 acres with sewer and we are adding the Cornish Creek Reservoir Management so that any development in that area must comply with those guidelines.

Recommendation: Wesley Sisk made a motion to recommend approval as submitted with a second by Pete Myers. The motion carried unanimously.