COMPREHENSIVE
LAND DEVELOPMENT

ORDINANCE

And

SUBDIVISION REGULATIONS

FOR: WALTON COUNTY, GEORGIA

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Article 1 General Regulations

Section 100 Title

This Ordinance shall be known and may be cited as “The Comprehensive Land Development Ordinance of Walton County, Georgia.”

Section 110 Purpose

This Ordinance is enacted by the Board of Commissioners in order to promote the public health, safety, morals, and general welfare of the residents of Walton County, Georgia, and to implement the Walton County Comprehensive Plan. To these ends, the Ordinance is intended to achieve the following purposes:

A. To guide and regulate the orderly growth, development, redevelopment, and preservation of Walton County in accordance with a well-considered comprehensive plan and with long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people;

B. To protect the established character and the social and economic well being of both private and public property;

C. To promote, in the public interest, the efficient utilization of land;

D. To promote the preservation of open space;

E. To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers;

F. To reduce or prevent congestion in the public streets;

G. To facilitate the creation of a convenient, attractive, and harmonious community;

H. To encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations;

I. To expedite the provision of adequate police and fire protection, safety from crime, transportation, water, sewage, flood protection, schools, parks, recreational facilities, and other public requirements;

J. To protect against the destruction of, or encroachment upon, historic areas;

K. To protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and

congestion in travel and transportation, and loss of life or health from fire, flood or other danger;

L. To encourage economic development activities that provide desirable employment and enlarge the tax base;

M. To promote the preservation of the unique natural and physical resources of the County, including forested areas, watersheds, streams, and archaeological sites;

N. To achieve compliance with all applicable state and federal regulations;

O. To provide for and promote housing for all income groups and all citizens within the County;

P. To establish certain building, land development regulations;

Q. To provide for variances and non-conforming uses;

R. To provide a method of administration and procedure;

S. To provide penalties for a violation and remedies for enforcement hereof;

T. To provide for protection of the constitutional rights and obligations of all citizens within the County, and for other purposes.

Section 120 Authority

A. This Ordinance is enacted pursuant to Walton County's authority to adopt plans and exercise the power of zoning granted by the Constitution of the State of Georgia, Article 9, Section 2, Paragraph 4 and the Zoning Procedures Law, O.C.G.A 36-66; by Walton County's authority to enact regulations and exercise powers granted by the Constitution of the State of Georgia, Article 9, Section 2, Paragraphs 1 and 3; by the County's general police powers; and by other powers and authority provided by federal, state, and local laws applicable hereto.

B. This Ordinance shall take effect and shall be in force from and after the date of its adoption by the Board of Commissioners of Walton County, Georgia.

Section 130 Jurisdiction

This Ordinance shall pertain to all unincorporated areas of Walton County, Georgia.

Section 140 Application of Ordinance

Except as hereinafter provided, as of the date of adoption of this Ordinance:

A. Development Activity

Any “person” proposing to rezone property, undertake any land disturbance activity, construct or modify a building for occupancy or to develop or subdivide land within unincorporated areas of Walton County, Georgia, shall pay a fee and make application to the Walton County Planning & Development Department, which shall conform to all regulations set forth in this document.

B. Use
No building, structure, premises or land shall hereafter be used or occupied and no building or part thereof shall be erected, remodeled, extended, enlarged, constructed, or altered in a manner except in conformity with the regulations herein specified for the district in which it is or is to be located.

C. Lots
No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side or rear yard or other requirements of this Ordinance are not maintained. This Section shall not apply when a portion of a lot is acquired for public use within Walton County.

D. Pending Application For Building Permits and Land Disturbance Permits
Nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure or land disturbance for which development or building permits were lawfully applied for or approved, prior to the effective date of this chapter or amendment thereto, provided:
Such permit or approval has not by its own terms expired prior to such effective date;
Actual building construction is commenced prior to the expiration of such permit or approval;
Actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval;
No renewals or extensions of said permit or approval shall be authorized;
Construction shall commence within one year of the effective date of this Ordinance.

E. Requirements May be Waived by the Director
The requirements of this Ordinance may be waived by the Director for a land disturbance permit for a portion of a larger project for which at least 75 percent (75%) of the land area was previously issued permits authorizing clearing or grading activities prior to the effective date of this Ordinance.

Section 150 Relationship to Existing Ordinances

A. Whenever the provisions of this Ordinance impose more restrictive standards than are required in or under any other statute, ordinance or resolution, these standards shall prevail, unless otherwise specified in this Ordinance. Whenever the provisions of any other statute, ordinance, or resolution require more restrictive standards than

are required herein, the requirements of such regulations shall prevail, unless otherwise specified in this Ordinance.

B. In those instances where development standards for a specific project have been established as a condition of zoning or conditional use permit approval, the requirements of the conditions shall control, whether more restrictive than the requirements of this Ordinance.

C. These articles are the Comprehensive Land Development Ordinance of the County, and all other conflicting ordinance or resolutions are hereby repealed, provided that nothing herein shall be construed as repealing the conditions of use, operation, or site development accompanying zoning approval(s) or conditional use(s) or permits issued under previous ordinances or resolutions, provided further that modification or repeal of these past conditions of approval may be accomplished as authorized and provided by this chapter. All variances and exceptions heretofore granted by the Board of Appeals or Director shall remain in full force and effect, and all terms, conditions and obligations imposed by the Board of Appeals shall remain in effect.

Section 160 Interpretation of Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts as shown on the Official Zoning Map of Walton County, the following rules shall apply:

A. Unless otherwise indicated the district boundaries are intended to approximately follow property lines, land lot lines, centerlines of streets, highways, alleys or railroads, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.

B. Where district boundaries are approximately parallel to the centerlines of streets, highways, or railroads, right-of-way of the same, or the centerlines of streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Maps. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Maps.

C. In case the exact location of a boundary cannot be determined by the foregoing methods, the Board of Commissioners shall, upon application, determine the location of the boundary pursuant to a regularly advertised public hearing.

D. Effective 12-3-2002, The I-1 Industrial zoning district designation was rescinded. All properties located in this Land Development District shall comply with the requirements of the M-1 Light Industrial District.

E. Effective 12-3-2002, The MH Manufactured Home District zoning district designation was rescinded. All properties located in this Land Development District shall comply with the requirements of the A-2 Rural Estate District.

F. Incorporation of the Zoning Map

The "Official Zoning District Maps for Walton County," hereinafter called Official Zoning Maps, with all appendices, notations, references and other information shown thereon, shall be the official maps and are hereby made a part of this Ordinance. Said maps shall be made a public record and shall be kept permanently in the Planning & Development Department of Walton County, where the maps or accurate reproductions thereof, will be accessible to the general public.

Section 170 Relationship to Comprehensive Plan

A. Land Use Role of the Comprehensive Plan (12-4-07)

The Comprehensive Plan is hereby established as the official policy of the County concerning designated character areas, under which the unincorporated areas of Walton County are divided into character area categories as shown in Section B.

B. Relationship Between Character Area Categories and Zoning Districts

The Comprehensive Plan does not change the existing zoning districts in the County, does not effectuate an amendment to the official zoning maps, and does not itself permit or prohibit any existing land uses.
The zoning districts that are permitted within each character area category shall be restricted to the following:

Character Area	Description of Character Area	Zoning Allowed	Appropriate Land Uses
Rural Residential	Undeveloped land likely to face development pressures for lower-density residential land.	A, A-1, A-2, MHP	Residential, Agriculture, Public, Recreation 1 ½ acre lots or larger
Suburban	Planned to accommodate the majority of new residential growth.	R-1, A, A-1, A-2, B-1	Residential, Public, Recreation, Mixed-use 1 acre or less lots
Neighborhood Residential	Traditional residential development with neighborhood-scale businesses scattered throughout.	R-1, R-2, R-3, O-I, TC, B-1, B-2	Residential, Public, Recreation, Mixed-use 1 acre or less lots
Village Center	Focal point/activity center with retail, service, office, high-density housing, and public/open space.	R-1, R-2, R-3, B-1, O-I, TC	Mixed-use, Residential, Public, Recreation, Office, Commercial
Employment Center	Area designated for larger-scale commercial including light industry, office, retail and services.	B-1, O-I, B-2, B-3, M-1, M-2,	Commercial, Office, Industry

		MUBP, MCMUBP	
Highway Corridor	Accommodates commercial and industrial development; appropriate for major thoroughfares.	B-1, B-2, B-3, O-I, M-1, M-2, MUBP, MCMUBP	Commercial, Office, Industry, Public

C. Compatibility of the Comprehensive Land Use Plan character areas and Residential Dwelling Unit Density

A residential zoning district that allows a greater dwelling unit density than is normally permitted within a given character area category may be established within such character area category only if the zoning is conditioned so as to limit the allowable density of dwelling units to the maximum permitted by the character area category.

D. Conformity of the Zoning Maps with the Comprehensive Land Use Plan

Within the various character area categories described in this chapter and shown on the comprehensive plan, no amendment to the official zoning maps shall permit a use except in accordance with the uses permitted in the comprehensive plan character area category applicable to the property to which the proposed zoning map amendment applies. Amendments to the official zoning maps that permit uses associated with a less intensive zoning category are permitted.

Section 180 Project Improvements to Mitigate Impacts

Through the administration of this Ordinance, or as a condition of rezoning approval, developers may be required to contribute land, and make improvements to facilitate the provision of adequate public facilities to serve the future residents and users of land they develop. However, no private developer shall be required to provide such public dedications of land, or property improvements, except in conformity with provisions of O.C.G.A. 36-70-4 (the Georgia Development Impact Fee Act).

Section 190 Fees

Permit and application fees are established by action of the Board of Commissioners, a copy of which is on file in the office of the Clerk of the Board of Commissioners.

A. Permit Fees

Permit fees shall be submitted as a prerequisite to issuance of the permit. Non-payment as a result of submission of a check having insufficient funds, or for any

other reason, shall cause the permit to be voided and re-issuance will be subject to penalty as may be established by the Board of Commissioners.

B. Application Fees

1. Application fees shall be submitted with the application and upon acceptance of the submission for review and consideration shall be non-refundable. Failure to pay a required application fee shall cause the application to be returned to the applicant without acceptance for review or consideration by the County.

2. Prior to approval of a Final Plat or Certificate of Occupancy, the developer shall provide to the Department such recording fees and performance and/or maintenance surety as shall be required by this Ordinance and established by the Board of Commissioners.

3. Prior to the processing of a request for Director administrative approvals or certification, the applicant shall pay to the Department such fees as may be established by the Board of Commissioners.

Section 200 Severability

If any portion or provision of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect any other portion of this Ordinance.

Article 2 Definitions and Interpretations

Section 100 Definitions

For the purpose of these Regulations, certain words or terms used herein are interpreted as follows:

A. Words used in the present tense include the future tense. Words used in the singular include the plural; and words in the plural include the singular.

B. The word “shall” is always mandatory, and the word “may” is permissive.

C. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.

D. The word “lot” includes the words “plot,” “parcel” or “tract.”

E. The word “used” or “occupied,” as applied to any land or building, shall be construed to include the words “intended,” “arranged,” or “designed to be used or occupied.”

F. The word "erected" shall be deemed also to include “constructed," "reconstructed," "altered,” “moved” or “placed.”

G. The word "land use" and "use of land" shall be deemed also to include "building use" and "use of building."

H. The word "adjacent" means contiguous not withstanding road right of way.

I. The word "map" means the "Official Zoning Districts Map for Walton County, Georgia."

When used in this Ordinance, the following words and phrases shall have the meaning given in this Section. For words and phrases where no definition is included in this Section that are listed in the use table in Article 5 with a NAICS code, the NAICS definition shall be the legal definition. All remaining words used in this Ordinance are intended to have the commonly accepted definitions contained in a recent edition of the Merriam Webster Dictionary.

ABANDONED VEHICLE: Any wrecked or non-operable dismantled or abandoned automobile or truck.

ACCESSORY STRUCTURE: A structure detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. See Article 5, Part 2.

ACCESSORY UNIT: An accessory dwelling unit for one family.

ACCESSORY USE: A use of land or a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use. See Article V, Part 2, Accessory Uses

ADDITION (TO AN EXISTING BUILDING): Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a firewall or is separated by an independent perimeter load-bearing wall shall be considered "New Construction."

ADULT ENTERTAINMENT: See Article 6, Part 3.

AGRICULTURE: Raising soil crops, livestock, fish, fowl and/or commercial timber including General Farming, Feedlots, Greenhouses, Nurseries and Floriculture.

AIRPORT: A transportation terminal facility where aircraft take off and land.

AIRSTRIP, PRIVATE: An area designated for the landing of private, non-commercial aircraft with no terminal facilities and no scheduled takeoffs and landings.

AIR TRANSPORTATION: Establishments engaged in transportation by air including airports and flying fields, as well as terminal services.

ALLEY: A public or privately maintained platted service way providing a secondary means of access to abutting properties

ALTERATION: Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as “altered” or “reconstructed.”

ALTERNATIVE TOWER STRUCTURE: Clock towers, bell towers, church steeples, light/power poles, electric transmission towers and similar natural or alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANIMAL FEEDING OPERATION (FEEDLOTS): A lot or facility (other than an aquatic animal production facility) permitted under Chapter 391-3-6-.21 for non-swine and 391-3-6-.20 for swine of the rules and regulations for the State of Georgia. A place where livestock have been, are, or will be confined, concentrated, and fed for 45 or more days in any 12-month period. Pasture, crops, or other vegetation are not normally managed or sustained for grazing during the normal growing season and animal waste or manure accumulates. Adjoining animal feeding operations under common ownership are considered to be one animal feeding operation if they use common areas or systems for manure handling.

ANIMAL UNIT (AU): a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 25 kilograms (approximately 55 pounds) multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

300 AU: Paragraph 391-3-6-.20 (2) (c) of Georgia regulations notwithstanding, the numbers of animals in any of the following categories are equivalent to 300 AU:

1. 300 slaughter and feeder cattle,
2. 200 mature dairy cattle (whether milked or dry cows),
3. 150 horses,
4. 750 swine each weighing over 25 kilograms (approximately 55 pounds),
5. 3,000 sheep or lambs,
6. 16,000 turkeys,
7. 30,000 laying hens or broilers (if the facility has continuous overflow watering),
8. 9,000 laying hens or broilers (if the facility has a liquid manure handling system),
9. 1,500 ducks.

1000 AU: Paragraph 391-3-6-.20 (2) (c) of Georgia regulations notwithstanding, the numbers of animals in any of the following categories are equivalent to 1000 AU:

1. 1,000 slaughter and feeder cattle,
2. 700 mature dairy cattle (whether milked or dry cows),
3. 2,500 swine each weighing over 25 kilograms (approximately 55 pounds),
4. 500 horses,
5. 10,000 sheep or lambs,
6. 55,000 turkeys,
7. 100,000 laying hens or broilers (if the facility has continuous overflow watering),
8. 30,000 laying hens or broilers (if the facility has a liquid manure handling system),
9. 5,000 ducks.

3000 AU: Paragraph 391-3-6-.20 (2) (c) of Georgia regulations notwithstanding, the numbers of animals in any of the following categories are equivalent to 3000 AU:

1. 3,000 slaughter and feeder cattle,
2. 2,100 mature dairy cattle (whether milked or dry cows),
3. 7,500 swine each weighing over 25 kilograms (approximately 55 pounds),
4. 1,500 horses,
5. 30,000 sheep or lambs,
6. 165,000 turkeys,

7. 300,000 laying hens or broilers (if the facility has continuous overflow watering),
8. 90,000 laying hens or broilers (if the facility has a liquid manure handling system),
9. 15,000 ducks.

ANTENNA: Any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

ANTENNA, SATELLITE TELEVISION: A specific device, the surface of which is used to transmit and/or receive radio frequency signals, microwave signals, or other signals transmitted to or from other antennas for commercial purposes.

APARTMENT: A multi-family dwelling held through a lease or rental agreement. See also DWELLING, MULTI-FAMILY.

APARTMENT, EFFICIENCY: An apartment consisting of two or fewer rooms, not including a separate bedroom.

APPEAL: A request for a review to hear and decide where it was alleged there was an error in any order, requirement, permit, decision, determination, or refusal made by any officer of Walton County in the enforcement of this ordinance.

APPLICANT: Any person, firm or governmental agency that executes the necessary forms and procedures to procure official approval of a project or a permit to carry out construction of a project.

AQUIFER: Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

AREA OF SHALLOW FLOODING: A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

AUTOMOBILE: Every motorized vehicle with not more than six (6) wheels, designed for carrying ten (10) passengers or less and used for the transportation of persons.

AUTOMOTIVE, MAJOR REPAIR AND MAINTENANCE: A site used for the repair of automobiles, noncommercial trucks, motorcycles, motor-homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. This uses includes engine, transmission, paint, body and fender shops, and similar repair and services activities, but excludes dismantling, salvage operations or junk yards.

AUTOMOTIVE, MINOR REPAIR AND MAINTENANCE: A site used for the repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational

vehicles or boats, including the sale, installation, and servicing of equipment and parts. This includes tires, brakes, mufflers, normal upkeep of engine, and similar repair and service activities, but excludes major automobile repair and maintenance.

AWNING: Any non-rigid material, such as fabric or flexible plastic, that extends from the exterior wall of a building and is supported by or attached to a frame.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year also known as the 100-year flood or intermediate regional flood.

BASEMENT: See current edition of the Walton County Building Code.

BEACON: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move.

BED & BREAKFAST: A building or group of buildings containing one or more guest rooms for an overnight stay which are rented at a daily rate and where breakfast is the only meal served to guests.

BEST MANAGEMENT PRACTICES (BMP's): A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.

BILLBOARD: Refers to Highway Oriented Sign as defined in the Walton County Sign Ordinance.

BLOCK: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

BOARD OF APPEALS: The Walton County Board of Appeals.

BOARD OF COMMISSIONERS: The Walton County Board of Commissioners.

BOARD OF NATURAL RESOURCES: The Georgia Board of Natural Resources.

BOARDING HOUSE: A building, other than a hotel, where, for compensation and/or by pre-arrangement, meals, or lodging and meals are provided for one or more persons but not more than 20 persons.

BUFFER AREA: An area of natural vegetation or man-made construction which is intended to provide a visual and dimensional separation between dissimilar land uses.

BUFFER, NATURAL: A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.

BUFFER, NON-BUILDABLE: Non-buildable buffer areas required by this ordinance shall be established and maintained by the property owner under the following provisions:

Be maintained as a planted area, using existing vegetation or, when required, additional plantings as provided in this Section.

Be landscaped with trees, shrubs, flowers, grass, stone, rocks and other landscaping materials.

Not be used for parking or a structure other than a fence or drainage improvements required by the county. However, a non-buildable buffer area may be used for vehicular access (except as prohibited by Article 9, Section 110) and utility easements (only if these uses are provided approximately perpendicular to the buffer area) and for drainage improvements required by the county based upon competent engineering studies which show these improvements to be necessary.

Except as otherwise provided, the natural topography of the land shall be preserved and natural growth shall not be disturbed beyond that which is necessary to prevent a nuisance, or to thin this natural growth where too dense for normal growth, or to remove diseased, misshapen or dangerous and decayed timbers. However, a slope easement may be cleared and graded where required to prevent soil erosion upon approval of the county; this easement may cover no more than ten (10) percent of the required buffer area, and shall be immediately replaced upon completion of easement improvements.

Where the conditions described in paragraph four (4) of this Section cannot be met by reason of the topography of the land or of the prior removal of or lack of timber and foliage, the owner of the buffer area shall plant evergreen plantings, so designed and developed to provide visual screening between the property described herein. These plantings shall consist of evergreen shrubs no less than six (6) feet in height. The following plants shall be approved for this purpose but shall not be exclusive of other plants which may be suitable, provided that they can form a hardy screen, dense enough and high enough both to interrupt vision and to diffuse the transmission sound:

Magnolia grandiflora (Southern Magnolia)
Pinus Strobus (White Pine)
Prunus caroliniana (Cherry Laurel)
Ligustrum lucidum (Glossy Ligustrum)
Ilex burfordi (Buford Holly)
Elaegnus pungens (Elaeagnus)

Be designated on each plat and recorded as a permanent easement.

BUFFER, STATE WATERS: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat. 8-5-03

BUFFER, STREAM: An area 25 feet in width along the course of any state waters, that is in addition to the state waters buffer, and is to be maintained in an undisturbed and natural condition.

BUFFER, STRUCTURAL: A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.

BUFFER, TRANSITIONAL: A natural, undeveloped portion of a lot or parcel of land set aside for open space and visual screening purposes pursuant to applicable provisions of this Ordinance for the purpose of separating different use districts, or to separate dissimilar uses on one property from uses on another property of the same use district.

BUFFER, UNBUILDABLE: See SETBACK.

BUILDING: Any structure built for support, shelter, or enclosure for any occupancy or storage.

BUILDING, ACCESSORY: A subordinate building, the use of which is incidental to that of the dominant use of the principal building or land.

BUILDING, ALTERATIONS OF: Any change in the supporting members of a building (such as bearing walls, beams, columns, and girders) except such change as may be required for its safety; any addition to a building; any change in the location of a use within an existing building or on a developed site.

BUILDING, ELEVATED: A non-basement built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls or break away walls.

BUILDING HEIGHT: The vertical distance measured from the average finished yard grade at its parallel juncture with the structure, to the highest point of the roof surface if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs. Does not include steeples, cupolas, decorative towers, antennas and mechanical equipment when attached to a building, and does not include accessory agricultural structures.

BUILDING INSPECTOR: Walton County Building Inspectors.

BUILDING LINE: A line into which no foundation wall or part of the structure of any building projects, with the exception of roof overhang, steps, and the sub-surface projection of footing. Such a line may coincide with the building setback line.

BUILDING PERMIT: A permit issued by the Department.

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the lot on which it is situated.

BUILDING WALL: An exterior load-bearing or non-load-bearing vertical structure, that encompasses the area between the final grade elevation and eaves of the building, and used to enclose the space within the building. A porch, balcony or stoop is part of the building structure and may be considered as a building wall.

CALIPER: The diameter of the trunk measured six inches above the ground for trees up to and including four-inch caliper size and twelve inches above the ground for trees of larger size.

CAMBIUM: Tissue within the woody portion of trees and shrubs which gives rise to the woody water and nutrient conducting system, and the energy substrate transport system in trees. Cambium growth activity results in a tree's radial development, i.e., increase in diameter.

CAMBIAL DIEBACK: The irreparable radial or vertical interruption of a tree's cambium, usually caused by mechanical damage, such as "skinning bark"; or from excessive heat.

CAMPGROUND: See RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS.

CANOPY: A roof structure constructed of rigid materials, including but not limited to, metal, wood, concrete, plastic, or glass, which is attached to and supported by a building, or which is free-standing and supported by columns, poles or braces extended to the ground. Unlike a marquee, a canopy generally has very limited vertical surface area; and unlike an awning, a canopy is generally supported by vertical elements rising from the ground at two or more corners.

CARETAKER DWELLING OR EMPLOYEE RESIDENCE: An accessory one family dwelling unit placed on an occupied tract for use by an employee where the tract is owned by the employer as a part of the same farming operation or business. At least one of the occupants of the caretaker dwelling or employee residence must be employed on the premises or their presence must be necessary and essential for the orderly operation and security of premises.

CEMETERY: Any plot of ground, churchyard, building, mausoleum, or other enclosure used for the burial of deceased persons.

CEMETERY, PET: Property used for the interring of dead domestic animals.

CEMETERY, PRIVATE: Any plot of ground, building, mausoleum, or other enclosure used for the burial of deceased persons of one collateral line of descent.

CIVIC AND SOCIAL ORGANIZATION: Establishments primarily engaged in promoting the civic and social interests of their members.

CLEAR CUTTING: The clearing or removal of trees from a site in a manner contrary to the Best Management Practices of the Georgia Forestry Commission, except as authorized by a development permit or building permit.

CLEARING: The removal of trees and brush from the land but not including the ordinary mowing of grass.

CLERK: The Clerk serving the Board of Commissioners of Walton County, Georgia.

CLINIC: A medical establishment where patients, who are not lodged overnight, are admitted for examination and treatment.

CLUB, PRIVATE: A building in which members of a community or association may gather for social, educational, or cultural activities.

COLLEGES, UNIVERSITIES AND PROFESSIONAL SCHOOLS: Establishments primarily engaged in furnishing academic courses and granting degrees at baccalaureate or graduate levels.

CO-LOCATION: The placement of the antennas of two or more service providers upon a single tower or alternative tower structure.

COLUMBARIUM: A structure with niches for the placement of cinerary urns.

COMMERCIAL USE: An occupation, place of employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

COMMUNITY LIVING ARRANGEMENT: A single family residence that undertakes to provide personal services, supports, care or treatment exclusively for two or more adults whose residential services are financed in whole or in part by funds designated through DBHDD (Department of Behavioral Health Developmental Disabilities. Occupational Tax Certificate is required. Use must comply with guidelines for a Personal Care Home as listed in Article 6.

COMMUNITY SEPTIC SYSTEM: Community alternative drip system, or any such system as approved by the Environmental Protection Division, Walton County Health Department and Board of Commissioners.

COMMUNITY WATER SYSTEM: Community water system (CWS) – a public drinking water system permitted by the Georgia Environmental Protection Division per Chapter 391-3-5 that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

COMPOSTING FACILITY, MUNICIPAL SOLID WASTE: An establishment converting municipal solid waste to humus through a controlled process of degrading organic matter by microorganisms.

COMPOSTING FACILITY, YARD TRIMMINGS: An establishment converting yard trimmings to humus through a controlled process of degrading organic matter by microorganisms. This definition does not include composting conducted on a residential lot for home gardening purposes.

COMPREHENSIVE PLAN: Any part or element of the overall plan for development adopted by the Board of Commissioners as provided by O.C.G.A. 50-8-1 and Chapter 110-3-2, Minimum Standards and Procedures for Local Comprehensive Planning.

CONDITIONAL USE: A use listed in this Ordinance as being permitted if it meets stated conditions and is approved by the Board of Commissioners of Walton County.

CONDITIONAL ZONING: The imposition of conditions in the grant of a rezoning application which are in addition to or different from the regulations set forth in this land development ordinance and which are related to the promotion of the public health, safety, morals, or general welfare and designed to minimize the negative impact on surrounding property.

CONDOMINIUM: Individual ownership units in a multi-family structure, combined with joint ownership of common areas of the buildings and grounds platted per the requirements of the State of Georgia.

CONIFEROUS: Belonging to the group of cone-bearing evergreen trees or shrubs.

CONSTRUCTION/DEMOLITION WASTE: Means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other nonputrescible wastes which have a low potential for groundwater contamination.

CONSTRUCTION, EXISTING: Any structure for which “the start of construction” commenced before the effective date of these Regulations, or before February 6, 1990 when the new construction lies within a flood plain.

CONSTRUCTION, NEW: Structures for which the “start of construction” commenced on or after the effective date of these Regulations, or before February 6, 1990 when the new construction lies within a flood plain.

CONSTRUCTION, START OF: The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. (Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are NOT exempt from any ordinance requirements) For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

CONVENIENCE STORE WITH GASOLINE STATION A retail stores that includes gasoline stations that sells a limited line of groceries and household items. See also TRUCK STOP.

COUNTY: Walton County, Georgia.

COUNTY OFFICIAL: Any member of the Walton County Board of Commissioners, Walton County Planning Commission or the Walton County Board of Appeals; or staff of Planning and Development Office when exercising the duties authorized in Article 3, Administrative Mechanism.

CREMATION: As described in O.C.G.A. 10-14-3 G, cremation includes any mechanical or thermal process whereby a deceased human being is reduced to ashes. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, recremated, or otherwise further reduced in size or quantity.

CREMATORY: A location containing properly installed, certified apparatus intended for use in the act of cremation.

CRITICAL ROOT ZONE: An area of root space that is within a circle circumscribed around the trunk of a healthy tree using a radius of 1 foot per inch Diameter at Breast Height (DBH). See DBH.

CROWN DRIPLINE: A vertical line extending from the outer surface of a tree's branch tips down to the ground.

CUL-DE-SAC: A local street or road with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

CURB CUT: The area of vehicular ingress and egress between property and an abutting public street.

CUT: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

DAM: Means the following:

1. Any artificial barrier, including appurtenant works, which impounds or diverts water and which the improper operation or failure of such would result in probable loss of human life as determined pursuant to the Act, and which
   a. Is 25 feet or more in height from the natural bed of the stream or water course measured at the downstream toe or the lowest elevation of the outside limit of the barrier (whichever is lower) to the maximum water storage elevation; or
   b. Has an impounding capacity at maximum water storage elevation of 100 acre-feet or more.
2. Any artificial barrier, including appurtenant works, constructed in conjunction with the reclamation of surface mined land, and meeting the requirements of

Subsection 1 above, and when improper operation or failure would result in probable loss of human life.

DAM, CATEGORY I: The classification where improper operation or dam failure would result in probably loss of human life. Situations constituting “probable loss of life” are those situations involving frequently occupied structures of facilities, including, but not limited to, residences, commercial and manufacturing facilities, schools and churches.

DAM, CATEGORY II: The classification where improper operation or dam failure would not be expected to result in probable loss of human life.

DAY CARE CENTER, ADULT: An establishment operated by any person with or without compensation for providing for the care, supervision, and oversight during day-time hours of seven (7) or more adults who are elderly, physically ill or infirm, physically handicapped or mentally handicapped.

DAY CARE FACILITY, ADULT: Any place operated by any person with or without compensation for providing for the care, supervision, and oversight only during day-time hours of six (6) or fewer adults who are elderly, physically ill or inform, physically handicapped, or mentally handicapped.

DAY-CARE CENTER, CHILD: An establishment operated by a person, society, agency, corporation or institution, or any group, wherein are received with or without pay, seven (7) or more children under 18 years of age for group care, without transfer of custody, for as much as twenty-four (24) hours per day.

DAY-CARE FACILITY, CHILD: Any place operated by any person with our without compensation providing for the care, supervision, and protection of six (6) or fewer children who are under the age of eighteen (18) years for less than twenty-four (24) hours per day, without transfer of legal custody. For the purpose of computing the number of children within the child day-care facility, all children who are related by blood, marriage, adoption or guardianship to the person or persons operating the facility shall be included.

DEAD END: A street that must be exited at the same point as is entered.

DECIDUOUS TREE: A tree that sheds its leaves annually.

DENSITY: The total number of square feet, lots or dwelling units per acre of land unless specifically provided otherwise in this Ordinance.

DEPARTMENT: The Planning and Development Department of Walton County.

DETENTION FACILITY: A permanent structure for the temporary storage of storm water runoff and its subsequent gradual discharge.

DEVELOPER: Any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit who directs the undertaking or proposes to undertake development activities as herein defined, whether the development involves the subdivision of land or land for sale to

individual users, the construction of buildings or other improvements on a single land ownership or both.

DEVELOPMENT: Any human-caused change to improved or unimproved real estate that requires a permit or approval from any agency of the county, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of materials.

DEVELOPMENT PERMIT: An official authorization issued by the Director allowing clearing, grubbing, grading or other alteration of the site that entails land disturbance related to construction activities in compliance with this ordinance.

DEVELOPMENT STANDARDS: The specifications to landowners or developers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements, and lots.

DBH (DIAMETER AT BREAST HEIGHT): A standard measure of the diameter of a tree trunk measured in inches at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, then the trunk is measured at its most narrow point beneath the split.

DHR: The Georgia Department of Human Resources.

DIRECTOR: Planning & Development Director of Walton County or his or her designee.

DISTRICT: A section of Walton County, Georgia within which the zoning regulations are uniform.

DNR: The Georgia Department of Natural Resources.

DRAINAGE AREA: That area contributing runoff to a single point; measured in a horizontal plane that is enclosed by a ridgeline.

DRAINAGE STRUCTURE: A device composed of a non-erodable material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control or flood control purposes.

DRI: Development of Regional Impact.

DRIPLINE: A vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.

DRIVEWAY: A vehicular access, other than a private street, which is in private ownership and provides access primarily to one property.

DRY CLEANING AND LAUNDRY SERVCES: A business that provides for the cleaning of laundry and dry cleaning, excluding self service, and contains on the premises, equipment necessary for the processing of laundry and dry cleaning.

DWELLING: The structure that is used as the primary residence.

DWELLING, MULTI-FAMILY: A building designed, constructed, altered or used for more than two adjoining dwelling units, with each dwelling unit having a party wall and/or party floor or ceiling connecting it with at least one other dwelling unit.

DWELLING, PRINCIPAL: The structure that is used as the primary residence.

DWELLING, SINGLE-FAMILY: A dwelling structure that is designed for the use of one family.

DWELLING, SINGLE-FAMILY ATTACHED: See TOWNHOUSE.

DWELLING, SINGLE-FAMILY DETACHED: A dwelling unit on an individual lot unattached to another dwelling unit.

DWELLING, SINGLE-FAMILY ZERO LOT LINE: A single family dwelling unit which is either: (1) erected in a row as part of a single building on adjoining lots, each being separated from the adjoining unit or units by an approved fire resistant party wall or walls, extending from the basement or cellar floor to the roof along the dividing lot line (See TOWNHOUSE), or (2) erected as a detached dwelling unit with side and/or front setback requirements relaxed so as to allow the dwelling unit to be built on the property line.

DWELLING, TWO-FAMILY OR DUPLEX: A building designed, constructed, altered or used for two adjoining dwelling units, with each dwelling unit having a party wall connecting it with one other dwelling unit.

DWELLING UNIT: One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit for the exclusive use of a single family.

EASEMENT, ACCESS: An easement created for the purpose of providing vehicular or pedestrian access to a property.

EASEMENT, DRAINAGE: Land required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

EASEMENT, UTILITY: A grant by a property owner for the use of real property for the specified purpose of constructing and maintaining utilities; including, but not limited to sanitary sewers, water mains, electric lines, telephone lines, cable lines, storm sewer or storm drainage ways and gas lines.

ELECTRIC, PETROLEUM OR GAS SUBSTATION: Facilities devoted to the distribution of electricity, gas or petroleum

ELEVATED BUILDING: A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers or shear walls.

EPD: The Environmental Protection Division of the Georgia Department of Natural Resources. The EPD protects Georgia's air, land and water resources through the authority of state and federal environmental statutes. These laws regulate

public and private facilities in the areas of air quality, water quality, hazardous waste, water supply, solid waste, surface mining, underground storage tanks, and others. EPD issues and enforces all state permits in these areas and has full delegation for federal environmental permits except Section 404 (wetland) permits.

EPD DIRECTOR: The Director of the Environmental Protection Division of the Department of Natural Resources.

EQUESTRIAN TRAINING AND SALES FACILITY: Establishments providing equestrian training and the sale of horses, mules, donkeys, and other equines.

EROSION: The process by which ground surface is worn away by the action of wind, water, ice or gravity.

EROSION AND SEDIMENTATION CONTROL PLAN: A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. See Article 11, Part 3..

EXEMPT SUBDIVISION: A subdivision satisfying the criteria established in Article 8, Part 1, Section 140 which is exempt from the procedures and required site improvement provisions of these regulations.

FACADE: That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

FAMILY: A group of individuals related by blood, marriage, adoption, or guardianship, or not more than eight persons not so related, living together in a dwelling unit as a single housekeeping unit based on an intentionally structured relationship providing organization and stability. 8-1-06

FARMING, COMMERCIAL: Any primary use of a tract or parcel of land for the purpose of raising commercial agriculture products, nursery stock, including, but not limited to, soil crops, fish, fowl, timber or livestock, regardless of the quantity or value of production. See also ANIMAL FEEDING OPERATION, SLAUGHTERHOUSES and GREENHOUSE, NURSERY AND FLORICULTURE PRODUCTION.

FEEDER ROOTS: A complex system of small annual roots growing outward and predominantly upward from the system of “transport roots”. These roots branch four or more times to form fans or mats of thousands of fine, short, non-woody tips. Many of these small roots and their multiple tips are 0.2 to 1mm or less in diameter, and less than 1 to 2 mm long. These roots constitute the major fraction of a tree’s root system surface area, and are the primary sites of absorption of water and nutrients.

FEEDLOT: See ANIMAL FEEDING OPERATION.

FENCE: A structure designed to provide separation and security constructed of materials including chain link, wire, metal, artistic wrought iron, vinyl, plastic and other such materials as may be approved by the Director. 12-2-03

FERAL CAT: is a cat which has been separated from domestication, whether through abandonment, loss, or running away, and becomes wild. (12-2-08)

FILL: A portion of land surface to which soil or other solid materials has been added; the depth above the original ground.

FINAL PLAT: A finished drawing or map of a subdivision or development, meeting all of the requirements of this ordinance and showing, completely and accurately, all legal design and engineering information, and certified as necessary for recording.

FINISHED GRADE: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

FLAG LOT (or PANHANDLE LOT): A prohibited lot not meeting minimum frontage requirements and where access to the lot from a public road is achieved by a narrow strip of land.

FLEA MARKET: An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOOD or FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, or
2. The unusual and rapid accumulation or run-off of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: Official report provided by the Federal Emergency Management Agency containing flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN: That area within the intermediate regional flood (100 year or base flood contours) contour elevations subject to periodic flooding as designated. See Article 11, Part 4, Section 190.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOOR: The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

FLOOR AREA: The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings; excluding unusable basement or cellar space, uncovered steps or fire escape, open porches, accessory off-street parking spaces, accessory off-street loading berths, and any space where the floor-to-ceiling height is less than six feet.

FLOOR AREA RATIO: The gross floor area of all heated floor space in all buildings or structures on a lot divided by the total lot area.

FLOOR, LOWEST: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built as to render the structure in violation of the applicable non-elevation design requirements of these Regulations.

FORESTRY: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

FREEWAY: A multiple-lane roadway carrying local, regional, and interstate traffic of relatively high volumes that permits access only at designated interchanges and is so designated in the comprehensive plan.

FRONTAGE, BUILDING: The width in linear feet of each exterior wall of a building that faces a street or public way.

FRONTAGE, ROAD: The distance on which a parcel of land adjoins a public street or street right-of-way or private easement for an approved private drive. (5-2-06)

FUNCTIONALLY DEPENDENT FACILITY: A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

GARAGE, ATTACHED: A garage that shares a common roof with a dwelling unit or that adjoins a dwelling unit with a common wall along a distance of at least ten feet.

GARAGE, TWO-CAR: A permanent enclosed structure having at least 400 square feet of interior paved floor area designed with adequate access and egress for two standard automobiles and complying with the specific regulations for residential units.

GUEST HOUSE: An attached or detached accessory building that: provides living quarters for guests, may or may not contain a kitchen or cooking facility. Guesthouse shall never be used for rental or lease. 12-2-03

GRADE: A reference plan representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point 6 feet from the building, whichever is closer.

GRADING: Altering the shape of ground surface to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut and filled condition.

GREENHOUSE, NURSERY AND FLORICULTURE PRODUCTION: Establishments primarily engaged in growing crops of any kind under cover and/or growing nursery stock and flowers. See also NURSERY AND GARDEN CENTER.GREENSPACE: As defined by the Governor's Greenspace Program.

GREENSPACE COMMITTEE: Appointed by the Board of Commissioners to review and make recommendations on proposed greenspace subdivision developments for possible acceptance into the Greenspace Program.

GREENWAY, STREAM: An area along the course of any state waters to be maintained in an undisturbed and natural condition for both recreation and conservation, that may contain limited minor land disturbances, such as trails and picnic areas.

GROUND ELEVATION: The original elevation of the ground surface prior to cutting and filling.

GROUNDWATER RECHARGE AREA: Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer

HARDSHIP: A condition of significant practical difficulty in using a lot because of physical problems relating solely to the size, shape or topography of the lot in question which are not economic difficulties and which are not self-imposed.

HAZARDOUS WASTE: Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

HEALTH DEPARTMENT: The Walton County Health Department.

HEIGHT: The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The height limits of this Ordinance shall not apply to structures not intended for human occupancy such as church spires, flag poles, chimneys, monuments, radio or television towers or aerials, water towers or similar structures. The height limits shall apply to signs. See also BUILDING HEIGHT.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

HISTORIC STRUCTURE: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing in the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

HOME OCCUPATION: An occupation carried on by an occupant of a dwelling unit as a secondary use of the dwelling that is incidental to the primary use of the dwelling unit for residential purposes being the legal or primary residence of occupant and is operated in accordance with the provisions of this Chapter. For purposes of this Ordinance, certain uses are considered an accessory use and not a home occupation.

HOMES FOR THE ELDERLY: An intermediate care facility primarily engaged in providing inpatient nursing and rehabilitative services to residents who require watchful care and medial attention or treatment, but not on a continuous basis, although staff is on duty 24-hours per day.

HOSPITAL: An establishment providing physical or mental health services, in-patient or overnight accommodations, and mental or surgical care of the sick or injured. Includes health clinics and sanatoriums.

HOST HOME: A single-family residence where no more than 2 unrelated individuals live in a home with the occupants as a family unit. DBHDD certification is required. No Occupational Tax Certificate is required.

HOTEL: A building in which lodging or board and lodging is provided and offered to the public for compensation and in which ingress and egress to and from each sleeping room is generally made through the interior of the building.

IMPERMEABLE or IMPERVIOUSNESS: Characterized as being something (such as a layer of rock) that water cannot pass through or be absorbed by.

IMPERVIOUS SURFACE: A man-made structure or surface, which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools or patios.

IMPOUND LOT, VEHICLE: A secured storage area for vehicles that have been taken under temporary custody of the civil authorities.

IMPOUNDMENT: The water or liquid substance that is or will be stored by a dam – commonly referred to as the reservoir.

INDUSTRIAL PARK: A tract of land subdivided and developed according to a comprehensive development plan in a manner which provides a landscaped setting for industrial establishments.

INDUSTRIALIZED BUILDING (MODULAR HOME): Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof and meets the requirements of the International Residential Code, latest edition.

INERT WASTE LANDFILL: A disposal facility regulated by Department of Natural Resources accepting only wastes that will not cause production of leachate (a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such wastes) of environmental concern. Only the following waste may be deposited in the inert landfill: earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition specifically excludes any transfer stations, recycling stations, household materials or the storage of these items to be taken to another location.

INFILTRATION: The passage or movement of water from the surface into the soil.

INTERIM DEVELOPMENT CONTROL: An ordinance (moratorium) that temporarily imposes developmental regulations when existing regulations do not adequately protect the public's health, safety and welfare in accordance with the standards specified in this chapter.

INTERMODAL TERMINAL FACILITY: An industrial establishment in which freight is transferred in containerized form from truck to railroad cars for transportation.

ISSUING AUTHORITY: The governing authority of any county or municipality which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an Issuing Authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or the Division in those instances where an application for a permit is submitted to the Division.

JUNKYARD: See SALVAGE OPERATION, JUNK YARD or RECYCLABLE MATERIAL WHOLESALER.

KENNEL, HOBBY: An establishment for the boarding, caring for and keeping of not more than ten (10) dogs or cats or other small domestic animals or combination thereof (except litters of animals of not more than six (6) months of age), not for

commercial purposes, but as a hobby such as the raising of show and hunting dogs.

KENNEL, COMMERCIAL: An establishment for the breeding, raising, boarding, caring for and keeping of dogs or cats or other small domestic animals or combination thereof (except litters of animals of not more than six (6) months of age), for commercial purposes.

KINDERGARTEN: A school for pre-elementary school children ranging in age from four (4) through six (6) years.

KIOSK: A freestanding structure upon which temporary information and/or posters, notices, and announcements are posted.

KITCHEN FACILITIES: A room used to prepare food containing, at a minimum, a sink and a stove or oven.

LANDSCAPE STRIP: Land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

LAND-DISTURBING ACTIVITY: Any activity which may result in soil erosion and the movement of sediments into State waters or onto lands within the State, including but not limited to clearing, dredging, grading, excavating, transporting, and filling or land, but not including agricultural practices as described in O.C.G.A. 12-7-17-(5).

LANDFILL: A method of disposing of waste on land by placing an earth cover thereon. The term “landfill” shall include Construction and Demolition Debris Landfill, Hazardous Waste Landfill, Industrial Waste Landfill, Inert Waste Landfill, Monofill, Municipal Solid Waste Landfill and Private Industry Landfill. The term “landfill” shall not include approved on-site disposal of inert waste at a building, land disturbing, or development site.

LANDFILL, CONSTRUCTION and DEMOLITION WASTE: A landfill in which construction/demolition waste is disposed. Construction/demolition waste means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial waste, wood, bricks, metal, concrete, wallboard, paper, cardboard, inert waste landfill material and other non-putrescible wastes which have a low potential for groundwater contamination.

LANDFILL, PRIVATE: A privately owned and operated landfill for the purpose of profit. This may be each or all of the above types of landfills.

LANDING AREA: The area of an airport or private airstrip used for landing, taking-off or taxiing of aircraft.

LAND USE: A description of how land is occupied or utilized.

LAUNDROMAT: A business that provides self-service, coin-operated washing, drying and/or ironing machines for clothing and similar laundry.

LIBRARY: A public facility for the use, but not sale, of literary, musical, artistic or reference material.

LIQUIFIED PETROLEUM GASES: As defined in O.C.G.A. Section 10-1-262, any material that is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butane (normal butane or isobutane), and butylenes.

LIVESTOCK: Any animal raised for food, raw materials or pleasure, and customarily kept on a farm including, but not limited to, beef and dairy cattle, swine, poultry, horses, mules, donkeys, turkeys, bison, llama, emus and pot-bellied pigs; small hoofed animals including but not limited to sheep and goats. (10-2-07)

LITTER: Sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, discarded materials of every kind and description or paper products of every kind and description including, but not limited to, advertising materials, newspapers, promotional papers, letters, bills, publications or other writings.

LOADING SPACE: A space within the principal building or on the same lot, providing for the standing, loading or unloading of trucks, and other carriers.

LOT: A portion, plot, or parcel of land separated from other portions, plots, or parcels by description as on a subdivision plat or record or survey map or as described by metes and bounds, and intended for transfer of ownership or for building development. For the purpose of this Ordinance, the term does not include any portion of a right-of-way.

LOT AREA: The total area within the lot lines of a lot.

LOT, CONFORMING: A designated parcel, tract, or area of land which meets the lot area and lot width requirements of this ordinance, which has the amount of frontage on a public street required by this ordinance, and which has its own independent driveway located entirely within its boundaries and connected to a public street.

LOT, CORNER: A lot abutting upon two or more streets at their intersection.

LOT, DOUBLE FRONTAGE: A lot other than a corner lot abutting two streets.

LOT, INTERIOR: A lot with a single street frontage.

LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Clerk of the Superior Court of Walton County, Georgia, or a parcel of land described by metes and bounds, the plat or description of which has been recorded in said office. If a portion of a parcel has been conveyed at the time of the adoption of this Ordinance, the remaining portion of said lot or parcel shall be considered a lot of record.

LOT REMNANT: Any portion or portions of a lot not suitable for building upon because of size or topography and remaining after the transfer of other portions of said lot to adjoining lots.

LOT WIDTH: The width of a lot at the required front setback line measured parallel to the street right-of-way or in the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way line.

LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

MAJOR INTERSECTION: Intersection of an arterial with another arterial or major collector in accordance with the Walton County Major Thoroughfare Classification Plan.

MAJOR THOROUGHFARE: A street, road or highway shown as a thoroughfare in the Walton County Comprehensive Plan.

MAJOR WOODY ROOTS: First order tree roots, originating at the “root collar” and growing horizontally in the soil to a distance of between three and fifteen feet from the tree’s trunk. These roots branch and decrease in diameter to give rise to “rope roots”. The primary functions of major woody roots include anchorage, structural support, the storage of food reserves, and the transport of minerals and nutrients.

MANUFACTURED HOME: A factory built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Housing Construction and Safety Standards Act of 1974, is transportable in one or more sections, is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. See also OCGA 8-2-131.

MANUFACTURED HOME LOT: A parcel of land, approved pursuant to the subdivision requirements of Article 4, Part 3 in a manufactured home park which is intended and used for the placement of a single manufactured home and for the exclusive use of its occupants.

MANUFACTURED HOME PARK, EXISTING: A manufactured home park for which the construction of facilities servicing the spaces on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or before the effective date of these regulations, or before February 6, 1990 when the manufactured home park lies within a flood plain.

MANUFACTURED HOME SPACE: A parcel of land within a manufactured home park which is reserved or leased for the placement of an individual manufactured home, accessory structures and the exclusive use of its occupants.

MATERIALS RECOVERY FACILITY (RECYCLING): A solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

MAXIMUM WATER STORAGE ELEVATION: The elevation of the lowest point of the top of the impoundment structure independent of low points caused by partial

MEAN SEA LEVEL: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of these Regulations, the term is synonymous with National Geodetic Vertical Datum (NGVD).

METROPOLITAN RIVER PROTECTION ACT (MRPA): A state law referenced as O.C.G.A. 12-5-440 et. seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

MINING: The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term mining includes quarrying; ground-water diversion; soil removal; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the mine site as part of a mining activity.

MINI-WAREHOUSE: A group of buildings or building that contain(s) varying sizes of individual, compartmentalized stalls or lockers used for storage, including accessory office, but not including retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use.

MODULAR HOME: A factory-manufactured single-family dwelling which is constructed in one or more sections and complies with the definition of "industrialized building."

MOTEL: A building or a group of buildings containing sleeping accommodations for short-term rental primarily to the motoring public and in which ingress and egress to and from each sleeping room is generally on the outside of the building.

MOTOR VEHICLE SALES: An open area, other than a right-of-way or public parking area, used for display, sale, or rental of new or used motor vehicles in operable condition and where no repair work is done.

MUNICIPAL SEWER SYSTEM: Sewer system maintained by a city or the County or other public governmental agency.

MUNICIPAL WATER SYSTEM: Water system maintained by a city or the County or other public governmental agency.

MUSEUM: A building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of objects of interest, intended to be used by the public for viewing and which may include as an accessory use the sale of goods to the public.

NAICS: North American Industrial Classification System

NATIONAL GEODETIC VERTICAL DATUM (NGVD): Vertical control used as a reference for establishing varying elevations within the floodplain (as corrected in 1929).

NATURAL GROUND SURFACE: The ground surface in its original state before any grading, excavation or filling.

NEGRDC: Northeast Georgia Regional Development Center

NEPHELOMETRIC TURBIDITY UNITS (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.

NON-CONFORMING, LEGAL: A lot, structure or use that does not comply with the current requirements of this ordinance, but was lawfully established and authorized prior to the adoption, revision or amendment of this ordinance.

NON-CONFORMING LOT: A lot with an area, dimension or location that fails by reason of the adoption, revision or amendment to conform to the present requirements of the zoning district.

NON-CONFORMING STRUCTURE: Any building that does not meet the limitations on building size and location on a lot, for the district in which such building is located.

NON-CONFORMING USE: A use of land or building structure existing at the time of the enactment of this Ordinance, or at the time of any subsequent amendments and which does not conform with the ordinances of the use district in which it is located.

NORMAL POOL: The reservoir storage volume at normal storage elevation.

NURSERY AND GARDEN CENTER: Establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, which are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves. See also GREENHOUSE NURSERY AND FLORICULTURE PRODUCTION.

NURSING HOME: A skilled nursing care facility primarily engaged in providing full-time convalescent or rehabilitative care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves and require continuous care under the direction of a physician. See in contrast "Convalescent Home."

OCGA: The Official Code of Georgia Annotated, as amended.

OFFICE, PROFESSIONAL: A land use that includes office parks, single freestanding office buildings, banks and similar financial institutions, and residential structures converted to office use.

OFFICE-WAREHOUSE: A structure which may include space for an office for administration or sales and related space for temporary storage or assembly or repair of goods, equipment or products.

OPEN SPACE: Areas of a development that allow for light, air, wildlife habitat, and for scenic and recreational use. Also included are areas designed to enhance the privacy or general appearance of a development. Private open space is open space that is owned by a corporation, individual, or homeowners association. Public open space is open space owned by a governmental jurisdiction.

OPEN SPACE CONSERVATION DEVELOPMENT: A planned development subdivision that allows a reduction in minimum lot size in exchange for the conservation of open space.

OUTDOOR RECREATION FACILITIES (Private): This category includes greenways, trails, bikeways, paths, tennis courts, ball fields, playfields, courts, swimming pools, clubhouses, lockers, bicycle facilities, equestrian facilities, beaches, docks, seating areas, amphitheaters, stages, band shells, community buildings, fountains, plazas, patios, decks, lawns, picnic shelters and picnic areas, landscaping and other land containing outdoor recreation structures and facilities.

OUTDOOR RECREATION FACILITIES, COMMERCIAL: Any establishment whose main purpose is to provide the general public with facilities for active, outdoor recreational activities and where tickets are sold or fees are collected for participation in the activity. Outdoor commercial recreation facilities include, but are not limited to: water slides and parks, golf courses and miniature golf courses, driving ranges, baseball batting cages, and tracks for motor sports.

OUTDOOR STORAGE: The keeping, in an unenclosed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four hours.

OVERLAY DISTRICT: A zoning district that encompasses one or more underlying zones and that may vary the requirements uses and standards of the underlying zone.

OWNER: Any person, corporation or partnership or any other entity having a financial interest in the income of the business. The term "owner" shall also include any person, corporation or use, building, property or partnership operating a business under a management contract.

OWNERS of RECORD: The owner(s) of property as specified on the deed of the lot of record.

PARKS and PLAYGROUNDS: Public or community land, open spaces, or recreation areas represented on a plat of a subdivision as dedicated, reserved or to be reserved, for recreational purposes.

PARKING LOT: Any area designed for temporary storage of motor vehicles of the motoring public in normal operating condition.

PARKING, OFF-STREET: A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

PARKING STRUCTURE: A covered or sheltered structure of two or more stories designed, constructed and used for the parking of motor vehicles.

PAVED: An area which is covered by asphalt, concrete, or other hardened surface approved by the Director.

PAWN SHOP: A business operated by a pawnbroker with whom property is deposited as security for the payment of a debt.

PEDESTRIAN WAY: Crosswalk or other areas designed and marked specifically for pedestrian traffic.

