AN ORDINANCE OF WALTON COUNTY, GEORGIA OA26-0314

AN ORDINANCE TO AMEND the Walton County Land Development Ordinance adopted 5-3-16 and amended as per attached errata dated 11/02/2026

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 01/05/2027.

Amendment #1 – Farm Stands/Cottage Food Stands

Amendment #2 – Tobacco Stores/Vape Shops

Approved by the Walton County Board of Commissioners on this 5th day of January, 2027.

_____
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

Amendment #1 - Add the following to the Walton County Land Development Ordinance -

Article 5 – Permitted Uses
Part 1 – Permitted and Conditional Uses
Section 100 – Table of Permitted and Conditional Uses

Principal Uses	Suppl. Reg	A	A1	A2	R1	R2	R3	MHP	OI	B1	B2	B3	TC	MUBP	M1	M2
Small Farm Stand	**Yes**	A	A	A												
Specialty Cottage Food Stand	**Yes**	A	A	A	A											

Add the following to Article 6 Supplemental Regulations:

Article 6- Supplemental Regulations:

SECTION 1. Definitions

Article 2, Section 2-1-100 (Definitions) of the Walton County Land Development Code is hereby amended by adding the following definitions in alphabetical order:

"Small Farm Stand" means a small-scale accessory use, structure, kiosk, table, or display area located on private property and used for the sale of agricultural products grown, raised, or produced by the property owner or operator on the premises or, where otherwise permitted by applicable law.

"Specialty Cottage Food Stand" means a small-scale accessory use, structure, kiosk, table, or display area located on private property and used for the sale of cottage food products that are lawfully produced and offered for sale pursuant to applicable Georgia and federal law. Examples may include, but are not limited to, cake pops, cookies, breads, candies, and other qualifying non-potentially hazardous cottage food products.

"Small Farm and Specialty Food Stand" means a Small Farm Stand or Specialty Cottage Food Stand as defined herein.

SECTION 2. Accessory Use

Article 6, Part 6-1 (Supplemental Use Regulations) of the Walton County Land Development Code is hereby amended by adding Section 6-1-620 to read as follows:

Section 6-1-620. Small Farm and Specialty Cottage Food Stands

Small Farm Stands shall be permitted as accessory uses in the Agricultural (A) (A1) (A2), zoning districts, subject to the standards contained in this section. If within a platted subdivision Approval letter from the HOA is required.

Specialty Cottage Food Stands shall be permitted as accessory uses in the Agricultural (A) (A1) (A2), Residential (R1), zoning districts, subject to the standards contained in this section. If within a platted subdivision Approval letter from the HOA is required.

A. Private Property and Location

1. **Private Property Required.**
   A Small Farm Stand or Specialty Cottage Food Stand shall be located entirely on private property and shall require the permission of the property owner. A Site Plan Drawn to Scale Required.

2. **Public Right-of-Way Prohibited.**
   No stand, structure, table, display, merchandise, customer queue, sign, or associated parking area shall be located within or obstruct any public right-of-way, roadway, travel lane, sidewalk, drainage facility, or required sight-distance triangle.

3. **Setback.**
   A stand or accessory structure shall be located out of any public right-of-way and meet the zoning front setback requirements. All permanent structures must meet underlying zoning requirements.

4. **Access and Emergency Services.**
   The location of a stand shall not obstruct access to fire hydrants, emergency access routes, driveways, utility facilities, drainage facilities, or other infrastructure.

B. Size and Character

1. **Maximum Size.**
   The total area occupied by a stand, including a permanent structure, kiosk, table, canopy, or display area, shall not exceed one hundred twenty (120) square feet.

2. **Maximum Height.**
   No stand structure shall exceed ten (10) feet in height.

3. **Accessory Character.**
   The stand shall remain clearly accessory to the principal use of the property and shall not be designed or operated as a conventional retail store, restaurant, or other full-scale commercial establishment.

