

Errata # 4 Amend RND guidelines to change density to 2 dwelling units per acre, increase house size from 1600 to 2000 and remove approval process for subdivision development.

Section 140 Residential Neighborhood Development Overlay District (RND) 9-11-18

A. Purpose and Intent

The purpose and intent of the Board of Commissioners in establishing the RND Residential Neighborhood Development Overlay District is to establish a zoning district classification which promotes the public health, safety, and general welfare by permitting greater flexibility in site planning and building arrangements under a unified plan of development rather than lot-by-lot regulation, consistent with the policies and intent of the Walton County Comprehensive Plan and Land Development Ordinance and Subdivision Regulations. The RND Overlay District shall be permitted within the R1 zoning districts that are served by public water and sewer. The Residential Neighborhood Development Overlay District is intended to encourage:

1. A quality residential environment in close proximity to a major employment center;
2. More diversity in residential patterns;
3. Creativeness and innovation in land planning;
4. Quality development of attractive and cohesive design;
5. Respect for natural resources and environmental constraints,
6. Conservation of open space,
7. Provision of adequate public facilities and services; and
8. Amenities to serve the recreational, educational, and social needs of residents in order to create a more self-sufficient community.

B. Principle Uses and Structures-

Principal uses and structures shall be allowed in the RND Residential Neighborhood Development Overlay District in accordance with Article 5 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures customary in single-family residential zoning districts shall be permitted in the Residential Neighborhood Development Overlay District in conformity with the table in Article 5, Part 2 of this Ordinance.

D. Conditional Uses

1. Conditional uses shall be permitted in conformity with the table in Article 5, Part 1.
2. Certain authorized, accessory or conditional uses must meet certain standards peculiar to the use as provided in Article 6 of this Ordinance.
3. Conditional uses shall be approved in accordance with Article 4, Part 4 of this Ordinance.

E. General Requirements

The Residential Neighborhood Development Overlay district shall satisfy the following requirements:

1. Permitted flexibility and variation in design, a development that has a greater net benefit to the County than that resulting from conventional development. One or more of the following factors may demonstrate net benefit to the County:
 - a. Inclusion of a variety of residential uses.
 - b. Creation of a community of compact scale and design, which encourages pedestrian circulation.
 - c. Creation of a design featuring amenities and accessory uses that increases the energy efficiency and self-sufficiency of the neighborhood with respect to its use of single-occupant automobiles without undermining the basic residential character of the neighborhood. Community facilities and accessory commercial uses are so located as to be readily accessible to residents of the community.
 - d. Interconnected usable open space.
 - e. Recreation facilities.
 - f. Other public facilities.
 - g. Aesthetic features and harmonious design.

- h. The proposed use would not substantially alter or adversely affect nearby property values.
 - i. The site plan for the proposed use provides for adequate ingress and egress of vehicular traffic and would not create safety, health or unreasonable traffic problems in the area.
 - a. There are adequate provisions for community facilities such as water, sewer, recreation, and open space.
 - b. The Residential Neighborhood Development Overlay district results in fewer burdens on present and projected public services and utilities than would result from conventional subdivision development.
2. Program for Unified Control. Each applicant for the Residential Neighborhood Development overlay classification shall provide evidence of the unified control of the entire parcel. During the development process more than one builder may participate in the development of the approved plan so long as each parcel of land remains subject to all of the terms and conditions of the plan approved by the Board of Commissioners for the property as a whole.

F. Property Development Standards

The following standards shall apply to each application for the Residential Neighborhood Development Overlay District classification:

- 1. Minimum Size Tract: All applications for the Residential Neighborhood Development Overlay District designation shall be for a tract of land having a gross area of not less than 30 acres.
- 2. Density: Developments in a Residential Neighborhood Development Overlay District may not exceed a density of ~~3~~2 dwelling units per gross acre of land.
- 3. Street Trees shall be prohibited within any rights-of-way to be dedicated to Walton County. (10-2-18)

G. Open Space/Green Space Conservation

- 1. No less than twenty (20%) percent of the Residential Neighborhood Development Overlay District shall consist of open space, greenways, trails and outdoor recreation areas.
- 2. To the extent possible, lands containing streams, lakes, 100-year floodplains, wetlands, slopes over fifteen (15%) percent, and exposed rock shall remain undisturbed and included in open space.