PERCENTAGE of GRADE: On a street centerline, means the distance vertically (up and down) from the horizontal in feet and tenths of a foot for each one hundred feet of horizontal distance.

PERENNIAL RIVER: A river or section of a river that flows continuously throughout the year as indicated by a blue line on USGS maps.

PERENNIAL STREAM: A stream that flows throughout the whole year as indicated by a blue line on the USGS Quad map.

PERFORMING ARTS, SPECTATOR SPORTS, AND RELATED ACTIVITIES: Establishments that produce or organize and promote live presentations involving the performances of actors and actresses, singers, dancers, musical groups and artists, athletes, and other entertainers, including independent (i.e., freelance) entertainers and the establishments that manage their careers. This use includes venues and related activities for performing arts, theatre and dance companies, spectator sports and excludes racetracks.

PERMIT: The authorization necessary to conduct a land disturbing activity under the provisions of these rules and regulations.

PERMITTED USE: Any use that is specifically authorized in a particular zoning district.

PERSON: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

PERSONAL CARE HOME: Building(s) in which is provided housing, meals, and twenty-four-hour continuous watchful oversight for one or more ambulatory adults and which is licensed as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources, including:

1. PERSONAL CARE HOME, CONGREGATE: A personal care home facility which offers care to sixteen or more persons.

2. PERSONAL CARE HOME, FAMILY: a single-family residence, which offers care to at least three but not more than six persons. (Conditional use required in A, A-1, A-2, R-1, R-2 and R-3)
3. PERSONAL CARE HOME, GROUP: A personal care home facility which offers care to at least seven but not more than fifteen persons.
4. PERSONAL CARE HOME, REGISTERED: A single-family residence, which offers care to no more than two persons. (12-4-12)

PERSONAL SERVICES: Services that include, but are not limited to, individual assistance with or supervision of self-administered medication, assistance with ambulation and transfers, and essential activities of daily living such as eating, bathing, grooming, dressing and toileting.

PET CARE SERVICES: This use comprises establishments primarily engaged in providing pet care services (except veterinary), such as boarding, grooming, sitting, and training pets. See also KENNEL, COMMERCIAL.

PETS, HOUSEHOLD: Domestic animal, not including livestock, which is cared for by members of a household for companionship.

PLACE OF WORSHIP: See RELIGIOUS ORGANIZATION.

PLANNED DEVELOPMENT: One or more land uses developed under unified control, to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. May include principal and accessory structures and those uses substantially related to the character and purposes of the planned development

PLANNING COMMISSION: The Walton County Planning Commission.

PLAT: A map, plan or layout of a county, city, landlot, lot, tract, parcel or subdivision indicating the location and boundaries of properties.

PLAYSCHOOL: A school for pre-kindergarten children ranging in age from three (3) to (4) four years.

POLLUTION SUSCEPTIBILITY: When used in relation to groundwater recharge areas, the relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections, and other human activities in the recharge area.

POLLUTION SUSCEPTIBILITY MAPS: Maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium, and low groundwater pollution potential.

PRE-APPLICATION CONFERENCE: An initial and informal stage of development review at which the developer may make known concept plan proposals and the Department may respond and/or advise the developer concerning the development regulations.

PRELIMINARY PLAT: A tentative plan of a proposed subdivision or development meeting the specified requirements of this Ordinance and showing the layout in sufficient detail to allow an evaluation of the proposed project.

PREMISES: A building lot with the required front, side, and rear yards for a dwelling or commercial establishment.

PRINCIPAL USE: The principal purpose for which a lot or the principal building thereon is designed, arranged or intended, and for which it is or may be used, occupied or maintained.

PRIVATE DRIVE: A non-public, privately owned and maintained access way.

PROFESSIONAL: When used in connection with "use" and "occupancy" of a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use that would create any loud noise or noxious odors within Walton County.

PROPERTY INTEREST: The ownership of real property, including any percentage of ownership less than total ownership.

PROTECTED RIVER: Any perennial river or watercourse with an average annual flow of 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents. However, those segments of rivers covered by the Metropolitan River Protection Act or the Coastal Marshland Protection Act are specifically excluded from the definition of a protected river. In coastal areas, the seaward limit of any protected river shall be the inland limit of the jurisdiction of the Coastal Marshlands Protection Act.

PROTECTIVE COVENANTS: Contracts made between private parties or conditions recorded with an approved plat and running with the title to the land, specifying the manner in which land may be used, developed, or improved with the intent of protecting and preserving the physical and economic integrity of any given area. Private covenants are not enforced by Walton County Government.

PUBLIC FACILITIES: A use conducted by, or a facility or structure owned or managed by a unit of government, and intended to provide for needs of the public.

PUBLIC HEARING: An official session of any elected or appointed board advertised according to law and called for purposes specified in the public notice.

PUBLIC STREET: Right-of-way dedicated to or owned by the County for the purpose of providing principal access to abutting property.

PUBLIC USES: Buildings, structures and uses of land by a unit of government, including but not restricted to government administration, water treatment

facilities, streets, libraries, public schools, parks, playgrounds, recreation centers and fire stations.

PUBLIC WATER: A system that is owned by a public governmental agency and properly designed, inspected and installed for withdrawing, treating and distributing potable drinking water through water mains, fire hydrants, and related appurtenances in accordance with applicable local, state and federal regulations.

QUADRANGLE MAP: The most recently published USGS 7.5 minute topographic map prepared at a scale of 1:24,000.

QUARRY: A mine where rock, ore, stone, and similar materials are excavated for sale or for off-site use. Quarry includes rock crushing, asphalt plants, the production of dimension stone, and similar activities.

RACETRACKS: Establishments primarily engaged in operating racetracks. These establishments may also present and /or promote the events, such as auto, dog, and horse races, held in these facilities.

REAL PROPERTY: Any tract or parcel of land and, if developed, any buildings or structures located on the land.

RESEARCH LABORATORY: A facility for scientific laboratory research in technology-intensive fields, including, but not limited to biotechnology, pharmaceuticals, genetics, plastics, polymers, resins, coatings, fibers, fabrics, films, heat transfer, and radiation research facilities, computer software, information systems communication systems, transportation, geographic information systems, and multi-media and video technology. Also included in this definition are facilities devoted to the analysis of natural resources, medical resources, and manufactured materials including: environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue or other human medical or animal products; and forensic laboratories for analysis of evidence in support of law enforcement agencies.

RECOVERED MATERIALS PROCESSING FACILITY: Any facility utilized for the purpose of collecting, sorting, processing, and shipping materials to be recycled including, but not limited to, plastics, glass, paper and aluminum whenever such use is principal to the site.

RECREATIONAL VEHICLE: A vehicle that is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently tow-able by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS: Any area that is occupied or intended for occupancy by transients using recreational vehicles, mobile trailers or tents as temporary living quarters for recreation, education or vacation purposes and is open to the public.

RECYCLING CENTER: Any facility utilized for the purpose of collecting, sorting, processing, and shipping materials to be recycled including, but not limited to, plastics, glass, paper and aluminum whenever such use is principal to the site.

REGIONAL STORMWATER MANAGEMENT: shall mean the design, construction and operation of a facility necessary to control storm water runoff from one or more developments.

REHABILITATION CENTER: A facility operated for the purpose of assisting in the rehabilitation of disabled persons which provides one or more of the following types of services:

1. Testing, fitting, or training in the use of prosthetic devices;
2. Prevocational or conditioning therapy;
3. Physical, corrective, or occupational therapy; or
4. Adjustment training or evaluation or control of special disabilities; or a facility in which a coordinated approach is made to the physical, mental, and vocational evaluation of disabled persons and an integrated program of physical restoration and prevocational training is provided under competent professional supervision and direction.

RELIGIOUS ORGANIZATION OR PLACE OF WORSHIP: A lot or building wherein persons assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship. The term shall also include any of the following accessory uses and buildings: schools, religious education, social gathering rooms, shelter for homeless persons, transitional housing facilities, food service facilities, indoor and outdoor planned development recreation facilities, child day care center, adult day care center, kindergarten and other similar uses.

RESEARCH AND DEVELOPMENT: A business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Development and construction of prototypes may be associated with this use.

RESERVE/SPITE STRIP: A strip or parcel of land along, around or between properties, the purpose of which is to restrict access.

RESERVOIR: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

RESERVOIR BOUNDARY: The edge of a water supply reservoir defined by its normal pool level.

RESTAURANT: An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

RESTAURANT, FAST-FOOD: An establishment that offers quick food service, which is accomplished through a limited menu of items. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

RETAINING WALL: A structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

RETENTION FACILITY: A permanent facility that provides for the storage of runoff and is designed to maintain a permanent pool of water referred to as the normal pool.

REZONING ACTION: An action by the Board of Commissioners adopting an amendment to the zoning ordinance that has the effect of rezoning real property from one zoning classification to another.

RIGHT-OF-WAY: A strip of land dedicated to, designated, reserved, or purchased by Walton County for the purpose of pedestrian or vehicular access or utility line installation.

RIGHT-OF-WAY LINE: The dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

RIVER BANK: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

RIVER CORRIDOR: All land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457), or the Coastal Marshland Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks. The 100-foot buffer shall be measured horizontally from the uppermost part of the riverbank, usually marked by a break in slope. Although not within the measured 100-foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by local governments in the same manner as the river corridor and shall be included within the River Corridor Protection Plan. Because stream channels move due to natural processes such as meandering, riverbank erosion, and jumping of channels, the river corridor may shift with time. For the purposes of these standards, the river corridor shall be considered to be fixed at its position at the beginning of each review period for local comprehensive plans. Any shift in the location of the protected river after the start of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the Department of Community Affairs.

ROADWAY DRAINAGE STRUCTURE: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodable material such as concrete, steel, plastic, or other such material that conveys water under a road-way by intercepting the flow

on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

ROOMING HOUSE: A building other than a hotel where lodging for one or more but not more than twenty (20) persons and with no meals served.

ROOT RESPIRATION: An active process occurring throughout the feeder root system of trees, and involving the consumption of oxygen and sugars with the release of energy and carbon-dioxide. Root respiration facilitates the uptake and transport of minerals and nutrients essential for tree survival.

ROOT COLLAR: The point of attachment of major woody roots to the tree trunk, usually at or near the ground line and associated with a marked swelling of the tree trunk.

ROPE ROOTS: An extensive network of woody second order roots arising from major woody roots, occurring within the surface 12 to 18 inches of local soils, and with an average size ranging from .25 to 1 inch diameter. The primary function of rope roots is the transport of water and nutrients, and the storage of food reserves.

SALVAGE OPERATION, JUNK YARD or RECYCLABLE MATERIAL WHOLESALER: Any lot or lot and building(s) in combination which is utilized for the parking, storage or disassembling of junked vehicles, or wrecked or inoperable automobiles, trucks or other vehicles; storage, bailing or otherwise dealing in bones, animal hides, scrap iron and other metals, used paper, used cloth, used plumbing fixtures, old refrigerators and other old household appliances, and used brick, wood or other building materials. These uses shall be considered junkyards whether or not all or part of these operations are conducted inside a building or in conjunction with, in addition to or accessory to other uses of the premises.

SAND PIT: A surface mine or excavation used for the removal of sand, gravel, or fill dirt for sale or for use off-site.

SAWMILL: Establishments primarily engaged in sawing and planing dimension lumber, boards, beams, timbers, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts.

SCHOOL: A public or private facility that provides a curriculum of elementary and secondary academic instruction.

SCHOOL, PRIVATE: Any building or group of buildings the use of which meets state requirements for elementary, secondary, or higher education and which does not secure the major part of its funding from any governmental agency.

SCHOOL, PRIVATE RESIDENTIAL: A private school or similar institution that may include residential facilities and accessory kitchen, dining, and recreational facilities for program participants.

SCREENING: A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, densely planted vegetation, natural vegetation, including a transitional buffer or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum capacity from the ground to a height of at least six (6) feet. SEDIMENT: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

SEDIMENTATION: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

SETBACK: The shortest distance between the right-of-way of a street or an adjacent property line and the nearest wall of the building or structure on a lot. Buildings may not be placed within a required setback.

SHELTER, HOMELESS: A building or buildings in which is provided overnight housing and sleeping accommodations for one or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services. (See also definition of Transitional Housing Facility).

SHOPPING CENTER: A group of commercial establishments, planned, and developed as a unit, with common off-street parking provided on the property.

SITE BUILT HOME: A dwelling unit constructed on the building site from basic materials delivered to the site, and which is constructed in accordance with the Standard Building Code of the Southern Building Code Congress International (SBCCI).

SLAUGHTERHOUSES: Establishments primarily engaged in slaughtering animals and may include the preparation of meats.

SOLAR ENERGY EQUIPMENT: Any device associated with a solar energy system, such as an outdoor electrical unit/control box, that transfers the energy from the solar energy system to the intended on-site structure.

SOLAR ENERGY FARM: An energy conversion system, including appurtenances, which converts solar energy to a usable form of energy to be used on-site or to transfer to the public electric grid in order to sell electricity to a public utility entity. Property used in solar energy development, shall be termed a “solar farm” if the acreage of land utilized in its construction and installation exceeds 5 acres.

SOLAR COLLECTION SYSTEM: A panel or other solar energy device, the primary purpose of which is to provide the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

SOIL AND WATER CONERVATION DISTRICT APPROVED PLAN: An erosion and sedimentation control plan approved in writing by the Soil and Water Conservation District in which the proposed land disturbing activity will take place.

SOIL COMPACTION: A change in soil physical properties which includes an increase in soil weight per unit volume, and a decrease in soil pore space. Soil compaction is caused by repeated vibrations, frequent traffic and weight.

SOLID WASTE: Any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or byproduct material as defined by the federal Atomic Energy Act of 1954, as amended (68 State. 923).

SOLID WASTE HANDLING: The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

SOLID WASTE HANDLING FACILITY: Any facility the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste as approved by Department of Natural Resources.

SPECIAL ADMINISTRATIVE PERMIT: A written authorization granted by the Director for a use of land as specified within a zoning district pursuant to the procedures and criteria contained in this Ordinance.

SPECIMEN TREE: Any deciduous tree that has been determined to be of high value because of its species, size, age or other distinctive criteria. General criteria for the determination of specimen trees or stands are provided in Article 12.

SPILLWAY: The feature of a storage or detention dam which is designed to release surplus water which cannot be contained in the allotted storage space, and at diversion dams is a means to bypass flows exceeding those which are turned into the diversion system.

SSWCC: The State Soil and Water Conservation Commission.

STABILIZATION: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

STATE WATERS: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the

boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except as may be defined in O.C.G.A 12-7-17(7).

STORAGE TANK, BULK: An above ground container used for the storage of large volumes of liquids, which may or may not include such flammable materials as petroleum.

STORM SHELTER: A structure or portion of a structure intended to provide protection to human life during periods of danger from storms or other emergencies.

STORMWATER MANAGEMENT: The collection, conveyance, storage, treatment, and disposal of storm water runoff in a manner to prevent accelerated channel erosion, increased flood frequency, and/or degradation of water quality, and in a manner to enhance and ensure the public health, safety and general welfare.

STORMWATER MANAGEMENT, ON-SITE: The design and construction of a facility or facilities necessary to control stormwater runoff within and for a single development.

STORMWATER MANAGEMENT, REGIONAL: The design and construction of a facility necessary to control storm water runoff; whether within or outside of a development, and serving one or more developments.

STORMWATER MANAGEMENT FACILITY, ON-SITE: Any facility within the project boundary used for the purpose of transporting or managing storm water runoff, including, but not limited to, culverts, detention ponds, storm drains, flumes, and headwater pools.

STORMWATER MANAGEMENT FACILITY, OFF-SITE: Any facility outside the project boundary that is or will be used for transporting and managing of storm water runoff, including, but not limited to, culverts, detention ponds, storm drains, flumes, and headwater pools. Easements for the purpose of transporting and managing of storm water runoff shall be obtained for any off-site facility with prior approval obtained from the County Engineer.

STORY: That portion of a building having a height greater than six feet between the surface of the floor occupied and the ceiling above it, not including cellars, basements, parking or mechanical rooms.

STREAM BANK: The confining cut of a stream channel and is usually identified as the point where the flow has wrested the vegetation.

STREET: A public or private thoroughfare that affords the principal means of access to abutting property.

STREET CLASSIFICATIONS: Streets are classified according to the function that they are to serve, the type, speed and volume of traffic they will carry and the required standards of design. Streets and roads are shown in the Official Thoroughfares Map according to their classification. Classifications include:

1. Interstate/Principal Arterial: Limited access Interstate highways;

2. Arterial: State and US numbered highways;
3. Collector: Major streets that carry traffic between neighborhoods and arterial streets, serve nonresidential or multi-family areas or developments, and streets within a residential subdivision that collect traffic from 200 dwelling units or more;
4. Local Streets: Streets in subdivisions that primarily provide access to individual lots and are not intended to carry through traffic; and
5. Alleys: Private or publicly maintained ways of narrow width used for secondary access by service vehicles.

STREET, HALF: A street or road adjacent to a subdivision tract boundary where only half the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other half is undecided or is left to the adjacent property owner.

STREET JOG: The incidence where 2 streets or 2 portions of a single street are separated by a relatively short distance, usually at their intersection with another street.

STREET, PRIVATE: An access way similar to and having the same function as a public street, providing access to more than one property but privately owned and maintained.

STREET, STUB: An extension of the right-of-way of a street in a subdivision extending to the property boundary of the tract being developed and intended to provide continuity of the street pattern between subdivisions or between the individual phases of the same subdivision.

STRUCTURAL EROSION and SEDIMENTATION CONTROL PRACTICES: Practices for the stabilization of erodable or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

STRUCTURE: Anything constructed or erected on the ground or attached to something on the ground, including, but not limited to, walled or roofed buildings.

STRUCTURE, FLOOD-PRONE: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank. See Article 11, Part 4.

SUBDIVIDER: Any individual, firm, association, syndicate, co-partnership, corporation, trust or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this Ordinance.

SUBDIVISION: The division of a lot of record at the time of enactment of this Ordinance into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development, and includes all division of land involving a new street or a change in existing streets, and includes re-subdivision, and where appropriate to the context, relates to the process of subdividing or to the land or area subdivided.

SUBDIVISION, PRIVATE DRIVE: A subdivision in which a street providing access to lots in the development is not dedicated to the public but is held in common ownership by the owners of the lots and is not maintained by Walton County.

SUBDIVISION, PRIVATE DRIVE AGRICULTURAL: A private drive subdivision that is composed of a small number of large acreage lots.

SUBDIVISION, PRIVATE DRIVE GATED: A private drive subdivision that has controlled access.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure should be the appraised value of the structure prior to the start of the initial repair or improvement or, in case of damage, the value of the structure prior to the damage occurring. For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: any project for improvement of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions or any alterations of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

SUBSTANTIALLY IMPROVED MANUFACTURED HOME PARKS or SUBDIVISIONS: Repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equaling or exceeding 50 percent of the value of the streets, utilities and pads before repair, reconstruction or improvement commenced.

SURFACE WATER: Waters of the state located on the ground surface such as lakes, reservoirs, rivers, streams and creeks.

SWIMMING POOL: A facility designed and intended for water contact activities that serves the public, a club or other membership-based organization.

SWIMMING POOL, HOME: A facility designed and intended for water contact activities that serves a single-family dwelling.

SWCC: The Georgia Soil and Water Conservation Commission.

TELECOMMUNICATIONS TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers and monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular communications towers, and other similar structures. See Article 6, Part 7, Telecommunications, Antennas and Towers.

TEMPORARY BUILDING: A structure that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

TEMPORARY USE: Land uses established for a limited duration with the intent to discontinue such use within a designated time period.

TEMPORARY USE, COMMERCIAL: Commercial uses established for a limited duration with the intent to discontinue such use within a designated time period.

TOWNHOUSE: A single-family dwelling unit that is erected in a row as part of a single building, on adjoining lots, each being separated from the adjoining unit or units by an approved fire resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line.

TRANSITIONAL HOUSING FACILITY: A building or buildings in which is provided long-term but not permanent living accommodations for one or more persons who have no permanent residence and are in need of long-term housing assistance, and in which may also be provided meals and social services including counseling and substance abuse recovery assistance.

TRANSPORT ROOTS: System or framework of tree roots comprised of major woody roots and rope roots.

TREE: Any self-supporting, woody perennial plant usually having a single trunk diameter of 1-½ inches or more which normally attains a mature height of a minimum of ten feet.

TREE CANOPY: The area directly beneath the crown and within the outermost edges of the branches and leaves of a tree.

TREE DENSITY FACTOR: A unit of measure used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size.

TREE HARVESTING: The felling, loading, and transporting of timber products for gain. The term “tree harvesting” includes forestry, silviculture, selective tree harvesting,

and thinning of trees as prescribed by Best Management Practices of the Georgia Forestry Commission.

TREE REPLACEMENT: The replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by the Development Regulations of Walton County.

TROUT STREAMS: All streams or portions of streams within the watershed as designated by the Environmental Protection Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

TRUCK STOP: Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products primarily for such commercial vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities.

USE: The purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

USED MERCHANDISE STORE: Establishments primarily engaged in retailing used merchandise, antiques, and secondhand goods (except motor vehicles, such as automobiles, RVs, motorcycles, and boats; motor vehicle parts; tires; and mobile homes); flea markets; swap meets.

USGS: United States Geological Survey.

UTILITY: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems, railroads, similar services and all equipment and structures necessary to provide such services for utilities licensed or authorized to serve Walton County.

VARIANCE: A relaxation of the terms of this Ordinance that will not be contrary to the public interest and where, owing to conditions peculiar to the property (and not the applicant), a literal enforcement of the regulations would result in unnecessary and undue hardship.

VEGETATIVE EROSION and SEDIMENTATION CONTROL MEASURES: Measures for the stabilization of erodable or sediment-producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or

2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia.*

VEHICLE: A mechanical device with wheels or treads for transporting people and/or loads. Vehicles include automobiles, motorcycles, trucks, cranes, earth moving equipment, trailers, and other similar conveyances.

VEHICLE, COMMERCIAL: A vehicle greater than 22 feet in length with six or more wheels, including the cab portion of a tractor-trailer with or without the trailer, but not including light duty business vehicle or school buses. (11-4-08)

VETERINARY SERVICES: Establishments where animals or pets are given medical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

WAIVER: The relinquishment or modification of any specific provision of this ordinance by the Board of Commissioners or the Director for a specific development subject to Article 14 of this Ordinance.

WATERCOURSE: Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

WATER SUPPLY RESERVOIR: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

WATER SUPPLY WATERSHED: The area of land upstream of a governmentally owned public drinking water intake.

WATER SYSTEM, PUBLIC: A water supply or distribution system owned or operated by a unit of government.

WATERSHED: That area contributing runoff to a single surface watercourse or water body.

WCSWCD: The Walton County Soil and Water Conservation District.

WETLANDS: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as determined by the US Army Corp of Engineers.

WINDOW, DRIVE-THROUGH: An opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.

YARD: A space between the property line and a required setback line on the same lot with a principal building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except for authorized landscaping, driveways, parking, sidewalks, signs, lighting standards, encroachments and accessory buildings that are expressly permitted.

YARD, FRONT: An open, unoccupied space on the same lot with the principal building or use, extending the full width of the lot and situated between the right-of-way line and the front line of building projected to the side lines of that lot. The depth of the front yard shall be measured between the front line of the building projected to the sidelines of the lot and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the principal building and shall not project into a required front yard.

YARD, REAR: An open space on the same lot with the principal building or use, such space being unoccupied except possibly for an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the principal building projected to the side lines of the lot. On all corner lots the rear yard shall be at the opposite side of the lot from the front yard.

YARD, SIDE: An open, unoccupied space on the same lot with a principal building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot.

YARD SALE: Yard sales, garage sales, bake sales shall mean events that occur not as a part of any business enterprise or profession, but instead are sponsored and operated by a private individual or group, normally for purposes of financially supporting special events or endeavors for nonprofit or charitable groups. (8-4-09)

ZERO-LOT-LINE DEVELOPMENT: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Article 3 Administrative Mechanisms

The provisions of this Ordinance shall be administered by the Walton County Planning and Development Department, in cooperation with the Planning Commission, the Board of Appeals and the Board of Commissioners of Walton County.

Part 1 Planning Commission

Section 100 Powers and Duties of the Planning Commission

The purpose, duties and responsibilities of the Planning Commission shall include, but not be limited to, the following:

A. To conduct public hearings, receive staff reports, and review and make recommendations to the Board Commissioners on amendments to the Comprehensive Land Development Ordinance, Official Zoning Maps, the Comprehensive Plan, conditional use permits and the elements thereof.

B. To assist the Planning and Development Department, other County Departments, Boards and authorities when appropriate to the purposes of the Planning Commission, and the Board of Commissioners in carrying out their various functions by making recommendations to achieve the desired benefits on behalf of present and future Walton County residents, businesses, and property owners.

C. To report to the Board of Commissioners after review on any matter or class of matter referred to the Planning Commission by the Board of Commissioners before action is taken thereon by them.

Section 110 Appointment and Terms of the Planning Commission Members

The Planning Commission shall be composed of seven (7) members who shall be appointed and shall serve at the pleasure of the Board of Commissioners for a term which will run concurrent with their district commissioners' term or the term of the at large appointee shall run concurrent with the term of the Chairman of the Board of Commissioners. The appointing authority shall appoint at least one member from each Commission District and one member appointed at large by the Chairman of the Board of Commissioners. All appointees shall continue to serve at the pleasure of the Board of Commissioners until their successor is appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointments. If a member moves to reside outside Walton County, such member shall be deemed to have resigned from the Planning Commission. The Board of Commissioners may

remove any or all members by a majority vote. Members of the Planning Commission shall hold no other elected office or other county compensated position.

Section 120 Planning Commission Officers

A. The Planning Commission Board shall elect a Chairman and Vice-Chairman in January.

B. The Chairman shall preside at all meetings and hearings of the Board and decide all points of order and procedure. The Chairman shall appoint any committees which may be found necessary.

C. The Vice-Chairman shall serve as acting Chairman in the absence of the Chairman.

D. A designated person from the Planning and Development Department shall serve as the Executive Secretary of the Planning Commission and may delegate the performance of the tasks required by the Executive Secretary to his or her subordinates.

Section 130 Meetings of the Planning Commission

A. Regular Meetings

Unless there is no business to be conducted, regular Meetings shall be held on the first Thursday of each month at 6:00 p.m. All meetings shall be voting sessions and open to the public. Proper public notice to all meetings shall be required as per the Georgia Open Meetings Act.

B. Special Called Meetings

The Chairman, Executive Secretary, or a majority of the Planning Commission may call a special meeting at any time. The Executive Secretary shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each Planning Commission member. No business other than the specific stated purpose shall occur at the special called meeting.

C. Agenda and Minutes

a. The Chairman and Executive Secretary shall determine the meeting agenda. All matters to be considered and/or acted upon by the Planning Commission shall appear on the agenda.

b. Meeting minutes shall include and indicate all important facts, a report of all actions taken, and shall include a listing of those members present and those absent, a record of the vote of each member on each action taken on each

matter, and a record of any explanation or commentary which is relevant to the decisions made on matters before the Planning Commission.

D. Order of Business at Meeting

All meetings shall be open to the public. The order of business at meetings shall be as follows:

1. Roll call
2. Approval of minutes for previous meetings
3. Unfinished business
4. New business
5. Public comment
6. Adjournment

The Chairman may change the order of the agenda on matters appearing on the agenda during the meeting if, in his or her judgment, time and purpose may be served.

E. Rules of Procedure for Meetings

All items on an advertised agenda for a public hearing shall be heard on the scheduled date, except, if in the judgment of a majority of the Planning Commission, specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time. Robert's Rules of Order shall govern any procedural question not otherwise covered in this Part.

F. Cancellation of Meeting

In the event that there is a lack of business to be discussed and/or voted upon at a future meeting, the Executive Secretary shall place an appropriate public notice at the county courthouse or annex building stating the date of the canceled meeting.

G. Adjournment of Meetings

The Planning Commission may adjourn a regular meeting if all business cannot be disposed of on the set day, and no further public notice shall be necessary for such a meeting if the time and place of its resumption is stated at the time of adjournment and is not changed after the adjournment.

Section 140 Quorum and Voting

A. Quorum

A quorum shall consist of a majority of the Planning Commission members. A majority vote of those present shall be sufficient to decide all matters which come before the Planning Commission.

B. Voting

1. A Planning Commission member who is part of a quorum of the Planning Commission during the consideration of any matter but not participating in the discussion or vote on a specific matter because of a conflict of interest, shall be considered present for quorum purposes but abstaining from the voting on that specific matter.

2. A majority vote of those members present of the Planning Commission is required for approval of all motions. A tie vote shall be broken with a vote from the Chairman. A motion which fails by a majority vote shall not be deemed as approval of the opposite position and a new motion must be made to approve the opposite position, with any amendments and conditions, in order that the opposite position be submitted to the Board of Commissioners as the recommendation of the Planning Commission.

3. The Planning Commission may add conditions to the approval of any application or matter it deems necessary so that the purposes of the County's resolutions, ordinances, regulations, policies and procedures are served.

C. Conflict of Interest

In the event that any Planning Commission member has any interest in any matter, proponent, or opponent, which may result in a gain or loss to that Planning Commission member, his or her immediate family by blood or marriage, or to any individual, partnership or corporation with whom that Planning Commission member has had any regular business or contractual relationships within the past twelve months, said Planning Commission member shall not participate in the consideration, discussion, questioning and voting on that particular matter before the Planning Commission, nor shall said Planning Commission member take any action which may influence the vote of any other Planning Commission member. In the event that the Chairman has a conflict of interest, the Vice-Chairman shall preside over the meeting during consideration of that particular matter.

Section 150 Committees

The Chairman may appoint, with the concurrence of the Planning Commission, various standing and temporary committees to further the purposes of the Planning

Commission. Such committees may include ex-officio members of the staff of various County departments (excluding the staff of the Board of Commissioners), residents and business owners of the County and other individuals whose background and knowledge may be of benefit to the Planning Commission in their deliberations.

Part 2 Board of Appeals

Section 100 Duties and Powers of the Board of Appeals

The Board of Appeals shall have the following powers, as well as others significantly authorized in this Ordinance:

A. Appeals

To hear and decide appeals where it is alleged there is an error in any order, requirement, permit, decision, determination or refusal made by an administrative officer in the enforcement of this Ordinance. The Board of appeals shall have additional powers as may be granted to it by any other ordinance, including, but not limited to, determination of appeals from the refusal of an administrative official to issue a license or permit. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this Article. (2-2-10)

B. Variances

To authorize variances from the terms of this Ordinance and Walton County Sign Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in a practical difficulty or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

C. Special Exceptions

Approval by the Board of Appeals an application which the Board of Appeals is authorized to decide as specified within this Ordinance:

1. Home Occupation customer contact.

2. Antenna, amateur radio heights exceeding 50 feet.

3. Reduce the required number of parking spaces when necessary to preserve significant trees.

4. The Board of Appeals is expressly authorized to review and grant variances where it deems it appropriate to allow the issuance of building permits for the renovation or construction of a structure on a tract or parcel of land that lacks the requisite road frontage under Article 4 Part 3 Section 160 of the ordinance provided the following conditions exist:

   The tract or parcel of land existed in such condition prior to initial adoption of the Ordinance (March 6, 1973) or has been created of record by a survey, deed or other written instrument recorded in the real estate records of the Clerk's Office, Walton Superior Court, prior to December 6, 1983, and such tract or parcel (although not abutting a public road) has a legally established and clearly defined access to an existing public road; or

   A structure (in the case of renovation or replacement) on such tract or parcel which was constructed prior to the adoption of the Ordinance (March 6, 1973) or where the structure was constructed since that date with a building permit issued by the Walton County Code Enforcement Office prior to December 6, 1983.
   (12-3-13)

D. Special Conditions

The Board of Appeals is hereby granted power to attach special conditions to the grant of a variance and special exceptions. The conditions shall be designed and intended to make provision for special circumstances presented by the request and/or to preserve the basic character of the area within which the proposed use is to be located.

Section 110 Appointment and Terms of Board of Appeals

The Board of Appeals shall be composed of seven (7) members who shall be appointed and shall serve at the pleasure of the Board of Commissioners for a term which will run concurrent with their district commissioner's term or the term of the at large appointee shall run concurrent with the term of the Chairman of the Board of Commissioners. The appointing authority shall appoint at least one member from each Commission District and one member appointed at large by the Chairman of the Board of Commissioners. All appointees shall continue to serve at the pleasure of the Board of Commissioners until their successor is appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointments. If a member moves to reside outside Walton County, such member shall be deemed to have resigned from the Board of Appeals. Members of the Board of Appeals shall hold no other elected office or other county compensated position. The Board of Commissioners may remove any or all members by a majority vote of the Board of Commissioners.

Section 120 Board of Appeals Officers

A. The Board of Appeals shall elect a Chairman and Vice-Chairman annually in the month of January.

B. The Chairman shall preside at all meetings and hearings of the Board of Appeals and decide all points of order and procedure. The Chairman shall appoint any committees, which may be found necessary.

C. The Vice-Chairman shall be acting Chairman in the absence of the Chairman.

D. A designated person from the Department shall serve as the Executive Secretary of the Board of Appeals and may delegate the performance of the tasks required by the Executive Secretary to his or her subordinates.

Section 130 Meetings of the Board of Appeals

A. Regular Meetings

Unless there is no business to be conducted, regular meetings shall be held on the third Tuesday of each month at 7:00 p.m. All regular meetings shall be voting sessions and open to the public. Proper public notice to all meetings shall be required as per the Georgia Open Meetings Act and in Article 4 of this Ordinance.

B. Special Called Meetings

The Chairman, Executive Secretary, or a majority of the Board of Zoning Appeals may call a special meeting at anytime. The Executive Secretary shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each Board of Appeals member. No business other than the specific stated purpose shall occur at the special called meeting.

C. Agendas and Minutes

1. The Chairman and Executive Secretary shall determine the meeting agenda. All matters to be considered and/or acted upon by the Board of Appeals shall appear on the agenda.

2. Meeting minutes shall include all important facts, a report of all actions taken, and shall include a listing of those members present and those absent, a record of the vote of each member on each action taken on each matter, and a record of any explanation or commentary which is relevant to the decisions made on a matter before the Board of Appeals.

D. Order of Business at Meetings

All meetings shall be open to the public. The order of business at meetings shall be as follows:

1. Roll call

2. Approval of minutes for previous meetings

3. Unfinished business

4. New business

5. Public comment

6. Adjournment

The Chairman may change the order of the agenda on matters appearing on the agenda during the meeting if in his or her judgment; time and purpose may be served.

E. Rules of Procedure for Meetings

All items on an advertised agenda for a public hearing shall be heard on the scheduled date except, if in the judgment of a majority of the Board of Appeals, specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time. Robert's Rules of Order shall govern any procedural question not otherwise covered in this Part.

F. Cancellations of Meetings

In the event that there is a lack of business to be discussed and/or voted upon at a future meeting, the Executive Secretary shall place an appropriate public notice at the County Courthouse or Annex building stating the date of the cancelled meeting.

G. Adjournment of Meetings

The Board may adjourn a regular meeting if all business cannot be disposed of on that day set, and no further public notice shall be necessary for such a meeting if the time and place of its resumption is stated at the time of adjournment and is not changed after adjournment.

Section 140 Quorum and Voting

A. Quorum

A quorum shall consist of a majority of the Board of Appeals members. A majority vote of those present shall be sufficient to decide all matters, which come before the Board of Appeals.

B. Voting

1. A Board of Appeals member who is part of a quorum of the Board of Appeals during the consideration of any matter, but not participating in the discussion or vote on a specific matter because of a conflict of interest, shall be considered present for quorum purposes but abstaining from the voting on that specific matter.

2. A majority vote of those members present of the Board of Appeals is required for approval of all motions. A tie vote shall be broken with a vote from the Chairman. A motion which fails by a majority vote shall not be deemed as approval of the opposite position and a new motion must be made to approve the opposite position.
3. The Board of Appeals may add conditions to the approval of any application or matter it deems necessary so that the purposes of the County's resolutions, ordinances, regulations, policies and procedures are served.

C. Conflict of Interest

In the event that any Board of Appeals member has any interest in any matter, proponent, or opponent, which may result in a gain or loss to that Board of Appeals member, his or her immediate family by blood or marriage, or to any individual, partnership or corporation with whom that Board of Appeals member has had any regular business or contractual relationships within the past twelve (12) months, said Board of Appeals member shall not participate in the consideration, discussion, questioning and voting on that particular matter before the Board of Appeals, nor shall said Board of Appeals member take any action which may influence the vote of any other Board of Appeals member. In the event that the Chairman has a conflict of interest, the Vice-Chairman shall preside over the meeting during consideration of that particular matter.

Part 3 Planning and Development Department

Section 100 Duties and Powers of the Planning and Development Department

The duties and powers of the Planning and Development Department are as follows:

A. The Department is authorized and empowered on behalf and in the name of the Board of Commissioners to issue any and all permits and approvals in every case where the proposed use of action is in conformity with this Ordinance.

B. It shall be the duty of the Department designee, and he/she is hereby given the authority, to administer and enforce the provisions of this Ordinance.

C. The Department shall keep records of all and any permits and Certificates of Occupancy issued, with notation of all special conditions involved. The Department shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of that office and shall be made a part of the public record.

D. Accepting and processing applications for Zoning Map amendments, text amendments, land use amendments, conditional use permits, special administrative permits, Zoning Certification, Comprehensive Land Use Plan, preliminary and final plats for proposed subdivisions, or any other such business as may be scheduled for public hearing by the Planning Commission or Board of Appeals.

E. Researching facts and preparing reports for the Planning Commission, Board of Appeals and the Board of Commissioners shall be in writing on a form prescribed by the Department and shall be made a part of the public record.

F. Accepting and processing applications for variances, appeals of error, or any other business as may be scheduled for public hearing by the Board of Appeals.

G. Maintenance of permanent records concerning the administration of this Ordinance, including all maps, amendments, records of public hearings, and any other business of the Planning Commission and Board of Appeals.

H. Review of applications and plans for building permits and development permits to ensure conformity with the requirements of this Ordinance and other relevant county ordinances; and approval or denial of said applications.

I. In written request by the property owner or owner's authorized agent, the Department may issue a certificate verifying the current zoning of a parcel of land. The fee for a Zoning Certificate shall be established by the Board of Commissioners.

J. Receiving, reviewing, approving, denying and issuing administrative variances and special administrative permits.

K. Approved non-conforming use of land that does not increase the degree of non-conformity. The fee for a non-conformity compliance certificate shall be established by the Board of Commissioners.

L. Other duties as authorized in this Ordinance.

Part 4 Board of County Commissioners

Section 100 Powers and Duties of the Board of County Commissioners

The specific duties of the Board of Commissioners with respect to this Ordinance shall include, but not be limited to, the following:

A. Receiving from the Director and from the Planning Commission recommendations concerning the Comprehensive Plan, amendments to the Comprehensive Plan, amendments or waivers of provisions of this Ordinance, conditional use permits or any other matters relating to planning and zoning within Walton County.

B. Conducting public meetings for the purpose of accepting, rejecting or modifying the recommendations submitted by the Director or the Planning Commission. The Board of Commissioners may solicit additional advice, information or comments prior to rendering its decision.

Article 4 Zoning Districts and Procedures

Part 1 Base Zoning Districts

Section 100 Division of County Into Districts

For the purpose of this Ordinance, Walton County is divided into districts as follows:

A Agricultural – Tracts of land greater than five acres primarily intended for general farming or commercial farming and related agricultural purposes, including soil crops, livestock, fish, fowl, commercial timber and similar uses.

A-1 Rural Estate – Primarily a combination of agricultural uses and larger acreage, sparse residential uses. This district is distinguished by a minimum lot area of two acres.

A-2 Rural Estate – Primarily a combination of agricultural uses and larger acreage, sparse residential uses. This district is distinguished by a minimum lot size of one and one-half acres.

R-1 Single-Family Residential – Low to high density residential development.

R-2 Two-Family Residential – Primarily medium density residential development of single or two family dwellings.

R-3 Multi-Family Residential – High density residential development of multi-family (including two-family) dwellings.

MH Effective 12-3-2002, The MH Manufactured Home District zoning district designation was rescinded. All properties located in this Land Development District shall comply with the requirements of the A-2 Rural Estate District.

MHP Manufactured Home Park – Existing manufactured home developments.

O-I Office-Institutional – Primarily professional, administrative or similar offices located near population centers and existing community facilities.

B-1 Neighborhood Business – Primarily light retail or service businesses designed for the benefit of small residential areas. (With no outside storage.)

B-2 Highway Business – Light to medium commercial uses which are primarily designed to serve the automotive traveling public. (Outside storage by conditional use approval only.)

B-3 General Business – Primarily heavy commercial and light industrial uses generally located near population centers which may generate increased traffic and congestion. (Outside storage is allowed within a screened, fenced-in area.)

I-1 Effective 12-3-2002, The I-1 Industrial zoning district designation was rescinded. All properties located in this Land Development District shall comply with the requirements of the M-1 Light Industrial District.

TC Town Center District – Provides for a mixture of commercial, residential, office and recreational uses within a clearly defined area with a network of connected streets with sidewalks and landscaping.

MUBP Mixed Use Business Park District – Large tracts of land suitable for the planned development of a mixed-use business park that allows light manufacturing, research, development, professional offices and related commercial uses.

MCMUBP - Multi-County Mixed Use Business Park District - Large tracts of land suitable for the planned development of a mixed-use business park that provides new jobs and increases the tax base that are a part of a large-scale development of 1,000 acres or more located in at least two contiguous counties. (3-6-07)

M-1 Light Industrial – Primarily wholesale warehousing and light manufacturing and trade shops located near population centers.

M-2 Heavy Industrial – Heavy manufacturing, processing and similar uses which may generate increased noise, congestion, etc.

2400 Residential Overlay District - An overlay district available in the A-1, A-2 and R-1 districts for larger house residential subdivisions. (5-2-06)

OSC Open Space Conservation Overlay District – A district available for tracts of land within the A-1, A-2 or R-1 zoning districts to encourage the conservation of natural resources and open space.

GS Greenspace Subdivision Overlay District – An overlay district available in the A-1, A-2 and R-1 Districts to encourage provision of permanent open space for the preservation of natural resources, protection of the quality of the environment and the enjoyment of the citizens of Walton County as a part of developing high-quality planned residential communities.

RND Residential Neighborhood Development Overlay District- An overlay district available in the R-1 Districts which provides for a mixture of predominately residential with accessory commercial uses with a network of connected streets, sidewalks and landscaping.

FP Flood Plain Overlay District – Areas subject to and necessary for floodwaters produced by the 100-year storm event, and for the retention of open land uses.

WP-1 Big Haynes Watershed Protection Overlay District and Alcovy River Protection Overlay District – A district to protect the Big Haynes Creek and Alcovy River watershed area from the possible adverse effects of residential and non-residential development.

WP-2 Cornish Creek, Beaverdam Creek and Hard Labor Creek Watershed Protection Overlay District – A district to protect the Cornish Creek, Beaverdam Creek and Hard Labor Creek watershed areas from the possible adverse effects of residential and non-residential development.

Crossroads Corridor Overlay District – An overlay district intended to encourage higher intensity pedestrian-friendly development nodes at major intersections along certain highway corridors that serve as prominent gateways into Walton County.

Parkway Corridor Overlay District – An overlay district intended to manage the development and appearance along major highway corridors that serve as prominent gateways into Walton County.

Residential Corridor Overlay District – An overlay district intended to protect the livability or residential corridors along two-lane arterials by preserving their residential character and avoiding the emergence or expansion of commercial strips.

Section 110 Agricultural District (A)

A. Purpose and Intent

The (A) Agricultural District is composed of areas presently having a rural character and devoted primarily to farm operations within Walton County, including the raising of soil crops, livestock, fish, fowl, and commercial timber. Such areas are outlined in the Walton County Comprehensive Land Use Plan. Intensive development of land is unlikely to occur in the near future and is discouraged in these areas. For this reason, only minimum restrictions are imposed upon agricultural uses within this district.

B. Principal Uses and Structures

Principal uses and structures shall be allowed in accordance with Article 5, Part 1 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the (A) Agricultural District in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses shall be permitted in the (A) Agricultural 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: The minimum lot area shall be five (5) acres.

2. Minimum Lot Width at Building Line: The minimum lot width at the building line shall be three hundred (300) feet.

3. Minimum Yard Requirements:
   a. Front: Fifty (50) feet
   b. Side: Twenty (20) feet
   c. Rear: Forty (40) feet

4. Minimum House Size: The minimum floor area of the primary dwelling s shall be one thousand one hundred (1,100) square feet.

5. Maximum Height: The maximum height of buildings shall be thirty-five (35) feet.

6. Maximum Impervious Surface Coverage: The maximum impervious surface shall be fifteen (15%) percent of the lot.

7. 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 brick, masonry, or stone, or siding consisting of wood, hardboard, aluminum or vinyl,

covered or painted, but in no case exceeding the reflectivity of gloss white paint.

e. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirements of the Standard Building Code. A permanent foundation wall, or curtain wall, unpierced except for required ventilation and access, shall enclose the area located under the home to the ground level. Such a wall shall have a minimum thickness of three and a half (3.5) inches and shall be constructed of masonry, brick, or similar material. Installation shall meet or exceed any applicable rules or regulations promulgated by the Georgia Fire Safety Commissioner and shall be completed prior to permanent electrical service."

f. 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.

g. All residential structures shall have a minimum 4 ft. by 4 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 Standard Building Code.

h. A manufactured home shall be installed in accordance with the above regulations and O.C.G.A. § 8-2-160 et seq., and the rules promulgated thereunder.

i. The dwelling shall include an attached or detached, enclosed two-car garage having a minimum 5:12 roof pitch.

j. Driveways shall comply with the minimum requirements of the Standard Design and Construction Details, based on projected use and classification

8. In all platted subdivisions, the front yards shall be sodded and driveways shall be paved. (Excluded are lots within a private drive subdivision.) 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. (12-4-07)

Section 120 Rural Estate District (A-1)

A. Purpose and Intent

The A-1 Rural Estate District is intended to preserve the rural character of the area. This area is characterized by large acreage tracts devoted to agricultural uses and sparsely populated residential areas. For this reason this district may also serve as a buffer zone between the major agricultural uses and intensive land development districts.

B. Principal Uses and Structures

Principal uses and structures shall be allowed in the A-1 Rural Estate Districts in accordance with Article 5, Part 1of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the (A-1) Rural Estate Districts in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses shall be permitted in the A-1 Rural Estate Districts 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 area shall be two (2) acres.

b. The minimum lot area for lots served by public or community water and sewer shall be one (1) acre. (9-7-04)

2. Minimum Lot Width at Building Line: The minimum lot width at the building line shall be one hundred fifty (150) feet with public water; two hundred feet (200) with well and 100 feet with public/community water and sewer.

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 one thousand four hundred (1,400) square feet.

5. Maximum Height: The maximum height of buildings shall be thirty-five (35) feet.

6. Maximum Impervious Surface Coverage: The maximum impervious surface shall be fifteen (15%) percent of the lot.

7. 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 brick, masonry, or stone, or siding consisting of wood, hardboard, aluminum or vinyl, covered or painted, but in no case exceeding the reflectivity of gloss white paint.

   e. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirement of the Standard Building Code. A permanent foundation wall, or curtain wall, un-pierced except for required ventilation and access, shall enclose the area located under the home to the ground level. Such a wall shall have a minimum thickness of three and a half (3.5) inches and shall be constructed of masonry, brick, or similar material. Installation shall meet or exceed any applicable rules or regulations promulgated by the Georgia Fire Safety Commissioner and shall be completed prior to permanent electrical service.

   f. 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.

   g. All residential structures shall have a minimum 4 ft. by 4 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 Standard Building Code.

h. A manufactured home shall be installed in accordance with the above regulations and O.C.G.A. § 8-2-160 et seq., and the rules promulgated there under.

i. The dwelling shall include an attached or detached, enclosed two-car garage having a minimum 5:12 roof pitch.

j. Driveways shall comply with the minimum requirements of the Standard Design and Construction Details, based on projected use and classification

8. In all platted subdivisions, the front yards shall be sodded and driveways shall be paved. (Excluded are lots within a private drive subdivision.) 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. (12-4-07)

Section 130 Rural Estate District (A-2)

A. Purpose and Intent

The A-2 Rural Estate District is composed of areas having primarily a rural character, which will generally be maintained for some length of time. These areas are characterized by large acreage tracts devoted to agricultural uses and sparsely populated residential areas. For this reason they are intended to be used as a buffer zone between the major agricultural uses and intensive land development districts. The conditions and regulations listed below apply to A-2, except where noted.

B. Principal Uses and Structures

Principal uses and structures shall be allowed in the A-2 Rural Estate District in accordance with Article 5, Part 1 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the A-2 Rural Estate District in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses shall be permitted in the (A-2) Rural Estate 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 area shall be one and one half (1.5) acres where water and individual septic tank are used.

b. The minimum lot area shall be two (2) acres where private well and individual septic tank are used.

c. The minimum lot area shall be 32,670 (3/4 acre) where public or community water and sewer are used. (9-7-04)

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

   a. One hundred (100) feet where public or community water and sewer are used; and

   b. One hundred and fifty (150) feet where public or community water and individual septic tank are used; and

   c. Two hundred (200) feet where private well 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 one thousand four hundred (1,400) square feet.

5. Maximum Height: The maximum height of buildings shall be thirty-five (35) feet.

6. Maximum Impervious Surface Coverage: The maximum impervious surface shall be twenty-five percent (25%) of the lot.

7. 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 brick, masonry, or stone, or siding consisting of wood, hardboard, aluminum or vinyl, covered or painted, but in no case exceeding the reflectivity of gloss white paint.

e. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirement of the Standard Building Code. A permanent foundation wall, or curtain wall, un-pierced except for required ventilation and access, shall enclose the area located under the home to the ground level. Such a wall shall have a minimum thickness of three and a half (3.5) inches and shall be constructed of masonry, brick, or similar material. Installation shall meet or exceed any applicable rules or regulations promulgated by the Georgia Fire Safety Commissioner and shall be completed prior to permanent electrical service.

f. 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.

g. All residential structures shall have a minimum 4 ft. by 4 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 Standard Building Code.

h. A manufactured home shall be installed in accordance with the above regulations and O.C.G.A. § 8-2-160 et seq., and the rules promulgated there under.

i. The dwelling shall include an attached or detached, enclosed two-car garage having a minimum 5:12 roof pitch.

j. Driveways shall comply with the minimum requirements of the Standard Design and Construction Details, based on projected use and classification

8. In all platted subdivisions, the front yards shall be sodded and driveways shall be paved. (Excluded are lots within a private drive subdivision.) 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. (12-4-07)

Section 140 Single Family Residential District (R-1)

A. Purpose and Intent

The R-1 Single-Family Residential District is composed of low to high-density single-family residential development. The intent of this district is to provide areas to accommodate future development in a safe and efficient manner. The area is served by existing public facilities and the other areas will likely be served in the near future.

B. Principal Uses and Structures

Principal uses and structures shall be allowed in the (R-1) Single-Family Residential District in accordance with Article 5, Part 1 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the (R-1) Single-Family Residential District in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses shall be permitted in the R-1 Single-Family Residential 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: The minimum lot area shall be:

    a. 21,780 square feet where public or community water and sewer are used; and (7-6-04)

    b. One (1) acre where public or community water and individual septic tank are used; and

    c. Two (2) acres where both private well and individual septic tank are used.

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

    a. One hundred (100) feet where public or community water and sewer are used; and

    b. One hundred and fifty (150) feet where public or community water and individual septic tank are used; and

c. Two hundred (200) feet where both private well and individual septic tank are used.

3. Minimum Yard Requirements:

   a. Front: Fifty (50) feet along streets, which function as arterial or collector streets. Forty (40) feet along all other streets.

   b. Side: Fifteen (15) feet.

   c. Rear: Forty (40) feet.

4. Minimum House Size: The minimum floor area of the primary dwelling shall be one thousand six hundred (1,600) square feet.

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 brick, masonry, or stone, or siding consisting of wood, hardboard, aluminum or vinyl, covered or painted, but in no case exceeding the reflectivity of gloss white paint.

   e. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirements of the Standard Building Code. A permanent foundation wall, or curtain wall, un-pierced except for required ventilation and access, shall enclose the area located under the home to the ground level. Such a wall shall have a minimum thickness of three

and a half (3.5) inches and shall be constructed of masonry, brick, or similar material. Installation shall meet or exceed any applicable rules or regulations promulgated by the Georgia Fire Safety Commissioner and shall be completed prior to permanent electrical service."

f. 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.

g. All residential structures shall have a minimum 4 ft. by 4 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 Standard Building Code.

h. A manufactured home shall be installed in accordance with the above regulations and O.C.G.A. § 8-2-160 et seq., and the rules promulgated there under.

i. The dwelling shall include an attached or detached, enclosed two-car garage having a minimum 5:12 roof pitch.

j. Driveways shall comply with the minimum requirements of the Standard Design and Construction Details, based on projected use and classification

7. In all platted subdivisions, the front yards shall be sodded and driveways shall be paved. (Excluded are lots within a private drive subdivision.) 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. (12-4-07)

Section 150 Two Family Residential District (R-2)

A. Purpose and Intent

The R-2 Two-Family Residential District is composed of medium to high-density two-family residential development. The intent of this district is to provide areas to accommodate future development in a safe and efficient manner. The area is served by existing public facilities or will likely be served in the near future.

B. Principal Uses and Structures

Principal uses and structures shall be allowed in the R-2 Two-Family Residential District in accordance with Article 5, Part 1 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the R-2 Two-Family Residential District in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses shall be permitted in the R-2 Two-Family Residential 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 for each duplex or single-family detached dwelling: (2-6-07)

1. Minimum Lot Area: The minimum lot area shall be:

    a. Thirty thousand (30,000) square feet where public or community water and sewer are used; and

    b. One (1) acre where public or community water and individual septic tank are used; and

    c. Two (2) acres where both private well and individual septic tank are used.