4. **Number of Stands.**
   No more than one (1) Small Farm Stand or Specialty Cottage Food Stand shall be permitted on a parcel.

C. Hours and Method of Operation

1. **Hours.**
   Stand operations and customer access shall be limited to Sunrise to Sunset.

2. **Limited-Scale Operation.**
   The stand shall remain small in scale and shall not generate traffic, noise, lighting, parking demand, or other impacts that are inconsistent with the zoning district or surrounding property.

3. **Staffing.**
   A stand may only be operated by the property owner or owner's or residents. No more than one person may staff or operate the stand at any time.

4. **Electronic and In-Person Transactions.**
   Sales may be conducted through self-service, honor-system, electronic payment, pre-order pickup, or reasonable in-person transactions.

D. Parking and Traffic

1. **Off-Street Parking.**
   Customers shall park entirely on private property and shall not park or queue within a public right-of-way or travel lane.

2. **No Traffic Obstruction.**
   A stand shall not be located or operated in a manner that creates a traffic hazard or interferes with the safe movement of vehicles, pedestrians, bicycles, or emergency vehicles.

3. **Existing Driveways.**
   Customer parking shall not block or materially interfere with the normal use of existing residential, agricultural, or commercial driveways. DOT approval required if on a State Highway.

E. Food and Agricultural Regulatory Compliance

1. **Compliance With Applicable Law.**
   Nothing in this section shall authorize the sale, preparation, processing, or distribution of any food or agricultural product in violation of applicable federal or State of Georgia law.

2. **Cottage Food Products.**
   Cottage food products shall be produced, packaged, labeled, stored, transported, and sold

in accordance with the requirements applicable to cottage food operations under Georgia law.

3. **Agricultural Products.**
   Agricultural products, including fresh fruits, vegetables, plants, eggs, and processed agricultural products, shall be subject to the licensing, inspection, labeling, and other requirements applicable to the particular product under State or federal law.

F. Sanitation and Property Maintenance

1. **Clean and Safe Condition.**
   The stand and surrounding area shall be maintained in a clean, safe, and sanitary condition.

2. **Waste.**
   Trash, discarded packaging, spoiled products, and other waste generated by the stand shall be removed or stored in a manner that prevents nuisance conditions, pest attraction, or accumulation of debris.

3. **Food Protection.**
   Food products shall be stored, displayed, and protected from contamination in accordance with applicable State and federal requirements.

4. **Temporary Displays.**
   Temporary tables, canopies, signs, or displays shall be removed when the stand is not operating, unless otherwise permitted under applicable County regulations.

G. Signs

1. Signs associated with a Small Farm Stand or Specialty Cottage Food Stand shall comply with the Walton County sign regulations applicable to the property. See Section 12 Ground Sign, residential of the Walton County Sign Ordinance.

2. No sign shall be placed within a public right-of-way or sight-distance triangle.

H. Prohibited Activities

The following activities shall not be permitted under this section:

1. Sale of goods from public right-of-ways;

2. Obstruction of roadways, sidewalks, drainage facilities, or sight-distance triangles;

3. Outdoor cooking or preparation of food at the stand unless separately authorized and permitted by applicable law;

4. Activities that create unreasonable noise, smoke, odor, lighting, traffic, or other impacts beyond the property;
5. Operation of the stand as a restaurant, drive-through, full-service retail store, or other use requiring separate zoning authorization; or
6. Any activity prohibited by applicable federal or State law.

I. Relationship to Other Regulations

1. A Small Farm Stand or Specialty Cottage Food Stand complying with this section shall be considered an accessory use and shall not require a conditional use permit or special exception solely because it is a Small Farm Stand or Specialty Cottage Food Stand.
2. Nothing in this section shall exempt a property owner from otherwise applicable building, electrical, fire, septic, stormwater, sign, driveway-access, erosion and sediment control, occupational tax, business registration, or other generally applicable requirements.