3. To the extent possible, open space areas shall form an interconnected and continuous network to facilitate connections for habitat and provisions for greenways, paths, and trails throughout the development.
4. No more than ten (10%) percent of open space areas may be constructed with impervious areas.
5. Maintenance and protection of open space held in common: (5-3-05)

Each applicant shall present a legal mechanism under which all land to be held in common are used for open space purposes shall be protected in perpetuity. Such legal mechanism may include deed restrictions or homeowners associations, which shall be approved by the Department as assuring each of the following mandatory requirements:

- a. That all land held in common shall remain undivided and shall not be subdivided or developed in perpetuity;
 - b. That all subsequent property owners in perpetuity within said Residential Neighborhood Development Overlay District are placed on notice of this development restriction through the deed records of Walton County Superior Court;
 - c. That all land held in common will be properly maintained and insured with no liability or maintenance responsibilities accruing to the County,
 - d. That a legal mechanism exists for notice of deficiencies in maintenance of the land held in common, correction of these deficiencies, properties for the cost of the correction of these deficiencies by a third party or the County,
 - e. That the legal mechanism be created and implemented prior to the sale of any individual properties within the Residential Neighborhood Development Overlay District; and
 - f. That all requirements of the legal mechanism chosen by the applicant and approved by the Department shall be specified on the final plan and recorded with the Clerk of Superior Court of Walton County.
6. Homeowners Association shall provide all of the following:
- a. Mandatory and automatic membership in the homeowners association as a requirement of dwelling unit ownership;
 - b. All owners shall have equal access and right of use to all common and shared facilities,

- c. A fair and uniform method of assessment for dues, maintenance and related costs,
- d. Where appropriate, party wall maintenance and restoration in the event of damage or destruction,
- e. Perpetual and continued maintenance of land held in common and liability through the use of liens or other means in the case of default; and
- f. That all required covenants, declarations and restrictions shall be filed with the Clerk of the Superior Court of Walton County.

H. Streets and Sidewalks

1. All streets serving the overlay district must be suitable in design and adequate in capacity to carry the anticipated traffic within and through the overlay district.
2. Streets in a Residential Neighborhood Development Overlay District may be public or private.
3. Private streets shall be constructed to meet Walton County regulations for public streets of the same type.
4. Alleys - Alleys are permitted as private streets providing secondary or service access. Alleys serving four or more occupied structures shall provide a continuous connection between two public streets and shall meet the following standards:
 - a. Alleys shall be paved to a width of not less than ten (10) feet and constructed to the same paving standards as the connecting streets.
 - b. No alleys shall be longer than 500 feet.
 - c. No alley shall have a slope greater than seven (7) percent.
5. Buildings shall be set back at least ten feet from the edge of pavement of an alley.
6. Sidewalks - ~~A five-foot wide sidewalk with a five-foot wide landscape strip between the sidewalk and curb shall be provided~~ Sidewalks shall be installed in accordance with Article 9 Section 180 on each street within the Residential Neighborhood Development Overlay District.
7. Off-Street Parking Requirements - Off-street parking requirements for uses and structures authorized and permitted in the Residential Neighborhood Development Overlay District are required as follows:

- a. There shall be a minimum of two (2) off-street parking spaces and a two (2) car garage provided for each single family attached or detached dwelling unit.
 - b. All other uses shall provide off-street parking as required elsewhere in the Comprehensive Land Development Ordinance and Subdivision Regulations of Walton County.
8. Minimum yard requirements for buildings within a Residential Neighborhood Development Overlay District:
 - a. Front yard: 22 feet
 - b. Side Yard: 7.5 feet
 - c. Rear yard: 20 feet.
9. Minimum spacing between buildings containing attached single-family residences and multi-family dwellings:
 - a. The front or rear face of a dwelling unit shall be not less than fifty (50) feet from the front or rear face of another dwelling unit. The unattached side face of a single-family attached building shall be not less than twenty (20) feet from the side face of another such building and not less than forty (40) feet from the front or rear face of another such building or unit.
 - b. No dwelling unit shall be situated so as to face the rear of another dwelling unit closer than fifty (50) feet away unless terrain differences or screening will provide effective visual separation.
10. Maximum Height of Buildings: The maximum height of buildings shall be thirty-five (35) feet.
11. Maximum Lot Coverage: Lot coverage for individual lots within a Residential Neighborhood Development Overlay District shall not exceed 60 percent.
12. Minimum Dwelling Unit Size Requirements: The minimum size of any dwelling unit in a Residential Neighborhood Development Overlay District shall be as follows:
 - a. Single-family attached or detached dwelling: Minimum of ~~1,600~~ two thousand (2,000) square foot ranch; twenty-four hundred (2,400) square foot 2-story ~~-square feet~~ of heated area.
13. Phasing of Projects
 - a. Development within the Residential Neighborhood Development Overlay District may be phased.

