

AN ORDINANCE OF WALTON COUNTY, GEORGIA OA23110001

AN ORDINANCE TO AMEND the Walton County Land Development Ordinance adopted 5-3-16 and amended as per attached errata dated 11/01/2023

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 11/01/2023.

Errata #1 - Amend Article 6 Outdoor Storage of Commercial Vehicles to require direct access to an arterial road and that all parking areas shall be paved and prohibit idling vehicles in close proximity to a single-family residence.

Errata #2 - Amend Land Development Ordinance to allow 1 acre lots in A1 and A2 when public water is available and amend Article 4 Part 2 Section 100 to allow 2400 Overlay and OSC Overlay developments by right in the A1, A2 and R1 zoning districts, and amend the amount of property in the open space which is allowed to be in flood plain from 50% to 75%.

Errata #3 – Amend the Rural “open ditch” minor subdivision to allow 1-acre minimum lot sizes where public or community water and individual septic tank are used. As well as add requirements for a mandatory HOA (Homeowners association)

Errata #4 – Amend lot size in groundwater recharge areas to match EPD requirement and correct error in verbiage.

Adopted by the Walton County Board of Commissioners this 9th day of January, 2024.

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

Attest:

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

Charles Ferguson
County Attorney
Walton County, Georgia

PC RECOMMENDATIONS 12/14/2023:

Amendment: OA23110001–Amendment to Walton County Land Development Ordinance per Errata Sheet dated 11/01/2023.

Charna Parker, Director of Walton County Planning & Development, presented the Amendments.

Errata #1–Article 6–Amend Article 6 Outdoor Storage of Commercial Vehicles to require direct access to an arterial road and that all parking areas shall be paved and prohibit idling vehicles in close proximity to a single-family residence.

Charna Parker explained this amendment would require all commercial vehicle parking facilities to be located off an arterial road and would prohibit idling trucks in close proximity to a single-family residence. There was some discussion about adding a distance to a home instead of close proximity. A recommendation was made to change the code to prohibit idling vehicles adjacent to or within 1,000 ft. of a single-family residence.

Errata #2–Amend Land Development Ordinance to allow 1 acre lots in A1 and A2 when public water is available and amend Article 4 Part 2 Section 100 to allow 2400 Overlay and OSC Overlay developments by right in the A1, A2 and R1 zoning districts.

Charna Parker stated that when zoning was adopted in Walton County in 1973 you could build a house on 30,000 square feet with county water and septic. This changed over the years to require 1-acre, then in 1999 the zoning guidelines changed to require a 2-acre lot in A1 and 1 ½ acre lots in A2 whether water was available or not. If this is approved it will change the A1 and A2 to allow a home to be built on 1-acre if county water is available.

These errata will also allow development of an OSC in the R1, A1 and A2 zonings without having to apply for an alteration to zoning. Development of property for a subdivision utilizing the OSC overlay is a more environmentally friendly type of development due to the fact that 25% of the entire acreage has to be set aside as open space which is permanently protected property. Currently one-half of the 25% open space area must be usable soils, this amendment if approved would change the one-half usable soils to one-fourth; allowing 75% of the open space to be in flood plain which will also protect environmentally sensitive areas from being disturbed.

Keith Prather asked if this would allow one acre lots on the public road rural subdivisions and Ms. Parker stated it would not apply to those

developments.

Errata #3 – Amend the Rural “open ditch” minor subdivision to allow 1-acre minimum lot sizes where public or community water and individual septic tank are used. As well as add requirements for a mandatory HOA (Homeowners Association).

Ms. Parker explained this amendment will allow development of 1-acre lots if county water is available within the “open ditch” rural developments.

Keith Prather asked about rural public road subdivisions. Ms. Parker stated this will not apply to those types of developments.

Errata #4 – Amend lot size in groundwater recharge areas to match EPD requirement and correct error in verbiage.

