

AN ORDINANCE OF WALTON COUNTY, GEORGIA OA25-0159 (PJ25-160)

AN ORDINANCE TO AMEND the Walton County Land Development Ordinance adopted 5-3-16 and amended as per attached errata dated 04/01/2025.

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 04/01/2025.

Amendment #1 – Chapter 18 Article II Occupation Taxes, Section 18-33 to remove the amount of the “fee”

Amendment #2 – Amendment to Chapter 18 Article III to remove Fee amount.

Amendment #3 – Article 5 Part 5-1, Section 5-1-100 Personal Care Services

Amendment #4 – Section 6-1-110 Airstrip, Helipad Private (9)

Amendment #5 – Section 4-2-170 Cornish Creek, Beaver dam Creek Watershed & Hard Labor Creek Overlay Protection District (W-P2)

Approved by the Walton County Board of Commissioners on this 3rd day of June, 2025.

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 ACTION 5/1/2025:

1. **OA25-0159 – Amendments to the Walton County Land Development Ordinance as per Amendment sheet dated 4/1/2025.**

Amendment #1 – Chapter 18 Article II Occupation Taxes, Section 18-33 to remove the amount of the “fee”.

Amendment #2 – Amendment to Chapter 18 Article III to remove fee amount. We are amending the code to remove all fee amounts and referring fees to the fee schedule as adopted by the Board of Commissioners.

**Amendment #3 – Article 5 Part 5-1, Section 5-1-100 Personal Care Services
This amendment is to add Personal Care Services which are currently not listed in the ordinance.**

**Amendment #4 – Section 6-1-110 Airstrip, Helipad Private (9)
We are amending the code to remove all fee amounts and referring fees to the fee schedule as adopted by the Board of Commissioners.**

**Amendment #5 – Section 4-2-170 Cornish Creek, Beaver dam Creek Watershed & Hard Labor Creek Overlay Protection District (W-P2)
This amendment is to require subdivision developments to comply with the OSC guidelines except lot size and density.**

Presentation: Kristi Parr presented the 5 Amendments to the Board at one time per their request.

Speaking: No one

Recommendation: John Pringle made a motion to recommend approval as submitted and was seconded by Timothy Kemp. The Motion carried unanimously.

Sec. 18-33. Occupation tax levied; computation of full-time employees; occupation tax schedule; limitations.

- (a) An occupation tax based upon number of employees is levied upon businesses and practitioners of professions and occupations that either:
 - (1) Have one or more locations or offices within the unincorporated part of the county; or
 - (2) Are out-of-state businesses or practitioners with no location or office in the unincorporated part of the county but:
 - a. Have one or more employees or agents who exert substantial efforts within the unincorporated part of the county for the purpose of soliciting business or serving customers or clients; or
 - b. Own personal or real property which generates income and which is located in the unincorporated part of the county.
- (b) The occupation tax is levied based on the number of employees of the business or practitioner together with a flat fee. For occupation tax purposes, the number of employees of the business or practitioner shall be the sum of the number of full-time employees and the number of full-time position equivalents, with full-time employees being employees who works 40 hours or more weekly and full-time position equivalents being the sum of the average weekly hours of employees who work less than 40 hours divided by 40. With respect to businesses or practitioners with no location or office in Georgia, only those employees engaged in substantial efforts within Georgia shall be counted by the county for occupation tax purposes.
- ~~(c) The occupation tax is levied in accordance with the following schedule: \$75.00 flat fee + \$10.00 per employee.~~
- (c) The occupation tax is levied in accordance with the fee schedule as adopted by the Board of Commissioners.
- (d) In the event a business or practitioner commences business on or after July 1 in any year, the occupation tax for that year shall be 50 percent of the tax due, except that a practitioner of a profession or occupation listed in O.C.G.A. § 48-13-9(c)(1)–(18) who elects as his or her occupation tax the amount described in section 18-34 shall receive no reduction in such amount.
- (e) A business or practitioner that is subject to occupation tax by more than one local government in Georgia shall only be subject to occupation tax by the county for the number of employees who are employed within the unincorporated part of the county. This limitation shall only apply when the business or practitioner has provided to the county satisfactory proof of current payment of the occupation tax of the other local government(s). Additionally, an employee who works for the same business or practitioner in more than one city or county shall be counted by the county for occupation tax purposes only if the employee works for the longest period of time within the calendar year in the unincorporated part of the county.
- (f) A business or practitioner with no location or office in Georgia shall only be required to pay occupation tax to the county if it is the local government in Georgia where the largest dollar volume of business is done or service is performed by such business or practitioner. This limitation shall only apply when the business or practitioner has provided to the county satisfactory proof of the applicability of this subsection. Additionally, if a business or practitioner with no location or office in Georgia provides to the county proof of payment of a local business or occupation tax in another state that purports to tax the business's or practitioner's sales or services in this state, then the business or practitioner shall be exempt from this occupation tax.