- b. In all cases where a project is to be phased, each phase of the project shall contain the required parking spaces, recreation space, landscaping, and utilities required for that phase.
- c. When developed in phases, all open space shall be shown in Phase 1.

The underlying portion will be deleted as it is redundant, all subdivision plans follow the same review and approval process:

~~I. Review and Approval Procedures~~

- ~~1. Each application for the Residential Neighborhood Development Overlay District classification shall be filed with the Department and shall be reviewed for compliance with Article 4, Part 4 of this Ordinance.~~
- ~~2. The application for concept plan approval for a Residential Neighborhood Development Overlay District shall include, at a minimum, the following information:~~
 - ~~a. A complete application for overlay approval in a manner consistent with a rezoning application as provided in Article 4, Part 4 of this Ordinance.~~
 - ~~b. A narrative addressing the proposed development explaining how it meets the purpose, intent, and standards of this Ordinance. The narrative shall include a tabulation of the approximate number of acres in each land use, the approximate number of dwelling units by type, the approximate gross residential density, the approximate open space acreage, the anticipated number, type and size of recreational facilities and other amenities, creative or innovative features of the development, the relationship of the proposed development to surrounding natural features and existing development, and other distinctive features of the plan.~~
 - ~~c. A statement from the Water supplier and the Environmental Health Department that the water supply and wastewater treatment methods and systems proposed for the development are appropriate and adequate.~~
 - ~~d. All applications shall be accompanied by two (2) copies of a plan drawn to a designated scale of not less than one inch equals one hundred feet (1" = 100'), certified by a professional engineer or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24" x 36", and one 8½" x 11" reduction of the plan. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plat shall contain the following information:~~

- ~~(1) Boundaries of the entire property proposed to be included in the Residential Neighborhood Development Overlay District, with bearings and distances of the perimeter property lines and indication of boundaries of each phase of development, if applicable.~~
 - ~~(2) Total area of the property in acres.~~
 - ~~(3) Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.~~
 - ~~(4) Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run.~~
 - ~~(5) Approximate delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Walton County; the delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.~~
 - ~~(6) Approximate 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.~~
 - ~~(7) A delineation of all existing structures and whether they will be retained or demolished.~~
 - ~~(8) General location of proposed housing unit types.~~
 - ~~(9) Approximate development density and lot sizes for each dwelling unit type.~~
 - ~~(10) Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.~~
 - ~~(11) Boundaries of all contiguous land under control or ownership of the applicant, and the current location, size, ownership, and use of each parcel adjoining the proposed development.~~
- ~~e. At any time following approval of the conceptual plan, the applicant may file for preliminary plan approval for the Residential Neighborhood Development Overlay District. The preliminary plan application shall include, at a minimum, the following information:~~
- ~~(1) A narrative describing changes and refinements in the proposed preliminary plat, compared to the approved concept plan.~~

~~(2) Six (6) copies of a preliminary plan drawn to a designated scale of not less than one inch equals one hundred feet (1" = 100'), certified by a professional engineer or land surveyor licensed by the State of Georgia, presented on a sheet having a maximum size of 24" x 36", and one 8½" x 11" reduction of the plan. If presented on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. Such plan shall contain the following information:~~

~~(3) Boundaries of the property being proposed for preliminary plan approval within the Residential Neighborhood Development Overlay district, with bearings and distances of the perimeter property lines and indication of boundaries of each phase of development, if applicable. The property can consist of all or a portion of the approved Residential Neighborhood Development Overlay District.~~

~~—— (4) Total area of the property in acres.~~

~~(5) Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.~~

~~(6) Existing topography with a maximum contour interval of five (5) feet and a statement indicating whether it is an air survey or field run.~~

~~(7) Delineation of any floodplain designated by the Federal Emergency Management Agency, United States Geological Survey, or Walton County; the delineation of any jurisdictional wetlands as defined by Section 404 of the Federal Clean Water Act.~~

~~(8) 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.~~

~~(9) Delineation of all existing structures and whether they will be retained or demolished.~~

~~—— (10) Location and lot layout of proposed housing units.~~

~~—— (11) Development density and lot sizes for each dwelling unit type.~~

~~(12) Identification of site access points and layout, width of right-of-way and paved sections of all internal streets.~~