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

    a. One hundred (100) feet where public or community water and sewer are used; and

    b. One hundred and fifty (150) feet where public or community water and individual septic tank are used; and

    c. Two hundred (200) feet where both private well and individual septic tank are used.

3. Minimum Yard Requirements

    a. Front: No more than fifty (50%) percent of the required front yard may be used for vehicular parking. Fifty (50) feet along streets that function as arterial or collector streets. Forty (40) feet along all other streets.

    b. Side: Fifteen (15) feet.

    c. Rear: Forty (40) feet.

4. Minimum House Size: The minimum floor area of each dwelling unit shall be one thousand (1,000) square feet for duplex and one thousand six hundred (1,600) square feet for a single family residence.

5. Maximum Height: The maximum height of buildings shall be thirty-five (35) feet.

6. Maximum Impervious Surface Coverage: The maximum impervious surface shall be forty (40%) percent of the lot.

7. Specific Regulations for Residential Units for each duplex or single family detached dwelling (2-6-07)

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 brick, masonry, or stone, or siding consisting of wood, hardboard, aluminum or vinyl, covered or painted, but in no case exceeding the reflectivity of gloss white paint.

e. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirements of the Standard Building Code. A permanent foundation wall, or curtain wall, un-pierced except for required ventilation and access, shall enclose the area located under the home to the ground level. Such a wall shall have a minimum thickness of three and a half (3.5) inches and shall be constructed of masonry, brick, or similar material. Installation shall meet or exceed any applicable rules or regulations promulgated by the Georgia Fire Safety Commissioner and shall be completed prior to permanent electrical service."

f. 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.

g. All single-family detached residential structures and/or each duplex unit shall have a minimum 4 ft. by 4 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 Standard Building Code.

h. A manufactured home shall be installed in accordance with the above regulations and O.C.G.A. § 8-2160 et seq., and the rules promulgated there under.

i. All single-family detached residential structures shall have an attached or detached, enclosed two-car garage having a minimum 5:12 roof pitch.

j. Driveways shall comply with the minimum requirements of the Standard Design and Construction Details, based on projected use and classification

8. In all platted subdivisions, the front yards shall be sodded and driveways shall be paved. (Excluded are lots within a private drive subdivision.) 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. (12-4-07)

Section 160 Multi-Family Residential District (R-3)

A. Purpose and Intent

The R-3 Multi-Family Residential District is mainly comprised of multi-family residential buildings including zero lot line development where surrounding land uses are compatible with high density residential development or suitable transitions are provided. Appropriate areas should have adequate public facilities including community or public water and/or sewer systems. Since lot requirements are reduced and density is increased, it is critical that all factors relating to drainage, topography and other environmental factors be examined carefully to ensure suitability.

B. Principal Uses and Structures

Principal uses and structures shall be allowed in the R-3 Multi-Family Residential District in accordance with Article 5, Part 1 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the R-3 Multi-Family Residential District in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses shall be permitted in the R-3 Multi-Family Residential 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: The minimum lot area shall be ten (10) acres.

2. Minimum Lot Width at Building Line: The minimum lot width at the building line shall be one hundred fifty (150) feet.

3. Minimum Yard Requirements:

Multi-family dwellings:

a. Front: One hundred (100) feet. No more than fifty (50%) percent of the required front yard may be used for vehicular parking.

b. Side: Fifteen (15) feet.

c. Rear: Thirty-five (35) feet.

Single-family detached dwellings:

a. Front: Forty (40) feet

b. Side yard: Ten (10) feet

c. Rear yard: Forty (40) feet

4. Maximum Density: The maximum permitted density shall be six (6) units per acre.

5. Minimum House Size:

The minimum floor area of the primary dwelling shall be:

a. One (1) bedroom: Six hundred (600) square feet.

b. Two (2) bedrooms: Seven hundred and fifty (750) square feet.

c. Three (3) bedrooms: One thousand (1,000) square feet.

d. Efficiency: Five hundred (500) square feet.

Architectural Design of multi-family residential structures is subject to approval by the Board of Commissioners.

d. Single-family dwelling: One thousand six hundred (1,600) square feet.

6. Maximum Height: The maximum height of the building shall be thirty-five (35) feet.

7. Maximum Impervious Surface Coverage: The maximum impervious surface shall be forty (40%) percent of the lot.

8. Open Space Requirement

   a. Twenty-five percent (25%) of total acreage, which shall include four hundred (400) square feet of, landscaped outdoor recreation space for each unit.

   b. Where abutting any residential district a buffer is required in conformance with Article 12 of this Ordinance.

F. Maintenance and protection of open space held in common:

Each applicant shall present as a part of the application for a Multi-Family Development, 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 Multi-Family Development 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 units within the Multi-Family Development; 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.

When an applicant for a Multi-Family Development chooses to utilize a homeowners association in order to comply with the requirements of subsection 11 above, the applicant, in addition to meeting all of said requirements, shall provide for 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.

9. Specific Regulations for detached Single-Family Residential Dwellings
Detached single-family dwellings 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 brick, masonry, or stone, or siding consisting of wood, hardboard, aluminum or vinyl, covered or painted, but in no case exceeding the reflectivity of gloss white paint.

e. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirements of the Standard Building Code. A permanent foundation wall, or curtain wall, un-pierced except for required ventilation and access, shall enclose the area located under the home to the ground level. Such a wall shall have a minimum thickness of three and a half (3.5) inches and shall be constructed of masonry, brick, or similar material. Installation shall meet or exceed any applicable rules or regulations promulgated by the Georgia Fire Safety Commissioner and shall be completed prior to permanent electrical service."

f. 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.

g. All residential structures shall have a minimum 4 ft. by 4 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 Standard Building Code.

h. A manufactured home shall be installed in accordance with the above regulations and O.C.G.A. § 8-2-160 et seq., and the rules promulgated hereunder.

i. The dwelling shall include an attached or detached, enclosed two-car garage having a minimum 5:12 roof pitch.

j. Driveways shall comply with the minimum requirements of the Standard Design and Construction Details, based on projected use and classification

10. In all platted subdivisions, the front yards shall be sodded and driveways shall be paved. (Excluded are lots within a private drive subdivision.) 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. (12-4-07)

Section 170 Manufactured Home Park District (MHP)

A. Purpose and Intent

The intent of this district shall be to provide standards for the continuance of certain lands in the County that already are used for communities of manufactured homes in subdivision settings with individual lots for sale or wherein either a manufactured home space or a space and a manufactured home may be rented for residential occupancy. Manufactured home parks share some of the characteristics with multi-family developments and therefore may be continued if located in areas where the level of public services provides for the higher density of these developments. Care should be taken in continuing such areas so as not to create land uses, which would

be in conflict with the long range, development plans for other types of residential development anticipated occurring in the immediate vicinity. Sales lots for manufactured homes are not permitted in this district. No new applications shall be accepted for this zoning district.

1. Existing manufactured home parks within this district and other districts have been determined to be a non-conforming use.

2. **Pre-owned Manufactured Homes- All** pre-owned manufactured homes located in the jurisdiction shall bear a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq.* (the HUD Code) and shall be installed in accordance with O.C.G.A. § 8-2-160, *et seq*.

Permitting, Inspection, Certificate of Occupancy and Fees. A permit shall be required to locate a pre-owned manufactured home in the jurisdiction.

Permit. To obtain a permit, Applicants shall provide to the building inspector:

An affidavit signed by the applicant that the pre-owned manufactured home meets health and safety standards required by this Act;

Photographs of the interior and exterior of the pre-owned manufactured home providing evidence that home meets the minimum health and safety standards of Section 4 of this ordinance;

The permit and inspection fee required by subsection (d) of this Section.

Inspection. Upon receipt of a permit, Applicants may relocate the manufactured home on a residential site for the purposes of inspection. Applicant shall arrange for an inspection to be held once the installation of the manufactured home is complete.

Certificate of Occupancy. A certificate of occupancy shall be issued to the Applicant at such time that the building inspector certifies that the requirements of this ordinance have been met.

Fee. A permit and inspection fee of $.15 per square foot shall be charged to the applicant to cover the cost to the County to process the permit application and inspect the pre-owned manufactured home. Such fee shall cover the initial inspection and one follow-up inspection. The applicant shall be charged $25.00 for each additional follow-up inspection that may be necessary.

Alternative Inspection. At the request of the Applicant, the building inspector may, at his or her discretion, inspect a pre-owned manufactured home

prior to its being relocated if the home is then located at another site within the county.

Minimum Health and Safety Standards. All pre-owned manufactured homes shall comply with the following before being issued a certificate of occupancy by the building inspector:

HUD Code**:** Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.

Interior Condition**.** Every floor, interior wall, and ceiling of a pre-owned manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.

Exterior Condition**.** The exterior of all pre-owned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and rust. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.

Sanitary Facilities. Every plumbing fixture, water, and waste pipe of a pre-owned manufactured home shall be in a sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.

Heating Systems. Heating shall be safe and in working condition. Un-vented heaters shall be prohibited.

Electrical Systems (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded. Each pre-owned manufactured home shall contain a water heater in safe and working order.

Hot Water Supply. Each home shall contain a water heater in safe and working condition.

Egress Windows. Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary.

Ventilation. The kitchen in the home shall have at least one operating window or other ventilation device.

Smoke Detectors. Each pre-owned manufactured home shall contain one operable battery-powered smoke detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturer's recommendations.

Enforcement

Permanent connection to utilities shall not be approved until the building inspector has issued a certificate of occupancy.

Owners of pre-owned manufactured homes that are not in compliance upon a third inspection shall have their permit revoked and shall be required to remove the home from the jurisdiction at their own expense.

Penalties

Failure to remove a pre-owned manufactured home from the jurisdiction upon failure to receive a certificate of occupancy shall be deemed in violation of this ordinance and subject to penalties as prescribed in Article 15.
(10-5-10)

3. All new residential structures in MHP not in manufactured home parks shall comply with the following:

   a. All residential structures shall have a minimum 5:12 roof pitch.

   b. All residential roofing shall be shingles (Planning & Development Director may approve alternative methods on an individual basis.)

   c. The dwelling shall include an attached or detached, enclosed two-car garage having a minimum 5:12 roof pitch.

   d. All residential structures shall have a minimum 4 ft. by 4 ft. front porch, patio or deck and a minimum 6 ft. X 8 ft. rear porch, patio or deck.

   e. All lots being within a platted subdivision shall have paved driveways.

B. Permitted Uses

Within any Manufactured Home Park District (MHP), a building, land or premises shall be used only for the following permitted uses:

1. Parking and inhabiting of manufactured homes provided all facilities shown on the site plan submitted to and approved by the Planning Commission are installed and maintained according to the schedule submitted with site plan and conditions of approval.

2. Recreation areas, offices and/or maintenance and storage buildings, incidental to principal use and designed for use by residents of the manufactured home park only. No repair facilities of any type including auto repair facilities of any type shall be permitted. Setback areas may not be included in recreational areas.

3. Laundromat, including coin operated dry cleaning, as an accessory to a manufactured home park and designed for the use of the occupants of the park only as designated on an approved site plan, upon approval by the Walton County Health Department.

4. A children's day care facility for use only by the residents of the park and in compliance with the applicable local and state requirements.

5. Utility structures and buildings, including electric and natural gas substations, telephone exchanges, radio and television stations, and similar structures for the storage of supplies, equipment or service operations when properly screened as approved by the Department.

C. Area Requirements

1. Required Lot Area:

   a. No Manufactured Home Park shall be constructed or maintained on a lot or tract, which does not have a total area of at least twenty (20) acres.

   b. A Manufactured Home Park shall be located only on a tract or parcel of land having a minimum of two hundred (200) feet of frontage on a State or Federal highway or a paved road having direct access to and within six hundred (600) feet of such arterial, State or Federal roads. The minimum lot width shall be one hundred (100) feet.

   c. No individual sites in the park shall have direct access to any Federal, State or County road.

D. Density

1. Within a Manufactured Home Park District not more than two (2) dwelling units per gross acre shall be permitted if public water and sewer are available. For purposes of computation of density, areas set aside for buffer zones; greenbelts and/or recreation area may be counted within the gross acreage.

2. Manufactured Home and Mobile Home Site Requirements: Each manufactured home or mobile home shall be located on a separate lot or undivided home site, as appropriate, as follows:

3. Each site shall provide a minimum width of forty-five (45) feet at the pad location.

4. Each site shall contain a minimum of seventeen thousand (17,000) square feet if public water and sewer or community water and sewer are available.

5. Each site shall be defined by a marker at each corner.

6. Each site shall provide a paved concrete or all weather patio area having a minimum area of three hundred (300) square feet.

7. Setbacks: No manufactured home or structure shall be located within:

   a. Ten (10) feet of its individual interior lot line or pad site boundary.

   b. Forty (40) feet of any rear or side property line of the overall development.

   c. Eighty (80) feet of any County, State or Federal right of way.

   d. Twenty (20) feet of any interior street right-of-way or easement, within the manufactured home park.

E. Soil Erosion and Sediment Control Plans and Construction Drawing must be approved before any construction work begins. All improvements shall be located and constructed in accordance with the standards and requirements of Walton County.

F. Conditional Uses

Principal and accessory uses that are permitted in the MHP Manufactured Home Park District upon approval as conditional uses are shown in Article 5, Part 1. Restrictions that apply to specific uses are included in Article 6 of this Ordinance.

Section 180 Office-Institutional District (O-I)

A. Purpose and Intent

The O-I Office-Institutional District is primarily composed of a combination of service-oriented business and professional, administrative, non-profit, and public institutional or related offices located on or adjacent to community facilities. This district should, when possible, be employed as a buffer zone between predominantly residential and heavier commercial or industrial districts. Uses within this district should be those which do not generate excessive noise, traffic congestion or other health hazards and which will promote land use consistent with the Walton County Comprehensive Land Use Plan.

B. Principal Uses and Structures

Principal uses and structures shall be allowed in the O-I Office-Institutional District in accordance with Article 5, Part 1 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the O-I Office-Institutional District in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses shall be permitted in the O-I Office–Institutional 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 Frontage: The minimum lot frontage shall be one hundred (100) feet.

2. Minimum Setback Requirements

   a. Front: Fifty (50) feet (12-6-05)

   b. Side: Fifteen (15) feet.

   c. Rear: Forty (40) feet.

F. Minimum Lot Area: 15,000 sq. ft. where both public water and sewer are available. Other situations require 25,500 sq. ft. and depend on approval of the Health Department.

G. Minimum Floor Area: The minimum floor area of the principal use shall be four hundred (400) square feet. (4-6-10)

H. Maximum Impervious Surface Coverage: The maximum impervious surface is seventy-five (75%) percent of the lot.

I. Maximum Height: The maximum height of buildings shall be two (2) stories.

J. Parking Requirements: Off-street parking and loading space shall be provided in accordance with Article 7 of this Ordinance.

K. Buffer: Where abutting any residential or agricultural district, a buffer is required in conformance with Article 12 of this Ordinance.

L. Such use shall be conducted entirely within a completely enclosed building with no outside storage of equipment, vehicles or materials.

Section 190 Neighborhood Business District (B-1)

A. Purpose and Intent

The B-1 Neighborhood Business District is primarily composed of service businesses or light retail establishments in planned developments or on separate lots generally designed to serve nearby residential areas. It is the intent of this district to provide convenient commercial establishments that are primarily used by persons residing in the area. All businesses shall be those, which are not objectionable by reason of odor, dust, bright lights, noise, vibration, traffic safety, or high trip generation rates. Such uses shall be subject to the following conditions:

1. Such use shall be consistent with the policies of the Comprehensive Plan,

2. Such use will not substantially affect nearby residential properties,

3. The site plan for such use provides for adequate ingress or egress of vehicular traffic; and

4. Such use shall be conducted entirely within a completely enclosed building with no outside storage.

B. Principal Uses and Structures

Principal uses and structures shall be allowed in the B-1 Neighborhood Business District in accordance with Article 5, Part 1 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the B-1 Neighborhood Business District in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses shall be permitted in the B-1 Neighborhood Business 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 Frontage: The minimum lot frontage shall be one hundred (100) feet.

2. Minimum Setback Requirements

   a. Front: Forty (40) feet when located along streets which function as arterial and collector streets. Thirty (30) feet along all other streets.

   b. Side: Fifteen (15) feet:

   c. Rear: Forty (40) feet.

3. Minimum Lot Area: 15,000 sq. ft. where both public water and sewer are available. Other situations require 25,500 sq. ft. and depend on approval of the Health Department.

4. Minimum Floor Area: The minimum floor area of any use shall be four hundred (400) square feet. (4-6-10)

5. Maximum Impervious Surface Coverage: The maximum impervious surface is seventy-five (75%) percent of the lot.

6. Maximum Height: The maximum height of buildings shall be three (3) stories.

7. Parking Requirements: Off-street parking and loading space shall be provided in accordance with Article 7 of this Ordinance.

8. Buffer: Where abutting any residential or agricultural district, a buffer is required in conformance with Article 12 of this Ordinance.

9. There shall be no outside storage.

Section 200 Highway Business Districts (B-2)

A. Purpose and Intent

The B-2 Highway Business District is composed of light to medium intensity commercial uses which are primarily designed to serve the automotive traveling public and shall be located on arterial streets or major or minor collector streets as defined in the Walton County Comprehensive Land Use Plan. Such uses should be those, which are not objectionable by reason of odor, dust, bright lights, noise, or vibration. Such uses shall be subject to the following conditions:

1. Such use shall be consistent with the policies of the Comprehensive Plan,

2. Such proposed use is not inconsistent with current or projected neighboring land use and zoning,

3. The site plan for proposed use shall provide for adequate ingress and egress of vehicular traffic and shall not cause safety, health, or unreasonable traffic congestion problems in the area; and

4. The proposed use shall be conducted within a completely enclosed building.

B. Principal Uses and Structures

Principal uses and structures shall be allowed in the B-2 Highway Business Districts in accordance with Article 5, Part 1 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the B-2 Highway Business Districts in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses shall be permitted in the B-2 Highway Business Districts 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 Frontage: The minimum lot frontage shall be one hundred (100) feet.

2. Minimum Setback Requirements

   a. Front: Fifty (50) feet when located along a street which functions as an arterial or collector. Forty (40) feet when located along all other streets.

b. Side: Fifteen (15) feet.

c. Rear: Forty (40) feet.

3. Minimum Lot Area: 15,000 sq. ft. where both public water and sewer are available. Other situations require 25,500 sq. ft. and depend on approval of the Health Department.

4. Minimum Floor Area: The minimum floor area of any use shall be four hundred (400) square feet. (4-6-10)

5. Maximum Impervious Surface Coverage: The maximum impervious surface is seventy-five (75%) percent of the lot.

6. Maximum Height: The maximum height of buildings shall be three (3) stories.

7. Parking Requirements: Off-street parking and loading space shall be provided in accordance with Article 7 of this Ordinance.

8. When abutting any residential or agricultural district, a buffer is required in conformance with Article 12 of this ordinance.

9. Outside storage is permitted by conditional use only and must be completely enclosed with a screening fence or buffer.

Section 210 General Business District (B-3)

A. Purpose and Intent

The B-3 General Business District is primarily composed of heavy commercial and light industrial uses usually located near population centers and which may generate increased traffic and congestion. The intent of this district is to provide for special areas which, due to their location or current land use, have been set aside to allow uses which may not be allowed in the lighter commercial districts, but are not generally objectionable by reason of dust, odor, bright lights, noise or vibration. This district should generally be utilized as a buffer between heavier industrial and lighter commercial zones. Such uses shall be subject to the following conditions:

1. The proposed use is consistent with the policies of the Walton County Comprehensive Land Use Plan,

2. Such proposed use is not inconsistent with neighboring zoning and current land use, and will when necessary provide adequate buffer between adjoining residential or agricultural districts,

3. The site plan for the proposed use provides for adequate ingress and egress of vehicular traffic and will not cause safety, health or unreasonable traffic safety or congestion problems in the area; and

4. Such use shall be conducted within a completely enclosed building.

B. Principal Uses and Structures

Principal uses and structures shall be allowed in the B-3 General Business District in accordance with Article 5, Part 1 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the B-3 General Business District in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses shall be permitted in the B-3 General Business 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 Frontage: The minimum lot frontage shall be one hundred (100) feet.

2. Minimum Setback Requirements:

   a. Front: Sixty (60) feet when located along streets which function as arterial and collector streets. Fifty (50) feet along all other streets.

   b. Side: Fifteen (15) feet.

   c. Rear: Forty (40) feet.

3. Minimum Lot Area: 15,000 sq. ft. where both public water and sewer are available. Other situations require 25,500 sq. ft. and depend on approval of the Health Department.

4. Minimum Floor Area: The minimum floor area of any use shall be four hundred (400) square feet. (4-6-10)

5. Maximum Impervious Surface Coverage: The maximum impervious surface is seventy-five (75%) percent of the lot.
6. Maximum Height: The maximum height of buildings shall be three (3) stories.

7. Parking Requirements: Off-street parking and loading space shall be provided in accordance with Article 7 of this Ordinance.

8. Buffer: Where abutting any residential or agricultural district, a buffer is required in conformance with Article 12.

9. Outside storage is allowed when completely enclosed by a screening fence or buffer.

Section 220 Town Center District (TC)

A. Purpose and Intent

The purpose and intent of the Town Center District is to establish a zoning district classification that promotes the public health, safety, and general welfare by permitting in areas served by public water and sewer, greater flexibility in site planning and building arrangements within a mixed-use development guided by an overall master plan. The Town Center District is intended to promote the following principles.

1. Provide for a variety of supporting and compatible uses in close proximity to major employment centers,

2. Provide a clearly defined focal point and center of activity that serves the commercial, civic, social, and recreation needs of the surrounding community within a walkable area,

3. Provide a network of connected streets with sidewalks and landscaping to facilitate convenient, efficient, and safe movement within the Town Center and between the Town Center and surrounding neighborhoods and business areas,

4. Design streets, sidewalks, and buildings to provide an attractive and lively streetscape that encourages pedestrian activity,

5. Integrate parks, open space, and public space into the Town Center,

6. Use the placement of civic buildings on key sites to create landmarks and a strong sense of place,

7. Provide adequate public facilities and services; and

8. Promote quality development of attractive and cohesive design.

B. Principle Uses and Structures

Principal uses and structures shall be allowed in the TC Town Center District in accordance with Article 5, Part 2 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the Town Center 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 of this Ordinance.

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. Standards Of Development

The following standards shall apply to each application for the Town Center District classification:

1. Density - Net residential density within the Town Center District may not exceed 20 units per acre of land for an individual project and average residential density may not exceed 6 units per gross acre of the Town Center District

2. Authorized Uses - The Town Center development may consist of any authorized use or combination of principal uses, conditional uses, and accessory uses as authorized in Article 5, Part 1, except that the total of single-family detached dwelling units may not occupy more than 50 percent of the total developed acreage of the overall area of the Town Center District.

3. Buildings and sites are permitted to contain a mixture of uses.

4. In buildings with a mixture of residential and non-residential uses, non-residential uses must occupy the ground floor.

5. Accessory dwelling units are permitted in conjunction with single-family detached dwelling units only. No more than one accessory dwelling unit is permitted in conjunction with a single-family dwelling unit.

6. Utility structures necessary for the transmission or distribution of service are authorized. Private utility facilities necessary for the transmission or distribution of electric power, natural gas, or telephone service are authorized. All standard distribution lines shall be placed underground.

7. Recreation facilities including gymnasiums, swimming pools, tennis courts, outdoor play areas, bikeways, walking trails, picnic pavilions, clubhouses, and similar recreation facilities are authorized.

F. Streets and Sidewalks

1. All streets within the Town Center district shall be public streets except for alleys.

2. All public streets serving the district must be suitable in design and adequate in capacity to carry the anticipated traffic within the proposed project and in the vicinity of the district.

G. Alleys

1. Alleys are permitted as private streets providing secondary or service access.

2. 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 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 7 percent,

   d. Alleys paved to a width narrower than sixteen feet shall be bordered on both sides by unobstructed four foot wide shoulders constructed of grass or gravel; and

   e. Buildings shall be set back at least ten feet from the edge of pavement of an alley.

H. Sidewalk Requirements

1. Sidewalks are required on all streets within the Town Center District, except for alleys.

2. Sidewalks shall connect to front entrances of commercial buildings.

3. The location and width of sidewalks shall be established pursuant to the approved Town Center Development plan.

I. Parking Requirements

1. Off-street parking requirements may be met by a combination of off-street, on street, and shared parking.

2. Off-street parking requirements provided in Article 7 may be reduced by 20 percent in the Town Center District if shared parking is provided.

3. No required parking space shall be more than 700 feet from the exterior entrance to the building that is served by the subject parking space, measured along a convenient route of pedestrian access.

J. Buffers

Buffers and screening between adjacent uses are not required within the Town Center District.

K. Phasing of Projects

1. Development of the Town Center District may be phased.

2. In all cases where a project is to be phased, each phase of the project shall contain the required parking spaces, open space, landscaping, and utilities required for that phase.

L. Design and Development Standards

The following design and development standards shall apply to the Town Center District:

1. Minimum yard requirements for buildings within a Town Center District:

   a. Front yard: none, except that where single-family dwellings have front entry garages, the front of the garage shall be set back at least 22 feet from the front property line.

   b. Rear yard: 20 feet.

2. 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. Maximum length of a building shall not exceed two-hundred-fifty (250) feet along any elevation.

   b. No dwelling unit shall be situated so as to face the rear of another dwelling unit closer than 50 feet away unless terrain differences or screening will provide effective visual separation.

3. Minimum Dwelling Unit Size Requirements

   The minimum size of any dwelling unit in a Town Center District shall be as follows:

   a. Single-family dwelling: minimum of 1,600 square feet of heated area.

   b. Other dwellings: minimum of 600 square feet.

   c. Maximum Height: Four stories, or 60 feet, whichever is greater.

M. Architectural Standards

1. Buildings other than garages, storage buildings, and accessory structures shall have their principal orientation toward the street rather than toward parking areas.

2. The facades of all buildings facing the street shall be at least two stories or at least 18 feet in height and be constructed with design features along the sidewalks that provide for the interest, comfort and convenience of pedestrians, including at least one of the following features: canopies, awnings, porches, or recessed entries.

3. At least 35 percent of the ground level façade of each non-residential building that faces a sidewalk shall be comprised of windows.
   For single-family dwellings, garages must be located either in rear yards or have side-entries.

N. Review and Approval Procedures

1. Each application for the Town Center District classification shall be filed with the Department and shall be reviewed in a two-step process consisting of a concept plan and a preliminary plan, as provided below. Reviews at each step shall be conducted in a public hearing conducted in compliance with Article 4, Part 4 of this Ordinance.
2. The application for concept plan approval for a Town Center District shall include, at a minimum, the following information:

   a. A complete application for zoning 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 Walton County Water and Sewer Authority 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 six (6) copies of a plan drawn to a designated scale of not less than one inch equals one-hundred feet (1" = 200'), 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 Town Center 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 type of development.

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

(11) Location, width, and planting list for required transitional buffers at external site boundaries.

(12) 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.

(13) At any time following approval of the conceptual plan, the applicant may file for preliminary plan approval for the Town Center District. The preliminary plan application shall include, at a minimum, the following information:

(14) A narrative describing changes and refinements in the proposed preliminary plat, compared to the approved concept plan.

(15) 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:

(16) Boundaries of the property being proposed for preliminary plan approval within the Town Center 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 Town Center District.

(17) Total area of the property in acres.

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

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

(20) 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.

(21) 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.

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

(23) Location and lot layout of proposed housing units.

(24) Development density and lot sizes for each type of development.

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

(26) Limits of clearing, existing vegetation, and any proposed landscaping and screening, including existing vegetation to be preserved.

(27) Number of parking spaces required and number provided, with layout of parking areas and landscaping.

(28) Design of all public improvements.

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

(30) Location, width, and planting list for required transitional buffers at external site boundaries.

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

(32) Areas to be held in joint ownership, common ownership or control.

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

(34) Location of sidewalks and bicycle facilities.

(35) 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.

(36) Seal and signature of professional preparing the plat.

(37) Erosion and sedimentation control plans, tree protection plans and other site engineering required by Article 8 of this Ordinance.

O. 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 Town Center District development. The approval process shall comply with the provisions of Article 4, Part 4 of this Ordinance.

2. Approval by the Board of Commissioners of the concept plan for the Town Center District shall constitute approval of the district, including the district boundaries and the proposed uses, including densities and general arrangement of proposed uses.

3. Approval by the Board of Commissioners of a preliminary plan for a Town Center shall constitute approval of a 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 Town Center 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 Town Center District Approval - In enacting an ordinance designating a parcel of land as a Town Center District, the Board of Commissioners may enact a plan which provides for variances and conditions of rezoning for an approval generally applicable in this district. After approval of any such Town Center concept or preliminary plan 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 Town Center District by the Department, said plat should be recorded with the Office of the Clerk of Superior Court of Walton County.

P. Modification Of Town Center Development Plan

The Department is authorized to approve minor changes in any such plan previously submitted as an application, or previously recommended for approval by the Planning Commission, or previously approved by the Board of Commissioners, subject to the limitations in this Section.

1. Minor modifications to a preliminary plan for a development within the Town Center 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

Any modification of an approved preliminary plan for a Town Center requested by an applicant that does not qualify, as a minor modification shall be a major modification.

Major modifications in an application for a development within the Town Center 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 a new application.

Section 230 Mixed Use Business Park District (MUBP)

A. Purpose and Intent

The Mixed Use Business Park District (MUBP) is intended to provide large tracts of land suitable for the planned development of a mixed-use business park that provides new jobs and increases the tax base. It shall provide an attractive environment well suited to manufacturing, research, development, professional offices, laboratories, biomedical, pharmaceuticals, data centers, and related commercial, warehousing, and industrial uses. Other types of heavy industrial uses that would be objectionable by reasons of dust, odor, air pollution, water pollution, and noise are not permitted.

The Mixed Use Business Park district is permitted under the following conditions:

1. It is a part of a large-scale development of one hundred (100) acres or more,

2. It is developed under a single, unified entity providing control of property development,

3. It contains a mixture of uses, and

4. It provides adequate infrastructure for current and future transportation, water resource management and community services.

B. Principal Uses and Structures

Principal uses and structures shall be allowed in the MUBP Mixed Use Business Park District in accordance with Article 5, Part 1 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the Mixed Use Business Park District in conformity with Article 5, Part 2 of this Ordinance with the exception of storage, sales and distribution which may be permitted as accessory uses related to the principal uses allowed in the Mixed Use Business Park District.

D. Conditional Uses

Conditional uses shall be permitted in conformity with the table in Article 5, Part 1.

1. Certain authorized, accessory or conditional uses must meet certain standards peculiar to the use as provided in Article 6 of this Ordinance.

2. Conditional uses shall be approved in accordance with Article 4, Part 4 of this Ordinance.

E. Property Development Standards

1. Density

   a. Average density shall not exceed 10,000 square feet of gross building area per gross acre of the entire property.

   b. Maximum density of any lot shall not exceed 20,000 square feet of gross building area per gross acre of the site.

2. Minimum Lot Frontage: 50 feet on a public street

3. Minimum Building Setback Requirements

   a. Front: 15 feet

   b. Side: 10 feet from property line, but no less than 20 feet shall separate between buildings that are over 35 feet in height.

   c. Rear: 25 feet

4. Impervious Surface

   a. The maximum impervious surface is 75 percent of the lot.

   b. The average impervious surface of the entire district shall not exceed 50 percent. This requirement shall apply to the Mixed Use Business Park as a whole, and shall not be construed to individual phases.

5. Maximum Height of Buildings: 75 feet or five stories, whichever is greater.

6. Parking Requirements:

   a. Off-street parking and loading space shall be provided to county standards in Article 7 of this Ordinance with the following exceptions:

Land Use	Number of Parking Spaces	Required for Each
Multi-family Residence	1.5	Dwelling Unit
Office buildings, including Insurance and real estate offices	3.0	1,000 sf of GFA
Banks	3.0	1,000 sf of GFA
Research and development	3.0	1,000 sf of GFA
Wholesale, Office-Warehouse	1 1	200 sf of office space, plus 5,000 sf of storage area

7. Streets and Rights-of-Way

   All streets shall be dedicated public streets, except as may be permitted in a District, and shall conform to Walton County standards, with exceptions described below.

   a. Streets that are not state or federal highways shall be constructed with a design speed not to exceed 35 miles per hour in commercial and industrial areas and not less than 25 miles per hour in residential areas, except as follows:

   b. Streets primarily serving industrial, commercial, and office buildings shall provide vehicle travel lanes not to exceed 12 feet in width, including curb and gutter, but not including on-street parking and bicycle lanes.

   c. Streets primarily serving residential buildings shall provide vehicle travel lanes not to exceed 11 feet in width, including curb and gutter, but not including on-street parking and bicycle lanes.

d. Intersection radii shall not be greater than 35 feet.

e. Streets containing four or more travel lanes shall provide landscaped medians of at least fourteen feet in width.

e. All intersections shall provide pedestrian crosswalks.

f. Where intersections are signalized, they shall provide signal phases and indicators for pedestrians in accordance with the Manual of Uniform Traffic Control Devices.

g. Landscape plans shall be prepared as a component of the final engineering plans for each public street. Street trees shall be permitted in accordance with approved landscape plans.

h. Right of way widths shall generally be in accordance with Walton County standards and shall provide adequate space for shoulders on both sides of travel lanes containing a minimum of ten feet measured from the outside edge of pavement for the placement of underground utilities, sidewalks, bike lanes, and landscaping as required by the approved site development plans of the applicable districts.

i. Alternative right of way widths and shoulder widths shall be permitted in a District in accordance with approved preliminary plans.

8. Sidewalks

a. Sidewalks shall provide safe, continuous pathways for pedestrians.

b. Sidewalks shall be located on one side of all public streets.

9. Landscape Strips Adjacent to Public Rights-of-Way

a. Landscape strips not less than five feet in width shall be provided on both sides of all public streets. The landscape strip shall be planted with row of native trees of 2” minimum caliper planted not less than 40 feet on center.

b. No street tree shall be planted closer than 2 feet from the street or sidewalk, and no closer than five feet from a fire hydrant, signpost, streetlight standard, utility pole, or similar structure. No street tree shall be placed closer than ten feet from the face of a building or the edge of a driveway.

c. When the landscape strip is between the street and a parking lot, it shall be increased in width to at least 10 feet, and in addition to street trees, it shall provide screening of that portion of the parking lot immediately adjacent to the street. This can be accomplished through use of a raised berm, evergreen hedge, or through other means approved by the Department.

10. Utilities

    a. All utilities shall be placed underground except for major electric transmission lines and sub-stations.

    b. Public water and sewer service shall be provided for all occupied buildings required to provide toilets.

    c. Streetlights shall be provided along all public streets.

11. Signage

    a. Signs for the approved development and for individual establishments used for commercial, office, institutional and other non-residential uses shall be permitted in accordance with the Walton County Sign Ordinance.

    b. The entity providing unified control of the development of the Mixed Use Business Park shall have the right to develop an alternative sign program for the property with standards that meet or exceed the requirements of the Walton County Sign Ordinance. Upon approval of the Board of Commissioners, all project signage shall be permitted only in accordance with the approved alternative signage program.

    c. Off-premises signs are prohibited.

Section 240 Multi-County Mixed Use Business Park (MCMUBP)

(3-6-07) (2-2-10)

A. Purpose and Intent

The Multi-County Mixed Use Business Park District is intended to provide large tracts of land suitable for the planned development of a mixed-use business park that provides new jobs and increases the tax base. It shall provide an attractive environment well suited to manufacturing, research, development, professional offices, laboratories, biomedical, pharmaceuticals, data centers, and related commercial, warehousing, and industrial uses. Other types of heavy industrial that would be objectionable by reasons of dust, odor, air pollution, water pollution, and noise are not permitted.

1) The Multi-County Mixed Use Business Park district is permitted under the following conditions:

a. It is a part of a large-scale development of 1,000 acres or more located in

at least two contiguous counties,

b. It is developed under a single, unified entity providing control of property development,

c. It contains a mixture of uses; and

d. It provides adequate infrastructure for current and future transportation, water resource management and community services.

2) The permitted uses, standards and provisions of the Multi-County Mixed Use Business Park district may be modified in specific ways by the Board of Commissioners through the application of one or more overlay districts within the Multi-County Mixed Use Business Park, including:

a. Residential Neighborhood Development Overlay District (Article 4 Part 2 Section 140);

b. Others designated from time to time by the Board of Commissioners.

B. Permitted Uses And Structures

(1) Principal uses and structures allowed in the Multi-County Mixed Use Business Park District shall include:

a. Offices;

b. Research and product development facilities, data centers and call centers;

c. Light manufacturing facilities, including light assembly and fabrication;

d. Commercial uses within 1,200 feet of a state or federal highway other than an Interstate highway; and

e. Warehouse and distribution

(2) The table below indicates the uses that are authorized in the Multi-County Mixed Use Business Park.

Application of this table shall be in accordance with the following codes:

1. A permitted use (P);

2. A conditional use (C) subject to the application procedures and requirements specified;

3. An accessory use (A) subject to the requirements specified;

3) Uses that are not listed below are prohibited and may be authorized only if similar to uses authorized below and granted by written interpretation of the Planning and Development Office.

Type of Use	**Business Park**	**Within 1200 feet of State/Federal Highway**
Accessory Use, Commercial	P	
Accessory Use, Residential		
Amphitheater/Stadium, Concert Hall		
Assembly Plant (light assembly, e.g. electronics)	P	
Automobile Service Station		P
Auto Wash		P
Bakery		P
Bank	A	P
Clothing, Dry Goods		P
Convenience Store	A	P
Day Care, Child	A	P
Day Care, Adult	A	P
Department Store		P
Discount Store		P
Data Center	P	
Call/Support Center	P	

Type of Use	Business Park	Within 1200 feet of State/Federal Highway
Drug Store	A	P
Dry Cleaning	A	P
Dwelling, Multi-Family		
Dwelling, Single-Family Attached		
Dwelling, Single-Family Detached		
Dwelling, Two-Family		
Dwelling, Zero Lot Line (Townhouse)		
Electric Substation	P	
Electronics, Video sales and rental	A	
Entertainment (Not Adult Entertainment)		
Flower Shop	A	
Health Club	A	
Home Occupation		
Hospital		
Hotel, Motel	P	
Ice Cream, Confectionery Shop	A	
Library	P	
Manufacturing, Heavy		
Manufacturing, Light	P	
Medical, Dental Laboratory		P
Medical, Dental Clinic		P
Office, Professional	P	
Office Supply Sales, Service	A	P
Outdoor Recreation	P	
Outdoor Recreation Facilities, Commercial		
Outdoor Storage	A	
Park, Private	P	
Parking Lot or Deck	P	
Personal Care Home, Group Home		
Place of Public Assembly	P	
Place of Worship	P	P
Printing Shop, Copy Center	A	P
Produce Stand	P	P
Professional Services	A	P
Research & Development Facility	P	
Recreation Center and Club, Private	P	
Restaurant, Drive-Through		P
Restaurant	A	P
Retail Sales		P
School, Private	P	
Site Built Home		
Site Built Home, Zero Lot Line		
Subdivision, Residential		
Subdivision, Commercial		P
Subdivision, Industrial	P	
Swimming Pool	P	
Telecommunications Tower	C	
Temporary Building	P	
Tire Manufacturer (11-6-07)	P	

Type of Use	Business Park	Within 1200 feet of State/Federal Highway
Theater		P
Utilities, Structures and Bldgs., Public	P	
Warehousing, Industrial, Distributing	P	

C. Accessory Uses And Structures

(1) Accessory uses and structures shall be permitted in the Multi-County Mixed Use Business Park District in conformity with Section B (3).

D. Conditional Uses

Conditional uses shall be permitted in the MCMUBP Multi-County Mixed Use Business Park District in accordance with Article 4 Part 4 Section 160 B 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) Density

a. Average density shall not exceed 10,000 square feet of gross building area per gross acre of the entire property.

b. Maximum density of any lot shall not exceed 20,000 square feet of gross building area per gross acre of the site.

(2) Minimum Lot Frontage: 50 feet on a public street

(3) Minimum Building Setback Requirements

a. Front: 15 feet

b. Side: 10 feet from property line, but no less than 20 feet shall separate between buildings that are over 35 feet in height.

c. Rear: 25 feet

4) Impervious Surface

a. The maximum impervious surface is 75 percent of the lot.

b. The average impervious surface of the entire district shall not exceed 50 percent. This requirement shall apply to the Multi-County Mixed Use Business

Park District as a whole, and shall not be construed to apply to individual phases or to each county of which the District may be a part.

5) Maximum Height of Buildings: 75 feet or five stories, whichever is greater.

6) Parking Requirements:

a. Off-street parking and loading space shall be provided to county standards in Article 7 and shall provide the number of spaces required by Article 7 Part 1 Section 110 of the Comprehensive Land Development Ordinance and Subdivision Regulations of Walton County with the following exceptions:

b.

Land Use	Number of Parking Spaces	Required for Each
Multi-family Residence	1.5	Dwelling Unit
Office buildings, including Insurance and real estate offices	3.0	1,000 sf of GFA
Banks	3.0	1,000 sf of GFA
Research and development	3.0	1,000 sf of GFA
Retail and service establishments, and personal services catering to the retail trade.	5.0	1,000 sf of NFA used by customers
Wholesale, Office-Warehouse	1 1	200 sf of office space, plus 5,000 sf of storage area
Auditoriums, church, theaters, stadiums, and other places of assembly	1	4 seats or 12 feet of pew

7) Streets and Rights of Way

a. All streets shall be dedicated public streets, except as may be permitted in an Overlay District, and shall conform to Walton County standards, with exceptions described below, or in approved plans for Residential Development Overlay Districts or Town Center Overlay Districts.

b. Streets that are not state or federal highways shall be constructed with a design speed not to exceed 35 miles per hour in commercial and industrial areas and not less than 25 miles per hour in residential areas, except as follows:

1. Streets primarily serving industrial, commercial, and office buildings shall provide vehicle travel lanes not to exceed 12 feet in width, including

curb and gutter, but not including on-street parking and bicycle lanes.

2. Streets primarily serving residential buildings shall provide vehicle travel lanes not to exceed 11 feet in width, including curb and gutter, but not including on-street parking and bicycle lanes.

3. Intersection radii shall not be greater than 35 feet.

4. Streets containing four or more travel lanes shall provide landscaped medians of at least fourteen feet in width.

5. All intersections shall provide pedestrian crosswalks.

6. Where intersections are signalized, they shall provide signal phases and indicators for pedestrians in accordance with the Manual of Uniform Traffic Control Devices.

c. Landscape plans shall be prepared as a component of the final engineering plans for each public street. Street trees shall be permitted in accordance with approved landscape plans.

d. Right of way widths shall generally be in accordance with Walton County standards and shall provide adequate space for shoulders on both sides of travel lanes containing a minimum of ten feet measured from the outside edge of pavement for the placement of underground utilities, sidewalks, bike lanes, and landscaping as required by the approved site development plans of the applicable overlay districts.

e. Alternative right of way widths and shoulder widths shall be permitted in an Overlay District in accordance with approved preliminary plans.

8) Sidewalks

a. Sidewalks shall provide safe, continuous pathways for pedestrians.

b. Sidewalks shall be located on one side of all public streets.

9) Landscape Strips Adjacent to Public Rights of Way

a. Landscape strips not less than five feet in width shall be provided on both sides of all public streets. The landscape strip shall be planted with row of native trees of 2” minimum caliper planted not less than 40 feet on center.

b. No street tree shall be planted closer than 2 feet from the street or sidewalk, and no closer than five feet from a fire hydrant, signpost, streetlight standard, utility pole, or similar structure. No street tree shall be placed closer than ten feet from the face of a building or the edge of a driveway.

c. When the landscape strip is between the street and a parking lot, it shall be increased in width to at least 10 feet, and in addition to street trees, it shall provide screening of that portion of the parking lot immediately adjacent to the street. This can be accomplished through use of a raised berm, evergreen hedge, or through other means approved by the Planning and Development Office.

10) Utilities

a. All utilities shall be placed underground except for major electric transmission lines and sub-stations.

b. Public water and sewer service shall be provided for all occupied buildings required to provide toilets.

c. Streetlights shall be provided along all public streets.

11) Signage

a. Signs for the approved development and for individual establishments used for commercial, office, institutional and other non-residential uses shall be permitted in accordance with the Walton County Sign Ordinance.

b. The entity providing unified control of the development of the Business Park shall have the right to develop an alternative sign program for the property with standards that meet or exceed the requirements of the Walton County Sign Ordinance. Upon approval of the Board of Commissioners, all project signage shall be permitted only in accordance with the approved alternative signage program.

c. Off-premises signs are prohibited.

Section 250 Light Industrial District (M-1)

A. Purpose and Intent

The M-1 Industrial District is composed primarily of wholesale warehousing, trade shops, and light manufacturing uses, usually located on or near existing community facilities and transportation corridors. The intent of this district is to establish areas of industrial use which would be less objectionable by reasons of dust, odor, noise, traffic safety or congestion, than those of the M-2 Heavy Industrial District. Such uses should be encouraged to locate adjacent to existing similar uses in accordance with policies outlined in the Walton County Comprehensive Land Use Plan. Provisions are made for individual development under the following conditions:

1. Such proposed use is consistent with goals and policies of the Walton County Comprehensive Land Use Plan,

2. Such proposed use will not substantially affect or alter nearby property values; and

3. The site plan for such use provides for adequate ingress and egress of vehicular traffic and will not cause health, safety or unreasonable traffic safety or congestion problems in the area.

B. Principal Uses and Structures

Principal uses and structures shall be allowed in the M-1 Light Industrial District in accordance with Article 5, Part 1 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the M-1 Light Industrial District in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses shall be permitted in the M-1 Light Industrial District in accordance with Article 5, Part 2 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 frontage: The minimum lot frontage shall be one hundred (100) feet.

2. Minimum Setback Requirements.

   a. Front: Sixty (60) feet when located along streets which function as arterial and collector streets. Fifty (50) feet along all other streets.

   b. Side: Fifteen (15) feet.

   c. Rear: Forty (40) feet.

3. Minimum lot area 15,000 sq. ft. where both public water and sewer are available. Other situations require 25,500 sq. ft. and depend on approval of the Health Department.

4. Minimum Floor Area: The minimum floor area of any use shall be four hundred (400) square feet. (4-6-10)

5. Maximum Impervious Surface: The maximum impervious surface is seventy-five (75%) percent of the lot.

6. Maximum Height of Buildings: The maximum height of buildings shall be seventy- five (75) feet.

7. Parking Requirements: Off-street parking and loading space shall be provided in accordance with Article 7 of this Ordinance.

8. Buffer: Where abutting any residential or agricultural district, a buffer is required in conformance with Article 12 of the Ordinance.

Section 260 Heavy Industrial District (M-2)

A. Purpose and Intent

The M-2 Heavy Industrial District is primarily composed of heavy or intense industrial uses. Such uses should be as isolated as possible from major residential areas, but shall be served by public facilities such as water and sewer, and located on major transportation corridors. Since this district provides the least protection from the encroachment of undesirable uses, such uses shall be located in existing or planned industrial parks, until such areas are filled, or until the need for additional areas is evident. A transition in land uses should be employed where possible between this district and other less intensive areas, particularly residential and agricultural districts.

B. Principal Uses and Structures

Principal uses and structures shall be allowed in the M-2 Heavy Industrial District in accordance with Article 5, Part 1 of this Ordinance.

C. Accessory Uses and Structures

Accessory uses and structures shall be permitted in the M-2 Heavy Industrial District in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses shall be permitted in the M-2 Heavy Industrial 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 frontage: The minimum lot frontage shall be one hundred (100) feet.

2. Minimum Setback Requirements:

a. Front: One hundred (100) feet when located along streets which function as arterial and collector streets. Fifty (50) feet along all other streets.

b. Side: Twenty-five (25) feet.

c. Rear: Fifty (50) feet.

3. Minimum lot area 15,000 sq. ft. where both public water and sewer are available. Other situations require 25,500 sq. ft. and depend on approval of the Health Department.

4. Minimum Floor Area: The minimum floor area of any use shall be four hundred (400) square feet. (4-6-10)

5. Maximum Impervious Surface: The maximum impervious surface is seventy-five (75%) percent of the lot.

6. Maximum Height of Buildings: The maximum height of buildings shall be seventy-five (75) feet.

7. Parking Requirements: Off-street parking and loading space shall be provided in accordance with Article 7 of this Ordinance.

8. Buffer: Where abutting any residential or agricultural district, a buffer is required in conformance with Article 12.

Part 2 Overlay Zoning Districts

Section 100 Procedures Governing Overlay Zoning

A. Overlay Zoning Districts are supplemental to the base zoning district classifications established in Part 1, above. All development and building permits for a lot located in any Overlay Zoning District shall meet all of the requirements of the base zoning district in which it is located and in addition shall meet all of the requirements of the overlay district applicable to said lot.

B. Where there is a conflict between the standards and requirements of the Overlay District and the Base District, the standards and requirements of the Overlay District shall govern.

The boundaries of certain Overlay Zoning Districts shall be determined by physiological and hydrological boundaries as described within the district descriptions and standards, such as the Flood Plain District and Watershed Protection Overlay Districts. The other Districts shall be “floating zones” that are determined on a case-by-case basis upon approval of the application by the Board of Commissioners.

Summary of Overlay District Compatibility	
Overlay District	District Available In
2400	A-1, A-2 or R-1 (5-2-06)
OSC	A-1, A-2 or R-1
GS	A-1, A-2 or R-1
RND	R-1 (9-7-04)
W-P1	Any District
W-P2	Any District
Crossroads Corridor	Any District
Parkway Corridor	Any District
Residential Corridor	Any District

Section 110 2400 Residential Overlay District

(5-2-06)

A. Purpose and Intent

The purpose of the 2400 Residential Overlay District is to authorize, subject to certain standards, the development of residential subdivisions that require larger houses. This overlay-zoning district is only available in the A-1, A-2 and R-1 districts.

B. Principal Uses and Structures

Single-family detached residential dwellings permitted under the A-1, A-2 and R-1 zoning districts.

C. Accessory Uses and Structures

Accessory uses and structures shall be provided in accordance with Article 5, Part 2 of this Ordinance.

D. Conditional Uses

Conditional uses as permitted under the A-1, A-2 and R-1 zoning districts.

E. Minimum Development Standards

1. Land area for the development shall be a minimum of ten (10) acres.

2. Minimum lot size shall be 25,500 square feet for lots served by septic systems and depend upon approval of the Health Department. Density for lots serviced by septic systems shall be:

   a. In the A-1 district, the density shall not exceed 1 unit per 2.0 acres.

   b. In the A-2 district, the density shall not exceed 1 unit per 1.5 acres.

   c. In the R-1 district, the density shall not exceed 1 unit per 1.0 acre.

3. Density for lots serviced by sewer systems shall be:

   a. In the A-1 district, the density shall not exceed 1 unit per 1.0 acre.

   b. In the A-2 district, the density shall not exceed 1 unit per 3/4 acre.

   c. In the R-1 district, the density shall not exceed 1 unit per 1/2 acre.

4. All lots shall have access to interior streets only.

5. A 50-foot non-buildable buffer is required along the road frontage of existing streets to screen homes from the existing public road.

6. Minimum development standards for residential lots.

   a. Minimum frontage shall be not less than one hundred, twenty five (125) feet, except lots located entirely on a turnaround area at the end of a cul-de-sac shall have a minimum of forty (40) feet of street frontage. The width of the lot shall be at least one hundred (100) feet. Except cul-de-sac lots shall have a lot width of fifty (50) feet at the required building setback.

b. Front yard: Forty (40) feet on interior streets.

c. Side yard: Ten (10) feet.

d. Rear yard: Forty (40) feet.

e. Minimum house size shall be 2,400 square feet.

7. Streets less than 750 feet in length may be reduced to 22 feet from back of curb to back of curb.

Section 120 Open Space Conservation Development Overlay District (OSC)

A. Types of OSC Developments

The following types of Open Space Conservation (OSC) Developments are authorized as overlay districts in A-1, A-2 or R-1 districts only by these regulations. They shall contain no less than five (5) lots with minimum land area for the district as follows:

1. Without shopping facilities: Ten (10) acres.

2. With shopping facilities: One hundred (100) acres.

B. General Design Standards

1. The streets shall be designed and located in such a manner as to maintain and preserve natural topography to minimum cut and fill. The Director shall approve street grade.

2. The development shall maintain or create a buffer of natural vegetation of at least fifty (50) feet in width adjacent to perennial streams, surface waters and wetlands.

3. A one hundred (100) foot non-buildable buffer is required along the road frontage of existing streets to screen homes from the existing public road. A fifty (50) foot transitional buffer is required around the perimeter except where property abuts a residential subdivision. (10-4-05) If the buffer is provided within the required setback it shall not be included in the required open space.

4. Density:

For lots serviced by septic:

a. In A-1 districts the density shall not exceed one (1) unit per 2 acres. The minimum lot size shall be 25,500 sq. ft. and depend upon approval of the Health Department.

b. In A-2 districts the density shall not exceed one (1) unit per 1.5 acres. The minimum lot size shall be 25,500 sq. ft. and depend upon approval of the Health Department.

c. In R-1 districts the density shall not exceed one (1) unit per 1.0 acre. The minimum lot size shall be 25,500 sq. ft. and depend upon approval of the Health Department.

For lots serviced by Sewer:

a. In A-1 districts the density shall not exceed one (1) unit per 1 acre.

b. In A-2 districts the density shall not exceed one (1) unit per ¾ acre.

c. In R-1 districts the density shall not exceed one (1) unit per ½ acre.

5. Land Uses

a. Within the OSC Development without shopping facilities, the following percentages of the total land area shall be devoted to the specific uses:

(1) A maximum of seventy-five (75%) percent for residential use which shall include streets, parking areas, private open space, courts, and sidewalks, which abut and primarily service residences or groups of residences, but shall not include the usable open space.