(Ord. of 7-1-14, § 1)

**Chapter 18 Article III FORTUNETELLING, PHRENOLOGY, ASTROLOGY, CLAIRVOYANCE, PALMISTRY AND
KINDRED PRACTICES**

~~Sec. 18-91. Findings.~~

~~Under the provisions of O.C.G.A. § 36-1-15, the board of commissioners has the authority to regulate and tax the practice of fortunetelling, palmistry and kindred practices, and over the past year a tax of \$500.00 per year has been placed on such professions by the county and the board of commissioners is desirous of continuing the regulation and taxation of such professions.~~

~~(Ord. No. 80-4, 10-7-1980)~~

Replace with:

Sec. 18-91. Findings.

Under the provisions of O.C.G.A. § 36-1-15, the board of commissioners has the authority to regulate and tax the practice of fortune telling, palmistry and kindred practices. A yearly occupation tax as indicated in the fee schedule has been placed on such professions by the county and the board of commissioners is desirous of continuing the regulation and taxation of such professions.

(Ord. No. 80-4, 10-7-1980)

Amendment to Article 5 Part 5-1, Section 5-1-100 to add the following Permitted Uses:

8121 Personal Care Services

Allowed by right in OI, B1, B2 and B3

Examples of Personal Care Services include Hair, Nail and Skin Care Services, Barber Shops, Beauty Salons, Nail Salons, Diet and Weight Reducing Centers, astrology, bail bonding, fortune-telling, palm reading, party planning, personal chef and many others as outlined in the NAICS (North American Industry Classification System)

Section 6-1-110 Airstrip, Helipad Private (9)

Delete:

All existing landing strips and helipads shall apply for a license to be reviewed and considered by the Planning and Development Department to be approved as a legal non-conforming use prior to January 1, 2025. A license fee of seventy-five (\$75.00) per year will be required. Renewal notices will be sent out each year.

Replace with:

All existing landing strips and helipads shall apply for a license to be reviewed and considered by the Planning and Development Department to be approved as a legal non-conforming use prior to January 1, 2025.

Annual Fee:

An annual license fee as indicated in the "Fee Schedule" will be required. Renewal notices will be sent out each year.

Section 4-2-170 Cornish Creek, Beaver dam Creek Watershed & Hard Labor Creek Overlay Protection District (W-P2)

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 two (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 **in accordance with the Section 4-2-120 Open Space Conservation Development Overlay District with the minimum lot sizes** 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 shall be allowed to have a density of one (1) lot per one (1) acre.
 - c. ~~Minimum House size shall be one thousand eight hundred (1,800) square feet.~~
3. ~~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 non buildable 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 percent (25%) of the total area of the tract of land to be developed shall be dedicated as open space.~~
 - c. ~~No more than fifty percent (50%) of the required open space may be in land that is located in a floodplain, wetlands, utility easements, slopes greater than twenty five percent (25%) or other non buildable land.~~
 - d. ~~Fifty percent (50%) of the required open space shall contain or provide minimum thirty (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, one hundred 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.~~
4. Residential developments serviced by public sewer shall be allowed in the R1 RND Overlay District as follows:
 - a. 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 twenty-five percent (25%) or existing, if greater than twenty-five percent (25%). 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. 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.

(3-2-2004; 2-6-2007; 7-6-2021)