~~(13) Preliminary drainage plan with approximate location and size of proposed storm water management facilities and a statement as to the type of facility proposed.~~

~~(14) Designation of minimum lot areas and yards that will be provided on lots adjacent to the external site boundaries of the subdivision.~~

~~—— (15) Areas to be held in joint ownership, common ownership or control.~~

~~(16) Location of proposed trails, recreation areas, parks, schools, libraries, churches, and other public or community uses, facilities, or structures on the site.~~

~~—— (17) Location of sidewalks and bicycle facilities.~~

~~(18) Indication that the property is served by public water and sewer with conceptual layout of utilities and location of all existing or proposed utility easements having a width of twenty-five (25) feet or more.~~

~~—— (19) Seal and signature of professional preparing the plat.~~

~~J. Approval Process~~

- ~~1. Following receipt of a complete application and fee, the Department shall prepare the proper advertisement and notice for a public hearing of the Planning Commission and Board of Commissioners to consider whether to approve the proposed Residential Neighborhood Development Overlay District development. The approval process shall comply with the provisions of Article 4, Part 4 of this Ordinance.~~
- ~~2. The Director shall approve the preliminary plat as provided in Article 8 of this Ordinance following submission and staff review and approval of other plans and studies required for preliminary plat approval and certification.~~
- ~~4. Final Site Plan and Plat – Prior to issuance of any building permit within any Residential Neighborhood Development Overlay District, a final plat shall be submitted to and reviewed by the Director for consistency with the preliminary plat as provided in Article 8 of this Ordinance.~~
- ~~5. Variances and Conditions of Rezoning for Residential Neighborhood Development Overlay District Approval – In enacting an ordinance designating a parcel of land as a Residential Neighborhood Development Overlay District, the Board of Commissioners may enact a plan which provides for variances and conditions of rezoning for a Residential Neighborhood Development approval generally applicable in this district. After approval of any such Residential Neighborhood Development Overlay by the Board of Commissioners, no action is required by the Board of Appeals with respect to such variances or conditions of rezoning approved by the Board of Commissioners.~~
- ~~6. Recording of Final Plat by Director – After final approval of a final plat for a development in the Residential Neighborhood Development Overlay District by~~

~~the Department, said plat should be recorded with the Office of the Clerk of Superior Court of Walton County.~~

~~K. Modification of Residential Neighborhood Development Overlay Plan~~

~~1. Minor modifications to a preliminary plan for a development within the Residential Neighborhood Development Overlay District may include, but are not limited to minor shifting of the location of streets, public or private ways, utility easements, parks, or other public open spaces, or other incidental features of the plan, provided that such changes meet all of the following:~~

~~a. Do not increase densities,~~

~~b. Do not change the outside boundaries of the development tract,~~

~~c. Do not affect the form of ownership, control or maintenance of common areas.~~

~~2. Major Modification~~

~~a. Any modification of an approved preliminary plan for a Residential Neighborhood Development Overlay requested by an applicant that does not qualify as a minor modification shall be a major modification.~~

~~b. Major modifications in an application for a development within the Residential Neighborhood Development Overlay District shall constitute a new application and shall require re-advertisement of public hearing dates and re-hearing, if applicable. If substantial additional effort and re-study are required, the Department shall require the applicant to pay an additional fee commensurate with a new application. Major modifications requested by the applicant/developer after approval of the Board of Commissioners require that the application or approved plan shall be treated as amendments to the Ordinance.~~

PC ACTION 6/3/2021:

Errata #4 – Amend RND guidelines to change density to 2 dwelling units per acre, increase house size from 1600 to 2000 and remove approval process for subdivision development.

This amendment to the RND is changing the overall density on a development from 3 lots per acre to 2; it is changing the house size from 1,600 to 2,000 sq. ft. ranch and 2,400 sq. ft. for 2-story. The amendment is also deleting the review and approval process that is redundant. This will be approved and reviewed the same way as any other residential development.

Tim Hinton stated that in his 24 year career in real estate he feels we should maintain the density and keep house size at 1,600 sq. ft. With the lumber up 400% it would be a burden on builder development cost for materials. Having to pay 40 to 50 thousand per acre the numbers will not work out. The Cities offer a higher density and it would lessen comp market with the Cities. He would recommend keeping the density and house sizes the same.

Recommendation: Tim Hinton made a motion to recommend denial of the changes with a second by John Pringle. Pete Myers Opposed.