(2) A minimum of twenty-five (25%) percent for open space in accordance with Paragraph 8 of this Section.

b. Within the OSC development overlay with shopping facilities, the following percentage of the total land area shall be devoted to the specific uses:

(1) A maximum of sixty (60%) for residential uses which shall include streets, parking areas, private open space, courts, and sidewalks which abut and primarily service residences or groups of residences, but shall not include the usable open space;

(2) A maximum of fifteen (15%) percent for commercial use which shall include streets and parking areas which primarily service commercial

establishments within the development but shall not include usable open space.

(3) A minimum of twenty-five (25%) for open space in accordance with Paragraph 8 of this Section.

6. Minimum development standards for residential lots.

   a. Minimum frontage shall be not less than one hundred (100) feet, except lots located entirely on a turnaround area at the end of a cul-de-sac shall have a minimum of forty (40) feet of street frontage. The width of the lot shall be at least one hundred (100) feet. Except cul-de-sac lots shall have a lot width of fifty (50) feet at the required building setback.

   b. Front yard: Forty (40) feet.

   c. Side yard: Ten (10) feet.

   d. Rear yard: Forty (40) feet for interior lots.

      Fifty (50) feet for perimeter lots.

   e. Minimum house size shall be 1800 square feet. 12-2-03

   f. The front, side and rear setback lines shall be shown on the Preliminary and Final Plat.

   g. Setback areas: All structures shall be located a minimum of fifty (50) feet from adjacent tracts not located in the development.

   h. Accessory buildings shall be provided in accordance with Article 5, Part 2 of this Ordinance.

7. Requirements of Commercial Lots.

   a. Area requirements for retail sales and services: If a retail sales and service area is provided, a maximum of four thousand and eight hundred (4,800) square feet of floor space for retail sales and services is permitted for each one hundred (100) dwelling units. For the purpose of serving primarily those people living within the development, there shall not be less than four (4) square feet of commercial lot area for each one (1) square foot of permitted retail sales and service floor area.

   b. Structures for retail sales and services: Retail sales and services shall be conducted entirely within a wholly and permanently enclosed building or buildings. Signage shall be provided in accordance with Article 5, Part 1 of this Ordinance.

c. Relation to residentially zoned or developed property lying outside the OSC Development: The sides, rear or front of a lot developed for retail sales and services shall be a minimum of three hundred (300) feet from property lying outside the OSC Development that is developed or zoned for single-family dwellings.

d. The off-street parking and loading and unloading requirements shall be provided in accordance with Article 7 of this Ordinance.

e. Permitted uses shall be in accordance with Article 5 of this Ordinance.

8. Open Space

a. Required open space: It is the intent of these regulations that open space not be subdivided not divided 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 (25%) of the total area of the tract of land to be developed, as an OSC Development 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.

9. Rights-of-way for streets shall be excluded from land considered for open space.

10. If the development is to be built in phases, 100 percent (100%) of the open space of the entire development must be shown on Phase 1.

11. Maintenance and protection of open space held in common: (5-3-05)

Each applicant shall present as a part of the application for the development of an Open Space Conservation zoning overlay, 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 Open Space Conservation 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 Open Space Conservation 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.

When an applicant for an Open Space Conservation Overlay District chooses to utilize a homeowners association in order to comply with the requirements of subsection 11 above, the applicant, in addition to meeting all of said requirements, shall provide for 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.

C. Required Improvements

1. Water supply: Each dwelling unit shall be connected to a municipal water system.

2. Utilities: All utilities within the subdivision shall be underground.

3. Street lighting: All streets within the subdivision shall be lighted in accordance with Article 10, Part 3 of this Ordinance.

4. Sidewalks: Sidewalks shall be installed on both sides of all streets.

5. Streets: Streets shall be in accordance with Article 9 of this Ordinance.

D. OSC Plan Approval

An overall concept plan for a proposed OSC Development shall be approved following the requirements provided in Article 4, Part 4 of this Ordinance. "Pursuant to the Comprehensive Land Development Ordinance of Walton County, Georgia, all the requirements of OSC Concept Plan Approval having been fulfilled, the OSC Concept Plan has been approved. The final plat must be recorded or a development permit must be issued within 6 months of the approval of the OSC Concept Plan or the approval will expire and be null and void."

_____ _____

Director Date
Walton County Planning & Development

E. Conditional Uses

Conditional uses that are permitted with a conditional use permit in the OSC District are the same as those permitted in the R-1 Zoning District listed in Article 4 of this Ordinance. Restrictions that apply to specific uses in addition to those provided in Article 5 are as follows:

1. Utility structures and buildings, including electric and natural gas substations, telephone exchanges, radio and television stations, and similar structures for the storage of supplies, equipment or service operations are permitted as conditional uses when properly screened as approved by the Department.

Section 130 Greenspace Subdivision Overlay District (GS)

A. Purpose and Intent

The purpose of the Greenspace Subdivision is to encourage provision of permanent open space for the preservation of natural resources, protection of the quality of the environment and the enjoyment of the citizens of Walton County as a part of

developing high-quality planned residential communities. The Greenspace Subdivision Overlay District shall be permitted within the A-1, A-2 and R-1 Districts and shall be limited to the following areas:(10-4-05)
Lands adjacent to or related to:

The Alcovy River, Big Flat Creek, Little Flat Creek, Apalachee River, Jacks Creek, Sandy Creek, Cornish Creek, Hard Labor Creek and Beaver dam Creek. (3-6-07)

B. Principal Uses and Structures

Minimum house size shall be 1800 square feet.

C. Accessory Uses and Structures

As provided in the Open Space Conservation Development Overlay District.

D. Conditional Uses

As provided in the Open Space Conservation Development Overlay District.

E. Property Development Standards and General Design Standards
As provided in the Open Space Conservation Development Overlay District with the following exceptions:

1. A minimum of 25 percent of the gross acreage of the development shall be provided as greenspace deeded to Walton County.

2. Density granted for, and accepted into the Greenspace Program shall be compensated in equal density value on the remainder of the tract.

F. Status of Use for Green Space

1. It shall be illegal for anyone to trespass upon green space property until such time as a green space program has been approved.

2. Discharging firearms, vehicular traffic, and alcoholic beverages are prohibited on green space property.

3. All uses of green space must be approved by the Board of Commissioners. The approval process is on a case by case basis. The approval process consist of the following steps:

   a. Submit plan to Planning and Development Department for review
   b. County Attorney review
   c. Board of Commissioners review and approval.

4. The developer shall be responsible for properly posting the perimeter of the green space with appropriate signage as required by the Planning and Development Department. (3-3-09)

Section 140 Residential Neighborhood Development Overlay District (RND)

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 R-1 zoning districts. 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.

j. There are adequate provisions for community facilities such as water, sewer, recreation, and open space.

k. 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.

3. Maintenance and Protection of Land Held in Common Ownership. Each applicant shall provide as a part of the application for the Residential Neighborhood Development overlay designation a description of the legal mechanism under which all land to be held in common ownership and used for open space purposes shall be protected.

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 dwelling units per gross acre of land.

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 as a part of the application for the development of a Residential Neighborhood Development zoning overlay, 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.

When an applicant for a Residential Neighborhood Development Overlay District chooses to utilize a homeowners association in order to comply with the requirements of subsection 11 above, the applicant, in addition to meeting all of said requirements, shall provide for 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 then 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 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 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: none, except that where single-family dwellings have front entry garages, the front of the garage shall be set back at least 22 feet from the front property line.

    b. Side Yard: 15 feet side faces from another such side face; minimum 7.5 foot side yard. (2-7-06)

    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 square feet of heated area.

13. Buffers

    Buffers and screening are not required between adjacent land uses within the development, but shall be required with respect to property along the external boundary of this district where it abuts other zoning districts and is otherwise required in Article 12 of this Ordinance.

14. 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, open space, recreation space, landscaping, and utilities required for that phase.

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 in a two-step process consisting of a concept plan and a preliminary plan, as provided below. Reviews at each step shall be conducted in a public hearing conducted in 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 ten (10) 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: (5-3-05)

        (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) Location, width, and planting list for required transitional buffers at external site boundaries.

(12) 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) Limits of clearing, existing vegetation, and any proposed landscaping and screening, including existing vegetation to be preserved.

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

(15) Location, width, and planting list for required transitional buffers at external site boundaries.

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

(17) Areas to be held in joint ownership, common ownership or control.

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

(19) Location of sidewalks and bicycle facilities.

(20) 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.

(21) 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. Approval by the Board of Commissioners of the concept plan for the Residential Neighborhood Development Overlay District shall constitute approval of the overlay, including the district boundaries and the proposed uses, including densities and general arrangement of proposed residential uses.

3. Approval by the Board of Commissioners of a preliminary plan for a Residential Neighborhood Development Overlay shall constitute approval of a 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 concept or preliminary plan 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

The Department is authorized to approve minor changes in any such plan previously submitted as an application, or previously recommended for approval by the Planning Commission, or previously approved by the Board of Commissioners, subject to the limitations in this Section.

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.

Section 150 Residential Airpark Overlay District (AO) 10-6-09

A. The purpose of the Residential Airpark Overlay District is to authorize, subject to certain standards, the development of residential airpark communities, centered around either existing private airstrips or private airstrips approved by the Walton County Board of Commissioners in accordance with this Ordinance. Whereas private airstrips are only allowed in the M-2 zoning district with a conditional use permit, private airstrips that are part of a residential airpark development may be approved as part of this residential overlay zoning district, which shall be permitted only in the A zoning districts. Applicants must, however, still comply with the Supplemental Use Regulations for private airstrips in accordance with Article 6, Part 1.

B. Types of AOD Developments

The following types of Airpark Overlay (AO) Developments are authorized as overlay districts in A-1, and A-2 districts only by these regulations. They shall contain no less than five (5) lots with minimum land area for the district as follows:

1. Land area for the development shall be a minimum of fifty (50) acres.

C. General Design Standards

1. The streets shall be designed and located in such a manner as to maintain and preserve natural topography to minimum cut and fill. The Director shall approve street grade.

2. The development shall maintain or create a buffer of natural vegetation of at least fifty (50) feet in width adjacent to perennial streams, surface waters and wetlands.

3. A fifty (50) foot transitional buffer is required around the perimeter except where property abuts a residential subdivision. If the buffer is provided within the required setback it shall not be included in the required open space.

4. All lots shall have access to interior streets only.

5. Density:

For lots serviced by Septic:

a. In all districts the density shall not exceed one (1) unit per 1.5 acres. The minimum lot size shall be 25,500 sq. ft. and depend upon approval of the Health Department.

For lots serviced by Sewer:

a. In all districts the density shall not exceed one (1) unit per 1/2 acre.

6. Minimum development standards for residential lots.

a. Minimum frontage shall be not less than one hundred, twenty-five (125) feet, except lots located entirely on a turnaround area at the end of a cul-de-sac shall have a minimum of forty (40) feet of street frontage. The width of the lot shall be at least one hundred (100) feet. Except cul-de-sac lots shall have a lot width of fifty (50) feet at the required building setback.

b. Front yard: Forty (40) feet.

c. Side yard: Ten (10) feet.

d. Rear yard: Forty (40) feet for interior lots.

e. Minimum house size shall be 2400 square feet.

f. The front, side and rear setback lines shall be shown on the Preliminary and Final Plat.

g. Setback areas: All structures shall be located a minimum of fifty (50) feet from adjacent tracts not located in the development.

D. Principal Uses and Structures

1. All uses permitted by single-family detached residential districts as set forth I n the A-1, and A-2 zoning districts.

2. Private airstrips previously-approved by the Walton County Board of Commissioners and proposed private airstrips developed in accordance with this Ordinance.

E. Accessory Uses and Structures

a. Aircraft Hangars – density for hangars shall not exceed one (1) hangar per five (5) residential dwellings located in the community.

b. Customary and usual aviation-related activities, including but not limited to takeoffs and landings, construction and maintenance of private airstrip facilities; and other activities incidental to the normal operation of an airport.

c. Greenways, including but not limited to, bicycle and pedestrian paths.

d. All accessory uses and structures, including hangars, shall conform to Article 5, Part 2 of this Ordinance.

e. Airstrip or aircraft landing runways as hereinafter defined.

f. Accessory uses as defined and set forth in the A zoning districts.

F. Airstrip Development Standards

a. There shall be a grass or asphalt/concrete runway.

b. A hangar may be permitted on any residential lot either attached or detached from a primary residence so long as the lot coverage for the zoning district is not exceeded.

c. All development standards for accessory buildings and structures for the zoning district shall be complied with.

G. Type of Aircraft

a. Only single-engine, fixed wing airplanes shall be permitted.

H. Open Space

a. Required open space: It is the intent of these regulations that open space not be subdivided not divided 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 (25%) of the total area of the tract of land to be developed, as an AO Development 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. The airstrip may be included as part of the 25% open space calculation

9. Rights-of-way for streets shall be excluded from land considered for open space.

10. If the development is to be built in phases, 100 percent (100%) of the open space of the entire development must be shown on Phase 1.

11. Maintenance and protection of open space held in common:

Each applicant shall present as a part of the application for the development of an Airpark Overlay District, 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 Airpark 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 Airpark 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.

When an applicant for an Airpark Overlay District chooses to utilize a homeowners association in order to comply with the requirements of subsection 11 above, the applicant, in addition to meeting all of said requirements, shall provide for 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.

I. Required Improvements

1. Water supply: Each dwelling unit shall be connected to a municipal water system.

2. Utilities: All utilities within the subdivision shall be underground.

3. Street lighting: All streets within the subdivision shall be lighted in accordance with Article 10, Part 3 of this Ordinance.

4. Sidewalks: Sidewalks shall be installed on both sides of all streets.

5. Streets: Streets shall be in accordance with Article 9 of this Ordinance.

J. AO Plan Approval

An overall concept plan for a proposed AO Development shall be approved following the requirements provided in Article 4, Part 4 of this Ordinance.
"Pursuant to the Comprehensive Land Development Ordinance of Walton County, Georgia, all the requirements of AO Concept Plan Approval having been fulfilled, the AO) Concept Plan has been approved. The final plat must be recorded or a

development permit must be issued within 6 months of the approval of the OA Concept Plan or the approval will expire and be null and void."

_____ _____
Director Date
Walton County Planning & Development

K. Conditional Uses

Conditional uses that are permitted with a conditional use permit in the Airpark Overlay District are the same as those permitted in the A-1 and A-2 Zoning Districts listed in Article 5 of this Ordinance.

1. Utility structures and buildings, including electric and natural gas substations, telephone exchanges, radio and television stations, and similar structures for the storage of supplies, equipment or service operations are permitted as conditional uses when properly screened as approved by the Department.

Section 160 Big Haynes & Alcovy Watershed Protection Overlay District (W-P1)

A. Purpose and Intent

The intent of this Land Development District is to protect the designated watershed area 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 Overlay District shall simultaneously carry the Land Development District designation of the underlying Land Development District as well as the W-P1 designation.

B. Location of the District

The W-P1 Watershed Protection Overlay District is comprised of all land areas within the Big Haynes Creek watershed basin, which has been officially designated for use as a public water supply. The W-P1 Watershed Protection Overlay 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 Alcovy or Big Haynes Creek watershed basin and all other watersheds. The actual boundary of W-P1 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-P1 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 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-P1 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 (2-6-07)

The following greenways and setbacks are hereby established along each perennial stream and water impoundment (i.e., a pond, lake or wet detention pond) in the W-P1 District:

1. Stream Greenway: 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.

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, below.

E. Development Regulations

In the W-P1 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

The land area for each use located in the District shall be no less than the following: For individual lots for dwellings or nonresidential uses and for each lot

within a subdivision, the minimum lot size shall be the minimum lot size required by the underlying Land Development District.

2. 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 use, 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.

3. 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.

4. 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 are 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.

5. 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.

F. Storm water 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 shall be dissolved without the approval of the Board of Commissioners.

G. Limitation on Variances

Variances from the provisions of the W-P1 Watershed Protection 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 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

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. 10-6-09

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

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

b. Residential Developments serviced by public sewer shall be allowed in the A-1, A-2 and R-1 zoning districts as follows:

1. Density: The density shall be one (1) lot per one (1) acre.

2. Minimum House size shall be 1800 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 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. (12-2-03)

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. (9-7-04)

c. Residential developments serviced by public sewer shall be allowed in the R-1 RND Overlay District as follows:

1. Density: The density shall be two (2) lots per one (1) acre.

2. 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.

3. 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.

4. 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.

5. 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.

F. 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.

G. 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.

H. 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.

Section 180 Crossroads Corridor Overlay District

A. Purpose and Intent

1. The purpose of this district shall be to protect the public health, safety and general welfare and to ensure the prosperity of the citizens of Walton County by discouraging strip commercial development and encouraging higher intensity pedestrian-friendly development nodes at major intersections along certain highway corridors that serve as prominent gateways into Walton County.

2. The intent of this district is to set higher standards for the appearance and functionality of the land uses at major intersections along certain major highway corridors in Walton County. These standards will establish and maintain a pedestrian-friendly, sidewalk orientation and a mixture of land uses in order to discourage strip commercial development and to promote highway capacity and safety along these vital routes.

B. Location of District

This district shall be mapped in an area within approximately 1,200 feet of selected major intersections that accompany protected major highway corridors in Walton County for a depth that is sufficient to include all property having frontage on both sides of the major highway as well as property on both sides of the secondary intersecting streets as determined by the Board of Commissioners.

C. Principal Uses and Structures

1. Principal uses and structures shall be the same as those allowed in the underlying zoning districts in accordance with Article 5, Part 1 of this Ordinance with the following exceptions:

2. The following uses shall be prohibited

   a. Vehicle sales lots

   b. Junk yards

3. The following uses shall only be permitted if a Conditional Use Permit is approved:

a. Drive-through windows

b. Building materials sales

c. Light industrial uses

d. Warehouse and distribution centers

D. In addition to the principal uses and structures authorized in the underlying zoning districts, a mixture of residential uses with office, commercial, retail or restaurant uses permitted in the O-I or B-1 Districts if located in buildings having two or more stories where the commercial or office uses occupy the majority of the ground floor shall be permitted with site plan review by the Director.

F. Property Development Standards

1. Setback Requirements

a. Front: At least 50 percent of the length of the principal building facing the street shall be placed within 30 feet of the front property line.

2. Maximum Floor Area

a. When located on streets which function as arterial streets: Individual nonresidential uses shall not exceed 50,000 square feet of floor area.

b. When located on streets which function as collector streets: Individual nonresidential uses shall not exceed 25,000 square feet of floor area.

3. Maximum Impervious Surface Coverage - 85 percent of the lot.

4. Maximum Height

The maximum height of buildings shall be three stories unless a Conditional Use Permit is approved to authorize a taller building. Clock towers, cupolas, and other similar ornamental structures extending not more than 15 feet above the highest adjacent roof shall not be considered as an additional story.

5. Minimum Height

The minimum height of building facades shall be eighteen (18) feet.

6. Street Orientation of Buildings

All buildings shall be oriented toward streets and sidewalks and provide attractive, safe, and convenient pedestrian access from the sidewalk to the building entrance.

a. Gasoline fuel dispenser structures, vehicular services such as air pumps and car washes, drive-through service windows and drive-in facilities shall be located in rear yards.

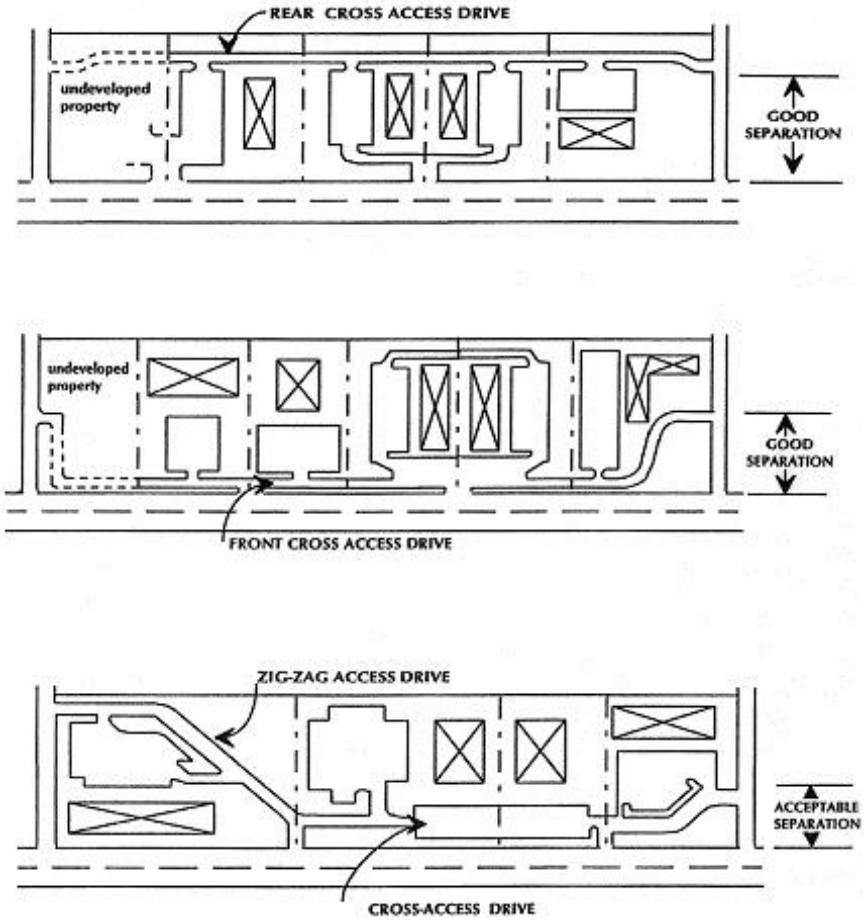
b. Refuse containers, mechanical equipment, outdoor storage, and loading docks shall only be located in rear yards and completely screened from view.

G. Parking Requirements

1. Off-street parking and loading space shall be provided in accordance with Article 7 of this Ordinance. The following additional regulations shall apply:

   a. Parking shall be located in the rear yard, in a screened area of the side yard or in interior area or courtyard between buildings so as not to be visible from the street.

   b. Prior to division of property in a commercial development, controlled access standards shall be applied including cross-access easements shall be provided so that access to all properties created by the subdivision can be shared from one or more points. See graphic below:



Shared Driveways and Cross-Access

2. Bicycle Parking

   All uses other than single-family and two-family residential uses that are required to provide off-street parking shall provide bicycle parking facilities at a ratio of at least one bicycle parking space for every 20 automobile parking spaces. No such development shall have fewer than three bicycle parking spaces nor be required to exceed a maximum of twenty-five (25) bicycle parking spaces. Bicycle spaces shall be located within 100 feet of the principal building entrance. Each bicycle space shall include a metal anchor sufficient to secure the bicycle frame using a user-supplied lock.

H. Public Improvements Standards

Alleys shall be permitted if they meet the requirements of Article 9, Section 130 K.

I. Street Connectivity

New development at major intersections shall incorporate a grid of interconnected public streets. Maximum block size shall be 8 acres and the maximum distance between intersections of public streets shall be 600 feet.

J. Streets and Sidewalks

1. Driveway location

a. Driveways shall not be located closer than 75 feet from an intersecting street.

b. Properties with less than 200 feet of frontage on the major highway shall be permitted no more than one curb cut on the major highway.

c. Properties having more than 200 feet of frontage on the major highway may have up to one additional curb cut on the major street, to be no closer than 100 feet from the first driveway.

d. Lots with more than one street frontage may have one curb cut on the principal frontage and one additional curb cut on each secondary street. Such corner lots are encouraged to provide additional access from secondary streets through a access road or easement placed parallel to the main highway and serving multiple properties from a single curb cut along the secondary street. Such parallel access road shall be placed in the rear yards of buildings facing the major thoroughfare.

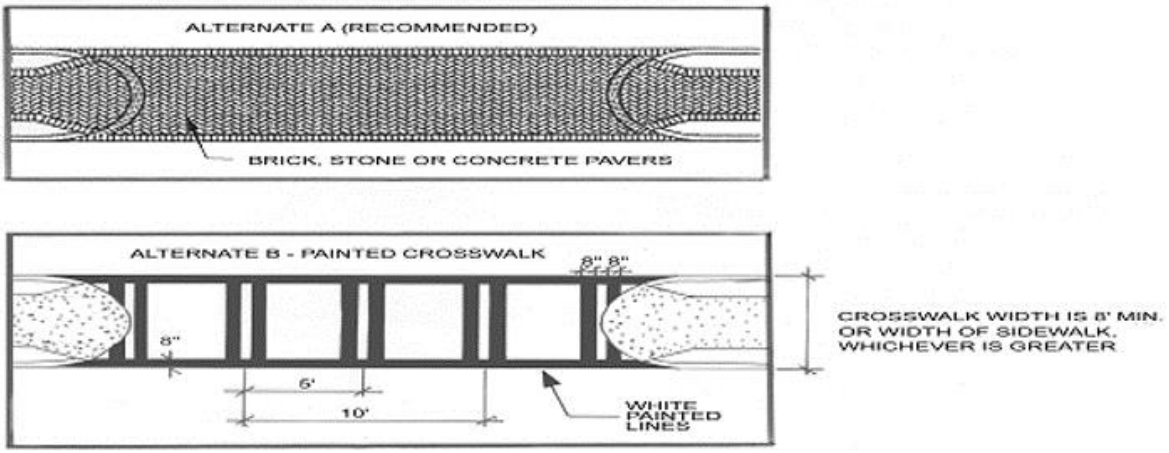
e. Interparcel access is required for all developments except single-family and two-family dwellings. Each new development except for single-family residences shall provide appropriate cross-access driveways connecting to adjacent lots.

f. Interior lots are encouraged to seek additional access from secondary streets through a secondary access road or alley placed parallel to the main highway and serving multiple properties from a single curb cut along the secondary street.

g. Curb cuts and driveways for properties having less than 200 feet of frontage shall not be permitted on any street that functions as an arterial or collector street when access may be provided from a new interior street, a side street or a rear street.

h. The Director may require a common or joint driveway for adjacent lots when such lots have common ownership.

2. Sidewalks



Pedestrian Crosswalks

a. Public sidewalks are required.

b. Sidewalks at least eight feet in width shall be located along both sides of the street.

c. Sidewalks shall be located at least four feet from the back of the curb where curb and gutter exists, or at least ten feet behind edge of paving where drainage swales of ditches are provided adjacent to the roadway.

d. New sidewalks shall be aligned with existing sidewalks and shall include appropriate transitions where necessary to make a continuous alignment between existing and new sidewalks.

e. Sidewalks of variable width and alignment may be permitted by the Director when necessary to preserve an existing tree or to align with an existing sidewalk.

f. Each building or complex of buildings shall provide sidewalks or other marked pedestrian connections through parking lots to adjacent buildings. Such pedestrian access shall minimize conflicts with automobiles by such means as sidewalks, ornamental pavers, or striped crosswalks.

3. Streetlights and Utilities

a. All utilities shall be located underground except where the Director determines that underground utilities are infeasible because of unique geologic or hydrologic conditions on the site.

b. Streetlights are required on both sides of all streets.

c. Separate streetlights shall be provided for lighting sidewalks. Such sidewalk lighting shall be provided using fixtures approved by the Director located within four feet of the edge of the sidewalk and having a height not to exceed 15 feet above the sidewalk, at a spacing not to exceed 50 feet on center.

K. Landscaping

1. A ten-foot wide planted landscape strip is required along the entire property frontage, except for perpendicular crossings of driveways or utility easements. The landscape strip shall consist of grass, flowering plants, mulch and other groundcover approved by the Director; evergreen shrubbery shall be planted no more than eight feet on center.

2. Street Trees

a. Street trees are required and shall be planted within 2-1/2 feet of back of curb with a maximum spacing of 40 feet. All newly planted trees shall be a minimum of two inches caliper dbh and a minimum of six feet in height at time of planting. Each street tree shall have a minimum planting area of 16 square feet of mulched earth.

b. Street trees shall not be planted closer than 25 feet from the curb line of intersecting streets or driveways and not closer than 10 feet from fire hydrants, streetlights, traffic signs, or existing trees.

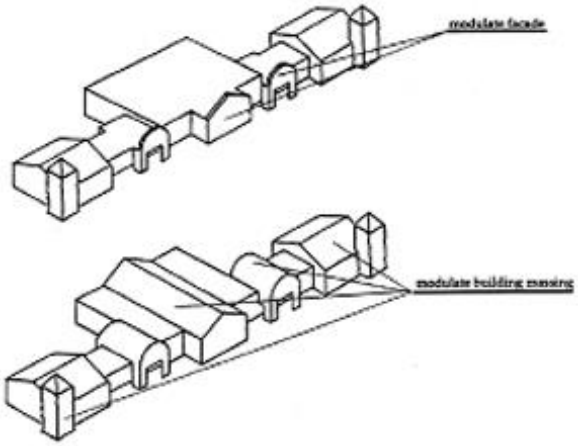
L. Architectural Design Standards

1. Articulation

Buildings having a ground floor area of 20,000 square feet or more shall conform to the following standards:

a. No new building or group of attached buildings shall exceed a total building length of 300 feet.

b. The building façade and massing shall be subdivided into a pleasing composition of building forms that incorporate changes in building façades, massing, and direction, multiple roof planes, recessed entrances, towers, cupolas, dormers, and other features that provide visual interest. See graphic below:



2. Materials

   a. Building exteriors shall not be finished in metal siding, exposed concrete masonry units, or exposed concrete where visible from the street or sidewalk in either front or side yards. Textured or ribbed concrete masonry units may be permitted with approval by the Director.

   b. Security fencing shall be dark green, bronze, or black color. Chain link fence is prohibited in front yards. Barbed wire and razor wire is prohibited.

3. Signs

Signs are allowed as per the Walton County Sign Ordinance. (5-2-06)

Section 190 Parkway Corridor Overlay District

A. Purpose and Intent

1. The purpose of this district shall be to protect the public health, safety and general welfare and to ensure the prosperity of the citizens of Walton County by managing development along major highway corridors that serve as prominent gateways into Walton County.

2. The intent of this district is to set higher standards for the appearance and functionality of certain major highway corridors in Walton County. These standards will establish and maintain a spacious, landscaped appearance in order to discourage strip commercial development and to promote highway capacity and safety along these vital routes.

B. Location of District

This district is designed for corridors that are currently multi-lane highways or are expected to become multi-lane highways. It is anticipated that the future land use and zoning along these corridors is predominately a mixture of commercial, office, industrial, and multi-family residential. This overlay district shall be mapped along a

corridor that extends for a depth that is sufficient to include all property having frontage on both sides of each of the routes as determined by the Board of Commissioners.

C. Principal Uses and Structures

Principal uses and structures shall be as authorized in the underlying zoning districts subject to the following exceptions and supplemental standards:

1. Junk yards are prohibited

2. Commercial developments providing auto care, service, or sales shall be designed so that service bays are sited so they are not visible from the entry street. Vehicles under repair shall be kept inside or in an area screened from street view.

3. Gasoline fuel dispenser structures, vehicular services such as air pumps and car washes, drive-through service windows and drive-in facilities shall not be located between a building and the street and must be screened from street view.

4. Outdoor display areas of vehicle sales lots including manufactured homes or mobile homes displayed for sale or rent shall be limited to no more than 100 feet, or 50% of property frontage, whichever is less. Such display areas may be no closer than 50 feet from the front property line.

D. Property Development Standards

1. Lot Area - minimum two acres.

2. Lot Width – minimum 200 feet of frontage.

3. Front Setback – minimum 100 feet from the future right-of-way of the major highway, as established by the Walton County Thoroughfare Map.

4. Minimum Floor Area of Principal Structure – 2,500 square feet of heated floor area.

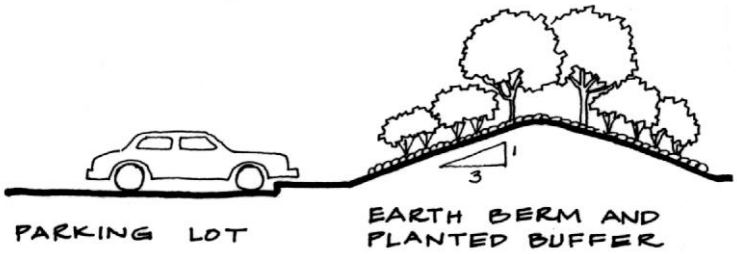
5. Maximum Height of Buildings - Three (3) stories, except that Office Buildings may be a maximum height of five stories provided that a Conditional Use Permit is approved.
6. Maximum Impervious Surface Coverage - 70% percent of the lot.

7. Parking

   Off-street parking and loading space shall be provided in accordance with Article 7 of this Ordinance. The following additional regulations shall apply:

a. No more than 50 percent of the required front yard of any lot shall be used for parking.

b. Off-street parking spaces in the front yard shall be separated from the street by a forty-foot wide landscaped area that shall provide a visual screen from the street. The height of the screen shall be at least six feet higher than the elevation of the adjacent parking spaces. The screen may be provided by an earthen berm, densely planted shrubbery, a masonry wall, or any combination of these elements approved by the Director. Walls used for screening may not be constructed of exposed cement masonry units unless they are ribbed or textured.



Landscaped Screening

E. Streets and Sidewalks

1. Driveway location

a. Properties with less than 300 feet of frontage on the major highway shall be permitted no more than one curb cut on the major highway.

b. Properties having more than 300 feet of frontage on the major highway may have one additional curb cut for every additional 300 feet of frontage.

c. Lots with more than one street frontage may have one curb cut on the principal frontage and one additional curb cut on each secondary street. Such corner lots are encouraged to provide additional access from secondary streets through a access road or easement placed parallel to the main highway and serving multiple properties from a single curb cut along the secondary street. Such parallel access road shall be placed in the rear yards of buildings facing the major highway.

d. Interparcel access is required for all developments except single-family and two-family dwellings. Each new development shall provide appropriate cross-access driveways connecting to adjacent lots.

e. Interior lots are encouraged to seek additional access from secondary streets through a secondary access road placed parallel to the main highway and serving multiple properties from a single curb cut along the secondary street.

f. Curb cuts and driveways for properties having less than 300 feet of frontage shall not be permitted on any street that functions as an arterial or collector street when access may be provided from a new interior street, a side street or a rear street.

g. Front-facing garages and carports that serve a single residential unit are discouraged.

h. The Director may require a common or joint driveway for adjacent lots when such lots have common ownership.

2. Streetlights

Streetlights shall be required for new construction where sidewalks are installed.

3. Sidewalks

a. Public sidewalks at least five feet in width shall be located along both sides of the major highway.

b. Sidewalks shall be located at least five feet from the back of the curb where curb and gutter exists, or at least ten feet behind edge of paving where drainage swales of ditches are provided adjacent to the highway.

c. New sidewalks shall be aligned with existing sidewalks and shall include appropriate transitions where necessary to make a continuous alignment between existing and new sidewalks.

d. Sidewalks of variable width and alignment shall be permitted when necessary to preserve an existing tree.

F. Landscaping

A ten-foot wide planted landscape strip is required along the entire property frontage, except for perpendicular crossings of driveways or utility easements. The landscape strip shall consist of grass, flowering plants, mulch and other groundcover approved by the Director; evergreen shrubbery shall be planted no more than eight feet on center, and street trees shall be installed as described below:

1. Street trees are the required landscape strip with a maximum spacing of 40 feet. All newly planted trees shall be a minimum of two inches caliper dbh and a minimum of six feet in height at time of planting. Trees shall have a minimum planting area of 16 square feet of mulched earth.

2. Street trees shall not be planted closer than 25 feet from the curb line of intersecting streets or driveways and not closer than 10 feet from fire hydrants, streetlights, traffic signs, or existing trees.

3. Where there are overhead utilities along the right of way, street trees shall be placed at least ten feet from such overhead lines or shall be smaller species that will not grow to a height that will interfere with overhead lines.

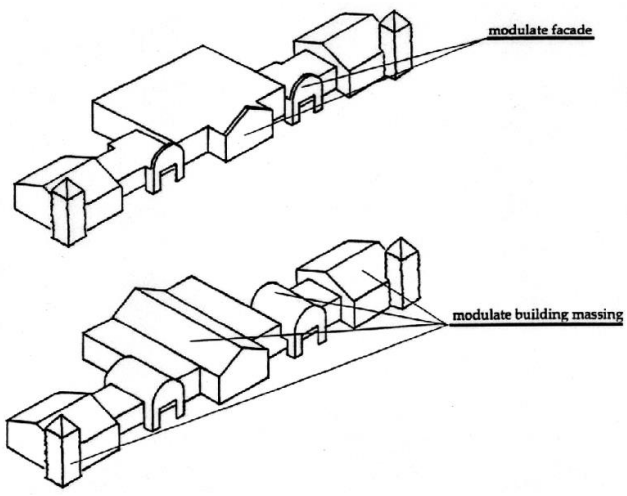
G. Architectural Design Standards

1. Articulation

Buildings having a ground floor area of 20,000 square feet or more shall conform to the following standards:

a. No new building or group of attached buildings shall exceed a total building length of 300 feet.

b. The building façade and massing shall be subdivided into a pleasing composition of building forms that incorporate changes in building façades, massing, and direction, multiple roof planes, recessed entrances, towers, cupolas, dormers, and other features that provide visual interest. See graphic below:



Building Modulation

2. Materials

a. Building exteriors shall not be finished in metal siding, exposed concrete masonry units, or exposed concrete where visible from the street or sidewalk in either front or side yards. Textured or ribbed concrete masonry units may be permitted with approval by the Director.

b. Security fencing shall be dark green, bronze, or black color. Fencing is prohibited in front yards. Razor wire is prohibited.

3. Signs

Signs are allowed as per the Walton County Sign Ordinance. (5-2-06)

Section 200 Residential Corridor Overlay District

A. Purpose and Intent

1. To protect the livability of residential corridors along two-lane arterials by preserving their residential character and avoiding the emergence or expansion of commercial strips.

2. To blend new uses into these areas and allow redevelopment or reuse of existing structures using designs that are compatible with the form, scale, massing and materials of existing residential uses and structures.

B. Location of District

This corridor shall include all property abutting both sides of the highways designated by the Board of Commissioners.

C. Principal Uses and Structures

Principal uses and structures shall be the same as those allowed in the underlying zoning districts in accordance with Article 5, Part 1 of this Ordinance with the following exceptions:

1. Vehicle sales lots shall not be allowed.

2. Drive-through windows shall only be allowed if a Conditional Use permit is approved.

3. Gasoline fuel dispenser structures, vehicular services such as air pumps and car washes, drive-through service windows and drive-in facilities shall be located in the rear yard.

E. Property Development Standards

1. Lot Area

   Minimum lot area shall be one acre. However if a driveway is shared with an adjacent parcel, a minimum lot size of 25,500 shall be allowed, subject to approval of the Health Department.

2. Minimum Lot Width - 200 feet.

3. Front Setback Requirements

The front yard setback shall be approximately the same as the average setback of the adjacent principal uses within 200 feet on either side of the subject parcel. When there are not structures on each side, the setback shall be not less than 40 feet.

4. Subdivision of parcels greater than five (5) acres with more than two lots shall meet the minimum access requirements of Article 9, Section 110 D.

5. Maximum Floor Area of Principal Structure

   Individual buildings shall not exceed 5,000 square feet of floor area unless they are within 1,000 feet of a major intersection.

6. Maximum Height

   The maximum height of buildings shall be three (3) stories.

7. Maximum Impervious Surface Coverage

   The maximum impervious surface is forty (40) percent of the lot.

8. Parking

   The number of off-street parking and loading spaces shall be provided in accordance with Article 7 of this Ordinance. The following additional regulations shall apply:

   a. Off-street parking shall be provided in rear yards or be enclosed within garages.

   b. The driveway shall be paved and provide a turnaround.

9. Streets and Sidewalks

   a. Driveway location

      (1) No more than one curb cut shall be permitted for each development, provided that properties with more than one street frontage may have two curb cuts.
      (2) Curb cuts and driveways shall not be permitted on any street that functions as an arterial or collector street when access may be provided from a side or rear street.

      (3) Entrances to garages and carports that serve a single residential unit shall face the rear yard, or a side yard that has no street frontage.

      (4) The Director may authorize a common or joint driveway for adjacent lots.

b. Sidewalks

(1) Public sidewalks are required on both sides of the main highway.

(2) Sidewalks shall have a minimum width of five feet and shall be placed a minimum of ten feet behind the back of curb.

(3) Sidewalks of variable width and alignment may be permitted by the Director when necessary to preserve an existing tree or to align with an existing sidewalk.

10. Streetlights shall be required

F. Landscaping

1. Street trees

Street trees are required and shall be planted a maximum of forty feet on center along a center line that shall be five feet from back of curb or fifteen feet from edge of pavement if drainage ditches or swales are provided. All newly planted trees shall be a minimum of two inches dbh and a minimum of six feet in height, with a mature height of at least forty feet. Trees shall have a minimum mulched planting area of 16 square feet.

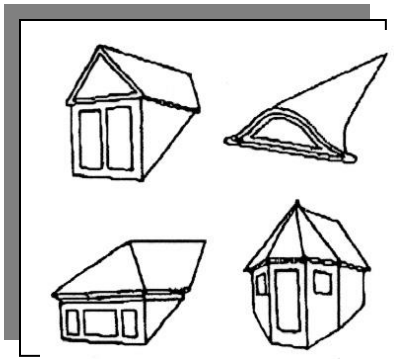
2. A landscape strip at least ten feet in width shall be provided adjacent to the right-of-way of all streets. This landscape strip shall preserve existing vegetation, and shall be enhanced with additional native shrubbery or landscape materials.

3. Tree preservation
Within each lot, at least 25 percent of existing healthy trees greater than 6” caliper shall be preserved and incorporated into landscaping on the site when feasible.

G. Architectural Design Standards

1. Buildings shall be consistent with the architectural style typical of the residential character of Walton County. All buildings shall have pitched roofs with a minimum 6:12 slope and shall use at least two of the following design features: dormers, gables, pillars, posts, covered front porch, bay windows. (See following illustrations.)

2. Principal structures shall be connected to the street with a sidewalk leading from the sidewalk along the street to the front door.



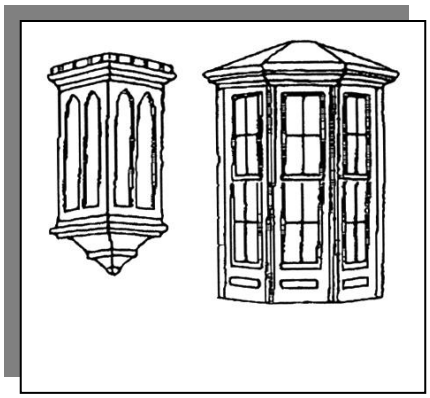
Dormers

Gables

Pillars

Posts

Covered Front Porch



Bay Windows

Part 3 Dimensional Standards

Section 100 Front Yard Setback Averaging

It is intended that front yard setbacks be similar among buildings sharing a block and located on the same side of the street. The minimum front yard setback requirements for buildings may be reduced by the Director when it exceeds the average setback of existing buildings located within the same block and zoning district fronting on the same side of the street. In cases where the average setback along a block face is more than ten feet greater than the minimum required setback required by this ordinance, the Director may require the new dwelling to be constructed with a setback not more than ten feet less than that of an adjacent dwelling.

Section 110 Reserved

Section 120 Principal Dwellings on a Subdivision Lot

Only one principal dwelling and its accessory buildings may hereafter be erected on any one lot in any subdivision.

Section 130 Principal Dwellings on a Non-Subdivision Lot

In the A, A-1 and A-2 Districts, a maximum of three single family dwelling units may be permitted on a non-subdivision lot, subject to the following standards:

A. The area of a lot that is subdivided for three (3) dwelling units pursuant to this Section shall be no less than twenty (20) acres.

B. The lot area of a lot that is subdivided for two (2) dwelling units pursuant to this Section shall be no less than ten (10) acres.

C. The minimum lot width and road frontage of the first dwelling unit shall be as required in the zoning district. (5-2-06)

D. Each additional dwelling unit will require an additional forty (40) feet of road frontage. (5-2-06)

E. All dwellings must meet the minimum setback requirements in the zoning district.

F. All buildings shall be separated by at least twenty (20) feet.

G. A Dwelling Location Plan shall be approved by the Director before any building permits shall be issued pursuant to this Section.

Section 140 Corner Lots

The side of a corner lot having the least road frontage shall be deemed to be the front of the lot. All yard requirements for road frontage shall not be less than the minimum front yard requirements for that zoning district.

Section 150 Projections into Yards

No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two (2) feet beyond the yard area requirements. Covered porches whether enclosed or unenclosed shall be considered as part of the main building and shall not project into any required yard. An open, unenclosed porch or hard surfaced terrace, steps, stoops and similar features of a building may project into a required front yard or rear yard for a distance not to exceed ten (10) feet, and into a side yard not more than five (5) feet.

Section 160 Minimum Lot Size and Maximum Lot Coverage

The subsections on the following pages show the minimum lot size, minimum lot width and maximum coverage for each land development district according to the public facilities that are available with:

1. Public sewer and public water
2. Public sewer and well water
3. Septic tanks and public water
4. Septic tanks and well water.

This Section is established to show the minimum size, width, and height requirements for the land uses within the following districts. However, notwithstanding the standards of this Ordinance, no lot shall have a lesser area than that approved by the Walton County Board of Health for safe drinking water and septic tank operation.

1. Facility - Public Sewer and Public Water

Land Development District and Type of Dwelling	Minimum Lot Area (Square Feet)	Minimum Lot Size per Dwelling Unit (Square Feet)**	Minimum Lot Width (Feet)***	Maximum Impervious Surface (%)
A Agricultural	5 ac	5 ac	300	15
A-1 Single-Family	43,560 (1 ac)	43,560 (1 ac)	100	15
A-2 Single-Family	32,670 (3/4 ac)	32,670 (3/4 ac)	100	15
R-1 Single-Family	21,780	21,780 (7-6-04)	100	40
R-2 Two-Family	30,000	15,000	100	40
R-3 Multi-Family	10 ac.	1/6 acre	150	40
MHP Per Unit	20 ac.	17,000.	100	25
O-I	15,000	NA	100	75
B-1	15,000	NA	100	75
B-2	15,000	NA	100	75
B-3	15,000	NA	100	75
M-1	15,000	NA	100	75
M-2	15,000	NA	100	75

2. Facility - Public Sewer and Well

Land Development District and Type of Dwelling	Minimum Lot Area (Square Feet)	Minimum Lot Size per Dwelling Unit (Square Feet)**	Minimum Lot Width (Feet)***	Maximum Impervious Surface (%)
A Agricultural	5 ac	5 ac	300	15
A-1 Single-Family	87,120 (2 ac)	87,120 (2 ac)	150	15
A-2 Single-Family	87,120 (2 ac)	87,120 (2 ac)	150	15
R-1 Single-Family	87,120 (2 ac)	87,120 (2 ac)	150	40
R-2 Two-Family	87,120 (2 ac)	43,560 (1 ac)	150	40
R-3 Multi-Family	NA	NA	NA	NA
MHP	87,120 (2 ac)	87,120 (2 ac)	100	25
O-I	25,500	NA	100	75
B-1	25,500	NA	100	75
B-2	25,500	NA	100	75
B-3	25,500	NA	100	75
M-1	25,500	NA	100	75
M-2	25,500	NA	100	75

**See district for restrictions on subdivisions.
*** The minimum lot width shall be measured at the minimum required front setback. For lots located on cul-de-sacs or eyebrows, the minimum lot width at the minimum required front setback line shall not be not less than fifty (50) feet. The minimum road frontage for all lots shall be forty (40) feet. (5-2-06)

3. Facility – Septic Tank and Public Water

Land Development District and Type of Dwelling	Minimum Lot Area (Square Feet)	Minimum Lot Size per Dwelling Unit (Square Feet)**	Minimum Lot Width (Feet)***	Maximum Impervious Surface (%)
A Agricultural	5 ac	5 ac	300	15
A-1 Single-Family	87,120 (2 ac)	87,120 (2 ac)	150	15
A-2 Single-Family	65,340 (1.5 ac)	65,340 (1.5 ac)	150	15
R-1 Single-Family	43,560 (1 ac)	43,560 (1 ac)	150	40
R-2 Two-Family	43,560 (1 ac)	21,780 (0.5)	150	40
R-3 Multi-Family	NA	NA	NA	NA
MHP	43,560 (1 ac)	43,560 (1 ac)	150	25
O-I	25,500	25,500	100	75
B-1	25,500	25,500	100	75
B-2	25,500	25,500	100	75
B-3	25,500	25,500	100	75
M-1	25,500	25,500	100	75
M-2	25,500	25,500	100	75

4. Facility - Septic Tank and Well

Land Development District and Type of Dwelling	Minimum Lot Area (Square Feet)	Minimum Lot Size per Dwelling Unit (Square Feet)**	Minimum Lot Width (Feet)***	Maximum Impervious Surface (%)
A Agricultural	5 ac	5 ac	300	15
A-1 Single-Family	87,120 (2 ac)	87,120 (2 ac)	200	15
A-2 Single-Family	87,120 (2 ac)	87,120 (2 ac)	200	15
R-1 Single-Family	87,120 (2 ac)	87,120 (2 ac)	200	40
R-2 Two-Family	87,120 (2 ac)	43,560 (1 ac)	200	40
R-3 Multi-Family	NA	NA	NA	NA
MHP	87,120 (2 ac)	87,120 (2 ac)	200	25
O-I	25,500	25,500	100	75
B-1	25,500	25,500	100	75
B-2	25,500	25,500	100	75
B-3	25,500	25,500	100	75
M-1	25,500	25,500	100	75
M-2	25,500	25,500	100	75

**See district for restrictions on subdivisions.
*** The minimum lot width shall be measured at the minimum required front setback. For lots located on cul-de-sacs or eyebrows, the minimum lot width at the minimum required front setback line shall not be not less than fifty (50) feet. The minimum road frontage for all lots shall be forty (40) feet. (5-2-06)

Section 170 District Development Standards

This section provides a convenient summary of the minimum setbacks and yards for lots in all zoning districts and also provides a summary of the maximum height and minimum floor areas established in Article 4.

	Distance from Right-of-Way Line		Buildings			
Zoning District	Arterials or Collectors (ft)	All Other Streets (ft)	Minimum Side Yard (ft)	Min. Rear Yard (ft)	Max. Height (ft)	Minimum Floor Area (sq ft)
A	50	50	20	40	35	1,100
A-1	50	50	15	40	35	1,400
A-2	50	50	15	40	35	1,400
R-1*	50	40	15	40	35	1,600
R-2 Two Family	50	40	15	40	35	1,000/unit 1,600 for single-family residence
R-3* Multi Family: Efficiency One Bedroom Two-Bedrooms Three Bedrooms or more	100	100	15	35	35	 500 600 750 1,000
MHP	70	40	20	40	35	1,100
O-I*	50 (12-6-05)	50	15	40	2 stories	400
B-1*	40	30	15	40	3 stories	400
B-2*	50	40	15	40	3 stories	400
B-3*	60	50	15	40	3 stories	400
M-1*	60	50	15	40	75	400
M-2*	100	50	25	50	75	400

*See Article 12 Transitional Buffer Requirements (4-6-04)

Part 4 Amendments

Section 100 Types of Amendments

Amendments may include any of the following:

A. Text Amendments

A change to the text of the Comprehensive Land Development Ordinance of Walton County.

B. Map Amendments

A change to the "Official Land Development Maps of Walton County" that adds, changes, or enlarges zoning districts but not including updating of maps where base maps become available which update property boundary lines, streets or other features, or utilize improved mapping technology, the Board of Commissioners may incorporate such maps as updates of the Official Zoning Maps, so long as no changes are made to zoning district boundaries. Notations shall be made on each set of maps showing dates of such changes and shall be signed by designated representatives of the governing authorities, and all out-dated maps shall be retained permanently as a matter of record.

C. Conditional Use Permits

Allow the Board of Commissioners to approve a conditional use on a particular parcel without changing the zoning district. Such conditional uses shall only be authorized if it is a use listed as permitted use subject to issuance of a conditional use permit in the parcel's zoning district as listed in Article 5.

Section 110 Initiation of Amendments

A. The text of this Ordinance and the official zoning maps may be amended by the Board of Commissioners pursuant to a proposed ordinance introduced by one or more members of the Board of Commissioners or by the Planning Commission as a whole. In addition, amendments to the official zoning map may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s).

B. Application for zoning amendments, rezonings or conditional use permits shall be made in writing using forms provided by the Department.

C. Before enacting any amendment to this Ordinance or the official zoning maps the Board of Commissioners shall provide for the public notice and public hearings required by this Division.

Section 120 Notice of Public Hearings

Notice of public hearing on any amendment to this Ordinance, or application for rezoning, conditional use permit or amendment of the official zoning map shall be provided as follows:

A. Written notice of each shall state the nature of the proposed change, and the date, time, and place of the public hearing before the Planning Commission and the Board of Commissioners and shall be mailed by First Class mail to the owners of all properties abutting and across the street from the property, as such property owners are listed on the tax records of Walton County.

B. For each amendment to the official zoning map, and conditional use permits the Department shall post signs on the subject property at least 15 days before the hearing before the Planning Commission and sign will remain on site until the completion of the Board of Commissioners hearing. The sign shall state the case number, the nature of the proposed change, and the date, time and place of the public hearing before the Planning Commission and the Board of Commissioners.

C. At least one sign shall be posted on each street on which the subject property has frontage in a conspicuous location. Signs shall be double-faced and posted so that the face of the sign is at a right angle to the street to allow the signs to be read by the traveling public in both directions. The lettering on the signs shall be at least one-inch height.

D. For each amendment to the text of this Ordinance, the official zoning map, and conditional use permit application, notice of the nature of the proposed change and the date, time and place of the public hearing before the Planning Commission and the Board of Commissioners shall be published in a newspaper of general circulation within the County in which are carried the legal advertisements of the County at least fifteen (15) days and not more than forty-five (45) days prior to the hearing before the Planning Commission and 15 days and not more than forty-five (45) days prior to the public hearing before the Board of Commissioners. For all proposed amendments to the official zoning map, the notice shall include the case number and the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.