Ms. Parker explained this amendment will change the minimum lot size in our ground water recharge areas to a minimum 32,670 square feet and correct the information to read Department of Public Health Manual (this was Human Resources manual)

Recommendation: Pete Myers made a motion to approve as submitted with change to Errata # 1 to add adjacent to or within 1,000 ft. with a second by John Pringle. The motion carried unanimously.

Proposed Amendments to Walton County Land Development Ordinance adopted 05-03-2016 and amended 07-11-2023

PC Mtg 12-14-2023 and BOC Mtg 01-09-2024

<u>No.</u>	<u>Article</u>	<u>Part</u>	<u>Section</u>	<u>CHANGE</u>					
1	6			Outdoor Storage of Commercial Vehicles - to require direct access to an arterial road and that all parking areas shall be paved and prohibit idling vehicles in close proximity to a single family residence					
2	4	2	100	Allow 1 acre lots in A1 and A2 when public water is available and amend Article 4 Part 2 Section 100 to allow 2400 Overlay and OSC Overlay developments by right in the A1, A2 and R1 zoning districts					
3				Rural "open ditch" minor subdivision to allow 1-acre minimum lot sizes where public or community water and individual septic tank are used. As well as add requirements for a mandatory HOA (Homeowners Association)					
4				Lot size in groundwater recharge areas to match EPD requirement and correct error in verbiage					

Errata #1-Amend Article 6 Outdoor Storage of Commercial Vehicles -to require direct access to an arterial road and that all parking areas shall be paved and prohibit idling vehicles in close proximity to a single family residence.

(Conditional use in B2, allowed by right in B3, M1 and M2) 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 and/or trailers, antique cars and other vehicles shall be permitted provided the following conditions are met.

- (1) **The site must have direct access to an arterial road.**
- (2) **All storage parking areas shall be paved with asphalt or concrete. Alternative pervious paving products shall be approved by the Director on a case-by-case basis.**
- (3) The area so designated shall be clearly delineated upon the site plan submitted for approval by the county.
- (4) The storage area shall be entirely screened from view from adjacent residential properties and public streets by a building or by the installation of an eight-foot-high opaque wall or fence.
- (5) Vehicles shall not be stored within the area set aside for minimum building setbacks.
- (6) 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.
- (7) No vehicle shall be allowed to sit and run idle from 7:00pm to 7:00am unless located in an industrial park and not **adjacent to or within 1,000 ft.** to any single family dwelling.
- (8) Outdoor lighting fixtures designed or placed so as to illuminate any portion of a site shall meet the following requirements:
 - a. Parking areas abutting residential uses shall only use cut-off luminaire fixtures mounted in such a manner that its cone of light does not cross any property line of the site.
 - b. Only incandescent, florescent, metal halide, or color corrected high-pressure sodium may be used. The same type of lighting must be used for the same or similar types of lighting on any one site.
 - c. Illumination shall be designed to restrict glare and shall be directed internally so as to minimize impact on adjoining properties.

Errata #2- Amend Land Development Ordinance to allow 1 acre lots in A1 and A2 when public water is available and amend Article 4 Part 2 Section 100 to allow 2400 Overlay and OSC Overlay developments by right in the A1, A2 and R1 zoning districts and allow 75% of the open space to be flood plain rather than 50%

Article 4 Part 1

1- Section 100 Description of zoning districts:

A1- Remove last sentence which states lot size.

A2- Remove last sentence which states lot size.

2- Section 120 Rural Estate District (A1)

Amend E.1 Minimum Lot Area to add: The minimum lot area shall be one (1) acre with public or community water.

3- Section 130 Rural Estate District (A2)

Amend E.1 Minimum Lot Area to add: The minimum lot area shall be one (1) acre with public or community water.

Article 4 Part 2 Overlay Zoning Districts

1- Section 110 2400 Residential Overlay District

Amend E.1 Minimum Lot Area to add: The density shall be one (1) unit per one (1) acre with public or community water.