J. Enforcement

Violations of this section shall be enforced in accordance with the enforcement provisions of the Walton County Land Development Code.

No violation of this section shall be based solely upon the type of cottage food product being sold when the product and its sale are otherwise lawful under applicable State and federal law.

SECTION 3. Effective Date

This Ordinance shall become effective immediately upon adoption by the Walton County Board of Commissioners.

Amendment #2 - Add the following to the Walton County Land Development Ordinance -

Article 5 – Permitted Uses
Part 1 – Permitted and Conditional Uses
Section 100 – Table of Permitted and Conditional Uses

#459991–Tobacco Stores – Add **Vape Shops**

NAICS Code	Principal Uses	Suppl. Reg	A	A1	A2	R1	R2	R3	MHP	OI	B1	B2	B3	TC	MUBP	M1	M2
459991	Tobacco Stores Vape Shops	(1)									C	C	C	C	C		

Add the following to Article 6 Supplemental Regulations:

Article 6 – Supplemental Regulations:

New smoke and vape businesses must obtain a conditional use permit regardless of the commercial zoning district.

A. Any person requesting a conditional use permit shall file with the Director an application as described in Article 4, Part 4, Section 150 along with a fee, as set by the Board of Commissioners, to cover the administrative and advertising costs.

B. Upon the proper filing of an application for a conditional use permit, the Director shall establish dates for Public Hearings before the Planning Commission and the Board of Commissioners. An application filed on or before the first Friday of each month shall be scheduled for a public hearing before the Planning Commission in the subsequent month.

C. The Department shall post on the subject property a sign advertising a Public Information meeting in conformance with Article 4, Part 4, Section 120.

D. The Department shall cause notice of the public hearings to be provided as set forth in Article 4, Part 4, Section 120 above.

E. The applicant or applicant's authorized agent shall appear in person at the public hearings held to consider the petition. The procedure for consideration of rezoning petitions shall be the same as set out herein for consideration of proposed amendments to this Ordinance or conditional use permits. The Board of Commissioners shall make the zoning decision as defined by O.C.G.A. 36-66-3(4) on all rezoning petitions.

Tobacco/Vape Products:

"**Consumable vapor products**" mean any liquid solution, whether it contains nicotine or not, that is intended to be heated into an aerosol state and inhaled by an individual. Such term shall include, but shall not be limited to e-liquid, e-juice, vape juice, and cartridges that are prefilled with such solution. Such term for vape products shall not include any alternative nicotine product, cigar, cigarette, loose tobacco or smokeless tobacco, perfume, potpourri, essential oil, or product regulated as a drug or therapeutic device by the United States Food and Drug Administration under Chapter V of the Federal Food, Drug, and Cosmetic Act.

No counterfeit cigarettes are allowed, which means cigarettes that are manufactured, fabricated, assembled, processed, packaged, or labeled by any person other than the trademark owner of a cigarette brand.

No counterfeit vapor products are allowed which means vapor products that are manufactured, fabricated, assembled, processed, packaged, or labeled by any person other than the trademark owner of a vapor product brand.

1. Zoning codes restrict the sale of alternative nicotine products within 1,000 feet of an educational facility; public libraries; daycare centers; city or county recreation centers, parks or nature preserves; hospitals; and churches.
2. Other vape shops must maintain a minimum distance of 1,000 feet from another smoke, vape, or tobacco store.
3. No vape products may be sold from vending machines. Under Georgia law, it is unlawful to sell vapor products by any means other than an in-person, face-to-face sale. Additionally, a seller of vapor products must request proper identification which shows that such person is at least 21 years of age from each person attempting to purchase any vapor products must provide proper identification to the seller at the time of purchase.
4. It is unlawful for the sale of illegal products at vape shops or establishments that sell tobacco or alcohol.

If the Board of Commissioners approve the conditional use, Applicant shall get approval from state-level and obtain a State license from the Department of Revenue Alcohol and

Tobacco Division where they will be monitored and are also required to obtain a county business license.