E. When a proposed zoning or conditional use permit application decision relates to or will allow the location or relocation of a residential substance abuse facility, transitional housing facility, half-way house, or other facility for treatment of drug dependency, ***a public hearing shall be held and public notice provided*** on the action in accordance with O.C.G.A Section 36-66-4 as now or may be amended. This hearing before the Planning Commission shall be in addition to any hearing required by this ordinance for proposed zoning or conditional use permits.
(4-6-04) (4-1-14)

Section 130 Public Hearings

The governing, calling, and conducting of the public hearings held by the Planning Commission and the Board of Commissioners for consideration of proposed zoning map or text amendments or conditional use permits shall be accomplished with the following policies and procedures:

A. The Chairman shall indicate that a public hearing has been called for the consideration of zoning decisions. Thereupon each application shall be considered on an individual basis.

B. When an application comes up for review, the Chairman may request that a spokesperson for the group be chosen so that the entire presentation of the positions of those in support of/opposition to the petition shall not exceed thirty (30) minutes.

C. The County zoning staff shall present a report on the application and make their recommendations.

D. The applicant shall be allowed a reasonable amount of time in which to present evidence to support the proposed amendment or conditional use permit.

E. Those in favor of the proposed amendment or conditional use permit shall be allowed a minimum of ten (10) minutes, or the amount of time as prescribed by State of Georgia law, to speak in favor of the proposed amendment or conditional use permit.

F. Those who oppose the proposed amendment or conditional use permit shall be allowed a minimum of ten (10) minutes, or the amount of time as prescribed by State of Georgia law, in which to speak in opposition to the proposed amendment or conditional use permit.

G. The applicant may be allowed a reasonable amount of time in which to respond to any issues raised.

H. The County zoning staff may make additional comments.

I. The County Attorney may be asked to discuss any legal issues that have been raised.

J. The Planning Commission or Board of Commissioners may then propound questions to any party present and may discuss the proposed amendment or conditional use permit.

K. After the above procedures have been completed, the Chairman will indicate that the public hearing is formally closed.

L. After the public hearing is closed:

1. For hearings before the Planning Commission, the Planning Commission shall make recommendations on an application as provided in Article 4, Part 4, Section 180 of this Ordinance.

2. For hearings before the Board of Commissioners, the Board of Commissioners shall take action on an application as provided in Article 4, Part 4, Section 190 of this Ordinance. Either the Planning Commission or the Board of Commissioners may place witnesses under oath and may require that the proceedings be recorded.

M. Each speaker at the public hearing shall speak only to the merits of the proposed zoning decision under consideration and shall address remarks only to members of the Planning Commission or the Board of Commissioners. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision under consideration. The Chairman may limit or refuse a speaker the right to continue if the speaker, after first being cautioned, continues to violate this subsection.

N. Nothing herein shall be construed as prohibiting the Chairman from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed zoning decision is conducted in a fair and orderly manner.

Section 140 Procedures

A. Any person or persons requesting a change in zoning or 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 change in the zoning or 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.

Section 150 Content of Application

Each applicant seeking an amendment to the official zoning map or a conditional use permit shall complete all questions and requested materials contained within the required application form and shall provide the following information:

A. Survey plat of subject property prepared and sealed within the last ten years by a professional engineer or land surveyor registered in the State of Georgia. Said survey plat shall:

   1. Indicate the complete boundaries of the subject property and all buildings and structures existing thereon;

   2. Include a notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and

   3. Include a notation as to the total acreage or square footage of the subject property.

B. Name, mailing address, and phone number of all owners of the property which is the subject of the application for zoning amendment or conditional use.

C. Signed and notarized affidavit of all owners of the subject property authorizing the filing of the application for zoning amendment or conditional use, and where applicable, the signed and notarized affidavit of the owner(s) of the subject property authorizing an applicant or agent to act on their behalf in the filing of the application for zoning amendment or conditional use permit. The application also shall contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property.

D. Written legal description of property.

E. Statement of current zoning classification of property and classification which applicant is seeking in the official zoning map amendment.

F. A site plan drawn to scale by an architect, landscape architect or engineer registered in the State of Georgia and showing the proposed uses, subdivision of property, and approximate location of proposed buildings, parking, driveways, transitional land use buffers and landscaping, and other features.

G. A written, documented, detailed analysis of the impact of the proposed zoning map amendment or conditional use with respect to each of the standards and factors specified in Article 4, Part 4, Section 160.

H. Completion of traffic study and Developments of Regional Impact review application for those projects meeting the criteria set forth in Article 8, Part 1, Section 120.

Section 160 Standards of Review

A. In ruling on any application for a zoning map amendment or conditional use permit, the Planning Commission and the Board of Commissioners shall act in the best interest of the health, safety, morals, and general welfare of the County. In doing so, the Planning Commission in its consideration of and recommendations concerning a petition requesting a zoning map amendment or conditional use permit, and the Board of Commissioners in its consideration and final decision concerning a petition requesting a zoning map amendment or conditional use permit, will consider the following factors as they may be relevant to the application:

1. The existing land uses and zoning classifications of nearby property;

2. The suitability of the subject property for the purposes authorized under the current zoning;

3. The extent to which the proposed land use change on the subject property represents a fair balance between the rights of private property and the health, safety, and general welfare of the public;

4. The relative gain to the public as compared to the hardship imposed upon the individual property owner;

5. Whether the subject property has a reasonable economic use as currently zoned;

6. Whether the proposed zoning will be a use that is suitable in view of the use and development of adjacent and nearby property;

7. Whether the proposed zoning will adversely affect the existing use or usability of adjacent and nearby property;

8. The possible creation of an isolated district unrelated to adjacent and nearby districts;

9. The possible increase or overloading of public facilities including, but not limited to, schools, utilities, and streets;

10. The possible impact on the environment, including but not limited to, loss of natural vegetation, drainage, soil erosion and sedimentation, flooding, air quality and water quality;

11. Whether the proposed change will be a deterrent to the value or improvement or development of adjacent property in accordance with existing regulations;
12. Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;

13. The aesthetic effect of existing and future use of the property as it relates to the surrounding area;

14. The possible effects of the proposed change on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community;

15. The relation that the proposed change bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of this ordinance;

16. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

B. Conditional Use Permit Criteria

The following additional criteria shall be applied by the Department, the Planning Commission, and the Board of Commissioners in evaluating and deciding any application for a conditional use permit. No application for a conditional use permit shall be granted by the Board of Commissioners unless it is determined that in addition to meeting the requirements contained within applicable use standards in Article 6 and the zoning district in which the conditional use permit is located, satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:

1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed conditional use;

2. Compatibility with adjacent properties and with other properties in the same zoning district;

3. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;

4. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;

5. Whether or not the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;

6. Whether or not the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the manner of the hours of operation of the proposed conditional use;

7. Whether or not the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;

8. Whether the length of time for which the conditional use permit is granted should be limited in duration;

9. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

10. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources; and

11. Whether or not the proposed plan will have an unreasonable adverse impact on natural resources or environmentally sensitive areas, including floodplains, wetlands, prime plant or animal habitat, or other similar features of unique value to the character of Walton County.

C. Staff Analysis and Findings of Fact

The Department shall conduct a site inspection on all applications for zoning map amendments or conditional use permits and shall investigate and prepare an analysis of each proposed amendment to the text of this Ordinance, each proposed amendment to the official zoning map, and each conditional use permit application. The Department shall provide the members of the Planning Commission a staff report containing complete information on each proposed amendment or conditional use permit application which the Commission considers including: a copy of the application and all supporting materials; all other written communications given to the staff either in support of or in opposition to the amendment or conditional use permit application; and the written report and recommendation of the Department on each proposed amendment or conditional use permit application. The findings and recommendations of the staff shall be made based on the appropriate standards and factors contained in Section 160. In any recommendation of approval of any application for an amendment or conditional use permit, the Department may recommend the imposition of conditions. The staff shall present its findings and recommendations in written form to the Planning Commission and the Board of Commissioners. Copies of the written findings and recommendations of the staff shall be reasonably made available to the applicant and the public.

Section 170 Conditional Rezoning

A. The Planning Commission may recommend, and the Board of Commissioners may approve a rezoning request or conditional use permit based upon the performance of certain conditions either prior to or in conjunction with the approval of a requested zoning change or conditional use permit. Such conditions shall be consistent with the purpose and intent of the district(s) involved and the goals and objectives of the Comprehensive Plan. All conditions shall be of sufficient specificity to allow lawful

and consistent application and enforcement. Such conditions may include, but are not limited to, any of the following:

1. An increase in the minimum size of any dwelling to be constructed on the property to be rezoned;

2. Requirements for curbs and gutters;

3. The provision of recreational areas and facilities;

4. The construction of sidewalks or walkways;

5. The elimination of permitted land uses within the area to be rezoned;

6. The adoption of certain architectural standards;

7. The provision of screening or other measures to protect scenic values;

8. Minimum landscaping requirements; and

9. Any other reasonable condition which will ameliorate the impact of the land use change requested.

B. Once imposed, conditions shall become an integral part of the approved amendment or conditional use permit and shall be enforced as such.

C. Modifications and Changes to Conditional Zoning Amendments. The Director shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment or conditional use. Minor changes are those that implement only slight alterations to the approved conditions, made necessary by actual field conditions at the time of development, that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for a minor change of conditions shall be made in written form to the Director. If an approved site plan exists, the request for minor change shall be accompanied by three (3) copies of the revised site plan.

D. Any major change to conditions attached to an approved zoning amendment or conditional use shall require an application and hearing before the Planning Commission and the Board of Commissioners as is required in this Division for amendments to the official zoning map generally. Without limiting the meaning of the phrase, the following shall be deemed to constitute “major change” for purposes of interpreting this Section:

1. The movement of any building or structure closer to the nearest exterior boundary line of the property;

2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;

3. Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;

4. Any increase in the height of any building or structure; or

5. Any change in the proportion of floor space devoted to different authorized uses.

Section 180 Action by Planning Commission

A. The Planning Commission, after a public hearing with public notice as is required by this Division, shall investigate the proposal and vote its recommendation to the Board of Commissioners. The Planning Commission may recommend approval of the application, approval of the application with conditions, denial of the application or deferral of the application. If necessary, the Department shall re-advertise the public hearing before the Planning Commission in accordance with the provisions of Article 4, Part 4, Section 120.

B. In its recommendation of any application for an amendment or conditional use permit, the Planning Commission may recommend the imposition of conditions in accordance with Section 170 of this Article. All findings and recommendations of the Planning Commission relating to amendments to the official zoning maps, amendments to the text of this Ordinance, or conditional use permits shall be made based on each of the standards and factors contained in Section 160 of this Article. The Secretary of the Planning Commission shall make and maintain a written record of the Planning Commission's investigation and recommendations; this record shall be a public record.

Section 190 Action by the Board of Commissioners

A. Following review and recommendation from the Planning Commission, the Board of Commissioners, after conduct of a public hearing with public notice as is required by this Division, shall vote to:

1. Approve the proposed amendment or conditional use; or

2. Approve the proposed amendment or conditional use with conditions; or

3. Deny the proposed amendment or conditional use; or

4. Defer the proposed amendment or conditional use to a certain time; or

5. Refer the decision or application back to the Planning Commission for further investigation.

If the Board of Commissioners shall vote to refer the amendment or conditional use permit back to the Planning Commission for further investigation, the Department shall re-advertise the dates of the public hearings before the Planning Commission and the Board of Commissioners in accordance with Article 4, Part 4, Section 120. No proposed amendment to the text of this Ordinance, amendment to the official zoning map, or conditional use permit application shall be approved except by the majority vote of the members of the Board of Commissioners.

B. In the approval of any proposed amendment to the official zoning map or conditional use permit application, the Board of Commissioners may impose conditions in accordance with Section 170 of this Article. For each proposed amendment to the official zoning map or conditional use permit application, the analysis submitted by the applicant, if any, the record prepared by the Planning Department, and the record prepared by the Planning Commission shall be presented in written form to and reviewed by each member of the Board of Commissioners. A limited supply of said findings shall be available at the public hearing and available upon request to the public. All decisions of the Board of Commissioners relating to each proposed amendment to the text of this Ordinance, each proposed amendment to the official zoning map, and each application for a conditional use permit shall be made based on each of the standards and factors contained in Article 4, Part 4, Section 160.

C. Variances and Conditions of Rezoning-In enacting an ordinance designating a zoning district change on a parcel of land, the Board of Commissioners may enact a plan which provides for variances and conditions of the rezone. After the approval of any such rezone or concept plan 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. (12-2-03)

Section 200 Modification or Withdrawal of Application

Applications may only be withdrawn prior to the first time they are publicly advertised for public hearing before the Planning Commission. Application fees shall be refunded in such a case.

Changes prior to notice of hearing: Substantial changes in original proposals may be made prior to publication of notice of hearing by mutual agreement between the Department and other affected parties; provided that where such changes require major alteration of previously prepared reviews and recommendations of the Department in relation to applications by property owners, a second application fee shall be required.

Changes during Board of Commission consideration: During the Board of Commissioners' consideration of proposed amendment, no amendment shall be passed which differs substantially from the proposal on which the public hearing was held unless the proposed change is submitted to the Department for its consideration and a new public hearing advertised and held.

Section 210 Clerk of the Board of Commissioners

The Clerk of the Board of Commissioners shall, within ten (10) days from action of the Board of Commissioners on each proposed amendment to the text of this Ordinance, each proposed amendment to the official zoning map, and each application for a conditional use permit provide to the Director a signed and certified copy of each such ordinance. The Director shall thereafter cause the official zoning maps to be changed in accordance with any such approved ordinance together with a numerical entry referring to the application on file.

Section 220 Re-Application Following Denial of Request

If a rezoning request for a property is denied by the Board of Commissioners, then the same property may not again be considered until the expiration of at least six (6) months immediately following the denial of the rezoning request by the Board of Commissioners.

Article 5 Permitted Uses

Part 1 Permitted and Conditional Uses

Section 100 Table of Permitted and Conditional Uses

A. The Permitted and Conditional Uses listed in the table below shall be permitted in Walton County zoning districts and no structure shall be erected, structurally altered or enlarged unless the use is permitted as:

1. A permitted use (P);

2. A conditional use (C) subject to the application procedures and requirements specified;

3. An accessory use (A) subject to the requirements specified;

4. A permitted use that must be within 1200 feet of a State or Federal Highway (P*); or

5. Any uses lawfully established prior to the effective date of the amendment. See Article 13.

6. Any use not so listed below shall be prohibited. Any party denied a permit to allow a use of their property in a zoning district other than as provided in this Section may file an appeal before the Board of Appeals as provided in Article 14. If the appeal is denied by the Board of Appeals, the appellant may petition the Board of Commissioners to initiate a text amendment of the Zoning Ordinance to permit the subject use in the desired zoning district, in accordance with procedures provided in Article 4, Part 4 of this Ordinance.

7. Cross-District use of land and structures prohibited:
   Off-street parking, driveways or any other building, structure or use of land, including any accessory use or structure, shall be permitted only on land in which the zoning district classification authorizes the principal use to which the parking or driveway or other building, structure or use of land, including any accessory use or structure, is accessory. (10-5-10)

B. Any use listed in bolded text in the table below shall satisfy the applicable use standards established in Article 4 in addition to the development regulations of the district in which it is located.

1. The majority of uses listed in the table below are based on the North American Industry Classification System (NAICS). Definitions of uses found within Article 2 are the legal definition. Where the use is not defined in Article 2 and where the use has a NAICS code indicated in the table below, the NAICS definition shall apply. For uses that fall within more than one use category, the more detailed definition shall apply (the definition of a 6-digit NAICS class usurps the definition of a 5-digit NAICS class, the definition of a 5-digit NAICS class usurps the definition of a 4-digit NAICS class and so on). All remaining uses identified in this ordinance are intended to have the commonly accepted definitions contained in a recent edition of the Merriam Webster Dictionary.

2. For any use classified in more than one use category, the more detailed and/or prohibitive classification shall apply.

3. For mixed-use permit applications, each use must be allowed within the governing zoning classification(s).

NAICS Code	Principal Uses	Suppl. Reg	A	A-1	A-2	R-1	R-2	R-3	MHP	OI	B-1	B-2	B-3	TC	MUBP	M-1	M-2
	AGRICULTURE, FORESTRY, FISHING & HUNTING	**(1)**															
	Farming, General	Yes	P														
112210	Feedlots (*or Animal Feeding Operations*)	Yes	C														
1114	Greenhouse, Nursery & Floriculture Production (5-2-06)	Yes	P								P	P	P			P	P
	Livestock, Quarters and Enclosures	Yes	P	P	P												
	Horse Stables, Riding & Boarding	Yes	P	P	P												
	RESIDENTIAL	**(2)**															
	Accessory Use, Residential													A			
624410	Day Care Facility, child or adult	Yes	A	A	A	A	A	A	A	P	P	P		P	A		
	Dwelling, Multi-Family	Yes						P						P			
	Dwelling, Single-Family Detached		P	P	P	P	P	P	P								
	Dwelling, Single-Family Zero Lot Line	Yes						P						P			
	Dwelling, Two-Family (Duplex)						P	P						P			
	Guest House, and Caretaker/Employee Dwelling	Yes	P	C	C							C	C	P	C	C	C
623312	Homes for the Elderly											P	P	P			
	Home Occupation	Yes	A	A	A	A	A	A	A					A			
	Kennel, Hobby	Yes	A	A	A												
	Manufactured Home	Yes	P	P	P	P	P	P	P								
	Manufactured Home as Accessory Use	Yes	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
623110	Nursing Care Facilities									P	P	P	P				
	Personal Care Home, Congregate 16+							C		P	P	P	P				
	Personal Care Home, Family 4-6	Yes	C	C	C	C	C	C		P	P	P	P				
	Personal Care Home, Group 7-15	Yes	C	C	C	C	C	C		C	C	C	C				
	Personal Care Home, Registered 1-2		P	P	P	P	P	P	P	P	P	P	P				

NAICS Code	Principal Uses	Suppl. Reg	A	A-1	A-2	R-1	R-2	R-3	MHP	OI	B-1	B-2	B-3	TC	MUBP	M-1	M-2
	Pets, Household	Yes	A	A	A	A	A	A	A					A			
623220	Residential Mental Health & Substance Abuse Facility			C				C		C		P	P				
	Site Built Home		P	P	P	P	P	P	P					P			
	Storm Shelter	Yes	A	A	A	A	A	A	A								
	Subdivision, Residential		P	P	P	P	P	P	P								
	Subdivision, Private Drive	Yes	P	P	P	P											
	Subdivision, Private Drive Gated	Yes		C	C	C											
	Subdivision, Private Drive Agricultural	Yes	P	P	P	P											
	Townhouse	Yes						P						P			
623990	Other Residential Care Facility			C				C		C		P	P				
	MINING	**(3)**															
211, 212, 213	Mining, Oil and Gas Extraction, Quarry	Yes															C
	UTILITIES	**(4)**															
	Electric, Petroleum or Gas Substation	Yes	C	C	C	C	C	C	C	P	P	P	P	C	P	P	P
22111	Electric Power Generation																C
	Solar Collection Systems	Yes	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
221119	Solar Energy Farm	Yes	C													M-1	M-2
22112	Electric Power Transmission, Control, and Distribution		P	P	P	C	P	P		P	P	P	P	P	P	P	P
221320	Sewage Treatment Facilities																P
	Utility Structures and Buildings	Yes													P		
221310	Water Supply and Irrigation Systems																P
	CONSTRUCTION	**(5)**															
233210	Building Construction, Single-Family, General Construction Contractors												P			P	P
233110	Land Subdivision & Land Development Contractor												P			P	P
235	Special Trade Contractors											P	P			P	P
	Subdivision, Commercial									P	P	P	P	P	P		
	Subdivision, Industrial															P	P
	Temporary Building	Yes													P		
238320	Painting and Wall Covering Contractor											P	P			P	P
	MANUFACTURING	**(6)**															
	Accessory, Industrial/Manufacturing Bldgs.															A	A
311119	Other Animal Food Manufacturing															P	
311611	Slaughterhouse	Yes															P
315	Apparel Manufacturing														P	P	P
312	Beverage and Tobacco Product Manufacturing															P	P

NAICS Code	Principal Uses	Suppl. Reg	A	A-1	A-2	R-1	R-2	R-3	MHP	OI	B-1	B-2	B-3	TC	MUBP	M-1	M-2
325	Chemical Manufacturing																P
32561	Soap & Other Detergent Manufacturing (10-2-07)												P			P	P
	Compost Facility, Municipal Solid Waste	Yes														C	C
334	Computer and Electronic Product Manufacturing														P	P	P
335	Elect. Equip., Appliance, and Component Manufacturing														P	P	P
332	Fabricated Metal Product Manufacturing															P	P
311	Food Manufacturing																P
337	Furniture and Related Product Manufacturing																P
316	Leather and Allied Product Manufacturing																P
333	Machinery Manufacturing																P
339	Miscellaneous Manufacturing *(incl. jewelry, toys and musical instruments)*														P	P	P
327	Nonmetallic Mineral Product Manufacturing															P	P
	Outdoor Storage	Yes										C	P		P	P	P
322	Paper Manufacturing																P
324	Petroleum and Coal Product Manufacturing																P
326	Plastics and Rubber Products Manufacturing																P
331	Primary Metal Manufacturing																P
323	Printing and Related Support Activities														P	P	P
	Processing Plant and Manufacturing Facility for Hazardous Materials	Yes															C
	Recovered Materials Processing Facility	Yes														P	P
313	Textile Mills															P	P
336	Transportation Equipment Manufacturing																P
321	Wood Product Manufacturing *(incl. sawmills and planing mills)*	Yes															P
337110	Cabinet Manufacturing (5-3-05)												P			P	P
	WHOLESALE TRADE	**(7)**															
421930	*Salvage Operation, Junk Yard,* Recyclable Material Wholesalers	Yes															P
421, 422	Wholesale Trade															P	P
423	Less Intense Material Wholesaler												P			P	P
	RETAIL TRADE	**(8)**															
	Accessory Convenience Retail Service	Yes								A						A	

NAICS Code	Principal Uses	Suppl. Reg	A	A-1	A-2	R-1	R-2	R-3	MHP	OI	B-1	B-2	B-3	TC	MUBP	M-1	M-2
	Accessory Use, Commercial									A	A	A	A	A	A	A	A
452990	All Other General Merchandise Stores										P	P	P	P	P*		
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)											P	P	P	P*		
441	*Motor Vehicle Sales*	Yes										P	P			P	P
445299	All Other Specialty Food Stores										P	P	P	P	P*		
441310	Automotive Parts & Accessories Stores											P	P			P	P
445310	Beer, Wine, & Liquor Stores												P	P			
441222	Boat Dealers											P	P			P	P
451211	Book Stores										P	P	P	P	P*		
444	Building Material and Garden Equipment and Supplies Dealers										P	P	P	P	P*	P	P
443130	Camera & Photographic Supplies Stores										P	P	P	P	P*		
448150	Clothing Accessories Stores										P	P	P	P	P*		
	Convenience Store										P	P	P		A or P*	P	P
447110	Convenience Store with Gasoline Station	Yes 8									P	P	P	P	P*	C	C
446120	Cosmetics, Beauty Supplies, and Perfume Stores										P	P	P	P	P*		
454110	Electronic Shopping & Mail-Order Houses											P	P			P	P
443	Electronics and Appliance Stores										P	P	P	P	P*	P	P
	Farm Equipment, Sales, Rental, Repair/Feed Store	Yes 8										P	P				
	Flea Market – Inside Only	Yes 8										P	P				
442210	Floor Covering Stores											P	P		P*	P	P
453110	Florists										P	P	P	P	A		
445	Food and Beverage Stores										P	P	P	P	P*		
445230	Fruit and Vegetable Markets										P	P	P	P	P*		
442	Furniture and Home Furnishings Stores										P	P	P	P	P*		
447	Gasoline Stations	Yes 8									P	P	P		P*	P	P
447	*Gasoline* Stations with more than 2 diesel pump											C	C			P	P
452	General Merchandise Stores										P	P	P	P	P*		
453220	Gift, Novelty, & Souvenir Stores											P	P	P	P*		
444130	Hardware Stores										P	P	P	P	P*		
446	Health and Personal Care Stores										P	P	P	P	P*		
444110	Home Centers											P	P	P	P*	P	P
443111	Household Appliance Stores											P	P	P	P*		
448310	Jewelry Stores										P	P	P	P	P*		
454312	Liquefied Petroleum Gas (Bottled Gas) Dealers											P	P			P	P
448320	Luggage & Leather Goods Stores										P	P	P	P	P*		
453930	Manufactured (Mobile) Home Dealers											P	P			P	P

NAICS Code	Principal Uses	Suppl. Reg	A	A-1	A-2	R-1	R-2	R-3	MHP	OI	B-1	B-2	B-3	TC	MUBP	M-1	M-2
453	Miscellaneous Store Retailers										P	P	P	P			
451212	News Dealers & Newsstands									P	P	P	P	P	P		
454	Non-store Retailers												P	P			
444220	Nursery and Garden Centers										P	P	P	P	P*		
453210	Office Supplies and Stationery Stores									P	P	P	P	P	A or P*		
446130	Optical Goods Stores										P	P	P	P	P*		
444190	Other Building Material Dealers											P	P	P		P	P
444120	Paint and Wallpaper Stores										P	P	P	P	P*		
55298	Pawnshops											P	P		P*		
453910	Pet and Pet Supplies Stores										P	P	P	P	P*		
446110	Pharmacies & Drug Stores									A	P	P	P	P	A or P*		
443112	Radio, Television, and Other Electronics Stores											P	P	P	P*		
441210	Recreational Vehicle Dealers											P	P				
451130	Sewing, Needlework, and Piece Goods Stores										P	P	P	P	P*		
451110	Sporting Goods Stores										P	P	P	P	P*		
	Temporary Use, Commercial Retail	Yes	P								P	P	P	P		P	P
453991	Tobacco Stores											P	P	P	P*		
447190	Truck Stops											C				C	P
453310	Used Merchandise Store (except pawn shops) Thrift Stores											P	P	P	P*		
	Yard Sales	Yes	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	TRANSPORTATION AND WAREHOUSING	**(9)**															
	Airstrip, Private	Yes 9															C
481	Air Transportation																C
492110	Couriers												P	P		P	P
488510	Freight Transportation Arrangement															P	P
484210	General Freight Trucking, Local															P	P
493110	General Warehousing and Storage															P	P
	Intermodal Terminal Facility	Yes 9															P
485210	Interurban and Rural Bus Transportation											P				P	P
493110	Mini-warehouses and Self-Storage Units											P				P	P
4812	Nonscheduled Chartered Air Transportation																C
488490	Other Support Activities for Road Transportation											P				P	P
488991	Packing and Crating															P	P
486	Pipeline Transportation																P
491	Postal Service											P			P	P	P
482	Rail Transportation																C
424710	Storage Tank, Bulk, Flammable		C													P	P

NAICS Code	Principal Uses	Suppl. Reg	A	A-1	A-2	R-1	R-2	R-3	MHP	OI	B-1	B-2	B-3	TC	MUBP	M-1	M-2
	Liquids	Yes 9															
4881	Support Activities for Air Transportation *(incl. airports)*																C
488210	Support Activities for Rail Transportation																P
485310	Taxi Service											P			P	P	P
485	Transit and Ground Passenger Transportation		C	C	C	C	C	C	P	P	P	P	P	P	P	P	P
488410	Wrecker Service											P	P			P	P
	COMMUNICATIONS	**(10)**															
	Antenna, Amateur Radio	Yes	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
	Antenna, Satellite Television	Yes	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
513	Broadcasting and Telecommunications Buildings											P	P			P	P
513220	Cable & Other Program Distribution											P	P			P	P
513322	Cellular & Other Wireless Telecommunications	Yes	C	C	C							C	C	C	C	P	P
514	Information Services and Data Processing Services									P		P	P	P		P	
512131	Motion Picture Theaters (except Drive-Ins)											P	P	P			
511	Publishing Industries									P			P			P	P
513112	Radio Stations											P	P				
513120	Television Broadcasting Stations											P	P				
513310	Wired Telecommunications Carrier Buildings												P			P	P
	FINANCE AND INSURANCE	**(11)**															
522110	Commercial Banking									P	P	P	P	P	A or P*		
522291	Consumer Lending									P	P	P	P	P	P		
522130	Credit Unions									P	P	P	P	P	A or P*		
524210	Insurance Agencies & Brokerages									P	P	P	P	P	P		
522120	Savings Institutions									P	P	P	P	P	P		
523120	Securities Brokerage									P	P	P	P	P	P		
	REAL ESTATE AND RENTAL AND LEASING	**(12)**															
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing												P			P	P
532310	General Rental Centers											P				P	P
5312	Offices of Real Estate Agents & Brokerages									P	P	P	P	P	P		
532111	Passenger Car Rental											P			P	P	P
532230	Video Tape and Disc Rental										P	P	P	P	P		

NAICS Code	Principal Uses	Suppl. Reg	A	A-1	A-2	R-1	R-2	R-3	MHP	OI	B-1	B-2	B-3	TC	MUBP	M-1	M-2
	PROFESSIONAL, SCIENTIFIC & TECHNICAL SERVICES	**(13)**															
54181	Advertising Agencies									P	P	P	P	P	P		
541922	Commercial Photography									P	P	P	P	P	P		
541511	Custom Computer Programming Services									P	P	P	P	P	P		
541860	Direct Mail Advertising									P	P	P	P	P	P		
541330	Engineering Services									P	P	P	P	P	P		
541430	Graphic Design Services									P	P	P	P	P	P		
541320	Landscape Architecture Services									P	P	P	P	P	P		
541211	Offices of Certified Public Accountants									P	P	P	P	P	P		
541110	Offices of Lawyers									P	P	P	P	P	P		
	Office, Professional									P	P	P	P	P	P		
	Professional Services									P	P	P	P	P	A or P*		
541820	Public Relations Agencies									P	P	P	P	P	P		
541710	Research and Development									P	P	P	P	P	P		
541213	Tax Preparation Services									P	P	P	P	P	P		
541380	Testing Laboratories									P	P	P	P	P	P		
541940	Veterinary Services	Yes	C									P	P				
	MANAGEMENT OF COMPANIES AND ENTERPRISES	**(14)**															
551	Management of Companies and Enterprises									P	P	P	P	P	P		
	ADMINISTRATIVE AND WASTE MANAGEMENT AND REMEDIATION SERVICES	**(15)**															
561740	Carpet & Upholstery Cleaning Services											P	P			P	P
561440	Collection Agencies									P		P	P				
561710	Exterminating & Pest Control Services															P	P
	Landfill, Private	Yes															C
561730	Landscaping Services											P	P			P	P
561622	Locksmiths											P	P				
561439	Other Business Service Centers *(including Copy Shops)*										P	P	P	P	A or P*		
	Solid Waste Collection *(incl. recycling centers)*																C
562212	Solid Waste Landfill	Yes															C
	Solid Waste Transfer Station	Yes														C	C
561510	Travel Agencies									P	P	P	P	P	P		
562	Waste Management and Remediation Services																C
	EDUCATIONAL SERVICES	**(16)**															

NAICS Code	Principal Uses	Suppl. Reg	A	A-1	A-2	R-1	R-2	R-3	MHP	OI	B-1	B-2	B-3	TC	MUBP	M-1	M-2
611110	Private Schools, K-12	Yes								P	P	P	P	C	P	P	P
61331	Colleges, Universities, and Professional Schools	Yes								P		P	P			P	P
611710	Educational Support Services									P	P	P	P				
51412	Libraries and Archives	Yes	C	C	C	C	C	C		P	P	P	P	P	P		
6116	Other Schools & Institutions									P	P	P	P	P	P		
	Schools, Public K-12	Yes	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
	Schools, Private Residential	Yes	P	C	C	C	C	C	C	P							
61151	Technical and Trade Schools									P		P	P			P	P
	HEALTH CARE AND SOCIAL ASSISTANCE	**(17)**															
621	Ambulatory Health Care Services									P		P	P	P		P	P
624120	Day Care Center, Adult	Yes						C		P	P	P	P	P	A or P*		
624410	Day Care Center, Child	Yes						C		P	P	P	P	P	A or P*		
622110	General Medical & Surgical Hospitals	Yes	C	C	C					P	C	P	P	P		P	P
	Medical, Dental Clinic									P	P	P	P		P*		
339116	Medical, Dental Laboratories									P	P	P	P		P*	P	P
621511	Medical Laboratories									P			P			P	P
623	Nursing and Residential Care Facilities									P			P		P		
621111	Offices of Physicians									P	P	P	P	P	P		
	ARTS, ENTERTAINMENT & RECREATION	**(18)**															
	Adult Entertainment Establishments	Yes											C				p
713110	Amusement & Theme Parks												C				
713120	Amusement Arcades											P	C			P	P
713950	Bowling Centers											P	P				
713940	Fitness and Recreational Sports Centers (includes public swimming pools)	Yes								P	P	P	P	P	P		
713910	Golf Courses and Country Clubs		C	C	C	C	C			P					P		
713990	Indoor Shooting Range											P	P				
712	Museums, Historical Sites, and Similar Institutions	Yes	C	C	C	C	C	C		P	P	P	P	P	P		
712190	Nature Parks & Other Similar Institutions		P	P	P	P	P	P	P	P	P	P	P	P	P		
	Outdoor Recreation Facilities (Private)	Yes	C	C	C	C	C	C		P	P	P	P	P	P		
	Outdoor Recreation Facilities, Commercial	Yes	C	C	C					P	P	P	P				
711	Performing Arts, Spectator Sports, and Related Activities (Incl. amphitheater, stadiums and concert halls)	Yes										P	P	P	P*		
711212	Racetracks																C

NAICS Code	Principal Uses	Suppl. Reg	A	A-1	A-2	R-1	R-2	R-3	MHP	OI	B-1	B-2	B-3	TC	MUBP	M-1	M-2
	Recreation Center and Club, Private	Yes	C	C	C	C	C	C	C						P		
711211	Sports Teams and Clubs											P	P			P	P
	Swimming Pools, Home	Yes	P	P	P	P	P	P	P								
	Temporary Use, Commercial Recreation & Entertainment	Yes	C									P	P			P	P
712130	Zoos and Botanical Gardens		C							P		P	P		P	P	P
	ACCOMMODATION & FOOD SERVICES	**(19)**															
721191	Bed & Breakfast Inns	Yes	C	C	C					P	P	P	P	P	P		
722320	Caterers									P	P	P	P	P	P		
722410	Drinking Places (Alcoholic Beverages)										C	P	P				
72211	Full-Service Restaurants									P	P	P	P	P	A or P*		
72111	Hotels and Motels									P		P	P		P		
722211	Limited-Service Restaurants *(incl. fast food)*										P	P	P		P*		
722213	Ice Cream Parlors									P	P	P	P	P	A		
721214	Recreational and Vacation Camps (except Campgrounds)		C														
721310	Rooming & Boarding Houses							C			C	P	P				
721211	Recreational Vehicle (RV) Parks & Campgrounds	Yes	C	C					C			P					
	OTHER SERVICES (EXCEPT PUBLIC ADMINISTRATION)	**(20)**															
811412	Appliance Repair and Maintenance											P	P			P	P
	Automobile Impound Lot	Yes											P			P	P
8111	Major Repair and Maintenance	Yes											P			P	P
8111	Automotive Minor Repair and Maintenance	Yes										P	P			P	P
812111 and 812112	Barber Shops and Beauty Salons									P	P	P	P	P	A		
811192	Car Washes	Yes										P			P*		
812220	**Cemeteries**	Yes	C	C	C	C	C			P	P	P	P	C or A		P	P
812220	Crematories																p
8134	Civic and Social Organizations									P	P	P	P	P	P		
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance															P	P
811212	Computer and Office Machine Repair and Maintenance											P	P	P		P	P
811211	Consumer Electronics Repair & Maintenance											P	P	P		P	P
812320	Dry Cleaning & Laundry Services (except Coin-Operated)										P	P	P	P	A or P*	P	
	Equestrian Training and Sales Facility	Yes	P														

NAICS Code	Principal Uses	Suppl. Reg	A	A-1	A-2	R-1	R-2	R-3	MHP	OI	B-1	B-2	B-3	TC	MUBP	M-1	M-2
811430	Footwear and Leather Goods Repair										P	P	P	P	P	P	P
812210	Funeral Homes & Funeral Services	Yes									P	P	P	P	P		
811411	Home and Garden Equipment Repair and Maintenance											P	P			P	P
812332	Industrial Launderers															P	P
	Laundromat (coin operated)										P	P	P	P			
812331	Linen Supply															P	P
	Massage Establishment	Yes									P	P	P	P			
812930	Parking Lot & Garages									P	P	P	P	P	P	P	P
812910	Kennels, Commercial	Yes	P								P	P	P	P			
	Outdoor Storage	Yes										C	P			P	P
813940	Political Organizations									P	P	P	P	P	P		
8131	Religious Organizations (Place of Worship)	Yes	C	C	C	C	C	C	C	P	P	P	P	P	P		
811420	Reupholstery and Furniture Repair										P	P	P	P	P	P	P
	PUBLIC ADMINISTRATION	**(21)**															
926	Administration of Economic Programs									P	P	P	P	P	P		
924	Administration of Environmental Quality Programs									P	P	P	P	P	P		
923	Administration of Human Resource Programs									P	P	P	P	P	P		
921	Executive, Legislative, and Other General Government Support									P	P	P	P	P	P		
922	Justice, Public Order, and Safety Activities									P	P	P	P	P	P		
	Place of Public Assembly	Yes								P	P	P	P	P	P		

Part 2 Accessory Uses

Section 100 General Standards

A. All accessory buildings, structures, and uses of land, including off-street parking, shall be located on the same lot as the principal building(s) to which they are accessory.

1. All accessory buildings or structures shall be located in the rear yard or in the side yard behind the front yard setback line. Excluded are tracts of land 5 acres or greater, whereas accessory uses shall not be located in the minimum required front yard setback.

2. Except in A Districts no accessory building shall be utilized unless the principal structure is also occupied.

3. No accessory structure shall be closer than five feet from an abutting property line.

4. Temporary buildings used in conjunction with construction work only may be permitted in any district and shall be removed immediately upon completion of construction.

5. Except in A Districts floor space of accessory buildings on a single parcel shall not exceed the following cumulative areas:

Property Size	Cumulative Area
0 to 0.499 acres	600 sq. ft.
0. 5 to 0.999 acres	900 sq. ft.
1 to 4.999 acres	1200 sq. ft.
5 or more acres	2000 sq. ft.

Section 110 Accessory Uses in Rural Areas

A. The following accessory uses and structures shall be permitted in the A-Agricultural and Rural Estate Districts, including similar uses and structures:

1. Garages for the parking of automobiles, decks, garbage pads, and storage buildings subject to the following conditions:

   a. Garages or other accessory buildings shall have a maximum height of thirty-five (35) feet;

   b. When on a corner lot, no accessory building, structure, use or deck shall be located closer to the side street right-of-way line than the principal building;

   c. No garage or other accessory building, structure, or use shall be located closer than five (5) feet to a side or rear lot line or the nearest point along any required buffers, whichever is greater.

   d. When an accessory building, with the exception of a deck, is attached to the principal building by a breezeway, passageway or similar means, it shall comply with the yard requirements of the principal building to which it is accessory.

2. Swimming pools in compliance with Article 6.

3. Tennis courts and other play and recreation areas in compliance with Article 6.

4. Antennae and satellite dishes in compliance with Article 6.

5. Doghouses, runs, pens, rabbit hutches, cages, and other similar structures for the housing of commonly accepted pets, but not including kennels as defined in Article 2.

6. Gardening and composting.

7. Statues, arbors, trellises, clotheslines, barbeque stoves, flagpoles, fences, walls and hedges, gates and gateposts, and basketball standards.

8. Signs in compliance with Sign Ordinance.

9. Stands for the sale of produce in compliance with Article 6.

10. Barns and other similar buildings that are customarily incidental to agricultural operations.

11. Livestock quarters and enclosures in compliance with Article 6.

12. Home Occupation in compliance with Article 6.

Section 120 Accessory Uses in Residential Districts

A. The following residential accessory uses and structures shall be permitted in the R-1, R-2, R-3, and MHP districts, including the following and similar uses and structures:

1. All accessory uses permitted in Section 110 above, except for items 9, 10 and 11.

2. In residential districts, the accessory structure must maintain a residential appearance and shall not produce impacts detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.

3. No accessory structure in a residential district shall be used by other than family members of the owner, lessee or tenant of the premises, unless otherwise allowed by provisions of this Ordinance.

Section 130 Accessory Uses in Non-Residential Districts

A. The following commercial/office accessory uses and structures shall be permitted in the O-I, B-1, B-2, B-3, TC and MUBP, M-1 and M-2 districts, including similar uses and structures:

1. Accessory uses permitted in Section 120 when accessory to a residential principal use.

2. Accessory retail shops such as cafeterias, gift shops, clothes stores, book stores, newsstands, snack bars, etc., conducted within a principal building for the sole convenience of employees, patients, patrons or visitors. Accessory shops shall equal 20% or less of total gross floor area.

3. Free-standing parking structures with the following conditions:
   a. Maximum height of thirty-five feet and no more than four stories;
   b. When abutting any residential property line, structures shall not be located closer than five feet to the nearest point along any required buffer as established in Article 12.

4. Incidental storage structures.

5. Antenna and satellite dishes in compliance with Article 6.

6. Garbage dumpsters and recycling collection bins in compliance with the buffer and screening requirements of Article 12.

7. Signs in compliance with the Walton County Sign Ordinance.

Article 6 Supplemental Use Regulations

Part 1 General Provisions

Numbers shown in parentheses refer to NAICS codes in Article 5.

Accessory Convenience Retail Services (8)

A. Accessory retail shops such as cafeterias, gift shops, clothes stores, bookstores, newsstands, snack bars, etc., conducted within a principal building for the sole convenience of employees, patients, patrons or visitors. Accessory shops shall equal 20% or less of total gross floor area. No outside storage shall be allowed for these uses.

Airstrip, Private (9)

A. All such uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution, or other official act adopted by the governmental entity proposing the use and authorizing the establishment of the proposed use at the proposed location.

B. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by agencies such as the Federal Aviation Administration and all other applicable federal, state or local statutes, ordinances, rules or regulations.

C. A statement shall be provided detailing noise abatement procedures, methods, and devices that will be employed on the operation of the facility and sufficient analysis shall be presented to indicate what adjoining lands will be affected by the anticipated noise.

D. All facilities shall be located and so designed that the operation thereof will not seriously affect adjacent areas, particularly with respect to noise levels.

E. All areas used by aircraft under its own power shall be provided with an all-weather, dustless surface.

F. A map shall be presented showing the landing and take-off corridors as projected, with the map to cover an area within at least a 5,000-foot radius of the boundaries of the proposed facility.

Amphitheater/Stadium/Concert Hall (18)

A. Walton County Board of Education schools are exempted from these use standards.

B. A traffic study and Development of Regional Impact review application shall be completed as required in Appendix D and Article 8, Section 120 of this Ordinance.
C. All structures shall be located and all activities shall take place at least 100 feet from any property line adjacent to a residential zone or use.

D. A minimum buffer shall be required adjacent to any residential use or zone as required in Article 12.

Animal Feeding Operation or Feedlots (1)

Animal Feeding Operations are permitted as an authorized use in the A Agricultural District provided that such uses:

A. Comply with the regulations and permitting requirements of the Georgia Department of Natural Resources, Environmental Protection Division (permitted under Chapter 391-3-6-.21 for non-swine and 391-3-6-.20 for swine of the rules and regulations for the State of Georgia).

B. Are not included in any overlay district defined in Article 4, Part 2 of this Ordinance;

C. Are not located in any 100-year floodplain;

D. Are not located:

1. Within a delineated water protection area for a public water system;

2. Within a groundwater recharge area;

3. Within 1,200 feet of a private groundwater well which is not owned by the operator or 1,500 feet of a public ground water well; or

4. Within 1,000 feet of surface water.

E. Comply with the following odor setbacks. An owner of property shall locate and establish a residence, business, church, school, public park, or subdivision for residential use so as to provide a separation distance from any existing animal feeding operation. The separation distances, or setbacks, are listed in the following table. An owner of property who is an operator of an animal feeding operation may locate the owner's residence or business within the setbacks, subject to compliance with any other applicable regulations.

Setback Distances for Animal Feeding Operations		
Number of Animal Units	Hog Operations	Other Animal Operations
Fewer than 300	None	None
300-1,000	2,640 feet	2,640 feet
1,001-2,000	3,960 feet	2,640 feet
2,001-5,000	5,280 feet	3,960 feet
5,001 or more	7,920 feet	5,280 feet

F. The owner of a new animal feeding operation shall locate that operation from existing residences, businesses, churches, schools, public parks and areas of property platted for residential use so as to meet or exceed the corresponding listed setback from these places.

Antenna, Amateur Radio (10)

A. No such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of 50 feet.

B. Amateur radio service antenna structures exceeding 50 feet in height shall be permitted only by Board of Appeals subject to all of the requirements of this Ordinance.

C. Amateur radio service antenna shall be located a distance of at least one-half the height of the tower from all property lines.

Antenna, Satellite Television (10)

A. Satellite television antennae shall be located as follows:

1. In any office, commercial, industrial or multifamily residential district, satellite television antennae may be located anywhere in the buildable area of the lot or on a building thereon, subject to applicable zoning district setback regulations.

2. In other districts, satellite television antennae shall be located only to the rear of any principal structure. If usable communication signals cannot be obtained from the rear location, the satellite television antenna may be located in the side yard. Both locations shall be subject to applicable zoning district setbacks or regulations.

3. In the event that usable satellite television communication signals cannot be received by locating the antenna in the rear or to the side of the principal structure, such antenna may be placed in the front yard or on the roof of the dwelling, provided that approval of the Director shall be obtained prior to such installation. The Director shall issue such a permit only upon a showing by the applicant that usable communication signals are not receivable from any location on the property other than the location selected by the applicant.

B. Satellite television antennae shall comply with the following regulations for height, screening, and grounds:

1. In any district other than office, commercial, industrial or multifamily residential, a satellite television antenna shall not exceed thirty-six inches in diameter.

2. A ground-mounted satellite television antenna shall not exceed 20 feet in height including any platform or structure upon which said antenna is mounted or affixed. All non-ground-mounted satellite television antennae shall not exceed thirty-five feet in height.

3. If usable satellite signals cannot be obtained from an antenna installed in compliance with the height limitation imposed by subsection (2) above, such satellite television antennae may be installed at a greater height, provided the greater height is approved by the Director. Such approval shall be granted only upon a showing by the applicant that installation at a greater height is necessary for the reception of usable communication signals. Under no circumstances shall said antennae exceed fifty feet in height.

4. Except in office, commercial, industrial or multifamily residential districts, satellite television antennae shall be located and designed to screen and reduce visual impact from surrounding properties at street level and from public streets.

5. All satellite television antennae shall meet all manufacturers' specifications, be located on non-combustible and corrosion-resistant material, and be erected in a secure, wind-resistant manner.

6. All satellite television antennae shall be adequately grounded for protection against a direct strike of lightning pursuant to the requirements of the Walton County Electrical Code.

Automobile Impound Lot (20)

A. The use shall be enclosed by a fence, which is not less than eight (8) feet in height, which provides visual screening.

B. No dismantling, repair or other activity shall be conducted on the premises.

C. The use shall be located at least one thousand feet (1,000) from any residential district.

D. Automobiles shall not be held longer than provided by state and county law.

Automotive, Major Repair and Maintenance (20)

A. The use shall not be established on any lot which is either adjacent to or directly across from any residentially zoned district.

B. The use shall not be within one hundred feet of a residential district.

C. All repair and maintenance activities shall be carried on entirely within an enclosed building.

D. Outdoor storage is limited to twenty-five (25%) percent of the total lot and shall comply with the outdoor storage regulation in this ordinance.

E. Minor automotive repair and maintenance is allowed.

Automotive, Minor Repair and Maintenance (20)

A. All repair and maintenance activities shall be carried on entirely within an enclosed building.

B. There shall be no outdoor storage.

Bed and Breakfast (19)

A. The operator of the establishment shall reside on the site.

B. Where applicable, the use requires conditional use approval by the Planning Commission, Board of Commissioners, and plan approval by the Department.

C. The use shall have a lot area of not less than 20,000 square feet and a floor area within the dwelling unit of no less than 2,500 square feet.

D. No guest shall reside in a Bed and Breakfast for a period in excess of fourteen days.

E. One parking space is provided for each guest bedroom and one space is provided for the operator's or owner's unit in the building.

F. The residential character of the neighborhood shall not be changed due to increased traffic in the neighborhood caused by the use.

G. The structure is compatible with the character of the neighborhood in terms of height, setbacks, and bulk. Any modifications to the structure are compatible with the character of the neighborhood.

H. The proposed use will maintain acceptable residential noise standards.

I. No restaurant use is permitted. Breakfast shall be served on the premises only for banquet or guests and employees of the Bed and Breakfast.

J. Rooms may not be equipped with cooking facilities.

K. Bed and Breakfast uses must comply with all other applicable provisions in this Ordinance.

Building Numbering

A. Street numbers will be assigned for all buildings and structures by the Planning & Development Department. Numbers must be erected and displayed in front of the project on a board with permanent numbers not smaller than two (2) inches. Numbers must be in place at the beginning of the job before the footing inspection is made and be continuously displayed thereafter until the job is complete and final inspections have been made.

B. All residential and nonresidential units shall have posted and maintained in a conspicuous place on the property, visible from the street providing general public access, the address of such unit in figures at least four (4) inches high on a contrasting background. (4-1-14)

Car Washes (20)

A. Wastewater from all auto wash services shall drain directly into the public sanitary sewer unless otherwise approved by the Walton County Health Department.

B. Paved stacking lanes with the capacity for up to five vehicles shall be provided for vehicles waiting to use automatic car wash facilities and two vehicles per bay for self-service car washes.

C. No storage or repair of vehicles shall be allowed within the car washing facility.

D. The use shall provide a safe access to the street. Access shall only be through defined driveway locations.

E. A transitional buffer shall be provided adjacent to residential property in conformance with Article 12 of this Ordinance.

Cemeteries (20)

Private and public cemeteries shall comply with all provisions of State law. In addition:

A. A plat of the cemetery shall be recorded in the Walton County Clerk of Superior Courts office.

B. Any new private cemetery shall be located on a site containing not less than twenty (20) acres.

C. The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare by way of an access way not less than twenty (20) feet wide.

D. Any new cemetery shall be enclosed by a fence or wall not less than four (4) feet in height.

E. All structures shall be set back no less than twenty-five (25) feet from any property line or street right-of-way line.

F. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or minor street right-of-way lines, and not less than fifty (50) feet from any collector, arterial, expressway or freeway right-of-way line.

G. The entire cemetery property shall be landscaped and maintained.

H. Prior to approval of the request for the location of a new cemetery, a site plan and perpetual care plan must be submitted to the Department.

**In order to preserve abandoned cemeteries or burial grounds located within a development, an archaeological report delineating the boundaries of the burial grounds shall be required. A 4-foot fence shall be required around the delineated area and, a 20 feet wide direct access to a county maintained thoroughfare shall be provided. **(12-6-05)

Colleges, Universities and Professional Schools (16)

A. A traffic study and Development of Regional Impact review application shall be completed as required in Appendix D and Article 8, Section 120 of this Ordinance.

Compost Facility, Municipal Solid Waste (6)

A. Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings or similar putrescent vegetative materials, not including manure, animal products or inorganic materials such as bottles, cans, plastics, metals, or similar materials.

B. Along the entire road frontage (except for approved access crossings), provide a three-foot high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.

Convenience Store with Gasoline Station (8)

A. The use shall not exceed a gross leasable floor space of 5,000 square feet.

B. The place of business shall not be within one hundred (100) yards of any school building, school grounds, or college campus or within one hundred (100) yards of an alcoholic treatment center owned and operated by this state or any county or municipal government therein. *Distances herein shall be measured along a straight

line, which describes the shortest distance from the main customer entrance to the main entrance of the entrance of the establishments as listed above. (2-2-10)

C. A gasoline service station/convenience store shall have a minimum frontage on the primary street of one hundred twenty (120) feet and a minimum lot area of twenty-five thousand five hundred (25,500) square feet. Canopies and gasoline pump islands shall be set back fifteen (15) feet from all right-of-way lines.

D. Vehicular entrances or exists at a gasoline service station:

1. Shall contain an access width along the edge of the pavement of not more than forty (40) feet as measured parallel to the street at its narrowest point and shall not be located closer than ten feet to the adjoining property.

2. Shall not have any two driveways any closer than twenty (20) feet at both the right-of-way line and the edge of the pavement along a single street.

E. A Conditional Use Permit is required if three or more diesel fuel pumps are provided for a convenience store/ gasoline service station in the B-2 or B-3 zoning district. A convenience store/ gasoline service station with 3 or more diesel pumps shall be a use by right in the M-1 and M-2 zoning districts.

F. Other Site Improvements. In addition to the above requirements, the following additional site improvements shall be adhered to:

1. A solid fence or wall six (6) feet in height shall be erected along the property lines which abut residential property.

2. Exterior lighting with cut-off luminaries are required so that light it is directed away from adjacent properties.

G. All flammable products shall be stored in compliance with State EPD regulations.

Day Care Center, Adult & Child (17)

A. The use shall comply with all applicable state day care requirements for standards, licensing, and inspections.

B. The use must provide at least 100 square feet of outdoor recreation area per child.

C. The outdoor play area must be enclosed with a six (6) foot high fence.

D. The use shall provide paved driveways with drop-off areas and turn-arounds to be reviewed by the Department so that traffic associated with the use does not impede the flow of traffic on adjacent streets.

Day Care Facility, Adult & Child (2)

A. The use shall comply with all applicable state day care requirements for standards, licensing, and inspections.

B. The use shall maintain a residential appearance compatible with the neighborhood and not be detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.