2- Section 120 Open Space Conservation

Amend B.4.a & b Minimum Lot Area to add: The density shall be one (1) unit per one (1) acre with public or community water.

Amend 120.b.8.c to read: No more than twenty-five (25%) of the required open space may be in land that is located in a floodplain, wetlands, utility easements, slopes greater than twenty-five (25%) or other non-buildable land.

Article 4 Part 3 Section 160 Minimum Lot Size

1- Chart 3 Minimum lot size with Septic Tank and Public Water: Amend chart to allow A1 and A2 to have 1 acre minimum lot size.

Errata #3 Amend the Rural “open ditch” minor subdivision to allow 1-acre minimum lot sizes where public or community water and individual septic tank are used. As well as add requirements for a mandatory HOA (Home owners association)

Rural “open ditch” Minor Subdivision (2)

A. Purpose and Intent

The purpose of the Rural “open ditch” minor Subdivision development is to authorize development subject to certain standards. This development is only available in the 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 in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses as permitted under the underlying zoning district in accordance with Article 5, Part 1 of this Ordinance. Conditional uses shall be subject to the additional use standards established in Article 6 of this Ordinance.

E. Property Development Standards

1. Minimum Lot Area:

- a. The minimum lot size will be 2 acres where both a private well and individual septic tank are used.
- b. The minimum lot size will be 1 acre where public or community water and individual septic tank are used.

2. Minimum Lot Width at Building Line: The minimum lot width at the minimum required building line shall be:

- a. Two hundred (200) feet where both a private well and individual septic tank are used. One hundred, fifty (150) feet where public or community water and individual septic tank are used.
3. Minimum Yard Requirements:
 - a. Front: Fifty (50) feet
 - b. Side: Fifteen (15) feet.
 - c. Rear: Forty (40) feet.
4. Minimum House Size: The minimum floor area of the primary dwelling shall be two thousand (2,000) square foot ranch; twenty-four hundred (2,400) square foot 2-story.
5. Maximum Height: The maximum height of buildings shall be thirty-five (35) feet.

6. Specific Regulations for Residential Units

Units shall have the following additional requirements:

- a. A minimum width in excess of twenty-four (24) feet.
- b. A minimum roof pitch of 5:12, which means having a pitch equal to at least five (5) 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.
- c. 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.
- d. 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.
- e. All primary roof overhangs for exterior walls shall be no less than 12 inches for brick sided and 12 inches for all other and shall apply to gable ends as well as exterior walls supporting rafters.
- f. All primary front entrances shall be scaled to the relative proportions of the building design, adjoining streetscape, and maintain the overall architectural style of the residence. All primary front and rear entrances shall be recessed a

minimum of 5 feet, and shall be covered by a roof extension, trellis extension, or shed roof extension no less than 6 feet by 6 feet in dimension. (This shall not apply to covered front porches)

- g. All exterior wall sections wider than 25 feet shall include an interruption in the plane of the façade by recess, protrusion, or fenestration.
 - h. No exposed unpainted wood is allowed on the front façade of any dwelling except porch flooring boards.
 - i. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirements of the IRC Building Code.
 - j. 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.
 - k. 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.
 - l. A manufactured home shall be installed in accordance with the above regulations and Rules and Regulations of the Office of Commissioner of Insurance Safety Fire Division Chapter 120-7-3 Rules and Regulations for Manufactured Homes, and the rules promulgated thereunder.
 - m. The dwelling shall include an attached or detached, enclosed two-car garage having a minimum 5:12 roof pitch.
 - n. Driveways aprons shall be paved within the right of way in accordance with the Standard Design and Construction Details.
 - o. Every single-family dwelling lot within a platted residential subdivision shall plant and/or maintain (2) 2-inch caliper trees.
 - p. All lot grading for residential dwellings shall not exceed 3:1 slope. Exceptions to this requirement shall be at the discretion of the Development Director on a case-by-case basis.
7. All lots shall be sodded 25 feet around the perimeter of the residence. The right-of-way must be sodded where disturbed by grading, utility or driveway construction. In situations where there is an established stand of perennial

grass with at least 80% coverage, sod may be waived on a case-by-case basis.