C. No sign for use shall be maintained on the site.

D. A Walton County Occupational Tax Certificate shall be required for this business.

DOOR-TO-DOOR Sales Guidelines

12-3-13

The following are regulations for persons going door-to-door to sell a product in unincorporated Walton County. These regulations do not apply to persons going door-to-door for religious, charitable or political purposes.

A. All individuals going door-to-door selling products or soliciting monies in residential areas in unincorporated Walton County must obtain the appropriate permit through the Walton County Sheriff's Office.

B. A copy of a current driver's license or other state issued identification will be required at the time of application submittal. A copy of current business license within the state of Georgia will be required at the time of application submittal. Application fee of $50.00 per person is due upon issuance of permit.

C. Each person going door to door in residential areas selling products must possess a Door-to-Door Salesperson badge issued by Walton County prior to soliciting in the County. Completion of the door-to-door application and payment of the prescribed fee and issuance of a receipt does not authorize the applicant to operate in Walton County. Only the issuance of a door-to-door salesperson badge by Walton County authorizes the individual to go door to door in the unincorporated area of Walton County. There will be a visible expiration date printed on the badge along with the following statement, "Walton County does not endorse any product being sold or solicited door to door."

D. The badge shall be worn by the individual going door-to-door in a conspicuous place that can be seen by the home occupant. Any other unapproved type of identification cannot be substituted for the Walton County Door-to-Door Salesperson Badge. All badges will have a picture of the applicant, his or her name, and a Spillman Case Number.

E. Door-to-door salespersons badges do not authorize the sale of the product in the right-of-way of any road or highway or in commercial areas.

F. Any alteration, duplication or misrepresentation of the Walton County door-to-door salesperson badge shall subject the individual and/or company that the individual represents, to penalties as provided by law.

G. The permit is valid for up to ninety-days (90) days. Upon expiration, Badge must be returned to the Walton County Sheriff's Office. However, a 90-day extension may be granted, which will require a $25.00 fee to cover the cost of another Criminal Background Check.

H. No persons may contact citizens door-to-door before 9:00 a.m. or after 8:00 p.m. or sunset, whichever occurs first. No door-to-door salesperson shall contact persons or residents where the residence, neighborhood or subdivision has "No Soliciting" posted.

I. Failure to abide by any of the above guidelines and the Walton County Ordinances will subject the violator to possible criminal prosecution and/or suspension and/or revocation of the door-to-door salesperson permit. religious, charitable or political purposes.

Dwelling, Multi-Family (2)

A. In approving the site plan for a multi-family development, the County shall determine that the streets, driveways, parking areas, and other public and private drives shown on the plan meet the following standards:

1. Multi-family developments with more than 50 units must have at least one direct access to a collector or arterial street.

2. Private streets may be permitted provided such streets meet the standards of public streets as specified in Article 9 of this Ordinance.

3. Adequate provision is made for vehicular traffic to and from the premises and for vehicular traffic and pedestrian traffic to and from the proposed buildings, structures, and parking areas on the premises, including fire fighting and police equipment and personnel, ambulance service, garbage collection service, postal service, delivery service, and other public and private services and individuals who would require access to the premises.

4. Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks; and no off-street parking space

shall be more than one hundred feet by the most direct pedestrian route, from a door of the dwelling unit it intends to serve.

5. Multi-family developments may not abut a single-family residential zoning district on more than seventy –five percent (75%) of the boundary of the site.

6. Not more than fifty percent (50%) of the lot area shall be occupied by buildings.

B. Open Space and Recreation

Multi-family projects developed with more than 50 multi-family units must provide at least 400 square feet of landscaped common open space or recreation area for every dwelling unit.

C. Utilities

All complexes shall be required to tie into the public water system and public or community sewerage system.

Dwelling, Zero Lot Line (2)

A. Adjacent interior lots on the block face shall be developed as zero lot line dwellings.

B. The side yard requirement may be eliminated on one side of each lot. The remaining side yard shall maintain the minimum side yard dimension of the zoning district.

C. Each lot shall meet the minimum area requirements of the zoning district.

D. Easement agreements shall be recorded which allow maintenance and access for that side of the dwelling adjacent to the property line.

E. When the minimum side yard is used, a privacy fence at least six feet high is required between buildings.

Electric, Petroleum or Gas Substation (4)

A. Structures shall be placed not less than fifty (50) feet from any property line.

B. Structures are to be enclosed by a chain link fence at least eight feet high.

C. The lot shall be suitably landscaped, including a buffer strip at least ten feet wide along the front, side, and rear property lines; planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen.

Equestrian Training and Sales Facility (20)

Equestrian training and sales facility with customary tack sales must be located at least 200 feet from a property line.

Farm Equipment, Sales, Rental, Repair/Feed, Seed Store (8)

A. No outdoor displays shall be permitted in the front yard of the use.

B. Any outdoor storage must be screened in compliance with Article 12 of this Ordinance.

Farming, General (1)

No building or structure containing livestock, manure, or other odor-producing substances shall be located within 200 feet of an existing dwelling or within 100 feet of a property line or 50 feet from a street right-of-way line.

Flea Market (8)

A. The market must be located entirely within an enclosed structure or building.
B. The market must provide adequate off-street parking for its employees, dealers, and customers.

C. The market must provide adequate restroom facilities located within the structure or building.

D. A building permit shall be required for interior spaces.

E. For outdoor flea markets see Temporary Use, Commercial Retail.

Funeral Home (20)

A. Crematory as an accessory use to funeral home requires a Conditional Use Permit in B-1, B-2 and B-3.

Gasoline Station (8)

A. Canopies and gasoline pump islands shall be set back not less than fifteen (15) feet from all street right-of-way lines.

B. Vehicular entrances or exits

1. No more than two curb cuts for the first 100 feet of street frontage.

2. Shall contain an access width along curb line of the street of not more than 75 feet as measured parallel to the street at its narrowest point and shall not be located closer than 50 feet to a street intersection or closer than 25 feet to the adjoining property.

3. Shall provide for acceleration and deceleration lanes, if required by the Georgia Department of Transportation or Walton County.

C. A Conditional Use Permit is required if three or more diesel fuel pumps are provided for a gasoline service station in the B-2 or B-3 zoning district. A gasoline service

station with three (3) or more diesel pumps shall be a use by right in the M-1 and M-2 zoning districts.

D. A raised curb of six (6) inches in height shall be erected along the street property lines, except for driveway openings.

E. Provide transitional buffers as required in Article 12 of this Ordinance.

F. All drives, parking, storage, and service areas shall be paved and curbed.

G. Outside, above ground tanks for the storage of gasoline, liquefied petroleum gas, oil, and other flammable liquids or gases shall be stored in compliance with EPD regulations.

H. All maintenance activities and minor repair shall be conducted entirely within an enclosed building.

Greenhouse, Plant Nursery (1)

Any structure shall be set back at least one hundred (100) feet from any residential property line.

Guest House, Caretaker House (2)

Guest and Caretaker Houses are allowed by right in the A zoning, and as a conditional use in the A-1, A-2, B-2, B-3, TC, MUBP, M-1 and M-2 zonings and in R-1 properties that are one-acre in size or larger. (7-10-12)

A. The use must maintain a residential appearance and shall produce no impacts in appearance, noise, light, and traffic that are detrimental to adjacent properties.

B. The size of the guesthouse, tenant house or caretaker house can be no more than 800 square feet.

C. Installation of a separate gas and/or electric meter shall be prohibited. (8-2-11)

D. The rental, lease, of a guesthouse, or the use of a guesthouse as a primary residence shall be prohibited. (8-2-11)

Home Occupation – Residential (2)

A. Shall be allowed in zoning districts that allow home occupations.

B. The dwelling unit must maintain a residential appearance and there shall be no outward evidence of the occupation or impacts in appearance, noise, light, odor, traffic and utilities that would be detectable beyond the dwelling unit.

C. The use shall be conducted entirely within the dwelling unit with not more than 25% of its gross floor area devoted to home occupation.

D. Only persons living in the dwelling unit shall be employed at the location of the home occupation.

E. No customer contact on the property for home occupations are allowed unless approval through a Board of Appeals special exception has been authorized.

F. No signs or advertising are permitted on the property to identify or advertise the existence of the home occupation.

G. No materials, equipment or business vehicle shall be stored or parked on the premises of the home occupation unless they are confined entirely within the residence.

H. The following businesses, uses, and activities shall be prohibited as home occupation uses: adult entertainment establishments, kennels, stables, veterinarian clinics; medical and dental clinics; restaurants, clubs, and drinking establishments; motor vehicle repair or small engine repair; funeral parlors; adult businesses, limousine service (with over two (2) limousines or over (1) non-emergency transport vehicle), taxi service, wrecker service or a business requiring a Federal Alcohol, Tobacco & Firearms license.

I. No vehicle other than a passenger automobile, passenger van or passenger truck used by the resident shall be parked on the property.

J. Non-Conforming Home Occupation Uses

Non-conforming uses permitted as of January 1, 2000 shall be allowed to continue to operate under the following conditions:

1. No non-conforming use may be changed to another non-conforming use.

2. No non-conforming use shall be increased, extended or enlarged beyond the size of the use as it existed on the date of issuance of the current occupational tax certificate.

3. The non-conforming use is specifically designated to the current property and business owner. (The home occupational use is not transferable.)

4. Violation of these conditions will result in an immediate and permanent revocation of the non-conforming use.

Home Occupation – Rural (2)

A. Shall be allowed in A, A-1, and A-2 zoning districts on properties containing a minimum lot size of five (5) acres or more.

B. The property must maintain a residential appearance and there shall be no outward evidence of the occupation or impacts in appearance, noise, light, traffic and utilities that would be detectable beyond the property line.

C. A rural home occupation may be conducted within a dwelling unit and/or within an accessory building provided that not more than 25% of the gross floor area of the dwelling unit and cumulative floor area of accessory building does not exceed 800 square feet are devoted to home occupation. Any accessory building used in home occupation shall be a minimum of twenty (20) feet from all property lines.

D. Only persons living in the dwelling shall be employed at the location of the home occupation and not more than two (2) outside employees may be employed on site in connection with the home occupation.

E. Employee vehicles shall only be a passenger automobile, passenger van or passenger truck and shall be parked to the side or rear of the dwelling unit.

F. No customer contact on the property for home occupation is allowed unless approval through a Board of Appeals special exception has been authorized.

G. No signs or advertising are permitted on the property to identify or advertise the existence of the home occupation.

H. No materials, equipment or business vehicle shall be stored or parked on the premises of the home occupation unless they are confined entirely within the residence or accessory building, except that one business vehicle (the carrying capacity of which shall not exceed one and one-half (1 ½) tons) used exclusively by the resident may be parked in a carport or rear or side yard.

I. The following businesses, uses, and activities shall be prohibited as home occupation uses: adult entertainment establishments, medical and dental clinics; restaurants, clubs, and drinking establishments; motor vehicle repair or small engine repair; funeral parlors; adult businesses, limousine service (with over two (2) limousines or over (1) non-emergency transport vehicle), taxi service, wrecker service or a business requiring a Federal Alcohol, Tobacco & Firearms license.

J. Non-Conforming Home Occupation Uses

Non-conforming uses permitted as of January 1, 2000 shall be allowed to continue to operate under the following conditions:

1. No non-conforming use may be changed to another non-conforming use.

2. No non-conforming use shall be increased, extended or enlarged beyond the size of the use as it existed on the date of issuance of the current occupational tax certificate.

3. The non-conforming use is specifically designated to the current property and business owner. (The home occupational use is not transferable.)

4. Violation of these conditions will result in an immediate and permanent revocation of the non-conforming use.

Horse Stable, Riding or Boarding (1)

A. Riding or boarding stables shall be established on a lot having an area of not less than ten (10) acres.

B. Any building used for animals shall be located at least 200 feet from any property line.

C. All animals shall be maintained at least 100 feet from any property line.

D. Adequate driveway access and off-street parking shall be provided for horse trailers, recreation vehicles, and other equipment associated with this use. (7-5-05)

Hospital (17)

A. The lot shall have access to a major thoroughfare.

B. Side and rear setbacks shall be at least 25 feet or the minimum required by the zoning district, whichever is greater.

C. Front building setback shall be at least 50 feet.

Intermodal Terminal Facility (9)

A. All such uses proposed by a public authority shall include a certified copy of the law, ordinance, resolution, or other official act adopted by the governmental entity proposing the use and authorizing the establishment of the proposed use at the proposed location.

B. All applications shall include evidence that the proposed facility will meet the standards and requirements imposed by regulating agencies and all other applicable federal, state or local statutes, ordinances, rules or regulations.

C. A statement shall be provided detailing noise abatement procedures, methods, and devices that will be employed in the operation of the facility and sufficient analysis shall be presented to indicate what adjoining lands will be affected by the anticipated noise.

D. All facilities shall be located and so designed that the operation thereof will not seriously affect adjacent residential areas, particularly with respect to noise levels.

E. All facilities shall provide a 200-foot landscaped buffer adjacent to any residentially zoned property.

F. All facilities shall complete a visibility study to ensure that no lights, structures or storage buildings are visible from existing residences.

Kennel, Commercial (20)

A. The lot size shall be no less than two (2) acres.

B. Any building or enclosed structures for the housing of animals shall have minimum side and rear setbacks of at least 100 feet.

C. All areas maintaining animals outside shall be completely enclosed by walls or fences at least six (6) feet in height, and shall be located no closer than 200 feet from property lines or street right-of-way.

D. No commercial kennel shall be located within 500 feet of a residential district.

Kennel, Hobby (2)

A. All hobby kennels shall be located on a site of not less than five (5) acres. (9-7-04)

B. All buildings used for the animals shall be located at least 200 feet from any property line.

C. All animals shall be fenced at least 200 feet from any property line.

Landfills (15)

Any landfill must be approved as a conditional use, subject to the following requirements as appropriate to the type of landfill, and any time limits or other conditions imposed at the time of approval of the landfill by the Board of Commissioners.

A. Construction/Demolition Landfills

1. Must submit Solid Waste Handling Permit from the EPD.

2. The Walton County Occupational Tax shall be paid yearly.

3. Access to Construction/Demolition waste landfills shall be limited to authorized entrances (fence and gate shall be a minimum of six feet in height) which shall be closed when the site is not in operation.

4. A recordable affidavit must be filed in the Clerk of Superior Court, stating the legal description of the property involved and the described property is used for a construction/demolition landfill.

5. A privately owned Construction/Demolition waste facility is required to pay Walton County $1.00 per ton of waste as stated in the Solid Waste Management Act, Section 12-8-39 (d).

6. The applicant must demonstrate compliance with all applicable provisions of the Georgia Administrative Code Rules and Regulations, Ch. 391-3-4 and any other applicable provisions required by the EPD of the DNR.

B. Inert Landfills

1. Any person desiring to construct, operate, or maintain an inert landfill shall submit to, and in detail as may be required by the Department, written information pertinent to the following:

    a. Proposed location (recorded plat and deed);

    b. Fire protection;

    c. Soil Erosion Control plan;

    d. Maintenance and operation procedures;

    e. Must submit a "Permit by Rule" from the E.P.D.; and

    f. Other pertinent information necessary to indicate the development, operation, and appearance of the completed inert landfill.

2. Only waste that will not or is not likely to produce leachate of environmental concern may be disposed of in an inert waste landfill. Only earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trash, and land clearing debris such as stumps, limbs and leaves, are acceptable for disposal in an inert waste landfill. This definition specifically excludes any transfer stations, recycling stations, household goods, furniture, metal products, appliances, hazardous materials or the storage of these items to be taken to another location. If an individual or operator is found placing other items in the inert landfill the landfill will immediately be shut down. A penalty of $50 a day will be imposed in favor of the county until the problem has been cleaned up. The second time this occurs your business licenses may be revoked.

3. Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume.

4. A uniform compacted layer of clean earth cover no less than one foot in depth shall be placed over all exposed inert waste material at least monthly.

5. The inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.

6. Access to inert waste landfills shall be limited to authorized entrances (fence and gate shall be a minimum of six feet in height) which shall be closed when the site is not in operation.

7. Suitable means shall be provided to prevent and control fires. Stockpiled soil shall be the fire fighting material and shall be adjacent to the working face of the fill.

8. A uniform compacted layer of final cover not less than two feet in depth and a vegetative cover shall be placed over the final lift not later than one month following final placement of inert waste within that lift.

9. Notice of final closure must be provided to the Walton County Planning and Development Office within 30 days of receiving the final load of waste. Any site not receiving waste for in excess of 180 days shall be deemed abandoned and in violation of these Rules unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.

10. All deeds for real property which has been used for landfilling shall include notice of the landfill operations, the date the landfill operation commenced and terminated, an accurate legal description of the actual location of the landfill, and a description of the type of solid waste which has been deposited in the landfill. Concurrent with the submission of notice of final closure to the Department, the owner or operator must submit to the Department confirmation that the information required in this Section has been noticed on the property deed.

11. All wastes received at the inert landfill must be measured and reported as required by State Rule 391-3-4-17.

12. The Board of Commissioners will have the inert landfills inspected on a regular basis.

13. All other applicable federal, state, and local laws, rules and ordinances, including erosion and sediment control, and any applicable federal wetlands permits, must be fully complied with prior to commencement of landfilling operations.

14. The operation must be conducted on a tract of land not less than twenty (20) acres.

15. The inert landfill boundary shall not be located within one hundred (100) feet of a property line.

16. All business shall be restricted to daylight hours only.

C. Private Landfills

1. A minimum 200-foot natural, undisturbed buffer shall be provided between all active waste burial areas and exterior property lines except for approved perpendicular access and utility crossings.

2. A minimum 75-foot natural, undisturbed buffer shall be provided between non-waste disposal operations and exterior property lines except for approved perpendicular access and utility crossings.

3. The limits of any 100-year floodplain or a stream buffer of 200 feet, whichever is greater, shall be preserved as natural, undisturbed area except for approved perpendicular access and utility crossings.

4. The entire site shall be fenced with a minimum six-foot high chain link security fence.

5. The landfill shall be located on or have direct private access to a road designated as a major collector, minor arterial, major arterial, or principal arterial in the Walton County Comprehensive Plan.

6. The applicant shall include with the rezoning and/or conditional use permit application, a report detailing the phasing of the landfill and plans for closure and reclamation.

7. The following waste disposal/recycling facilities shall be permitted as accessory uses to landfills meeting the above standards:

    a. Composting, Municipal Solid Waste.

    b. Composting, Yard Trimmings.

    c. Gas Recovery/Gas Co-generation Plant.

    d. Recovered Materials Processing Facility.

    e. Solid Waste Transfer Stations.

8. The landfill shall meet all federal and state requirements and all applicable rules and regulations as specified by the Georgia Department of Natural Resources Environmental Protection Division.

Library (16) or Museum (18)

When located in agricultural and residential districts such uses shall:

A. Be located on a collector or arterial street;

B. Provide a 50-foot buffer adjacent to residential zoning; and

C. Set back driveways and parking areas a minimum of 25 feet from side and rear property lines.

Livestock, Quarters and Enclosures (1)

A. No animal quarters are to be located closer than 50 feet to any property line.

B. Adequate off-street parking shall be provided for livestock trailers, recreation vehicles, etc. associated with the proposed use in addition to the minimum requirements of this Ordinance.

C. When such a use is located in zoning districts other than the Agricultural A District, the maximum number of large, hoofed livestock, including but not limited to cows, hogs, horses and llamas, shall be equal to two (2) animals per fenced acre.

D. When such a use is located in zoning districts other than the Agricultural A District, the maximum number of small hoofed livestock shall be equal to four (4) animals per fenced acre. (10-2-07)

E. No free-range animals/poultry shall be permitted within any platted subdivision. (2013)

Manufactured Home (2)

A. Placement or movement of a manufactured home or industrialized home (other than flat panels or truss(es) in the County requires the applicant to submit a completed permit application form supplied by the Department that contains illustrations of the unit along with information on the dimensions, roof pitch, siding material, roofing material, skirting and landings of the home, and such other information as the Director may require denial of the permit application shall be made within ten (10) working days.

B. When used as a principal use, a manufactured home or industrial home shall meet the following standards:

   1. A minimum width in excess of twenty-four (24) feet.

   2. 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.

3. 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.

4. Exterior materials shall consist of brick, masonry, or stone, or siding consisting of wood, hardboard, aluminum or vinyl, covered or painted, but in no case exceeding the reflectivity of gloss white paint.

5. A permanent foundation wall or curtain wall, unpierced except for required ventilation and access, shall enclose the area located under the home to the ground level. Such a wall shall have a minimum thickness of four inches and shall be constructed of masonry or similar material as approved by the Director.

6. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirement of the Standard Building Code. In addition, a manufactured home shall be completely underpinned with masonry, stone, or other similar materials manufactured for the purpose of underpinning as approved by the Director. Installation shall meet or exceed the Rules and Regulations for Manufactured Homes made and promulgated by the Georgia Safety Fire Commissioner and shall be completed prior to permanent electrical service.

7. A landing shall be installed at each outside doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure shall include steps which lead to ground level, and both landing and steps shall meet the requirements of the Standard Building Code.

8. A manufactured home shall be installed in accordance with O.C.G.A. § 8-2-160 et seq., and the rules promulgated thereunder.

9. The dwelling shall include an attached or detached, enclosed two-car garage having a minimum 5:12 roof pitch.

C. Existing non-conforming manufactured homes and mobile homes are governed by Article 4, Part 1, Section 180 and Article 13 of this ordinance.

D. Nonconformance. Any nonconforming mobile home or recreational vehicle which is moved, after November 15, 1977 or any existing vacant mobile home stand shall not be replaced with another mobile home. They must be replaced with a manufactured home or site-built home.

Manufactured Home as Accessory Use (2)

A. The use must satisfy all review criteria for issuance of a temporary building as specified in Article 6 of this Ordinance.

B. A manufactured home or industrialized home may be used for an office in a subdivision or an office by a contractor during construction or development. Such manufactured home or industrialized home requires a building permit.

C. A manufactured home may be used for the housing of caretaker or security personnel.

D. A manufactured home may be used as a temporary residence during reconstruction of a permanent residence for a period not to exceed twelve (12) months, when the permanent residence has been destroyed by natural disaster or condemnation. Manufactured homes used for temporary residence must also be issued a permit and must be removed from the property within 60 days of issuance of a Certificate of Occupancy or approval for permanent electrical power for the new permanent residence.

E. The manufactured home must satisfy the yard and area requirements of the district in which it is located.

Massage Establishments (20)

A. Massage Therapist License-It shall be unlawful for any natural person to administer massages without having obtained an occupational tax certificate license.

B. Massage Establishment License-It shall be unlawful for any person, natural or corporate, to operate a massage establishment without having obtained an occupational tax certificate license therefore; or for any person, natural or corporate, to allow a massage therapist to administer massages without having obtained an occupational tax certificate.

Applicants for a massage therapist license must furnish a certified statement from the National Certification Board of Therapeutic Massage and Body Work evidencing passage by the applicant thereof of the exam for massage therapists administered by said Board.

C. The services provided or conducted by the massage therapists or in the massage establishment shall not be adult entertainment as described in Article 6 Part 3 of this Ordinance.

D. Massage Establishments may not open before 8:00AM and must close by 9:00PM.

Nothing in this article shall be construed to regulate, prevent, or restrict in any manner

(i) Any physician, chiropractor, physical therapist, or similar professional licensed and regulated by or through the State of Georgia while engaged in the practice of said profession.
(ii) Any hospital or other professional health care establishment separately licensed as such by the State of Georgia; or
(iii) Any other individual or entity expressly exempted from local legislation by the laws of the State of Georgia.

Grounds for revocation:
The license of a massage therapist or massage establishment may be revoked upon one (1) or more of the following grounds:

(1) Failure of the holder to maintain initial requirements for obtaining the license;
(2) The holder allows or permits any person who is not a licensed massage therapist to administer a massage in said establishment;
(3) The original application or renewal thereof, contains materially false information; or the applicant has deliberately sought to falsify information contained therein;
(4) The premises in which the massage establishment is located are in violation of any federal, state, or county laws designated for the health, protection and safety of the occupants or general public;
(5) The premises are in violation of the Walton County building or life safety codes. (12-2-03)

Mining (3)

A. The following uses shall be permitted under Mining:

1. Any type of operation, whether strip, surface, or subsurface, in which sand, rock, or any other mineral or element is removed form the earth.

2. Explosives storage upon presentation of necessary permits and approvals from the Georgia State Fire Marshal and the Bureau of Alcohol, Tobacco and Firearms, United States Treasury.

3. Rock crushing operations; provided, however, that the crushed rock be sold as a finished product with no further processing except as provided in item 4 or 5 below.

4. Asphalt operations.

5. Ready mix cement operations.

B. The following requirements shall apply to Mining as stated above:

1. Any person desiring to construct, operate, or maintain mining operation shall submit to Board of Commissioners, for approval or disapproval, an application in writing for a mining permit in accordance with the provisions of this Ordinance regarding special use permits, and containing the following:

    a. Proposed location (recorded plat and deed).

    b. Soil Erosion Control plan.

    c. Maintenance and operation procedures.

    d. Other pertinent information necessary to indicate the development, operation, and appearance of the mining operation.

    e. Proposals for the re-use of the property at the cessation of the mining operation.

    f. The mining permit number shall be filed with the Department.

2. Any extensions of mining operations beyond the property lines actually mined at the effective date of this Ordinance shall be considered as a new operation.

3. Any mining operation shall obtain a yearly occupational tax certificate from the County.

4. Operators shall comply with state department of natural resources, surface mining land reclamation program rules and regulations.

5. To operate or maintain a mining operation the following will apply:

    a. Blasting and crushing of product shall be limited to the hours of 7:00 a.m. to 5:00 p.m. on Monday through Friday.

    b. No blasting, crushing, drilling or transportation (other than on a public road) of mined product are allowed closer than 500 feet to adjoining property owners property lines.

    c. All blasting and crushing operations and activities utilized by the mining operator in the mining operation shall be enclosed within a six-foot high (chain link fence). The fence shall be located so as to allow a 50-foot buffer between the fence and all operations of the mining company.

    d. All blasting, crushing, storage, transporting and related activities shall be sprayed with water, in sufficient quantity, so as to control dust and other materials from escaping into the atmosphere. All blasting, crushing shall occur behind berms, natural or manmade.

e. A blasting limit of two inches per second peak particle velocity as measured from any of three mutually perpendicular directions in the ground adjacent to off-site buildings shall not be exceeded.

f. An air blast limit of ninety decibels (linear-peak) measured at the property line of adjacent residentially used properties shall not be exceeded.

g. Seismographic and noise instrumentation shall be required for a minimum of one blast per three-month period. The records of such instrumentation and records of all blasts (including total charge weight, charge weight per delay, charge depth, date and time, location and meteorological conditions) shall be retained by the operator for a period of not less than two years. Copies of all blast records shall be forwarded to the Planning And Development Office within five days following each blast. All non-instrumental blasts shall be in compliance with the recommended scaled distance, as defined by the United States Department of Interior, Bureau of Mines Bulletin 656 entitled, "Blasting Vibrations and Their Effects on Structures."

h. Millisecond-delay blasting shall be used to decrease the vibration level from blasting.

C. The following uses shall be prohibited:

1. Any processing or manufacturing of the materials so removed, such as refining, smelting, removal of impurities other than dust control, mixing of mined material with other materials, or any other processing or conversion of the mined material, except those which would be pertinent to an asphalt operation or ready mix cement operation.

2. Any mining operation that fails to meet the requirements of this Section shall be deemed in violation of this ordinance and subject to penalties as prescribed in Article 15.

Motor Vehicle Sales (8)

All vehicle sale lots or vehicle lots that are increasing in acreage must comply with the following. Within the districts permitting vehicle sale lots, the following requirements shall apply:

A. Exterior lighting shall be arranged so that it is deflected away from adjacent properties.

B. Parking areas shall be hard surfaces with concrete or asphalt and grass must be maintained on the remainder of the lot.

C. Each vehicle parking space shall be no less than 180 sq. ft., excluding area for egress and ingress and maneuverability of vehicles.

D. Vehicle sales and storage activity is not permitted on public rights of way or in any parking area that is needed to satisfy the off-street parking requirements of this ordinance.

Outdoor Recreation Facilities (Private) (18)

Within the districts permitting recreational developments including, but not limited to, fishing lakes, swimming pools, golf courses or driving ranges, or other recreational developments, a site plan must be approved by the Department. Outdoor recreation shall meet the noise performance standards provided in Article 11, Part 7.

Outdoor Recreation Facility, Commercial (18)

A. Only accessory services and parking related exclusively to the recreational operations shall be allowed.

B. Total floor area of all buildings shall be a maximum of 2,000 square feet. The building[s] shall be located at least 100 feet from all residentially zoned property.

C. The site shall be at least two (2) acres in size.

D. All activities shall take place at least 100 feet from any property line adjacent to a residential zone or use.

E. Outdoor activity areas shall be sufficiently screened and insulated so as to protect adjacent property from noise and other disturbances.

F. No outdoor storage shall be allowed.

G. No outdoor public address system shall be allowed

H. The use of the site adjacent to residentially zoned property after 8:00 p.m. shall be prohibited.

Outdoor Storage (20)

A. Outdoor storage yards shall be set back at least 15 feet from any side or rear property lines.

B. Use shall be screened by a solid fence at least eight (8) feet high.

C. The setback distance shall be appropriately landscaped to provide a vegetative screen.

D. Outdoor storage shall not be located in any required front yard building setback area.

Personal Care Home, Family (2)

Personal Care Home, Family is a single family residence which offers care to at least three but not more than six person (Conditional Use is required in A, A-1, A-2, R-1, R-2 and R-3)

A. Minimum lot size shall be 1-acre.

B. The home shall be operated in a manner compatible with the neighborhood and shall not be detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.

C. The home shall maintain a residential appearance compatible with the neighborhood.

D. The home shall meet all state requirements and all applicable rules and regulations as specified by the Department of Human Resources of the State of Georgia in "Rules and Regulations for Personal Care Homes," Chapter 290-5-35.

E. Walton County Occupational Tax Certificate shall be required.

F. To prevent the institutional atmosphere created by the concentration or clustering of several community residences, no more than one registered family or group home shall be located within 1,500 feet of another Personal Care Home. (12-3-13)

G. Residence must provide the following:

1. One Bathroom for every 4 residents
2. One tub/shower for every 8 residents
3. No more than 4 residents per bedroom, based on size of bedroom (at least 80 square feet of usable floor space per resident is required, closet and bathroom space shall not be included in minimum floor space)
4. Handrail on all stairs
5. Grab bars in restrooms
6. Non-skid surfaces in bathing area
7. Water temperature cannot exceed 120°F
8. Smoke detection system
9. Hood suppression system

H. Health Department approval required for septic system

I. Community Living Arrangements shall meet same guidelines are Personal Care Homes

J. Facilities with 7 or more persons in care will require approval from the State Fire Marshall's Office and must comply with all State Building and Life Safety Codes.
(12-4-12)

Pets, Household (2)

Within a residential lot that is one (1) acre in size or less, no a person may keep more than three (3) household pets. On any lot exceeding one acre in size, a person may keep one (1) additional household pet for each additional acre above one acre up to a maximum of ten (10) household pets. Litters of animals of not more than six (6) months of age shall not be counted for purposes of calculating the total number of household pets on a lot.

Place of Public Assembly (21)

A. Place of assembly must be located on a collector or arterial street.

B. A 50-foot buffer or 25-foot buffer with opaque screening adjacent to residential zoning is required.

C. Driveways and parking areas must set back 25 feet from side property lines.
D. Outdoor activity shall be limited to the hours of 10:00 a.m. to 10:00 p.m. unless a temporary use permit is obtained from the Director.

Private Drive Agricultural Subdivision (PDAS) (2)

A. Purpose and Intent

The purpose of the Private Drive Agricultural Subdivision development is to authorize, subject to certain standards, the development of residential subdivisions composed of a small number of large acreage lots in which a street providing access to lots in the development is not dedicated to the public, but is held in common ownership by the owners of the lots. Private drives and streets are not maintained by Walton County. This development is only available in the A Agricultural, A-1 Rural Estate, A-2 Rural Estate and R-1 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.

D. Conditional Uses

Conditional uses as permitted under the underlying zoning district.

E. Property Development Standards

Property development standards shall be as permitted under the underlying zoning district with the following exceptions:

1. No more than five (5) lots shall be permitted in the subdivision.

2. Each lot must contain a minimum of twenty (20) acres.

3. Minimum floor area of the primary dwelling shall be 1,800 square feet.

4. Private drainage easements, drainage structures, ditches, and pipes shall be constructed to the same standards for public facilities permitted in the underlying zoning district, but shall be maintained in perpetuity by land owner or by a mandatory homeowner association.

5. No lot in a Private Drive Agricultural Subdivision shall have direct access to a public street.

6. The design and construction of private drives shall comply with the following unless approved by the Director:

Surface Type	Min. Easement Width	Min. Surface Width	Min. Shoulder Width	Max. Grade	Aggregate Base Required	Min. Asphalt Thickness	Zoning
Gravel	60 Feet	16 Feet	4 Feet	14%	4" Min.	N/A	A & A-1
Asphalt	60 Feet	16 Feet	4 Feet	17%	4" Min.	1 ½" E-Mix	A-2 & R-1

Private drives shall have a maximum length of 2,000 feet, unless otherwise approved by the Director. The termination of any private drive shall include a cul-de-sac turn-around area with a minimum outside radius of forth (40) feet.

Private Drive Roads shall comply with the minimum requirements of the Standard Design and Construction Details as shown on diagram 3.16a.

7. The private street easement shall be a cross-easement granting access to all lot owners and any other contiguous property that requires access to such street in order to access a public street adjacent to the property developed as a Private Drive Agricultural Subdivision.

8. Building setbacks are measured from the adjacent side of the private street easement line.

9. Gated entrances will be allowed only if the gate restricting access to the public provides adequate space outside the public right of way to provide for queuing of at least two standard vehicles in addition to a paved turnaround area.

10. Gated communities must provide approved access by emergency vehicles.

11. All streets within Private Drive Agricultural Subdivisions must provide approved street name signs, traffic control signs, and lots within the Private Drive Agricultural Subdivision shall display approved street numbers.

12. A 50 foot non-buildable buffer shall be maintained around the perimeter of the subdivision.

13. A 100 foot non-buildable buffer shall be maintained adjacent to existing public streets that abut the subdivision.

14. Minimum lot width shall be 150' with water, 200' with well. Setbacks shall be: 40' front, 15' sides and 40' rear.

15. Streets, roadside ditches, cross-drain pipes, and required storm water management facilities shall be maintained entirely by a mandatory homeowner's association. Other drainage ways, drainage structures, lakes, and dams may be maintained by either a homeowner's association or the individual homeowner.

Private Drive Subdivision (PDS) (2)

A. Purpose and Intent

The purpose of the Private Drive Subdivision development is to authorize, subject to certain standards, the development of residential subdivisions in which a street providing access to lots in the development is not dedicated to the public, but is held in common ownership by the owners of the lots. Private drives and streets are not maintained by Walton County. This development is only available in the A Agricultural, A-1 Rural Estate, A-2 Rural Estate and R-1 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.

D. Conditional Uses

Conditional uses as permitted under the underlying zoning district.

E. Property Development Standards

Property development standards shall be as permitted under the underlying zoning district with the following exceptions:

1. No more than fifteen (15) lots shall be permitted in the subdivision.

2. Each lot must contain a minimum of five (5) acres.

3. Minimum floor area of the primary dwelling shall be 1,800 square feet.

4. Private drainage easements, drainage structures, ditches, and pipes shall be constructed to the same standards for public facilities permitted in the underlying zoning district, but shall be maintained in perpetuity by land owner or by a mandatory homeowner association.

5. No lot in a Private Drive Subdivision shall have direct access to a public street.

6. The design and construction of private drives shall comply with the following unless approved by the Director:

Surface Type	Min. Easement Width	Min. Surface Width	Min. Shoulder Width	Max. Grade	Zoning
Asphalt	60 Feet	16 Feet	4 Feet	17%	A, A-1, A-2 & R-1

Private drives shall have a maximum length of 2,000 feet, unless otherwise approved by the Director and shall be paved as per “standard for local streets” as outlined in Article 9 of this Ordinance. The termination of any private drive shall include a cul-de-sac turn-around area with a minimum outside radius of forty (40) feet. (4-1-14)

Private Drive Roads shall comply with the minimum requirements of the Standard Design and Construction Details as shown on diagram 3.16a.

7. The private street easement shall be a cross-easement granting access to all lot owners and any other contiguous property that requires access to such street in order to access a public street adjacent to the property developed as a Private Drive Subdivision.

8. Building setbacks are measured from the adjacent side of the private street easement line.

9. Gated entrances will be allowed only if the gate restricting access to the public provides adequate space outside the public right of way to provide for queuing of at least two standard vehicles in addition to a paved turnaround area.

10. Gated communities must provide approved access by emergency vehicles.

11. All streets within Private Drive Subdivisions must provide approved street name signs, traffic control signs, and lots within the Private Drive Subdivision shall display approved street numbers.

12. A 50 foot non-buildable buffer shall be maintained around the perimeter of the subdivision.

13. A 100 foot non-buildable buffer shall be maintained adjacent to existing public streets that abut the subdivision.

14. Minimum lot width shall be 150' with water, 200' with well. Setbacks shall be: 40' front, 15' sides and 40' rear.

15. Streets, roadside ditches, cross-drain pipes, and required storm water management facilities shall be maintained entirely by a mandatory homeowner's association. Other drainage ways, drainage structures, lakes, and dams may be maintained by either a homeowner's association or the individual homeowner.

Private Drive Gated Subdivision (PDGS) (2) (5-3-05)

A. Purpose and Intent

The purpose of the Private Drive Gated Subdivision development is to authorize, subject to certain standards, the development of residential subdivisions in which a street providing controlled access to lots in the development is not dedicated to the public, but is held in common ownership by the owners of the lots and maintenance by mandatory homeowners association. Private drives and streets are not maintained by Walton County. This development is only available in the A-1 Rural Estate, A-2 Rural Estate and R-1 Residential Zoning Districts as a conditional use.

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.

D. Conditional Uses

Conditional uses as permitted under the underlying zoning district.

E. Property Development Standards
Property development standards shall be as permitted under the underlying zoning district with the following exceptions:

1. Lot size as per underlying zoning district.

2. Setbacks as per underlying zoning district.

3. Minimum floor area as per underlying zoning district.

4. Private streets with curb & gutter, stormwater management facilities, drainage easements, drainage structures, ditches, and pipes shall be constructed to the same standards for public facilities permitted in the underlying zoning district, but shall be maintained in perpetuity by land owner or by a mandatory homeowner association.

5. No lot in a Private Drive Gated Subdivision shall have direct access to a public street.

6. The private street easement shall be a cross-easement granting access to all lot owners and any other contiguous property that requires access to such street in order to access a public street adjacent to the property developed as a Private Drive Gated Subdivision.

7. Building setbacks are measured from the adjacent side of the private street easement line.

8. Gated entrances shall comply with access policies of Fire Department and other public safety agencies.

9. All streets within Private Drive Gated Subdivisions must provide approved street name signs, traffic control signs, and lots within the Private Drive Gated Subdivision shall display approved street numbers.

Processing Plant and Manufacturing Facility for Hazardous Materials (6)

A. Every use shall be so operated as to minimize the emission into the air of dirt, dust, fly ash or any other solid matter which causes damage to property or harm or discomfort to persons or animals at or beyond the lot line of the property on which the use is located and shall comply with applicable federal and state air quality regulations.

B. The applicant shall be responsible for identifying all applicable federal and state regulations and permitting requirements and shall provide evidence of compliance.

C. Such uses shall not be located adjacent to or across the street from any property used or zoned for single-family residential use.

Public Uses and Facilities

The Board Of Commissioners shall be advised by other governmental jurisdictions of their plans to establish public facilities within the unincorporated areas of the county by written notice and a site plan submitted to the Department for approval in accordance with applicable provisions.

Quarry (3)

A. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten feet from the edge of any excavation and of such construction and height as to be demonstrably able to exclude children and animals from the quarry area.

B. The operators and owners of the quarry shall present to the Board of Commissioners an acceptable comprehensive plan for the reuse of the property at the cessation of operations.

C. In the case of an existing quarry, an extension of quarry operations beyond the areas being quarried or approved for quarrying at the effective date of this Ordinance shall be permitted and shall not be considered a new operation provided that the extension does not extend to within 1,000 feet of a residential or commercial Zoning District boundary line.

Recovered Materials Processing Facility (6)

A. Activities shall be limited to collection, sorting, compacting, and shipping.

B. Along the entire road frontage (except for approved access crossings), provide a three-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.

C. The facility shall not be located adjacent to or across the street from any property used or zoned for single-family residential use.

D. Lighting for such facilities shall be placed so as to direct away from any nearby residential areas.

E. Materials collected shall not be visible and shall be deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully enclosed building.

F. No outdoor storage of non-containerized materials shall be allowed.

Recreational Vehicle Parks and Campgrounds, Private (19)

A. The number and location of access drives shall be controlled for traffic safety and protection of surrounding properties; no camping or trailer space shall be designed for direct access to a street outside the boundaries of the park, and the principal interior access drives shall be at least 30 feet in width, dust free or treated to reduce dust.

B. The minimum area for a trailer or camping site shall be maintained in accordance with the approved plan and with corners of each site visibly marked and numbered by a permanent marker.

C. The park or campground shall be surrounded by a landscaped strip of open space 100 feet wide along the street frontage and 50 feet wide along all lot lines.

D. Proper provision shall be made for storage and refuse collection. Water and sanitary facilities, if provided, shall be subject to approval by the Walton County Health Department.

E. No camp patron shall be allowed to maintain and/or use the camping site or facilities of any camp permitted under this Section for a period longer than 90 days in any one calendar year.

Recreation Center and Club, Private (18)

A. Buildings, courts, pools and other structures shall be set back not less than 25 feet from any property line, except when such property line is a street line. In such case, the front yard setback of the district shall apply.

B. Swimming pools shall comply with the standards established in this Section.

C. Outdoor activity shall cease by 10:00 p.m.

Recreational Vehicle Park (19)

A. Recreational Vehicle Parks. In any district where recreational vehicle parks are permitted, the applicant shall submit a layout of the park subject to the following conditions:

B. No recreational vehicle park shall be located except with direct access to a county, state or federal highway, with a minimum lot width of not less than fifty feet for portion used for entrance and exit. No entrance or exit shall be through a residential district, or shall require movement of traffic from the park through a residential district.

C. The minimum lot area per park shall be five (5) acres.

D. Spaces in recreational vehicle parks may be used by recreational vehicles provided they meet any additional laws and ordinances of the County and shall be rented by the day or week only, and a recreational vehicle occupying the same space shall remain in the same park for a period of not more than thirty days.

E. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a park are permitted as accessory uses in any district in which parks are allowed, provided:

   1. Such establishments and the parking area primarily related to their operations shall not occupy more than ten (10) percent of the area of the park.

   2. Such establishments shall be restricted in their use to occupants of the park.

   3. Such establishments shall present no visible evidence of their commercial character that would attract customers other than occupants of the park.

F. No space shall be so located that any part intended for occupancy for sleeping purposes shall be within eighty (80) feet of the right-of-way line of any county, state or federal road.

G. In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a certificate of approval of the Walton County Health Department.

Religious Organizations and Places of Worship (20)

Conditional Use applications shall require that a site plan be submitted to the Department.

Residential Occupancy Limitations (2)

(6-6-06)

Dwelling units shall be constructed and occupied in accordance with these Residential Occupancy Limitations.

A. Privacy.

Dwelling units, hotel units, and rooming units shall be arranged to provide privacy and be separate from other adjoining spaces.

B. Minimum Room Widths.

A habitable room, other than a kitchen, shall not be less than 7 feet in any plan dimension. Kitchens shall have a clear passageway of not less than 3 feet between counterfronts and appliances or counterfronts and walls.

C. Minimum Ceiling Heights.

Habitable spaces, hallways, corridors, laundry areas, bathrooms, toilet rooms and habitable basement areas shall have a clear ceiling height of not less than seven feet.

Exceptions:

(1) In one and two family dwellings, beams or girders spaced not less than four feet on center and projecting not more than six inches below the required ceiling height;

(2) Basement rooms in one and two family dwellings occupied exclusively for laundry, study or recreation purposes, having a ceiling height of not less than six feet eight inches with not less than six feet four inches of clear height under beams, girders, ducts and similar obstructions;

(3) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a clear ceiling height of at least 7 ½ feet over not less than 50 percent of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a clear ceiling height of five feet or more shall be included.

D. Bedroom Requirements.

(a) *Area for sleeping purposes*. Every bedroom occupied by one occupant shall contain at least 70 square feet of floor area, and every bedroom occupied by more than one occupant shall contain at least 50 square feet of floor area for each occupant thereof.

(b) *Prohibited occupancy*. Kitchens and uninhabitable spaces (i.e., bathrooms, toilet rooms, closets, halls, storage or utility spaces) shall not be used for sleeping purposes.

E. Overcrowding.

Dwelling units shall not be occupied by more occupants than permitted by the minimum area requirements of the following Minimum Occupancy Area Table:

Minimum Occupancy Area Table

Minimum Occupancy Area Requirements			
Space	Minimum Area in Square Feet		
	1 – 2 Occupants	3 – 5 Occupants	6 or more Occupants
Living room (see notes a,b) Dining room (see notes a,b) Kitchen (see note b)	No requirements No requirements 50	120 80 50	150 100 60
Bedrooms	Shall comply with section D above		

Note a. See paragraph (2) of this section below for combined living room/dining room spaces.

Note b. See paragraph (1) of this section below for limitations on determining minimum occupancy area for sleeping purposes.

(1) *Sleeping area*. The minimum occupancy area required by the Minimum Occupancy Area Table shall not be included as sleeping area in determining minimum occupancy area for sleeping purposes. All sleeping areas shall comply with section D above.

(2) *Combined spaces*. Combined living room and dining room spaces shall comply with the requirements of the Minimum Occupancy Area Table if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/ dining room.

F. Occupancy Limit; Variance.

Notwithstanding any other provision of this Code to the contrary, not more than eight individuals, related by blood or marriage or unrelated, shall occupy any dwelling unit unless a variance has been granted pursuant to Article 14, Section 180, subsection (d) of this Code. The number of occupants of a dwelling unit may be further limited based upon septic system limitations and parking regulations applicable to a specific property.

Salvage Operation Yard, Junk Yard, Recyclable Material Wholesale Yard (7)

A. The yard is to be located no closer than 300 feet to a residential, O-I or commercial zoning district boundary line.

B. The yard is to be completely enclosed with a solid fence of not less than 8 feet high and no closer than 15 feet from the right-of-way of any adjoining roadway. In no case shall the fence be less than a height necessary to screen effectively all storage and other operations from view.

C. The yard is to be located no closer than 100 feet from the right-of-way of any major arterial roadway as defined by Walton County.

D. The yard is a minimum of five acres with a maximum slope of 5%.

Sawmill, Planing Mill (6)

The mill and any storage areas must be located at least 200 feet from any property line and 100 feet from any right-of-way line.

School (K-12) - Public (16)

Within the districts permitting public schools, the following requirements shall apply:

A. A sufficient paved space must be provided for the loading and discharge of school busses and/or other vehicles used for the transport of students or children which will not interfere with automobile traffic.

B. A five-foot chain link fence (minimum) shall be provided around play areas.

C. A site plan shall be approved by to the Department.

School (K-12) - Private (16)

Minimum lot size for private elementary, middle, and high schools:

A. Elementary school: five acres, plus one additional acre for each 100 students based on the design capacity of the school.

B. Middle school: 12 acres plus one additional acre for each 100 students based on the design capacity of the school.

C. High school: 20 acres, plus one additional acre for each 100 students based on the design capacity of the school.

School, Private Residential (16)

A private school or similar institution may include residential facilities and accessory kitchen, dining, and recreational facilities, provided it is granted a conditional use permit and meets the following standards:

A. The site contains at least ten acres.

B. Residential facilities, dormitories, kitchens, dining halls, and recreation facilities constructed on the premises shall be subordinate and accessory to the principal use of the property as a private school and used exclusively by students, faculty, and staff of the school.

C. Residential facilities, dormitories, kitchens and dining halls occupied for more than 120 days per year shall be permanently constructed facilities meeting provisions of Walton County Ordinances and the applicable County and State Public Health and Building Codes.

D. No occupied structures, parking lots or outdoor lights shall be closer than 100 feet from residential structures on adjacent property.

E. The entire site shall be surrounded by a fifty-foot (50) undisturbed buffer meeting the standards of Article 12 of this Ordinance.

Slaughterhouse (6)

A. The front yard setback shall be seventy-five (75) feet from all street right-of-way lines.

B. The slaughterhouse shall comply with the wholesale and industrial off-street loading and unloading space as required by this Ordinance.

C. The applicant shall comply with off-street automobile parking requirements contained in this Ordinance for wholesale business.

D. There shall be a minimum distance of one thousand feet from the slaughterhouse to the nearest residential dwelling.

E. The applicant shall comply with all site plan requirements as required by this Ordinance.

Solar Collection Systems

Solar collection systems shall be considered an accessory use in all Zoning Districts in accordance with the following requirements:

A. Freestanding solar panels shall only be permitted in the rear and side yard in the commercial and industrial zoning districts, and in the rear yard only of agricultural and residential zoning districts.

B. Freestanding solar panels located on the ground or attached to a framework located

on the ground shall not exceed twenty (20) feet in height above the ground.

C. Freestanding solar panels shall meet the set back as required for in the districts in which they are located.

D. The total coverage of a lot with freestanding solar panels cannot exceed the greater of 50% lot coverage or the maximum allowable coverage for the district in which they are located.

E. Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the district in which they are located. The panels shall not be located within three (3) feet of any peak, eave, or valley of the roof to maintain pathways of accessibility.

F. Systems located on the roof shall provide, as part of their permit applicant, evidence of design review and structural certification if the slope of the panel differs from the roof pitch. All panels on commercial roofs shall provide this information regardless of slopes, as well as any residential roof with greater than 50% coverage.

G. The manufacturers' or installers' identification and appropriate warning signage shall be posted on or near the panels in a clearly visible manner.

H. No solar energy system shall be installed until evidence has been presented the Planning and Development Department that the electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

I. Any panels installed to be used by someone other than the owner of the property shall provide an affidavit or evidence of agreement between the lot owner and facility's owner or operator confirming the facility owner or operator has permission of the property owner to install and utilize solar panels.

SOLAR FARMS

It is the purpose of this regulation to promote the safe, effective and efficient use of solar farm development, construction and operation. Solar Energy farm shall be a conditional use in A (Agricultural), M-1 (Light Industrial) and M-2 (Heavy Industrial)

The installation and construction of a solar farm shall be subject to the following development and design standards:

A. A solar farm installation shall be permitted as a conditional use in agricultural zoned districts classified as "A", and Industrial zoned districts classified as M-1 and M-2 as determined by the Walton County Comprehensive Land Development Ordinance Principal Uses Classification Chart.

B. A solar farm installation shall be constructed on 5 or more acres within the "A" zone/conditional use district for the purpose of generation of power to be sold as electricity to the utility grid and to be used on-site as electricity for consumption in an agricultural setting, establishment, or in farming activities. Acreage requirements for M-1 and M-2 will be as specified in Article 4.

C. A solar farm connected to the utility grid in "A", M-1 and M-2 zoned districts shall provide a "proof of concept letter" from the local utility company acknowledging the solar farm will be interconnected to the utility grid in order to sale electricity to the public utility entity.

D. The design of the solar farm shall adhere to existing structural height requirements. If the solar farm requires a roof mounting on buildings on the property, the roof mounted installation may not exceed the maximum principal building height or accessory building height specified for the building type in the underlying zoning district.

E. The design of the solar farm shall adhere to existing county ordinances with regards to setback requirements of the underlying zoning district. If the solar farm will be constructed by the utilization of ground mounting, then a ground mounting plan and process must be submitted during the county application process. The ground mounting plan may consist of standard solar manufacturer installation plans and processes for ground mounting.

F. The operation of the solar farm shall comply with the following:

1) Equipment shall be screened and fenced from adjacent property to restrict unauthorized access. Screening shall consists of a minimum 8 foot opaque fence with the addition of shrubbery, trees or an earthen berm as may be required to comply with the view shed/glare requirements.

2) Solar equipment shall not be located within the minimum front yard or setback of the underlying zoning district.

3) Solar panels shall not be placed in the vicinity of any airport in a manner that would interfere with airport flight patterns. Acknowledgement from the Federal Aviation Administration may be necessary.

4) All power transmission lines from a ground mounted solar farm shall be located underground after connection from the solar panel combiners to the interconnection point.

5) A solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners or similar materials. The manufacturers' or installers'

identification and appropriate warning signage shall be posted at the site in a clearly visible manner.

6) The local utility provider shall be contacted to determine grid interconnection and net metering policies.

7) If a solar farm is located in a designated county watershed protection district, solar farm developer must provide an impact statement concerning net effect of solar farm installation within the designated county watershed area. . Limitations on ground disturbance will be determined and conditions of disturbance may be imposed as a condition of approval for solar farm development, construction, and operation.

8) View shed/glare - The applicant shall demonstrate that the proposal will not have an adverse effect on neighboring properties by providing aerials of the site, graphic renderings of the project, and/or pictures from the site of surrounding parcels demonstrating sight lines. Appropriate vegetated buffers and/or plantings may also be required to help limit the visual impact of the site and possible glare issues.

9) Sound Barriers shall be required for noise mitigation around all inverter and transformer skid pads. Mitigation barriers shall be approved on an individual basis by the Planning and Development Department.

G. The following requirements shall be met for building/development permit applications:

1) A descriptive plot plan including setbacks, panel sizes, locations of property lines, building, and road right of ways.

2) Any other relevant studies, reports, certificates and approvals as may be reasonably requested by the Department, including but not limited to design review.

3) A stormwater management study shall be provided to ensure compliance with local BMP's.