8. Street Trees shall be prohibited within any rights-of-way to be dedicated to Walton County.
9. Roads shall be paved as per “standard for local streets” as outlined in Article 9 of this Ordinance (with open ditch).
10. Private Drive Gated “open ditch” road is allowed. No lot shall have direct access to a public street.
11. Utilities: Underground utilities are allowed

12. Homeowner’s Association Requirements

Prior to the recording of a final plat for an Open Ditch Subdivision, a legal mechanism for a homeowner’s association must be provided with covenants for the development to preserve and protect the quality of the subdivision, and to maximize land values by requiring the homogeneous use of land by purchasers. A declaration of covenants, conditions and restrictions setting forth the rules and restrictions to include kiosk, amenity area(s) and detention ponds shall be filed with the Clerk of Superior Court of Walton County.

Errata #4 Amend lot size in groundwater recharge areas to match EPD requirement and correct error in verbiage.

Article 11 Part 1 Section 110

Section 110 Groundwater Recharge Area Protection

A. Applicability

This Section applies to the areas defined as "significant recharge areas" by the State of Georgia and are hereby protected relative to their susceptibility to pollution.

1. Significant recharge areas. Significant recharge areas are defined by the Georgia Department of Natural Resources (DNR) using criteria developed by them, and have been mapped on DNR's Hydrologic Atlas 18 (1989 edition, or as may be amended by DNR from time to time).
2. Pollution susceptibility category. Categories of relative vulnerability of an aquifer to pollution (classified as higher, average or lower) are defined by the DNR using criteria developed by them, and have been mapped on DNR's Hydrologic Atlas 20 (as may be amended by DNR from time to time) along with the most significant recharge areas. All significant recharge areas in Walton County are classified as having a "lower" susceptibility to pollution.

B. Protected groundwater recharge area restrictions. Within any significant recharge area, as defined and delineated by the DNR, the following shall apply:

1. New hazardous waste treatment or disposal facilities are prohibited.
2. New sanitary landfills, if permitted by DNR and the zoning district, shall have synthetic liners and leachate collection systems.
3. Any new facility that involves the treatment, storage or disposal of hazardous waste, if permitted by DNR and the zoning district, shall perform such operations on an impermeable surface having a spill and leak collection system.
4. Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding under-ground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.

5. A new above-ground chemical or petroleum storage tank must have secondary containment of 110% of the volume of the tank or 110% of the volume of the largest tank in a cluster of tanks. This requirement does not apply to:
 - a. Any tank having a maximum capacity of less than 660 gallons; and,
 - b. Any tank used for agricultural purposes, provided it complies with all Federal requirements.
6. New agricultural waste impoundment sites larger than 50 acre-feet must be lined. The liner must be constructed of compacted clay having a thickness of 1 foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the U.S. Soil Conservation Service.
7. A new home served by a septic tank/drain field system must be approved by the County Health Department. **The lot minimum size, as defined by this Code, must** be at least 150% (32,670 sq ft) of the minimum lot size required by Table MT-1 of the Department of Public Health Manual for On-Site Sewage Management Systems.
8. A new manufactured home served by a septic tank/drain field system must be approved by the County Health Department. **The lot minimum size, as defined by this Code, must** be at least 150% (32,670 sq ft) of the minimum lot size required by Table MT-1 of the Department of Public Health Manual for On-Site Sewage Management Systems.

PREVIOUS WORDING

8. A new home/new manufactured home park served by a septic tank/drain field system must be approved by the County Health Department and must have a lot or space that is at least ~~40%~~ **150%** of the minimum lot or space size required by Table MT-2 of the Department of ~~Human Resource's~~ **Public Health** Manual for On-Site Sewage Management Systems.