H. The following requirements shall be met for decommissioning

1) Solar energy farms which have not been in active and continuous service for a period of one (1) year shall be removed at the owners or operators expense.

2) The site shall be restored to as natural condition as possible within six (6) months of the removal. (12-6-11)

Solid Waste Transfer Station (15)

A. Along the entire road frontage (except for approved access crossings), provide a three-foot (3) high landscape earthen berm with a maximum slope of three to one and/or a minimum six-foot (6) high opaque solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.

B. The facility shall not be located adjacent to or across the street from any property used or zoned for single-family residential use.

C. Lighting for such facilities shall be placed so as to direct away from any nearby residential areas.

D. No outdoor storage of non-containerized materials shall be allowed.

Storage Tank, Bulk, Flammable Liquids (9)

A. No above ground storage facilities may be located on the same lot as an automobile service station or closer than 500 feet from any residentially zoned property or school.

B. A fire prevention, evacuation, and safety plan must be approved by the Walton County Fire Department.

C. A spill containment and noise and air pollution abatement plan must be approved by the Department.

D. The use must comply with all applicable state and federal laws.

Storm Shelter (2)

Storm shelters are permissible as accessory uses and structures, where permitted, subject to the following conditions:

A. If any portion of the structure extends above the ground, that portion above the ground must comply with the yard and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the Walton County Planning and Development Office.

B. If the structure is completely underground, it need not comply with yard requirements or percentage of lot coverage requirements.

C. A storm shelter, underground or above ground, shall be confined to a side or rear yard and shall not be located in the front yard between the main building and the street on which it fronts.

D. Storm shelters may be contained in other structures or may be constructed separately.

Swimming Pool (18)

A. The pool and pool decking for community pools, private club pools, or outdoor pools in multi-family complexes, hotels or motels shall be located at least 50 feet inside the property lines adjacent to a single-family residential zone or use and at least 50 feet from any property line adjacent to a non-residential zone or use. (6-6-06)

B. When an outdoor pool is adjacent to off-site residences, the playing of music on a public address system is prohibited. Informational announcements are permitted. This requirement may be waived if a permit has been issued for a special event.

C. All pools must be enclosed by a chain link or solid wooden privacy fence at least four feet in height and with a self-closing/latching gate.

D. All swimming pools shall comply with all applicable ordinances and must have the necessary approval from the Walton County Health Department.

Swimming Pool, Home (18)

Within the districts permitting home swimming pools, the following requirements shall apply:

A. The swimming pool shall not be located closer than fifteen (15) feet to any property line.

B. The swimming pool and deck shall be enclosed by a wall or fence of at least four (4) feet in height. These regulations shall apply to in-ground and aboveground swimming pools that have a water depth over 24 inches or have a surface area of at least 100 square feet.

C. The deck shall be no closer than five (5) feet from any property line.

D. Prior to obtaining a building permit, approval of any in-ground swimming pool shall be obtained from the Walton County Health Department.

Temporary Building (5)

A. Temporary buildings, except where otherwise specifically permitted, shall not be allowed in any district except when used in conjunction with construction work or pending completion of a permanent building for a period not to exceed one (1) year. The time period may be extended upon approval by the Director.

B. Setbacks for temporary buildings shall conform with the setbacks required in the appropriate zoning district.

C. Temporary buildings shall be removed when the construction has been completed.

Temporary Use - Commercial Retail (8)

A. Outdoor retail sales of merchandise including outside flea markets may be approved by the Director in special administrative permit pursuant to the following requirements:

1. Written permission of the property owner is required.

2. No operator, employee or representative shall solicit directly to the motoring public.

3. No such temporary outdoor retail sales shall be conducted on public property or within any public right-of-way.

4. Adequate parking, ingress and egress are provided on site or written permission is obtained from an adjoining property owner.

5. As part of the application a site plan for the activity may be required.

6. No temporary buildings, shacks or tents shall be permitted in connection with this use.

7. All activities incident to this use shall be limited to daylight hours only.

8. All displays and equipment incident to this use shall be removed nightly.

9. No such temporary outdoor sales of merchandise shall be approved for a time period exceeding three consecutive days.

10. No special administrative permit for temporary sales of merchandise shall be approved for the same lot or any portion thereof for a total of more than 12 days in any calendar year.

11. All other requirements for licenses and regulations of Walton County shall be met.

12. Not permitted in zoning district A.

B. Outdoor Retail Seasonal Sales

Outdoor retail seasonal sales of plants, flowers, pumpkins, Christmas trees, farm produce or similar items may be approved by the Director by special administrative permit pursuant to the following requirements:

1. Written permission of the property owner is required.

2. No operator, employee or representative shall solicit directly to the motoring public.

3. No such temporary outdoor retail sales shall be conducted on public property or within any public right-of-way.

4. Adequate parking, ingress and egress are provided on site or written permission is obtained from the owner of adjoining property.

5. As part of the application a site plan for the activity may be required.

6. No such temporary outdoor seasonal retail sales shall be approved for a time period exceeding forty-five (45) consecutive days.

7. All other requirements for licenses and regulations of Walton County shall be met.

8. Use is permitted in zoning district A.

Temporary Use, Commercial (Recreation and Entertainment) (18)

A. Art shows, carnival rides and special events of community interest may be approved by the Director by special administrative permit pursuant to the following requirements:

1. For a time period not exceeding fourteen (14) days.

2. The activity shall be conducted at least five hundred (500) feet from any residential district.

3. No living accommodations on-site.

4. Employees shall be uniformed and identified.

5. Security or off-duty police officers on-site during operating hours.

6. Portable toilets provided.

7. Site plan to determine compliance with all zoning ordinance requirements.
8. All other requirements for licenses and regulations of Walton County shall be met.

B. Rodeos, horse shows, carnivals, athletic events, community fairs and special events of county interest may be approved by the Director by special administrative permit pursuant to the following requirements.

1. For a time period not exceeding fourteen (14) days.

2. All buildings, structures and activities associated with such use shall be set back at least five hundred (500) feet from the boundary of any residential district.

3. All buildings, structures and activities associated with such use shall be set back at least two hundred (200) feet from any property line.

4. The minimum lot area for any such use shall be twenty (20) acres.

5. Employees shall be uniformed and identified.

6. Security or off-duty police officers on-site during operating hours.

7. Sanitary facilities to be provided.

8. Site plan to determine compliance with all zoning ordinance requirements.

9. All other requirements for license and regulations of Walton County shall be met.

Townhouses (2)

A. No more than six (6) or fewer than three (3) continuous townhouses shall be connected in a row within the same building.

B. No side yard is required except that on corner and interior lots. The end of the building in any townhouse grouping shall conform to the side yard requirements of that district.

Utility Structures and Buildings (4)

Utility structures and buildings, including electric power generating units and natural gas substations, telephone exchanges, and similar structures must be fenced and properly screened with a six-foot high planted buffer as approved by the Department.

Veterinary Services (13)

A. Any structure used as an animal hospital or veterinary clinic shall be located and its activities conducted at least 100 feet from any property zoned or used for residential purposes.

B. Medical treatment or care shall be practiced only within an enclosed building or structure.

C. Kennel or boarding operations incidental to the principal use shall be permitted only within an enclosed building or structure.

D. The building or structure shall be designed to prevent the adverse impact of noise and/or odor from the animals on adjoining properties.

Yard Sales (8)

A private individual or group may conduct, not more than twice in any six-month period, a sale of used items, baked goods or other food items. Such events shall be limited to three consecutive days per event and subject to any health, zoning or other regulatory ordinances as may be in effect, and may be subject to regulatory fees. The exclusion granted in this section shall not be available to flea market operators, promoters, performances or other such enterprises or any other business-related operations. (8-4-09)

Part 2 Telecommunications Antennas and Towers (10)

Section 100 Purpose

The siting of telecommunications facilities within unincorporated Walton County shall balance the interests of the residents of Walton County, telecommunications providers, and telecommunications customers in so as to protect the health, safety, and integrity of residential neighborhoods; and to foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services. This Ordinance shall not prohibit, or have the effect of prohibiting, the provision of personal wireless services. This ordinance is intended to promote Walton County as a proactive County in the availability of personal wireless telecommunications service. To that end, this Ordinance shall:

A. Provide for the appropriate location and development of telecommunications facilities within unincorporated Walton County.

B. Protect Walton County's built and natural environment by promoting compatible design standards for telecommunications facilities.

C. Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflaging techniques.

D. Avoid potential damage to adjacent properties from tower or antennae failure through engineering and careful sitting of telecommunications tower structures and antennae.

E. Maximize use of any new and existing telecommunications towers through co-location so as to minimize the need to construct new towers and minimize the total number of towers throughout the County.

F. Maximize and encourage use of alternate telecommunication tower structures as a primary option rather than construction of additional single-use towers.

G. Encourage and promote the location of new telecommunications activities in areas which are not zoned for residential use.

Section 110 Applicability

A. District Height Limitations

The requirements set forth in this Ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height

limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas.

B. Public Property

Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this Ordinance, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.

C. Amateur Radio, Receive-Only Antennas

This Ordinance shall not govern any tower, or the installation of any antenna, that is under seventy feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

D. Pre-Existing Towers and Antennas

Any tower or antenna for which a permit has been properly issued prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of Section 120 F of this Part. Any such towers or antennas shall be referred to in this ordinance as "preexisting towers" or "preexisting antennas".

Section 120 Standards Applicable to All Towers and Antennas

The following standards shall apply to all towers and antennas, unless the governing authority reduces the standards if the goals of this Ordinance would be better served thereby:

A. Principal or Accessory Use

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a non-conforming use or structure.

B. Inventory of Existing Sites

Each applicant for an antenna and/or tower shall provide to the Planning and Development Department an inventory of its existing towers that are either within the geographic area of Walton County or within one-half mile of the border thereof, including specific information about the location, height, and design of each tower (pursuant to Sec. C. of this Article). The Department may share such information with other applicants applying for administrative approvals or conditional use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however that the Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

C. Aesthetics

The guidelines set forth in this paragraph shall govern the location of all towers, and the installation of all antennas, governed by this ordinance; provided, however, that the governing authority may waive these requirements if it determines that the goals of this ordinance are better served thereby. The determination whether a proposed tower or antenna meets these requirements shall be within the discretion of the Walton County Board of Commissioners. This list is not an exclusive list of the aesthetic issues the governing authority may consider; these are merely guidelines. The governing authority may consider any factor that serves the goals and purposes of this ordinance.

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

2. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

D. Lighting

Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

E. Aesthetics

1. Site location and development shall preserve the pre-existing character of the surrounding buildings and land uses and the zoning district as much as possible. Personal wireless telecommunication towers shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical.

2. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

3. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower and related facilities to the natural setting and built environment.

4. Placement of more than one tower on a lot shall be permitted, provided all setback, design, and landscape requirements are met as to each tower.

5. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.

6. Towers must be set back a distance equal to the height of the tower from any residential property line and all public rights-of-way, plus any other applicable setback requirements for the zoning district encompassing the proposed tower.

7. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for front, side, and rear yards. In no case shall a tower be located in the required front yard, back yard, or side yard in a residential district.

8. Towers shall not be sited where they will negatively affect historic or scenic view corridors as designated by the governing authority or any state or federal law or agency or where they will create visual clutter.

9. Towers shall be enclosed by decay-resistant security fencing installed along the perimeter of the compound not less than six feet in height and shall be equipped with an appropriate anti-climbing device or other similar protective device deigned to prevent tower access.

10. The following requirements shall govern the landscaping surrounding towers:

    a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent properties.

The standard buffer shall consist of a landscaped strip at least ten feet wide outside the required fence.

b. In locations where the visual impact of the tower would be minimal, as determined by the Planning and Development Department, the landscaping requirement may be reduced or waived altogether.

c. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may provide an adequate buffer at the discretion of the Planning and Development Department.

d. Any tower proposed at a height greater than one hundred feet, up to one hundred twenty feet shall be designed and intended to accommodate at least three users. Furthermore, for every additional twenty feet of height, said tower shall be designed to accommodate an additional user.

F. Federal Requirements

All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the governing authority shall be in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia.

Section 130 Application Procedures for All Towers and Antennas

The following must be provided when applying for a permit for a telecommunications facility:

A. Site plan, prepared and sealed by an appropriate licensing professional, to scale specifying the location of the telecommunications facilities, height of facilities, setbacks, transmission building and/or other accessory uses, access, parking, fences, landscape plan, and adjacent land uses.

B. A full description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance, or scenic view corridors.

C. A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic, noise, or safety impacts of such maintenance.

D. Report from a qualified, independent engineer licensed in the State of Georgia, documenting the following:

1. Telecommunications facility height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design;

2. Total anticipated capacity of the telecommunications facility, including number and types of antennae which can be accommodated;

3. Evidence of structural integrity of the tower structure; and (d) Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris should a failure occur.

4. A definition of the area of service to be served by the antenna or tower and whether such antenna or tower is needed for coverage or capacity.

5. Information showing the proposed facility would provide the needed coverage or capacity, and that they cannot provide personal wireless communication service without the use of the proposed tower or antennae.

6. The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Include name, address, telephone number, facsimile number, and electronic mail address and pager number, if applicable.

7. Identification of the geographic service area for the SU installation, including:

   a. A map showing the site and the nearest or associated telecommunications facility sites within the network;

   b. A description of the distance between existing or proposed telecommunications facility sites; and

   c. A description of how this service area fits into and is necessary for the service network.

8. Provide information to justify why co-location on an existing tower is not being proposed.

9. If the proposed site is zoned residential applicants must justify why alternative non-residential sites have not been proposed.

10. Each application shall include a five-year facilities plan and site inventory including the following:

    a. A list of all existing, to be upgraded or replaced**,** and proposed telecommunications facility sites within Walton County and a map showing these sites. The list must include (1) street address, land lot, district, and tax map and parcel number; (2) zoning district; (3) type of building and number of stories; (4) the number of antennas and base transceiver stations per site and the location and type of antenna installation (stand alone, rooftop, building facade, etc.), and location of the base transceiver station installation(s); (5) the height from ground to the top of the antenna installation; and (6) the radio frequency range in megahertz, the wattage output of the equipment and effective radiated power. Furthermore, after a tower structure has been approved, the applicant must submit a permit renewal application, which reports the status on the use of said tower, annually to the Planning and Development Department for administrative approval.

    b. If the applicant does not know specific future tower and antenna site locations but does know of areas where telecommunications facilities will be needed within the next five years to provide service, the applicant shall list the land lots contained within the anticipated geographic service area and identify each geographic service area with a number that will correspond to the future telecommunication facility site.

    c. The applicant shall provide any other information requested by the Planning and Development Department in order to fully evaluate the potential impact of the proposed facility.

Section 140 Permitted Uses

A. The uses listed in this Section are deemed to be permitted uses and shall not require administrative review or a conditional use permit. Nevertheless, all such uses shall comply with Article 3 of this ordinance and all other applicable ordinances. The following uses are specifically permitted:

1. A building, sign, light pole, water tower, or other free-standing nonresidential structure) so long as said additional antenna adds no more than twenty feet to the height of said existing structure. For antennas attached to the roof or a supporting structure on a rooftop, a 1: 1 setback ratio (example: ten foot high antenna and supporting structures requires a ten foot setback from edge of roof) shall be maintained unless an alternative placement is shown to reduce visual impact.

2. Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds no more than twenty feet to the height of said existing tower and said existing tower is not a pre-existing tower; provided, however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.

Section 150 Administrative Approvals

A. General

The Planning and Development Department may administratively approve the uses listed in this Article. Each applicant for administrative approval shall apply to the Planning and Development Department, providing the information set forth in Sections 120 and 130 of the Part. The applicant shall provide to the Planning and Development Department all information and supplementary materials that the Department requests in consideration of the requested administrative approval. If an administrative approval is denied, the applicant may appeal said denial to the Board of Appeals of Walton County.

B. Specific Administratively Approved Uses

After conducting an administrative review, the Department may approve installation of an antenna on an existing tower of any height, including a pre-existing tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty feet to the height of said existing tower; provided the requirements and intent of this Ordinance are met.

Section 160 Conditional Use Permits

A. General

The following provisions shall govern the issuance of conditional use permits:

1. If the tower or antenna is not a permitted use under Article 5 of this ordinance or permitted to be approved administratively pursuant to Section 150 of this Part, then a conditional use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

2. In granting a conditional use permit, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

B. Information Required

Each applicant requesting a conditional use permit under this ordinance shall comply with the requirements of Section 160 of this Part and other applicable provisions of this ordinance. In addition to the requirements of Sections 120 and 130 of this Part, the site plan shall also include:

1. A scaled elevation view; and

2. Supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, and other information deemed by the governing authority to be necessary to assess compliance with this ordinance.

C. Factors Considered in Granting Conditional Use Permits

The governing authority shall consider the following factors in determining whether to issue a conditional use permit, although the governing authority may waive, reduce, or increase the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this ordinance are better served thereby.

1. Height of the proposed tower;

2. Proximity of the tower to residential structures and residential district boundaries;

3. Nature of uses on adjacent and nearby properties;

4. Surrounding topography;

5. Surrounding tree coverage and foliage;

6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

7. Proposed ingress and egress; and

8. Availability of suitable existing towers, other structures, and alternative sites as discussed in this ordinance.

9. Any other factors, limitations, or standards listed in Sections 120 and 130 of this Part.

Section 170 Availability of Suitable Existing Towers or Other Structures

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence, submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:

A. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

B. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

C. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

D. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

E. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

Section 180 Removal of Abandoned Antennas and Towers

A. Any antenna or tower that is not operated for a continuous period of twelve months shall be considered abandoned, and the owner of such antenna or tower shall remove it within ninety days of receipt of notice from the governing authority notifying the owner of such abandonment.

B. If such antenna or tower is not removed within said ninety days, the governing authority may, in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia, remove such antenna or tower at the owner's expense.

C. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Section 190 Written Decisions

A. Any decisions by the Planning and Development Department or the Board of Appeals denying a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence in a written record.

B. Any decision by the Board of Commissioners denying or approving a request to place, construct, or modify a telecommunications facility shall be in writing and supported by substantial evidence in a written record.

C. At any time after a hearing on a conditional use permit application under Section 160 of this Part, the Board of Commissioners may instruct the Planning and Development Department, in consultation with legal counsel, to determine whether substantial evidence contained in a written record exists to support either approval or denial of the conditional use permit application. Having voted to so instruct the Planning and Development Department, the Board of Commissioners shall postpone its decision on the application until the specified date of a future regularly scheduled meeting of the Board of Commissioners.

D. In the intervening time between an instruction from the Board of Commissioners under Paragraph C of this subsection and the next specified regularly scheduled meeting of the Board of Commissioners, the Planning and Development Department shall compile any additional evidence regarding the application for conditional use permit that the Planning and Development Department deems necessary to constitute the substantial evidence contained in a written record necessary to support either approval or denial of the conditional use permit application.

E. Ten days before the meeting of the Board of Commissioners on the date specified in Paragraph C of this subsection, the Planning and Development Department shall present any additional evidence compiled under Paragraph D of this subsection for the Board of Commissioners' consideration, and shall make such evidence available to the applicant. At the meeting of the Board of Commissioners on the date specified in Paragraph C of this subsection, the Board shall render its decision to approve or deny the conditional use permit application. At this meeting there will be no additional public comment or applicant presentation regarding the conditional use permit application, provided, however, that any affected party, including the applicant, may present additional written materials to the Board.

Section 200 Penalties for Violation

A. Any person who erects or attempts to erect a telecommunications facility covered by this Ordinance without having first obtained the necessary building permit, use by right, conditional use permit, or variance in the manner provided in this Ordinance shall be deemed in violation of this Ordinance. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of this Ordinance shall be guilty of violating a duly adopted Ordinance of the County and shall be punished either by a fine not to exceed $1,000.00 or by imprisonment not to exceed 60 days or both.

B. If any structure is erected, constructed, reconstructed, altered; repaired, converted, or maintained in violation of this Ordinance or without obtaining required permits, or if any building, structure or land is used in violation of this Ordinance, the County, in addition to any other remedies, may institute proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violations. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues it may be deemed a separate offense.

Part 3 Adult Entertainment Establishments (18)

Section 100 Findings; Public Purpose (11-4-08)

The purpose of this article is to regulate certain types of businesses including, but not limited to, adult entertainment establishments, to the end that the many types of criminal activities frequently engendered by such businesses and the adverse effect on property values and on the public health, safety, and welfare of the county, on its citizens and property, and on the character of its neighborhoods and development will be curtailed. This article is not intended as a de facto prohibition of legally-protected forms of expression. This article is intended to represent a balancing of competing interests: reducing criminal activity and protection of neighborhoods and development through the regulation of adult entertainment establishments while protecting the rights of adult entertainment establishments and patrons. This article is not intended to allow or license any business establishment or activity that would otherwise be unlawful.

Based on evidence concerning the adverse secondary effects of adult entertainment establishments on the community in the findings incorporated in the cases of *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); City of Renton v. Playtime Theatres, Inc., 475 U.S. 41 (1986); and *Young v. American Mini Theatres*, 426 U.S. 50 (1976); studies in other communities including, but not limited to, Austin, Texas, St. Paul, Minnesota, and Indianapolis, Indiana, which experiences are found to be relevant to the problems faced by Walton County, Georgia, the Walton County Board of Commissioners takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country.

It is the finding of the Board of Commissioners of the county that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages in establishments offering live nude entertainment or “adult entertainment,” (whether such alcoholic beverages are sold on the premises or not) begets criminal behavior and tends to create undesirable community conditions. In the same manner, establishments offering cinematographic or videographic adult entertainment have the same deleterious effects on the community.

Among the acts of criminal behavior found to be associated with the commercial combination of live nudity and alcohol, live commercial nudity in general, and cinematographic or videographic adult entertainment are disorderly conduct, prostitution, public solicitation, public indecency, drug use and drug trafficking. Among the undesirable community conditions identified in other communities with the commercial combination of live nudity and alcohol, commercial nudity in general, and cinematographic or videographic adult entertainment are depression of property values and acceleration of community blight in the surrounding neighborhood, increased allocation of and expenditure for law enforcement personnel to preserve law and order, and increased burden on the judicial system as a consequence of the criminal behavior hereinabove described. The Board of Commissioners finds it is reasonable to believe

that some or all of these undesirable community conditions will result in this county as well.

Furthermore, it is the finding of the county Board of Commissioners that other forms of adult entertainment including, but not limited to, adult book stores, adult novelty shops, adult video stores, peep shows, adult theaters, and massage parlors have an adverse effect upon the quality of life in surrounding communities. The Board of Commissioners finds that the negative secondary effects of adult entertainment establishments upon the county are similar whether the adult entertainment establishment features live nude dancing or sells video tapes depicting sexual activities.

The Board of Commissioners of the county therefore finds that it is in the best interests of the health, welfare, safety and morals of the community and the preservation of its businesses, neighborhoods, and of churches, schools, residential areas, public parks and children's day care facilities to prevent or reduce the adverse impacts of adult entertainment establishments. Therefore, the Board of Commissioners of the county finds that licensing and regulations are necessary for any adult entertainment establishment. The board finds that these regulations promote the public welfare by furthering legitimate public and governmental interests, including but not limited to, reducing criminal activity and protecting against or eliminating undesirable community conditions and further finds that such will not infringe upon the protected Constitutional rights of freedom of speech or expression. To that end, this article is hereby adopted.

Section 110 Definitions

Except as specifically defined herein, all words used in this article shall be as defined in the most recent edition of the New Illustrated Book of Development Definitions (Rutgers). Words not defined herein or in the above book shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence and section in which they occur.

Adult bookstore means any commercial establishment in which more than ten square feet of floor space is used for the display or offer for sale of any book or publication, film, or other medium which depicts sexually explicit nudity or sexual conduct by its emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult entertainer means any person employed by an adult entertainment establishment who exposes his or her "specified anatomical areas," as defined herein. For purposes of this section, adult entertainers include employees as well as independent contractors.

Adult entertainment means entertainment that is characterized by an emphasis on the depiction, display or the featuring of "specified anatomical areas."

Adult entertainment establishment shall be defined to include the following types of business:

(1) Any commercial establishment that employs or uses any person live, in any capacity in the sale or service of beverages or food while such person is unclothed or in such attire, costume or clothing, so as to expose any portion of his or her "specified anatomical areas," as defined herein;

(2) Any commercial establishment which provides live entertainment where any person appears unclothed or in such attire, costume or clothing as to expose any portion of his or her "specified anatomical areas" as defined herein or where such performances are distinguished or characterized by an emphasis on "specified sexual activities," as defined herein;

(3) Any commercial establishment which holds, promotes, sponsors or allows any contest, promotion, special night, event or any other activity where live patrons of the establishment are encouraged or allowed to engage in any of the conduct described in subsections (1) and (2) herein;

(4) Any commercial establishment having a substantial or significant portion of its stock in trade, books, magazines or other periodicals, videotapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" as defined herein or "specified anatomical areas" as defined herein or having a segment or section comprising more than ten square feet of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales from the sale or rental of such material;

(5) Any commercial establishment utilizing an enclosed building with a capacity of 50 or more persons used for cinematographic or videographic presentation of material distinguished by or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas", as defined herein, for observation by patrons therein;

(6) Any adult motion picture theater, adult motion picture arcade, adult mini-motion picture theater, adult bookstore, adult video store, adult hotel, or adult motel, as defined herein;

(7) The definition of "adult entertainment establishment" shall not include traditional or mainstream theater, which means a theater, movie theater, concert hall, museum, educational institution, or similar establishment which regularly features live or other performances or showings which are not distinguished or characterized by an emphasis on the depiction, display, or description or the featuring of specified anatomical areas or specified sexual activities in that the depiction, display, description or featuring is incidental to the primary purpose of any performance. Performances and showings are regularly featured when they comprise at least 80 percent of all annual performances or showings.

Adult hotel or *motel* means a hotel or motel wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult mini-motion picture theater means an enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult motion picture arcade means any place to which the public is permitted to be invited wherein paper currency, coin- or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult motion picture theater means an enclosed building with a capacity of 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult video store means any establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section, comprising five percent of its total floor space, devoted to the sale or display of such material or which derives more than five percent of its net sales from videos which are characterized or distinguished or relating to specified sexual activities or specified anatomical areas.

Children's day care facility shall be defined as a structure or portion of a structure wherein is provided care and supervision of children away from their place of residence for less than 24 hours per day on a regular basis for compensation. For the purpose of this article the term "children's day care facility" shall include but not be limited to the terms "nursery school," "early learning center," "pre-kindergarten," "private kindergarten," "play school," or "pre-school."

Operator means the manager or other person principally in charge of an adult entertainment establishment.

Owner means any individual or entity holding more than a 20 percent interest in an adult entertainment establishment.

Park means any lands or facility owned, operated, controlled or managed by any county, city or federal government or any governmental entity in and upon which recreational activities or places are provided for the recreation and enjoyment of the general public.

Premises means the defined, closed or partitioned establishment, whether room, shop or building wherein adult entertainment is performed.

Residence means a house, apartment, mobile home, boardinghouse or rooming house, duplex or other multifamily housing for human dwelling, or any property zoned therefore.

School means state, county, city, religious organization or other schools, public or private, as teach the subjects commonly taught in the common schools of this state, and vocational schools, colleges, post-high-school learning centers, kindergartens and day care centers for persons of all ages.

Specified anatomical areas shall include the following:

(1) Less than completely and opaquely covered human genitals or pubic region, cleft of the buttocks, or female breast below a point immediately above the top of the areola; or

(2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

Specified criminal activity means any crime involving keeping a place of prostitution; soliciting for prostitution; prostitution; promotion of prostitution; pandering; pimping; keeping a disorderly place; dissemination of obscenity or illegal pornography; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; lewdness; sodomy; solicitation of sodomy; masturbation for hire; indecent exposure; sexual battery; rape; sex offenses; public indecency; child molestation; enticing a child for indecent purposes; indecency with a child; any offense included in the definition of a “criminal offense against a victim who is a minor” as defined in O.C.G.A. § 42-1-12; engaging in organized criminal activity relating to a sexually oriented business; illegally dealing in narcotics; any charge relating to the manufacture or sale of intoxicating liquors; or criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving the same elements from any jurisdiction regardless of the exact title of the offense.

Specified sexual activities shall be defined to mean and include any of the following:

(1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty;

(2) Clearly depicted human genitals in a state of sexual stimulation, arousal, or tumescence;

(3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation;

(4) Fondling or other erotic touching of nude human genitals, pubic region, buttocks or female breast;

(5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or

(6) Erotic or lewd touching, fondling or other sexual contact with an animal by a human being.

(7) Human excretion, urination, menstruation, or vaginal or anal irrigation.

Section 120 Unlawful Operation Declared Nuisance

Any adult entertainment establishment operated, conducted or maintained contrary to the provisions of this Part is hereby declared to be unlawful and a public nuisance. The county may, in addition to or in lieu of all other remedies, commence an action or proceeding for abatement, removal or enjoinment thereof, in the manner provided by law.

Section 130 Compliance with Zoning and Building Codes

No adult entertainment establishment shall be conducted on any premises that do not comply with all zoning, building code, fire and other ordinances and laws of the county and the state.

Section 140 Zoning Requirements

A. No adult entertainment establishment shall be located, and no adult entertainment business may be conducted, on any premises, and no license for an adult entertainment establishment may be issued, for any premises or location unless the location has been zoned M-1 Light Industrial, M-2 Heavy Industrial or zoned B-3 General Business and a conditional use permit issued for such case under the zoning laws of the county and such establishment complies with all zoning regulations.

B. Distance Separating Uses

A Plat by a registered surveyor or engineer must be submitted showing compliance with the following:

No adult entertainment establishment shall be located:

1. Within a distance of one thousand (1,000) feet of any parcel of land which is either zoned A-1, A-2, R-1, R-2 and R-3 or used for residential uses or purposes;
2. Within one thousand (1,000) feet of any parcel of land on which a church, kindergarten, school, library, public park or playground, children's day care facility, prison, or any building owned or occupied by a governmental entity is located;

3. Within one thousand (1,000) feet of any parcel of land upon which another establishment regulated or defined hereunder is located;
4. Within one thousand (1,000) feet of any parcel of land upon which any other establishment selling alcoholic beverages is located.

For purposes of this section, distance shall be by airline measurement from property line, using the closest points on the property lines of the parcels of land involved. The term “parcel of land” means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

Section 150 License Required

A. It shall be unlawful for any person, association, partnership, or corporation to operate, engage in, conduct, or carry on, in or upon any premises within the unincorporated area of the county an adult entertainment establishment as defined in this article without first procuring an annual license to do so except as provided in section 220(B) when the Department of Planning and Development fails to approve or deny an application for an adult entertainment license within 30 days as required by this article. The issuance of such an annual license shall not be deemed to authorize, condone or make legal any activity thereunder if the same is deemed illegal or unlawful under the laws of the state or the United States.

B. No annual license for an adult entertainment establishment shall be issued by the county if the premises to be used also holds a license to sell alcoholic beverages or malt beverages and wine for consumption on the premises. Any premises licensed as an adult entertainment establishment shall not be eligible to apply at any time for a license to sell alcoholic beverages or malt beverages and wine for consumption on the premises.

C. There shall be an annual regulatory fee for each adult entertainment establishment licensed within the county in the amount of $750.00. The annual regulatory fee must be paid to the Department of Planning and Development within ten days after the Department of Planning and Development approves the initial application for an adult entertainment establishment license or a renewal thereof. In any event, no adult entertainment establishment license or renewal thereof shall be issued until the most recent annual regulatory fee has been paid.

D. All licenses granted hereunder shall expire on December 31 of each year. Licensees who desire to renew their license shall file an application with the Department of Planning and Development on the form provided for renewal of the license for the ensuing year. Applications for renewal must be filed before November 30 of each year. Any renewal application received after November 30 shall pay, in addition to said annual regulatory fee, a late charge of 20 percent. If a license renewal application is received after January 1, such application shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had been held. If a license application is received after January 1, investigative and administrative costs as hereinafter set forth in this article will be assessed. All licenses granted hereunder shall be for the calendar year and the full annual regulatory fee must be paid for a license renewal application filed prior to July 1 of the license year. One-half of a full annual regulatory fee shall be paid for a license renewal application filed after July 1 of the license year.

E. Any person renewing any license issued hereunder who shall pay the annual regulatory fee, or any portion thereof, after January 1, shall, in addition to said annual regulatory fee and late charges, pay simple interest on the delinquent balance at the annual rate then charged by the Internal Revenue Service of the United States on unpaid federal income taxes.

F. All licenses granted hereunder are nontransferable and nonassignable.

Section 160 On-premises Operator Required

An adult entertainment establishment shall have a designated person(s) to serve as an on-premises operator. The operator(s) shall be principally in charge of the establishment and shall be located on the premises during all operating hours.

Section 170 Application Process and Qualifications

A. *Process*. Any person, association, partnership or corporation desiring to obtain a license to operate, engage in, conduct, or carry on any adult entertainment establishment in the unincorporated areas of the county shall make application to the Department of Planning and Development. Such application shall be made on forms furnished by the county, shall be made in the name of the adult entertainment establishment by an applicant who is a natural person and an agent of the adult entertainment establishment and shall include the name(s) of the operator(s) as defined herein and of the owner(s) as defined herein. If the adult entertainment establishment is a corporation, then the agent for purposes of making application for a license hereunder shall be an officer of the corporation. If the adult entertainment establishment is a partnership, the agent for such purposes shall be a general partner. At the time of submitting such

application, a nonrefundable fee payable in cash or by certified check in the amount of $300.00 shall be paid to the Department of Planning and Development to defray, in part, the cost of investigation and report required by this article. The Department of Planning and Development shall issue a receipt showing that such application fee has been paid. Each application must be completed in its entirety before being accepted by the Department of Planning and Development for filing and processing. The application for license does not authorize the operation of, engaging in, conduct or carrying on of any adult entertainment establishment.

B. *Contents*. Each application for an adult entertainment establishment license shall contain the following information:

1. The full true name and any other names used by the applicant, the operator(s) and owner(s);
2. The present address and telephone number of the applicant, the operator(s) and owner(s);
3. The previous addresses of the applicant, the operator(s) and the owner(s), if any, for a period of five years immediately prior to the date of the application and the dates of residence at each;
4. Acceptable written proof that the applicant, the operator(s) and the owner(s) are at least 18 years of age;
5. The operator(s)' height, weight, color of eyes and hair and date and place of birth;
6. Two photographs of the operator(s) at least two inches by two inches taken within the last six months;
7. The business, occupation or employment history of the applicant, the operator(s) and owner(s) for the five years immediately preceding the date of application;
8. The business license history of the adult entertainment establishment seeking a license and whether such establishment, in previous operations in this or any other location under license, has had such license or permit for an adult entertainment business or similar type of business revoked or suspended, the reason therefor, and the business activity or occupation subsequent to such action of revocation or suspension;
9. If the application is made on behalf of a corporation, the name of the corporation, exactly as shown in its articles of incorporation or charter, the place and date of incorporation, and the names of its officers and shareholders. If the application is on behalf of a limited partnership, a copy of the certificate of limited partnership filed with the county clerk shall be provided along with the names of all persons holding any managerial or ownership interest therein. If one or more of the partners is a corporation, the provisions of this subsection pertaining to corporations shall apply;

10. The names and addresses of the owner and lessor of the real property upon which the adult entertainment establishment is to be operated, engaged in, conducted or carried on and a copy of the lease or rental agreement;

11. With respect to the applicant, the operator(s) and the owner(s), all convictions, (excluding misdemeanor traffic violations unrelated to driving under the influence of drugs or alcohol) within the past five years, including a complete description of the crime or violation, the date of the crime or violation, date of conviction (including plea of guilty or nolo contendere), jurisdiction and any disposition, including any fine or sentence imposed and whether the terms of disposition have been fully completed. Each person required to disclose convictions hereunder shall also provide a signed and notarized consent, on forms prescribed by the Georgia Crime Information Center, authorizing the release of his or her criminal records to the permits unit of the county Sheriff's Office.

12. A complete set of fingerprints of the applicant and the operator(s);

13. If the person or business entity on whose behalf application for a license is doing business under a trade name, a copy of the trade name as properly recorded. If the application is made on behalf of a corporation, a copy of its authority to do business in the state, including articles of incorporation, trade name affidavit, if any, and last annual report, if any;

14. At least three character references for the applicant, the operator(s) and owner(s) from individuals who are in no way related to the applicant or any operator(s) or owner(s) and who are not or will not benefit financially in any way from the application if the license is granted. The county shall prepare forms consistent with the provisions of this subsection for the applicant, the operator(s) and owner(s), who shall submit all character references on such forms;

15. The address of the premises where the adult entertainment establishment will be operated, engaged in, conducted, or carried on;

16. A plat by a registered engineer or a registered land surveyor, licensed by the state, showing the location of the proposed premises where the adult entertainment establishment will be operated, engaged in, conducted or carried on in relation to the neighborhood, the surrounding zoning, its proximity to any residential area, church, school, public park or children's day care facility, establishment selling alcoholic beverages or malt beverages and wine or other adult entertainment establishment;

7. Each application for an adult entertainment establishment license shall be verified and acknowledged under oath to be true and correct by:

   a. If application is made on behalf of an individual, the individual;

b. If application is made on behalf of a partnership, by a general partner;

c. If application is made on behalf of a corporation, by the president of the corporation;

d. If application is made on behalf of any other organization or association, by the chief administrative official.

C. *Appearance by applicant*. The applicant shall personally appear before the Director or Assistant Director of the Department of Planning and Development and produce proof that a nonrefundable application fee, in an amount established by resolution of the Board of Commissioners, has been paid and shall present the application containing the aforementioned and described information.

D. *Investigation; standards for granting of license*. The county shall have 30 days from the date of actual receipt of the application to investigate the facts provided in the application and the background of the applicant, the operator(s) and owner(s). The Director or Assistant Director of the Department of Planning and Development shall stamp the date of actual receipt of each application on the first page thereof and notify the applicant of the actual receipt of the application within five business days of actual receipt of such application. The Director of the Department of Planning and Development shall approve or deny any application for an adult entertainment establishment license within 30 days of actual receipt of such application. The application for an adult entertainment establishment license shall be granted if the Director of the Department of Planning and Development finds:

1. The required $300.00 investigative fee has been paid;

2. The application conforms in all respects to the provisions of this part;

3. The applicant has not made a material misrepresentation in the application;

4. Neither the applicant nor any of the operator(s) or owner(s) has been convicted or pled guilty or entered a plea of nolo contendere to any misdemeanor involving a Specified Criminal Activity within the previous two years, or to any felony involving a Specified Criminal Activity within the previous five years. For purposes of this article, a conviction or plea of guilty or nolo contendere shall be ignored as to any offense for which the applicant was allowed to avail himself of the Georgia First Offender Act unless the applicant is later adjudicated guilty of having violated the terms of his first offender treatment;

5. Neither the applicant nor any of the operator(s) or owner(s) has had an adult entertainment establishment license or other similar license or permit revoked for cause by this county or any other county or municipality located in or out of this state prior to the date of application within the preceding five years;

6. The building, structure, equipment and location of the premises of the adult entertainment establishment as proposed by the applicant would comply with all applicable laws, including but not limited to health, zoning, distance, fire and safety requirements and standards;

7. The applicant is at least 18 years of age;

8. On the date the business for which a license is required herein commences, and thereafter, there will be an operator(s) as defined herein on the premises at all times during which the business is open;

9. The proposed premises will be located at least the minimum distances set forth in this article from any residential use, church, kindergarten, school, library, public park or playground, children's day care facility, prison, any building owned or occupied by a governmental entity, any establishment licensed to sell alcoholic beverages or malt beverages and wine for consumption on the premises, or another adult entertainment establishment; and

10. The grant of such license will not cause a violation of and will not be in conflict with this article or any other law, ordinance or regulation, of Gwinnett County, the State of Georgia or the United States.

The Director of the Department of Planning and Development shall deny the application for an adult entertainment establishment license if the application fails to meet any requirement contained in the county's ordinance regulating adult entertainment establishments.

Section 180 Regulation of Adult Entertainment Establishments

A. Adult entertainment establishment employees.

1. *Qualifications*. Employees of an adult entertainment establishment shall be not less than 18 years of age. No employee employed as an adult entertainer shall have been convicted of or pled guilty or entered a plea of nolo contendere to any misdemeanor involving a Specified Criminal Activity within the previous two years, or to any felony involving a Specified Criminal Activity within the previous five years. Any adult entertainer who is convicted of any such crimes while employed as an adult entertainer shall not thereafter work on any licensed premises for a period of five years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term "licensed premises" shall mean the premises where an adult entertainment establishment for which a license is obtained pursuant to this article operates, conducts or carries on its business. The term "convicted" shall include an adjudication of guilt or a plea of guilty or nolo contendere or the

forfeiture of a bond when charged with a crime in a court of competent jurisdiction.

2. *Duty to report convictions*. Every licensee and permit holder shall notify the Director of Planning and Development in writing of the final disposition of any criminal action filed in any court of competent jurisdiction whenever that final disposition involves a Specified Criminal Activity. Such notice shall be given to the Director of Planning and Development within 20 days of the conviction and shall include a copy of the indictment, accusation, and the conviction.

3. *Permit for employment*. Before any person may work as an adult entertainer on a licensed premises, as defined in subsection 1, he or she shall file a notice with the county Sheriff's Office of his or her intended employment on forms supplied by the Sheriff's Office and shall receive a permit for such employment from the county Sheriff's Office. The prospective employee shall supply a signed and notarized consent, on forms prescribed by the Georgia Crime Information Center, authorizing the release of his or her criminal records to the county Sheriff's Office. The prospective employee shall also provide a list of all of his or her convictions of offenses involving a Specified Criminal Activity (including pleas of nolo contendere) within the past two years for a misdemeanor conviction, and five years for a felony conviction. The county Sheriff's Office shall approve or deny the permit within 15 days of the application. If the prospective employee is found to meet the requirements of this section, and upon payment of the permit fee, the county Sheriff's Office shall issue a permit approving such employment within 48 hours. Upon receipt of a permit, the employee may begin working on the licensed premises. If approval is denied, the county Sheriff's Office shall provide the prospective adult entertainer the reasons for the denial and the prospective employee may, within ten days of said denial, appeal to the Walton County Sheriff or his or her Chief Deputy who shall uphold or reverse the decision within 30 days of such appeal. Said decision shall constitute a final decision. If the Sheriff's Office does not approve or deny an application for a license within 45 days of the date such application was received by the county Sheriff's Office, then on the expiration of the 45th day: (1) the application shall be approved and the Sheriff's Office shall immediately issue the license for which application was made, and (2) the applicant shall have the right to begin operating in the manner allowed by the license for which application was made. The annual permit fee shall be $25.00.

4. *Suspension or revocation of permit; procedure*. Violation by an adult entertainer of the provisions of this article and/or conviction of

an offense involving a Specified Criminal Activity shall subject an adult entertainer to suspension or revocation of the permit for employment. Whenever the Director of Planning and Development finds that reasonable grounds exist to suspend or revoke a permit for employment issued hereunder, he or she shall hold a hearing to consider such action and shall notify the employee at least 20 days prior to the hearing of the time and place of the hearing and the proposed action and grounds therefor. The employee shall be entitled to present evidence and cross-examine witnesses with or without legal counsel. The Director of Planning and Development shall make his or her decision within ten days of the hearing and shall notify the employee promptly in writing. In the event that a permit for employment is suspended or revoked by the Director of Planning and Development, a $50.00 appeal cost shall be assessed against the permit holder.

5. *Permit Must be Accessible*. All persons holding a permit for employment must keep said permit in an accessible location that allows for immediate inspection at any time while on a licensed premises.

6. *Independent contractors*. For the purpose of this article, independent contractors working as adult entertainers shall be considered as employees and shall be required to satisfy the provisions of this article relating to employees of adult entertainment establishments, regardless of the business relationship with the owner or licensee of any adult entertainment establishment.

B. *Hours of operation*. An adult entertainment establishment may be open only between the hours of 8:00 a.m. and 2:00 a.m.

C. *Display of licenses*. An adult entertainment establishment licensee shall conspicuously display the license required by this article.

D. *Performance area*. All dancing by adult entertainers at adult entertainment establishments shall occur on a platform intended for that purpose which is raised at least 18 inches from the level of the floor.

E. *Lighting*. All areas of an adult entertainment establishment licensed hereunder shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to 3.5 footcandles per square foot.

F. *Covering of windows and doors*. All adult entertainment which is licensed and permitted by this article shall be carried on inside a closed building with all windows and doors covered so that the activities carried on inside cannot be viewed from the immediate areas surrounding the outside of the building.

Section 190 Conduct or Activities Prohibited

A. *Admission of minors*. It shall be unlawful for any person or licensee to admit or permit the admission of minors or allow a minor to remain within premises licensed under this Part.

B. *Sales to minors*. It shall be unlawful for any person to sell, exchange, barter, trade, give, or offer to sell, exchange, barter, trade or give, to any minor any entertainment, service, material, device or thing offered, for sale or otherwise, at an adult entertainment facility.

C. *Simulated Sexual Activity*.

1. No licensee shall permit any employee or patron to use artificial devices or inanimate objects to depict any of the prohibited activities described in this Section.

2. No employee or person while on licensed premises shall expose or be permitted to dance or perform nude or semi-nude in such a manner as to simulate sexual activity with any patron, spectator, employee or other person.

D. *Advertising without license*. No person, partnership, corporation or other entity shall advertise or cause to be advertised an adult entertainment establishment without a valid adult entertainment establishment license issued pursuant to this article.

E. *Employment of minors or unpermitted persons*. No adult entertainment establishment licensee shall employ or contract with a person under the age of 18 years or an adult entertainer who has not obtained a permit pursuant to this article.

F. *Sale, consumption of alcohol*. No adult entertainment establishment licensee shall serve, sell, distribute or suffer the consumption or possession of any alcoholic beverages, malt beverages or wine or controlled substance upon the premises of the licensee.

G. *Contact between patrons, employees*. No dancing or other performance by an adult entertainer at an adult entertainment establishment shall occur closer than four feet to any patron. No patron, customer or guest shall be permitted to touch, caress or fondle any specified anatomical area of or any part of the body or clothing of any adult entertainer. No patron shall directly pay or give any gratuity to any adult entertainer. No adult entertainer shall solicit any pay or gratuity from any patron.

H. *Engaging in specified sexual activities prohibited*. No adult entertainer, other employee, patron or other person at an adult entertainment establishment shall be allowed to engage in any specified sexual activity as defined herein on the premises of any adult entertainment establishment.

I. *Public indecency prohibited*. No adult entertainer, other employee, patron or other person at an adult entertainment establishment shall, while on the premises of an adult entertainment establishment, commit the offense of public indecency as defined in O.C.G.A. § 16-6-8.

Section 200 Penalty for Violation.

Any person violating any of the provisions of section 190 of this article shall be guilty of a misdemeanor, punishable by a fine not to exceed $1,000.00 per violation or by imprisonment for a period not to exceed 60 days, or both. Each day of operation in violation of this article shall be deemed a separate offense.

Section 210 Conditions of Adult Entertainment Establishment.

A. *Cleaning of licensed premises*. All adult entertainment establishments shall be kept in a clean, sanitary condition, and shall be in full compliance with all applicable ordinances and regulations of the county and the state.

B. *Inspection of licensed premises*. The county fire marshal shall have the authority to regularly inspect adult entertainment establishments, to determine compliance with and enforce all applicable fire, health and other codes of the county.

C. *Inspection for unsanitary or unsafe conditions*. The county Sheriff's Office shall have the authority to periodically inspect adult entertainment establishments to determine compliance with and enforce all provisions of this article and other applicable ordinances, regulations and laws.

Section 220 Denial, Suspension or Revocation of License; Hearing.

A. *Grounds*.

1. A license may be denied to persons or entities that have submitted an incomplete application or that have failed to satisfy any of the requirements of the county's ordinance regulating adult entertainment establishments found at sections 100 through 270 of this article.

2. Any of the following shall be grounds for suspension or revocation of a license:

   a. The making of any statement on an application for a license issued hereunder which is material and is later found to be false;

b. Violation of any of the regulations or prohibitions of this article;

c. With respect to the applicant, operator(s) and owner(s), conviction of or a plea of guilty or nolo contendere to a crime involving a Specified Criminal Activity.

B. *Denial; procedure*.

1. Within 30 days of actual receipt of an application for an adult entertainment establishment license, the Director of Planning and Development shall either approve or deny the application. In no event shall the Director's decision whether to approve or deny the adult entertainment establishment license application be withheld for more than 30 days after actual receipt of the application.

2. In the event that such an application is held without decision for a period of more than 30 days, however, the license application shall be deemed approved, and expressive conduct may begin immediately notwithstanding the fact that no license has been issued. The director of the county's finance department shall issue an adult entertainment establishment license to an applicant who informs the director of finance of the fact that an application has been submitted, but no decision has been made thereon for a period of more than 30 days following actual receipt of the application. Notwithstanding the fact that the license provided by this subsection shall not be a prerequisite to the commencement of business operations contemplated by the application, the director of the county's finance department shall issue an adult entertainment establishment license under such circumstances within three business days of actual receipt of written notice by the applicant of such circumstances.

3. In the event that the Director of Planning and Development denies an application for an adult entertainment establishment license, notice of such denial shall be delivered to the applicant in person or by certified mail within five business days of such denial. Said decision shall constitute a final decision.

4. Any person aggrieved by any decision of the county, its officials, employees, agents, or the Walton County Sheriff pursuant to this article, may seek review of such decision by filing an appropriate pleading in the Superior Court of the County or any other court of competent jurisdiction, as provided by law.

C. *Suspension or revocation; procedure*. Whenever the Director of Planning and Development finds reasonable grounds exist to suspend or revoke a license issued hereunder, he or she shall schedule a hearing to consider such suspension or revocation and shall, at least 20 days prior to the hearing, notify the licensee of the time and date of the hearing and the proposed action and the grounds therefor. The licensee shall be entitled to present evidence and cross-examine any witnesses at the hearing, with or without legal counsel. The Director of Planning and Development shall make his or her decision within ten days of the hearing and shall notify the licensee in writing within five business days of the decision. Said decision shall constitute a final decision.

Section 230 Miscellaneous

Nothing contained in this article shall be deemed to permit or condone any activity whatsoever which is otherwise found to be obscene, lewd or illegal under applicable code, regulation or statute which provides any prohibition upon nudity or sexual activity. Further the activities and uses which are regulated and permitted by this article shall only be allowed if they are not obscene or lewd and not in violation of any other such prohibitions on nudity or sexual activity.

Section 240 Severability

If any portion or subsection of this article or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder or application to other persons or circumstances shall not be affected.

Section 250 Automatic license forfeiture for nonuse

Any holder of any license hereunder who shall for a period of three consecutive months after the license has been issued cease to operate the business and sale of the product or products authorized shall after the said three-month period automatically forfeit the license without the necessity of any further action.

Section 260 Repeal of conflicting provisions

All resolutions or ordinances, or parts thereof, in conflict with this article are hereby repealed.

Section 270 Physical layout of establishment

Any adult entertainment establishment having available for customers, patrons or members any booth, room, or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

A. *Access*. Each booth, room or cubicle shall be totally accessible to and from aisles and public areas of the establishment, and shall be unobstructed by any curtain, door, lock, or other control-type or view-obstructing devices or materials.

B. *Construction*. Every booth, room or cubicle shall meet the following construction requirements:

1. Each booth, room or cubicle shall be separated from adjacent booths, rooms and cubicles and any nonpublic areas by a wall.
2. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same.
3. All walls shall be solid and without openings, extended from the floor to a height of not less than six feet and be light colored, nonabsorbent, smooth-textured and easily cleanable.
4. The floor must be light colored, nonabsorbent, smooth-textured and easily cleaned.
5. The lighting level of each booth, room or cubicle when not in use shall be a minimum of ten candles at all times, as measured from the floor.

C. *Occupants*. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth, room or cubicle. No individual shall damage or deface any portion of the booth, room or cubicle.

Article 7 Parking and Loading Space

Part 1 Off-Street Vehicular Parking

Section 100 General Requirements

Off-street automobile parking space shall be provided for every permitted or conditional use established in accordance with this Ordinance. For the purpose of this Ordinance, the following general requirements shall be met:

A. If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Director may permit such space to be provided on other off-street property, provided such space lies within six hundred (600) feet of the property of such principal use.

B. The required number of parking spaces for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use at the same time, except that portion of the parking space required for an existing church whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at nights or on Sundays.

C. Commercial vehicles, light duty business vehicles and recreational vehicles may be parked in residentially zoned districts with the following provisions:

1. Vehicles shall not be parked in required front yard building setback lines.

2. Commercial vehicle shall not be allowed in any “R” zoning district or within a platted subdivision in “A” zoning districts.

3. A maximum of one light duty business vehicle, one commercial vehicle, and one recreational vehicle is allowed per lot.

4. On street parking of vehicles shall not be permitted on streets abutting residentially zoned property.

5. Vehicles may be enclosed in accessory structures provided that such structures meet all provisions outlined herein and in other applicable ordinances.

6. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a lot, or in any location not approved for such uses.
12-2-03

Section 110 Number of Parking Spaces Required

Minimum Parking Requirements

Land Use	Number of Parking Spaces:	Required for Each:
Residential		
Single-Family Residence	2	Dwelling Unit
Two-Family Residence	2	Dwelling Unit
Multi-Family Residence	2	Dwelling Unit
Retirement Community	1	Dwelling Unit
Membership Dwellings, Personal Care Homes, Nursing Homes	1	3 residents or beds
Bed & Breakfast, Rooming House, Boarding House	1	Room to be rented
Hotel or Motel: (a) Conventional hotel, or motel with a restaurant or lounge	1 1/2	Room
(b) Non-convention hotel or a motel with no restaurant	1	Room
Commercial		
Offices: general and professional offices, insurance and real estate offices	3 1/2	1,000 sf[1] of GFA[2]
Bank	4 1/2	1,000 sf of GFA
Offices - Medical and Dental	4 1/2	1,000 sf of GFA
Funeral Home	35	Viewing Room
Daycare Center	1	400 sf of GFA
Movie Theater	1	4 Seats
Service Station, Gas Station, Auto Repair Shop or Garage	3 5	Service bay, plus 1,000 sf of retail space

[1]Square Feet.

[2]Gross floor area--the total area of all floors, measured between the exterior walls of a building.

Land Use	Number of Parking Spaces:	Required for Each:
Automobile, Truck, Recreation Vehicle, Manufactured Home or Utility Structure Sales	2 1 3	1,000 sf of indoor sales area, plus 2,500 sf of outdoor display, plus Service bay
Restaurant:	14	1,000 sf of GFA
Fast Food Restaurant	14	1,000 sf of GFA
Bowling Center	4 1/2	Lane
Amusement Parlor, Recreational Attraction, Roller Skating or Ice Skating Rink	6	1,000 sf of GFA
Recreation Area, Subdivision	1	10 homes
Health Club or Fitness Center	4 1/2	1,000 sf of GFA
Shopping Centers: (a) Less than 100,000 sf of GLA[3]	4 3 10	1,000 sf of total GLA, plus 100 movie theater seats, plus 1,000 sf of food service area
(b) 100,000 - 199,999 sf of GLA	4 3 6	1,000 sf of total GLA, plus 100 theater seats over 450, plus 1,000 sf of food service area
(c) 200,000 - 399,000 sf of GLA	4 3	1,000 sf of total GLA, plus 100 theater seats over 750
(d) 400,000 - 599,000 sf of GLA	4 1/2 3	1,000 sf of total GLA, plus 100 theater seats over 750
(e) 600,000 or more sf of GLA	5 3	1,000 sf of total GLA, plus 100 theater seats over 750
Supermarket	4	1,000 sf of GFA
Furniture or Carpet Store	1 1/2	1,000 sf of GFA
Building Supplies, Brick or Lumber Yard	2 1	1,000 sf of indoor sales area, plus 2,500 sf of outdoor display
Retail Sales or Service establishments not listed above	5	1,000 sf of GFA

[3]Gross leasable area--the total area of all floors intended for occupancy and the exclusive use of tenants, specifically excluding public or common areas such as utility rooms, stairwells, enclosed malls and interior hallways.

Land Use	Number of Parking Spaces:	Required for Each:
Industrial and Manufacturing		
Wholesale, Office-Warehouse	1 1	200 sf of office space, plus 1,000 sf of storage area
Open storage of sand, gravel, petroleum, etc.	1	2,500 sf of outdoor sales area, if any
Warehouse, Transfer and Storage	1	600 sf of GFA
Warehouse, including commercial sales to the public	1 1	200 sf of sales or office, plus 1,000 sf of storage area
Manufacturing	2 1/2	1,000 sf of GFA
Institutional and Other		
Hospital	1.8	Bed
Auditoriums, church, theaters, stadiums, and other places of assembly	1 1 1	3 seats, or 12 feet of pew, or 30 sf in the largest assembly room
College (instructional space)	10	Classroom
Technical College, Trade School	20	Classroom
Senior High Schools	6	Classroom
Elementary & Jr. High Schools or Middle Schools	2	Classroom
Library or Museum	2	1,000 sf of GFA
Civic Clubs, Museums, Fraternal Lodges, etc.	1	200 sf of GFA

Section 120 Reduction in Parking Requirements

A. The Director shall have the authority to grant a reduction in the total number of off-street parking spaces by up to fifty (50) percent of the number required by Section 110 of this ordinance through administrative variance as provided in Article 14, Section 180. Such administrative variance requires written documentation and justification that one or more of the following conditions exist:

1. Due to unique circumstances including the shape, topography, soils and vegetation of the site, the provision of the minimum number of required spaces would cause the applicant to suffer unique an undue hardship; or

2. The site is located in an environmentally sensitive area, such as a water supply watershed, where stormwater runoff should be minimized; or

3. The unique circumstances of the use make the minimum number of parking spaces excessive for actual needs.

B. If the Director finds that the parking reduction is no longer justified, the Director shall notify the owner to construct the number of parking spaces necessary to meet the required level.

C. Prior to any change in ownership or use, the owner must apply to the Director for an evaluation and confirmation of the reduction.

Section 130 Shared Parking

A. Shared parking may be permitted by the Director if the applicant satisfactorily demonstrates that the actual peak parking requirements of the proposed development or use can be satisfied with a lesser number of parking spaces through sharing adjacent parking for two or more proximate uses because peak demand periods for proposed land uses do not occur at the same time periods.

B. Developers requesting reductions based on shared parking shall submit the following:

1. Site plan indicating the location of uses proposing to share parking requirements and design of shared parking facilities;

2. A cross-access legal agreement between owners to assure the continued availability of adequate parking; and

3. A shared parking analysis that shall follow the guidelines detailed in Appendix E of this Ordinance.

C. Any subsequent change in land uses within the participating developments shall require proof that adequate parking will be available.

Section 140 Handicap-Accessible Parking Spaces

A. Off-street parking for persons with disabilities are to be provided as required by the federal Americans with Disabilities Act and the Georgia Accessibility Code for all multi-family and non-residential uses.

B. Handicap-accessible parking spaces shall be counted as part of the total number of parking spaces required in Sec. 110 of this Part.

C. The number of required handicap-accessible parking spaces is shown in the table below: The number of parking spaces required in this Section is not subject to variance and may not be reduced in number to below the minimum number required by the federal Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, as Amended.

Total Required Parking Spaces	**Required Accessible Spaces**
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

Source: ADA Accessibility Guidelines for Buildings and Facilities (ADDAG)
http://www.access-board.gov/adaag/html/adaag.htm

Section 150 Site Requirements

A. Off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements (except for single- and two-family residential uses):

1. All parking areas shall have access to a public street and shall be designed to ensure ease of mobility, ample clearance, and the safety of pedestrians and vehicles.

2. All parking areas shall be composed of asphalt or concrete. Porous paving blocks or other materials may be approved by the Director.

3. Change in use of an existing structure shall also require compliance with the minimum parking requirements applicable to the new use.

4. Any expansion of an existing use shall be required to provide additional off-street parking applicable to the expanded use.

5. 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.

6. The parking lot shall be adequately drained.

7. Along parking areas which abut single-family residential districts, a dense planting of trees and shrubs shall be established on a strip of land not less than eight (8) feet in width adjacent to the districts and provided that such planting shall attain a height not less than six (6) feet.

8. Spaces shall be designed such that no part of a vehicle shall overhang into a required landscaped area or sidewalk within the parking facility.

Section 160 Parking Space Dimensions

A. Aisles serving off-street parking shall conform to the following minimum widths:

	Parking Angle		
Aisle Type	0 to 45 degrees	46 to 60 degrees	61 to 90 degrees
One-Way Traffic	14 feet	18 feet	22 feet
Two-Way Traffic	22 feet		

B. Standard parking spaces shall conform to the following dimensions:

	Parking Angle		
	45 degrees	60 degrees	90 degrees
Width	8 feet 6 inches	8 feet 6 inches	8 feet 6 inches
Depth	19 feet 5 inches	20 feet 8 inches	19 feet

C. Landscaped islands shall be provided throughout parking lots in accordance with the requirements of Article 12, Part 2, Section 110.

Part 2 Off-Street Loading and Unloading Space

Section 100 General Requirements

A. Whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from the development, a sufficient off-street loading and unloading area must be provided in accordance with this ordinance.

B. Minimum number of off-street spaces required for retail business, office, wholesale, industrial, governmental, and institutional uses, including public assembly places, hospitals, and educational institutions, one space for the first 25,000 square feet of total floor area or fractional part thereof shall be provided. For anything in excess of 25,000 square feet, such uses shall provide loading spaces as indicated in the following schedule:

Square Feet	Number of Spaces
25,001-99,999	2
100,000-159,999	3
160,000-239,999	4
240,000-349,999	5
For each additional 100,000 square feet or fraction thereof, one (1) additional space shall be required.	

C. Bus and Trucking Terminals

There shall be provided sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded at the terminal at any one time.

D. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.

Section 110 Location of Off-Street Loading Spaces

All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve or on an adjacent lot where shared with the use occupying said adjacent lot.

A. Connection to Street or Alley

Each required off-street loading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.

B. Permanent Reservation

Areas reserved for off-street loading in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which is served is discontinued or modified, except where equivalent loading space is provided and approved by the Director.

Section 120 Minimum Dimensions of Off-Street Loading Spaces

Each off-street loading space shall have minimum dimensions of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Director may reduce the minimum length accordingly to as little as 35 feet.

Section 130 Pavement Standards

A. All required loading areas shall be paved with asphalt, concrete, porous paving blocks, gravel, or other materials as approved by the Director. Paving areas shall be of sufficient size and strength to support the weight of service vehicles.

B. Loading areas shall provide an adequate ingress and egress with a minimum vertical clearance of 12 feet and a driveway grade no greater than four (4) percent. The loading area shall not exceed a grade of two (2) percent.

Section 140 Dumpsters

A. Location

Dumpsters shall be located to the rear of the building. Dumpsters shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles.

B. Screening

Dumpsters shall be screened by an opaque enclosure not less than six (6) feet in height.

Section 150 Abandoned, Wrecked, Dismantled or Discarded Vehicles

This Section prohibits abandonment of vehicles; restricts the deposition or keeping of wrecked, non-operating, or discarded vehicles on private or public property; provides for impounding of certain vehicles.

A. Abandonment of Vehicles

No person in charge or control of any property within the County, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, discarded, to remain on such property longer than seven (7) days.

C. Inoperable Vehicles Permitted.

Under the following conditions, an inoperable vehicle may stand or park on any property in any district:

1. Inoperable vehicles within a totally enclosed structure.

D. Vehicles Located In Salvage Yards Exempted.

Nothing contained within this Section shall be deemed to apply to any such motor vehicle which shall be located within the premises of any salvage yard complying with the laws of this State and County relating to the licensing and regulating of motor vehicle salvage yards.

Article 8 Permits and Final Plat Procedures

Part 1 Subdivision and Development Procedures

Section 100 Application

No person shall proceed with any disturbance of the land, including clearing, grubbing, or grading activities on a proposed structure, development or subdivision before obtaining a Development Permit or Building Permit from the Director, unless it is an agricultural activity in the A district.

Section 110 Pre-Application Conference

A. Whenever the development of a site or subdivision of a tract of land is proposed, the developer is encouraged to schedule an informal pre-application conference with the Department. The purpose of the pre-application conference stage is to facilitate the subsequent preparation of Site Development Plans and plats by clarifying matters relating to the proposed development.

B. During the pre-application conference, the Department shall determine which procedures and approvals are required. The Director's determination shall be presumed to be correct. The Director may assign the application to procedures appropriate for one of the following:

   1. Exempt Subdivision

   2. Standard Subdivision

   3. Non-Residential or Multi-family Site Development

Section 120 Developments of Regional Impact

A. When an application for rezoning, conditional use permit or preliminary plat review includes any of the uses listed in Table 120 below and that use exceeds the listed thresholds of intensity, it shall be deemed to be a Development of Regional Impact (DRI). The application for such rezoning, conditional use permit or preliminary plat review shall include:

   1. Three (3) copies of a completed traffic study supplied by the applicant and prepared by a professional engineer registered in the State of Georgia. The traffic study must be prepared in conformity with the Traffic Study Guidelines included in this ordinance as Appendix D;

   2. Two (2) copies of completed forms provided by the Planning and Development Office for review by the Northeast Georgia Regional Development Center

(NEGRDC) and other affected state and local government agencies as they shall deem appropriate; and

3. Two (2) copies of a site development plan that includes the proposed site plan for the subject property, as well as a conceptual plan for all contiguous properties under the same ownership as the property for which DRI documentation is being prepared.

B. The Planning and Development Office is responsible for submitting Forms 1 and 2 to the NEGRDC. The applicant shall attend a pre-application conference with NEGRDC, if required by NEGRDC.

Table 120-1: DRI Tiers and Development Thresholds

Type of Development	DRI Intensity Threshold
1) Office	Greater than 400,000 gross sq. ft.
2) Commercial	Greater than 300,000 gross sq. ft.
3) Wholesale & Distribution	Greater than 500,000 gross sq. ft.
4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day
5) Housing	Greater than 400 new lots or units
6) Industrial	Greater than 560,000 gross sq. ft.; or employing more than 1,600 workers; or covering more than 400 acres.
7) Hotels	Greater than 400 rooms.
8) Mixed-Use	Total gross sq. ft. greater than 400,000; or covering more than 120 acres.
9) Airports	All new airports, runways, and runway extensions.
10) Attractions & Recreational Facilities	Greater than 1,600 parking spaces or a seating capacity of more than 6,000.
11) Post-Secondary Schools	New school with a capacity of more than 2,400 students, or expansion of this type of school by at least 25% of capacity.
12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50% or more.
13) Quarries, Asphalt & Cement Plants	New facility or expansion of use of an existing facility by 50% or more; and located within ½ mile of a jurisdictional boundary.
14) Wastewater Treatment Facilities	New facility or expansion of use of an existing facility by 50% or more; and located within ½ mile of a jurisdictional boundary.
15) Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply;

	otherwise, storage capacity greater than 200,000 barrels.
16) Water Supply Intakes/Reservoirs	New Facilities
17) Intermodal Terminals	New Facilities
18) Truck Stops	A new facility with more than 3 diesel fuel pumps; or containing a half acre of truck parking or 10 truck parking spaces
19) Any other development types not identified above (includes parking facilities)	1,000 parking spaces

C. No action shall occur on such a rezoning, conditional use permit or preliminary plat review application until a recommendation is received from the NEGRDC regarding the DRI, provided that such application shall have been complete in every respect and was received by the Board of Commissioners within 90 days of the date that the completed DRI review application forms were received by the NEGRDC. (8-2-11)

Section 130 Complete Application

A. Applications are to be completed and all required fees for review of the preliminary plat, construction plans and final plat are to be paid when the plans are submitted.

B. The Director may deem the application incomplete if:

1. The application lacks required information;

2. The Director requires any additions or corrections of information necessary to make an informed decision; or

3. Fees are not paid, not sufficient, or the check was returned by the bank for insufficient funds.

4. The division of land into parcels of five (5) acres or more where no new street is involved.

C. Failure to provide all information may result in delays and possible requirement of application re-submittal.

D. Acceptance of plans by Walton County shall not constitute or guarantee any rights unless such plans are prepared in accordance with this ordinance.

E. It is the responsibility of the applicant to ensure the completeness and accuracy of the plans and to submit payment of any required fees.

Section 140 Exempt Subdivisions

A. For the purpose of this ordinance each of the types of activities described below shall be considered subdivisions but exempt from the procedures and required site improvement provisions of this ordinance:

1. The combination, recombination, or reconfiguration of two or more buildable lots of record, where the total number of lots is not increased. An Exemption Plat shall not be required for aggregations of properties for land assembly purposes where no building permit will be requested prior to issuance of a development permit.

2. The division among heirs or family members of land in the Agriculture District into lots greater than twenty acres each, or into three or fewer lots having a minimum lot size of five acres provided each lot meet the requirements of this ordinance.

3. An amnesty lot recorded as a buildable lot of record at least ten days prior to the effective date of this ordinance but not reviewed and approved under the provisions of this ordinance, provided that:

   a. The lot meets all requirements of an exempt subdivision contained in Section 140, Paragraph A of this Part.

   b. The Exemption Plat is limited to one individual lot and no property that adjoins the lot is owned, or has been owned, by the applicant in whole or in part.

4. The division of land into parcels of five (5) acres or more where no new street is involved.

B. Exempt subdivisions shall be drawn as an Exemption Plat in accordance with the Final Plat standards of this ordinance and four copies shall be submitted with an application and appropriate fees to the Director for review and approval. Upon approval, the Director shall authorize the recording of the Exemption Plat with the Clerk of Superior Court of Walton County and grant the issuance of building permits pursuant to the codes and ordinances of Walton County.

C. A Record Survey certified by a Land Surveyor currently registered in the State of Georgia shall be submitted to and approved by the Director showing the lot or lots in the exemption subdivision.

D. The following standards apply to exempt subdivisions:

1. The subdivision or lot meets all requirements of this Ordinance and the applicant demonstrates that approval of the subdivision or lot will not create non-conformity to the requirements of this Ordinance on any other portion of the original property from which the lot was subdivided.

2. The lot fronts on an existing public street.

3. No extension of utilities or construction of public streets are required or provided.

4. The lot shall comply with the requirements of the water provider and Health Department, or sanitary sewer provider, as appropriate. If new utilities are required or existing utilities are being modified, the Health Department or sanitary sewer provider, as appropriate shall certify approval of wastewater treatment service prior to approval of the Exemption Plat by the Director.

5. All slope and utility easements and necessary street right-of-way as determined by the Director on the basis of the Thoroughfare Plan shall be provided at no cost to Walton County.

Section 150 Standard Subdivisions

A. A proposed division of a buildable lot of record into two or more lots, except for those proposed developments which meet the definition of an exempt subdivision shall be subject to the application, review and approval procedures outlined below, including preparation and approval of a preliminary plat, construction plans, and final plat.

B. Prior to any land disturbance or selling any lots, the developer shall submit for approval a Preliminary Plat of the proposed subdivision. The Preliminary Plat shall be prepared in accordance with this ordinance and consist of the elements described in Appendix A. The preliminary plat, construction plans and other engineering data shall be prepared and sealed by a Professional Land Surveyor, Engineer or Landscape Architect currently registered in the State of Georgia, in accordance with the provisions of Georgia law. The developer shall also provide copies of the Preliminary Plat to all utility companies serving the area.

C. The construction plans shall include a Tree Protection Plan and a Soil Erosion and Sedimentation Control Plan prepared in conformance with this ordinance.

D. The developer shall coordinate review of the Preliminary Plat with the electric provider, water provider, sanitary sewer provider, Health Department, Fire Department, and any other designated for review.

E. No more than 30 working days after the official date of submission of the Preliminary Plat, the Director shall either approve or disapprove the plat, in which case the Director shall notify the developer in writing, stating the reasons. If approved, such action shall be noted on two copies of the Preliminary Plat. One copy shall be returned to the applicant and the other copy retained and made a part of the Department's records.

F. Failure of the Department to act within 30 work days of the official date of submission of the Preliminary Plat shall be deemed approval of the plat and a certificate to that effect shall be issued at the developer's request, provided the

developer does not consent in writing to an extension of time, if requested by the Department for further study of the plat.

G. The Director shall indicate on a review copy of the drawings or in a memorandum all comments related to compliance of the development plans with this Ordinance, principles of good engineering and design, conditions of zoning approval, and regulations of other County departments and State agencies as appropriate. The Director shall have final staff authority to determine the applicability of any and all comments of staff, and review agencies under these Regulations or conditions of zoning approval.

H. The Director may not approve any Preliminary Plat on which is shown a lot that would clearly require a variance to be reasonably usable, or that is otherwise "unbuildable" whether due to the presence of a floodplain, configuration, or lack of public utilities.

I. The developer shall be responsible for compliance with all federal, state and local codes, regulations, and zoning requirements and for the satisfaction of all of the noted and written comments of the Planning Commission, Board of Commissioners, and Director.

J. When the Director has determined that the Preliminary Plat and other development plans are in compliance with all this ordinance and approval has been received from all affected County Departments, the Director shall sign and date a reproducible copy of the plat. Copies of the approved plat and development plans shall be transmitted to the applicant and copies retained by the Department for its records.

Section 160 Effect Of Preliminary Plat Approval

A. Following approval of the Preliminary Plat and construction plans required for a development permit, a development permit shall be issued at the developer's request.

B. Approval of the Preliminary Plat shall be deemed an expression of approval of the layout of the subdivision to be used as a guide to the preparation of the Final Plat.

C. The approval of the Preliminary Plat shall expire if a development permit has not been issued or a final plat submitted for recording within 6 months of the date of approval.

Section 170 Final Approval Of Subdivisions

A. After completion of the construction, or proper arrangements for all or part of the area shown on the approved Preliminary Plat and before selling any lots, a Final Plat together with the required certificates shall be submitted to the Department for approval (See Appendix A for specifications of Final Plat documents). The developer shall also provide copies of the Final Plat to all utility companies serving the area.

B. A Final Plat may be submitted after the Preliminary Plat has been given approval and required improvements have been completed or proper surety is provided.

C. The developer shall submit to the Department the original drawing and four copies of the Final Plat and other documents, as required. The scale on the plat shall not be less than 100 feet to one (1) inch unless otherwise approved by the Director. The plat shall be prepared, signed, and sealed by a Land Surveyor, Professional Engineer or Landscape Architect currently registered in the State of Georgia, in accordance with the provisions of Georgia law.

D. The developer shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all of the comments of the Director.

E. All improvements and installations to the subdivision that are required for approval of the Final Plat and that are to be dedicated under the rules and regulations of the County have been completed in accordance with the appropriate specifications unless the developer provides a performance surety for required improvements not yet completed with the Performance and Maintenance Agreement as provided in Section 240.

F. The final plat shall not be approved by the Director until all requirements of these and other applicable regulations have been met, and the Director has received an executed Performance and Agreement and surety, as provided in Section 240.

G. The Director shall certify by signature on the original of the plat that all of the requirements of this Ordinance, and the conditions of zoning approval have been met, and that all other affected departments have approved the plat.

H. Once the Final Plat has been approved, the Director shall authorize recording with the Clerk of the Superior Court of Walton County. The developer shall provide the Department with an appropriate number of copies of the recorded plat, as determined by the Director. The Final Plat shall indicate rights of way and other lands within the subdivision that are required to be dedicated to Walton County

I. After Final Plat approval by the Director, the developer shall prepare appropriate documents and plans as constructed, if required, and request the County and other appropriate authorities to accept dedicated streets, other public spaces, and utilities.

J. Periodically, but no less than once each month, the Director shall submit a listing of all approved Final Plats to the Board of Commissioners for acceptance of all dedications.

K. The Board of Commissioners shall ratify Final Plats and accept rights of way and improvements dedicated to Walton County by action taken during a regularly scheduled meeting.

L. Ratification of the Final Plat by the Board of Commissioners shall be deemed acceptance of any dedications to the public.

Section 180 Structure Location Plan

A. The Department may require that a Structure Location Plan be approved prior to issuance of a building permit on certain lots when particular care in locating the house or other improvements will be necessary. Such lots include, but are not limited to:

1. A lot which presents particular or unusual difficulties for a builder to met minimum required building setbacks or tree protection requirements;

2. A lot containing an easement;

3. A lot containing floodplain but upon which no fill or other encroachment into the floodplain is anticipated at the time the Final Plat is filed;

4. A lot upon which is located all or part of a storm water detention facility;

5. A lot upon which is located a buffer which is required by this Ordinance or as a condition of zoning approval;

6. All duplex lots;

7. A lot which is located within, or partially within, a watershed protection district greenway or setback, river corridor greenway, stream buffer zone, wetland, or

8. A lot containing historical resources.

B. The Structure Location Plan shall be prepared in accordance with the requirements outlined in Appendix A.

Section 190 Non-Residential or Multi-Family Development Plans

Any proposed development of a single parcel of land, other than a one- or two-family dwelling or residential accessory structures, shall be classified as a non-residential of multi-family development and subject to the review procedures established below.

A. The developer shall submit an application, fee and four sets of site development plans to the Department using an application form as provided by the Department.

B. A development permit may not be issued until the Department has approved a Tree Protection and Landscape Plan in conformance with this ordinance and an Erosion and Sedimentation Control Plan prepared in conformance with the Soil Erosion and Sedimentation Control Ordinance, Article 11, Part 3.

C. For non-residential and multi-family structures:

1. Issuance of a building permit for any principal building or associated accessory structures shall first require issuance of a Development Permit for the building site unless otherwise approved by the Director. The building permit shall be consistent with the Development Permit.

2. Building plans must be reviewed and approved by the Director prior to issuing any permit for any structure. Building plan approval shall expire after one (1) year, after which re-review and approval shall be required prior to issuance of a building permit for the building or additional buildings.

D. The application shall include the Site Development Plan and site construction drawings. All site construction drawings and other engineering data shall be prepared and sealed by a Professional Engineer or Landscape Architect currently registered in the State of Georgia, in accordance with the provisions of Georgia law.

E. The Director shall indicate on a review copy of the drawings or in written memorandum all comments related to compliance of the site Development Plans with this ordinance, principles of good design, conditions of zoning, and other applicable County, State and Federal regulations. The Director shall have final staff authority to determine the applicability of any and all comments under this ordinance or conditions of zoning.

F. Rights of way or lands to be dedicated to Walton County in fee simple shall be indicated in the approved site development plans signed by the Director and shall be processed for ratification by the Board of Commissioners as provided in Article 9, Section 100 of this Ordinance.

G. The site development plans shall be approved when the director determines that the plans are in compliance with this ordinance. A development permit shall be issued at the developer's request to begin construction activities based on the approved site development plans. A building permit may also be issued on the basis of the approved development permit. A Certificate of Occupancy may not be issued, until construction is completed in accordance with this Ordinance.

Section 200 Final Non-Residential and Multi-Family Approval Process

The Director shall further determine that either:

A. All public improvements and installations to the development that are to be dedicated and are required for approval of the Certificate of Occupancy under this ordinance have been completed in accordance with the appropriate specifications; or

B. All of the storm water drainage and detention facilities, water and sewer utilities, street base and curbing construction required for approval of the Certificate of Occupancy have been properly installed and completed and, for those required public improvements not yet completed, within areas to be dedicated (grassing, pavement topping, required landscaping, sidewalks, etc.), a performance surety shall have been filed by the developer with the Development Performance and Maintenance Agreement as provided in Section 240 of this Part.

C. Once the affected departments and agencies having jurisdiction have certified compliance, the Director shall certify by signature on the Certificate of Occupancy that all of the requirements of this Ordinance, and the conditions of zoning have been met. The Certificate of Occupancy shall not be deemed approved until the Director has signed it. Where use of septic tanks or private wells is proposed, the final approval of the Health Department shall be required prior to the approval of Certification of Occupancy.

Section 210 Initiation Of Development Activities

A. Following the issuance of the development permit:

1. Required erosion control measures must be installed by the developer and inspected and approved by the Department prior to actual grading or removal of vegetation. All control measures shall be in place as soon after the initiation of activities as possible and in coordination with the progress of the project; and

2. Areas required to be undisturbed by this Ordinance, Tree Protection provisions, conditions of zoning or any other applicable ordinances or regulations shall be designated by temporary fencing, flags or other appropriate markings and shall be inspected and approved prior to commencement of any clearing or grading activities.

Section 220 Development Inspections

A. The Department has the power to enter property to make inspections of land, land uses, structures, buildings, signs, and any construction or land disturbance activity related to the execution of its responsibilities pursuant to this Ordinance to determine if they conform to the requirements of this Ordinance and the Walton County Building Ordinance.

B. The Developer or Contractor must notify the Department at least 24 hours prior to commencement of each phase of development activity. The Department shall inspect and approve each phase prior to continuation of further activity or proceeding into new phases:

1. Clearing and grubbing.

2. Grading. Installation of slope stakes shall be required. Upon completion of roadway grading, the Water Certificate shall be submitted to the water provider certifying that the centerline of the road and the offset centerline of the water line is within 6 inches of that shown on the approved plans or red-lined plan submittal. Inspection and approval shall be required prior to trenching or continuation with sub-base preparation.

3. Installation of storm drainage pipe, detention or other storm water facilities.

4. Installation of sanitary sewer and appurtenances. This notification shall be made simultaneously with official notification by the developer or contractor to the sanitary sewer provider and is for informational purposes only to the Department.

5. Curbing of roadways. Inspection should be requested before the forms have been set (if used). Roadway width will be spot checked by string line between curb stakes.

6. Sub-base or sub-grade of streets. After compaction, the sub-grade will be string-lined for depth and crown. The sub-grade shall be roll tested and shall pass with no movement to the satisfaction of the Department.

7. Street base. The base will be string-lined for depth and crown and shall pass with no movement to the satisfaction of the Department.

8. Paving. A Department inspector shall be on site during the paving process to check consistency, depth, and workmanship, as applicable.

Section 230 Approval Of Development Conformance

A. Responsibility For Quality And Design

The approval of plans or completion of inspections by County and authorization for work continuation shall not imply nor transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture, or any other profession, from the professional corporation or individual who prepared or supervised and sealed the plans.

B. Approval of Development Conformance

Approval of development conformance shall be a prerequisite to the approval of a Final Plat or issuance of a Certificate of Occupancy for any part of a project included in a development permit, except for single-family and two-family residential structures. The approval shall reflect certification that all site work and construction has been accomplished according to the terms of approved plans and permits,

except when performance surety has been authorized, and that all facilities intended for maintenance, supervision and/or dedication to the public are in compliance with appropriate standards, regulations, codes, and ordinances. Such approval shall be revoked in cases of fraud or whenever unauthorized changes are made to the site without the benefit of required permits.

C. Submission Requirements

Upon completion of the project, the owner may request a Certificate of Occupancy from the Director. The Director may require as-built drawings of storm water detention facilities and systems, and modifications to the limits of the 100-year flood plain. The Certificate of occupancy shall be in a form as provided by the Director.

D. Final Inspection And Approval

Following final inspection and approval of all record drawings, the Director shall approve the Certificate of Occupancy.

Section 240 Performance and Maintenance Bonds

A. Performance and Maintenance Agreement (4-1-14)

Prior to the approval of a Final Plat or Certificate of Occupancy, the developer shall provide to the Department a Performance and Maintenance Agreement in a form as required by the Department.

B. Performance Surety

1. When Required. Performance surety shall be required, prior to the approval of a Final Plat or Certificate of Occupancy, for any development containing unfinished amenities, improvements, or installations required to be constructed by this ordinance or as a condition of any approval or permit granted thereunder, which the Director, in his sole discretion, determines to be the result of unusual weather, site conditions, or construction phasing situations. All other developments shall be completed prior to the approval of a Final Plat or Certificate of Occupancy.

2. Purpose. Performance surety shall be conditioned upon the faithful performance by the developer of all work required to complete all amenities, improvements, and installations for the development in compliance with this ordinance and any approval or permit granted thereunder within one (1) year of the approval of the Final Plat or Certificate of Occupancy.

3. Form. Performance surety shall be payable to the County in the form of

A. Cash deposited in an account with the County along with an escrow agreement, in a form acceptable to the Director, from the developer; or

B. A surety bond, in a form acceptable to the Director, from a company that is listed on the U.S. Department of the Treasury's Listing of Approved Sureties (Department Circular 570) as of the date of issuance and authorized by law to do business in the State of Georgia; or

C. An irrevocable letter of credit, in a form acceptable to the Director, from a financial institution that has a Texas Ratio of less than 100% as of the date of issuance and is authorized by law to do business in the State of Georgia.

4. Amount. Performance surety shall be in an amount equal to the cost of construction of the required work plus an additional fifty percent (50%) of said costs, as calculated by the Director.

5. Period. Performance surety shall be for a period of one (1) year.

6. Release and Forfeiture. Performance surety shall be released to the developer upon request if all work required to complete all amenities, improvements, and installations for the development in compliance with this ordinance and any approval or permit granted thereunder has been completed within one year. If such work has not been completed within said one-year period, the performance surety shall be forfeited to the County.

C. Maintenance Surety

1. When Required. Maintenance surety shall be required, prior to the approval of a Final Plat or Certificate of Occupancy, for any development containing public improvements.

2. Purpose. Maintenance surety shall be conditioned upon the faithful maintenance by the developer of the public improvements in compliance with this ordinance and any approval or permit granted thereunder for a period of two (2) years following the approval of the Final Plat or Certificate of Occupancy.

3. Form. Maintenance surety shall be payable to the County in the form of

A. Cash deposited in an account with the County along with an escrow agreement, in a form acceptable to the Director, from the developer; or

B. A surety bond, in a form acceptable to the Director, from a company that is listed on the U.S. Department of the Treasury's Listing of Approved Sureties (Department Circular 570) as of the date of issuance and authorized by law to do business in the State of Georgia; or

C. An irrevocable letter of credit, in a form acceptable to the Director, from a financial institution that has a Texas Ratio of less than 100% as of the date of issuance and is authorized by law to do business in the State of Georgia.

4. Amount. Maintenance surety shall be in an amount equal to fifty percent (50%) of the cost of construction of the public improvements, as calculated by the Director.

5. Period. Maintenance surety shall be for a period of two (2) years.

6. Release and Forfeiture. Maintenance surety shall be released to the developer upon request if the public improvements have been maintained in compliance with this ordinance and any approval or permit granted thereunder for a period of two years. If the public improvements are not so maintained by the developer for the entirety of said two-year period, the maintenance surety shall be forfeited to the County.

Section 250 Permits Required

A. Submittal

Any developer of land within unincorporated Walton County shall first submit to the Department such plans, plats or construction drawings as may be required by this ordinance and receive approval of a development permit prior to the initiation of development activities.

B. Permit Limitations

Development activities shall be limited to those authorized by the applicable development permit and as may be further restricted by conditions of approval attached by the Department or other departments or agencies as may have authority or jurisdiction over development activities.

C. Responsibility for Compliance

No permit shall be interpreted to relieve any owner or developer of the responsibility of maintaining full compliance with all codes, ordinances or other regulations of Walton County, except as amended by an approved waiver, variance, or other relief granted through applicable formal appeal procedures for a specific property or application. Any permit issued in error or in contradiction to the provisions of an adopted code, ordinance, or regulation of Walton County shall be considered to have been null and void upon its issuance.

D. Expiration Of Development Permit

A development permit shall expire one year after issuance unless development activity as authorized by the permit is initiated within 90 days or if such authorized activities lapse and the project is abandoned for a period exceeding 30 calendar days. The Director may approve one extension not exceeding 90 days within which time development activity must commence or the permit shall expire. The extension shall be applied for within the first 12 consecutive calendar months after the permit's issuance.

E. Stabilization For Erosion Control

If for any reason a development permit is revoked or expires after land disturbance activities have begun, the developer shall be responsible for immediately stabilizing the site to prevent erosion and sedimentation.

F. Lapse in Construction Activity

For the purposes of this ordinance, a lapse in or suspension of development activity as authorized by a development permit, as a direct result of action or inaction on the part of Walton County completely beyond the control of the developer, shall not be considered as a lapse in activity causing the development permit to expire. The 90-day period within which development activity must begin shall exclude any such time period during which the activity is prohibited or has been caused to lapse by County action or inaction.

G. Building Permits

1. It shall be unlawful to commence the excavation or filling of any lot for any construction of any building or structure or commence the moving or alteration of any building or structure until the Director has issued a building permit for such work. In applying to the Director for a building permit, the applicant shall file plans as specified below.

2. Applicable Codes

   Building permits for all structures or interior finishes shall be issued after meeting the applicable requirements of this ordinance, the fire prevention codes, and the various health, water, sewer, and building codes of Walton County.

3. On-Site Sewage Disposal
   For any structure for which on-site sewage disposal will be provided, a permit issued by the Health Department shall be required prior to issuance of a building permit.

4. Single-Family and Duplex Residences

   a. A building permit for a single or two-family residence may be issued after the recording of a Final Plat or after the lot upon which the building is to be located has otherwise become a buildable lot of record.

   b. The approval of a Structure Location Plan may be required prior to issuance of the building permit as noted and conditioned on the Final Plat. For such lots a Certificate of Occupancy shall not be issued until conformance to the Structure Location Plan has been field verified or shown on a certified foundation survey prepared by a Registered Land Surveyor.

5. Swimming Pools

   Issuance of a building permit for a swimming pool as an accessory use to a single or two-family residence, whether to be issued at the same time as or subsequent to the permitting or construction of the house or duplex, shall first require conformance with this ordinance, all other applicable Ordinances, and the safety standards of the Walton County Health Department.

6. Issuance on Buildable Lots of Record

   Building permits shall only be issued on buildable lots of record, as defined in this ordinance, except under special circumstances limited to and as specifically described below:

   a. In single-family detached and duplex residential subdivisions, building permits for no more than two model home buildings on specific lots may be issued on the basis of an approved Preliminary Plat after the approval of the Fire Marshal, the Health Department, and subject to all limitations or requirements as may be established by the Director. No Certificate of Occupancy shall be issued for the model home until the Final Plat, including the model building lots, has been approved and recorded.

   b. In non-residential subdivisions, the Director may issue building permits on the basis of an approved Preliminary Plat and after a development permit has been approved reflecting the Site Development Plan and construction drawings for specific buildings and associated site improvements. Issuance of the building permits shall be conditioned on the following:

      (1) Approval by the Director shall be required prior to issuance of any building permit, which may include approval of an acceptable access, fire hydrant location, and water pressure.

(2) Approval of the Health Department for on-site sewage disposal or by the sanitary sewer provider for a building to be served by public sewer, shall be required prior to issuance of any building permit.

c. Construction of the required public improvements shall proceed concurrently with construction of the buildings.

d. No Certificate of Occupancy shall be approved for any structure within the subdivision prior to recording of the Final Plat without the express approval of the Director.

e. In fee-simple townhouse subdivisions, a building permit may be issued on a buildable lot of record established for each building (containing any number of townhouse dwelling units) through recording of a Final Plat following completion of all required public improvements. Upon completion of the buildings, the Final Plat shall be re-recorded to establish individual lots for the townhouse units, based on their actual locations, prior to issuance of Certificates of Occupancy.

7. Expiration of Building Permit

Any building permit issued shall become invalid unless the work authorized by the permit has commenced within six months of the date of issue or if the work authorized by the permit is suspended for a period of one year.

Section 260 Certificate Of Occupancy Required For Non-Residential Uses

A Certificate of Occupancy issued by the Director is required in advance of occupancy or use of:

1. A building or structure hereafter erected.

2. An addition to an existing building or structure or alteration of the interior of an existing building or structure.

3. A building or structure or premises in which there is a change of use.

B. The Director shall issue a Certificate of Occupancy if the building is found to conform to the provisions of the building permit and this ordinance and accurately reflect the statements made in the application for the building permit.

C. A record of all certificates shall be kept on file in the Department and copies shall be furnished for a fee on request to any person having a proprietary or tenancy interest in the building or land involved.

Section 270 Plat Recording and Usage

A. No plat of a subdivision shall be accepted for recording the Plat Books or Deed Books in the office of the Clerk of Superior Court except a final plat on which is inscribed the approval of the Director, or his designee.

B. The transfer of, sale, agreement to sell, or negotiation to sell land by reference to or exhibition of, or other use of a plat of a subdivision that has not been given final approval by the Board of Commissioners and recorded in the office of the Clerk of Superior Court of Walton County is prohibited, and the description of metes and bounds in the instrument of transfer or other document shall not exempt the transaction from penalties.

Section 280 Moved-In House Permit

Any previously occupied structure that is relocated for permanent occupancy in Walton County other than a Manufactured Home or Industrialized Home must receive a permit from the Department either before it is relocated or before it enters Walton County. In order to be permitted, the structure must meet the following requirements:

A. It shall be placed on a buildable lot of record;

B. It shall be secured with a permanent foundation and connected to approved public utilities;

C. On-site wastewater treatment system must be approved by the Health Department;

D. An inspection report must be prepared by a professional architect or engineer registered in the State of Georgia certifying that the structure meets the code requirements of CABO or International Code Requirements with respect to:

    1. Plumbing systems;

    2. Heating, ventilation and air-conditioning systems;

    3. Electrical systems;

    4. Structural systems; and

    5. Energy Code

E. Footings and other concrete structure requiring inspections shall be inspected by a third party engineer approved to perform inspections in Walton County.

F. The Department shall retain the right to require additional inspections or information required by the issuance of a building permit.

Part 2 Site Design Standards

Section 100 Development Design

The purpose of good subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure a project will be an asset to the community. To promote this purpose, the subdivision and/or site plan shall conform to the following standards that are designed to result in a well-planned community without adding unnecessarily to development costs.

A. Subdivision and site development plan design shall be based on an analysis of characteristics of the development site such as:

1. Site context;
2. Geology and soil;
3. Topography;
4. Climate;
5. Ecology;
6. Existing vegetation;
7. Existing structures;
8. Road networks;
9. Visual features;
10. Past and present use of site; and
11. Local and regional plans for surrounding communities.

B. Subdivision and Street Name

The name of the subdivision and streets must have approval of the Department. The name shall not duplicate nor closely approximate the name of an existing subdivision or street.

C. Lots

All lots established in connection with the development of a subdivision shall comply with the following design standards unless the proposed subdivision is covered by approved variances or conditions of zoning that take precedence:

1. Side lot lines shall be perpendicular or radial to street lines, unless otherwise approved by the Director.

2. Each lot shall have direct abutting access to an approved street.

3. Each lot shall provide at least 40 feet of road frontage. (5-2-06)

4. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements or building setback lines required by this ordinance.

5. Double frontage and reverse frontage lots shall be required for residential subdivisions along the State Highway System or existing county roads where internal access can be provided. A no-access easement of at least ten (10) feet in width, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery.

6. Lot remnants or spite strips shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.

7. No lot shall be of a lesser dimension than that required to meet the minimum area, frontage, minimum setbacks and yards established in Article 4 unless a variance is granted by the Board of Appeals. However, this provision shall not apply when a portion of a lot is acquired for public use.

D. Monuments

Solid steel rods at least one-half (½) inch in diameter or square, eighteen (18) inches long, shall be set at all street corners. The top of the monument shall have an indented cross to identify the location and shall be set flush or up to six (6) inches above the finished grade. All other lot corners shall be marked with solid steel rods not less than one-half (½) inches in diameter, and at least 24 inches long and driven so as to be flush with the finished grade.

E. Blocks

The length of a block shall not be greater than 600 feet without an intervening intersecting street except where approved by the Director.

Article 9 Streets and Sidewalks

Section 100 Street Classification and Right-of-Way Requirements

A. Street Classification

1. Streets shall be classified into a street hierarchy system, based on current and projected traffic volumes. Street classification and design standards shall be based on the road function and projected average daily traffic (ADT). Traffic volumes shall be calculated using trip generation rates as published in the most recent edition of the Trip Generation Manual, available from the Institute of Transportation Engineers.

2. Street or road classes and their corresponding ADT thresholds are as follows:

Classification	Average Daily Trips (ADT)
Local Street	250 or Less
Minor Collector	251 to 2,500
Major Collector	2,501 to 9,999
Arterial	10,000 or More

3. The applicant shall demonstrate that the distribution of traffic on any proposed street system shall not exceed the ADT thresholds for the proposed street classifications. In instances where segments of a single street vary significantly in projected traffic volumes, the Director may permit dual classifications and permit each segment to be designed and constructed to the relevant standards for each classification. The final determination regarding the classification of any existing or proposed street shall be made by the Director.

B. Right-of-Way and Pavement Widths

1. Minimum widths for new streets or roads shall be as shown on the following table (See Standard Design and Construction Details for detailed dimensions). Widths of streets shall be measured from back of curb to back of curb or from edge of pavement if no curbs exist. However, if a street is used for access, the developer shall conform to the existing street width if it is greater than that required in this ordinance.

2. Minimum widths for new streets or roads shall be as shown on the following table (See Standard Design and Construction and Construction Details for detailed dimensions).

MINIMUM RIGHT-OF-WAY AND ROAD WIDTHS TABLE

(See also Appendix F, Standard Details 3.01 and 3.02)

Street Category	Minimum R-O-W	Minimum Roadway Width*
Arterial Rural Urban	 120’ Min. 120' Min.	 68’ (4-Lane Divided, ditch) 72' (4-Lane Divided, C&G) 66' (5-Lane)
Major Collector Rural Urban	 80’ 80’	 24’-30’ (2-3 lanes) 24’-30’ (2-3 lanes)
Minor Collector Rural Urban	 70’ 70’ (7-6-04)	 22’ 22’
Local Street Rural Urban Commercial/Industrial	 60’ 50’ 60’	 20' 20’ 26’
Cul-de-sac Commercial/Industrial Urban Rural	 65’ radius 50’ radius 60’ radius	 50’ radius 40’ radius 40’ radius

* Pavement width not including outside curb and gutter, where required.

C. Right-of-Way Dedication

1. The minimum width of right-of-way shall be dedicated based upon the street classification, as provided in this Section and approved by the Director.

2. On any existing street abutting a proposed development, one-half (½) of the required width of right-of-way shall be dedicated, at no cost to Walton County, as measured from the centerline of the roadway along the entire property frontage. Right-of-way widths for existing streets shall be based on the current classification, as determined by the Director.

3. Additional right-of-way may be required at intersections or other locations fronting the property where turning lanes, storage lanes, medians, re-alignments or other traffic safety improvements are required.

If a new street or thoroughfare is proposed by the Comprehensive Plan or the State of Georgia to adjoin or traverse the property, the proposed road shall be accommodated

into the development plans of the property in accordance with these Regulations. These right-of-way requirements shall govern except where there exist clearly defined plans of the Georgia Department of Transportation or Walton County which require additional right-of-way. In that case, the greater right-of-way requirements shall govern.

D. Clear Zone Requirements

No private structures, walls, brick mailboxes, statues monuments, trees, shrubbery or other objectionable objects shall be erected, constructed or planted within the public right-of-way. All such structures or objects shall be removed from the public right-of-way, by and at the sole expense of the owner within fourteen (14) days of notification by the Department. After a period of 14 days from the initial notification, said structure or object shall be removed and disposed of by Walton County and the owner shall be liable for removal and disposal costs. Exempt are decorative or masonry mailboxes located on interior streets of subdivisions with curb and gutter. (3-6-07)

Section 110 Access Management

The following standards shall apply to land subdivision and development, except for single-family dwelling units or industrial development where the primary access is from a state or federal highway or a thoroughfare classified as a major collector or arterial in the Walton County Comprehensive Plan. These standards shall apply unless a more restrictive standard is required by the Georgia Department of Transportation.

A. Joint and Cross Access

1. Adjacent commercial or office properties on major collectors and arterials shall provide a cross access drive and pedestrian access to allow circulation between sites.

2. Joint driveways and cross access easements shall be established for multi-parcel commercial office or industrial development wherever feasible along major arterial highway corridors. The building site shall incorporate the following:

    a. Continuous service drive or cross access corridor connecting adjacent parcels along the entire length of the development for at least 1,000 feet of linear frontage along the thoroughfare.

    b. A design speed of 15 mph and a two-way travel aisle width of 24 feet to accommodate automobiles, service vehicles, and loading vehicles.

    c. Driveway aprons, stub-outs and other design features to indicate that abutting properties may be connected to provide cross access via a service drive.

3. The Planning and Development Department may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:

   a. Joint access driveways and cross access easements are provided wherever feasible in accordance with this Section.

   b. The site plan incorporates a unified access and circulation system for vehicles and pedestrians in accordance with this Section.

B. Minimum Driveway Setbacks at Intersections

Driveway spacing at intersections and corners shall provide adequate sight distance, response time, and permit adequate queuing space. Driveway connections shall not be permitted within the functional area of an intersection, which includes the longitudinal limits of auxiliary or turning lanes. Minimum standards: No driveway access shall be allowed within one hundred and fifty (150) feet of the centerline of an intersecting Major Collector or Arterial Street, or within one hundred (100) feet of any Minor Collector Street.

C. Minimum Access Requirements

1. Except as otherwise noted in sub-section 2, below, all developments shall have access to a public right-of-way. The number of access points shall be as follows:
2.

MINIMUM NUMBER OF ACCESS POINTS

Type of Development	Minimum Number of Driveway Access Points	Preferred Type of Primary Access
Residential, less than 100 units	1	Local Street or Minor Collector
Residential, 101 -200 units	2	Local Street or Minor Collector
Residential, more than 200 units	3	Collector
Non-Residential, less than 50 required parking spaces	1	Collector
Non-Residential, 50-300 required parking spaces	2	Collector
Non-Residential, 301 – 1,000 required parking spaces	3	Major Collector or Arterial
Non-Residential, more than1,000 required parking spaces	4 or more	Major Collector or Arterial

3. Townhouse and Multi-Family Developments:

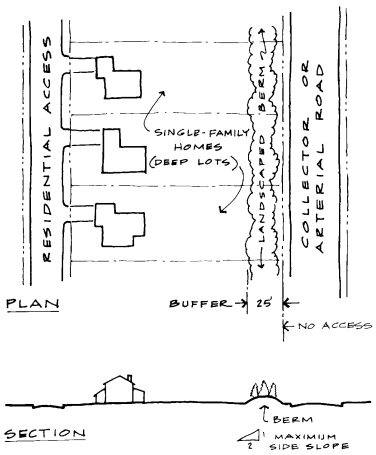
    a. Individual parcels shall have right of access through common areas containing private streets and/or private drives at least twenty-two (22) feet in width leading to a publicly maintained street.

4. Manufactured Home Park

    a. No space shall have direct vehicular access to a public street.

    b. All spaces shall directly abut a private street contained within the park. Private streets shall be paved and provide adequate drainage in accordance with these Regulations.

    c. Adequate access shall be provided to each space, with a minimum access width of twenty (20) feet unless more is deemed necessary because of topographical conditions or street curvature.



REVERSE FRONTAGE LOTS

D. Separation of Access Points

1. Subdivisions located along existing county roads shall be required to provide reverse frontage lots or parallel frontage roads where feasible. All other lots must comply with the following:

    a. Along State or US highways, no more than 1 point of vehicular access from a property shall be permitted for each 300 feet of lot frontage, or fraction thereof, although requirements of the Georgia Department of Transportation shall apply whenever more restrictive.

b. Along Arterial or Collector roads other than State or US highways, no more than two (2) points of vehicular access from a property to each abutting public street shall be permitted for each 300 feet of lot frontage, or fraction thereof; provided however, that lots with less than 200 feet of frontage shall have no more than one point of access to any one public street. The Department shall determine whether the points of access may be unrestricted or will have to be designed for right-in, right-out traffic flow.

2. No point of access shall be allowed within 35 feet of the right-of-way line of any street intersections for single-family and two-family residential lots and within 50 feet for multi-family and non-residential properties.

3. Corner lot access shall be located as far from the intersection as reasonably possible to reduce turning movement conflicts and to promote proper traffic circulation.

4. Otherwise, the separation of access points on any street or road shall be determined by the established speed limit of the street or road, with the following minimum spacing requirements:

Posted Speed Limit of Road	Minimum Driveway Spacing
25 MPH	75 feet
Greater than 25 MPH	125 feet 12-3-13

5. The distance between access points shall be measured from the centerline of the proposed driveway to the nearest adjacent driveway or roadway.

6. The requirements of this Section are not intended to eliminate all access to a parcel of land that was legally subdivided prior to the enactment of this Section.

E. Emergency Access

All public streets, private and residential drives shall be designed and maintained so as to provide safe and convenient access for emergency vehicles.

Section 120 Driveway Standards

A. Permits Required

No driveway shall be constructed abutting a county maintained road or street until all applicable driveway permits have been approved and issued by the Department. For driveways which abut a State or Federal highway, all applicable permits shall be obtained from the Georgia Department of Transportation prior to construction.

B. General Requirements

1. Joint access driveways shall not be utilized to achieve minimum driveway spacing requirements.

2. No property may have a curb cut in excess of 50 feet in width without approval of the Director.

3. If a non-residential driveway design is one-way in or one-way out, then the driveway shall be a minimum width of 16 feet and shall have appropriate signage designating the driveway as a one-way connection.

4. For two-way non-residential access, each lane shall have a minimum width of 11 feet. When more than two lanes are proposed, a specific driveway design must be approved by the Department.

5. Driveways that enter a major thoroughfare at traffic signals must have at least two outbound lanes (ones for each turning direction) of at least 11 feet in width, and one inbound lane with a maximum width of 12 feet.

6. Except for single family and two-family residences, driveway grades shall conform to the requirements of the Georgia Department of Transportation Design Standards.

7. No driveway design shall be permitted, which could pose safety hazards for pedestrians, bicycles, and other vehicles.

8. Driveways shall generally intersect roads or streets at right angles.

9. Driveway aprons shall be constructed so as to provide a minimum slope of ¼" per foot away from the edge of pavement of the public street, to prevent the direct discharge of surface water onto the travel lane of the abutting road or street.

10. Driveways shall comply with the minimum requirements of the Standard Design and Construction Details, based on projected use and classification.

11. Driveways serving single-family detached or duplex residences may be no less than ten feet wide at the right-of-way line and shall provide a radius to the back of the curb or edge of the pavement of the roadway of no less than five (5) feet. All other driveway curb cuts on public streets shall conform to the standards shown on the driveway details contained in the Standard Design and Construction Details.

12. All driveways and driveway curb cuts on State highways shall conform to Georgia Department of Transportation Standards, unless County requirements are more restrictive.

C. Auxiliary Lanes

1. Along any arterial or major collector street, a deceleration lane, acceleration lane, larger turning radius, traffic islands or other devices or designs may be required to avoid specific traffic hazards which would otherwise be created by the proposed driveway location.

2. Deceleration lanes shall be required at each access point on state and federal routes as required by GDOT. Deceleration lanes are required on county roads classified as arterial, major and minor collector streets when the speed limit is 45 mph or higher or on any street when the Director determines that a deceleration lane is needed to safely access a subdivision or other development. Minimum deceleration lengths are specified below. The Director may vary length requirements based upon a consideration of available sight distance. 12-2-03

Deceleration Lane Requirements

Operating Speed	Lane Requirements
45 mph	150'+ 50' taper
55 mph	200' + 100' taper

3. When a new deceleration lane required by this ordinance is proposed to begin within 100 feet of an existing driveway, then the deceleration lane shall begin at the nearest edge of the existing driveway.

D. Corner Sight Distance

All driveways approaching a collector or arterial street shall provide adequate corner sight distance as shown in Appendix F, Standard Design and Construction Detail 3.12. The minimum corner sight distance from the driveway shall be equal to or exceed 10 times the regulated speed of the intersecting street, as measured from the center of the driveway in both directions along the right-of-way line of the intersecting street unless a more restrictive standard is required by the Georgia Department of Transportation. The sight distance shall provide clear visibility of an object two (2) feet above the intersected street when viewed from the centerline of the approaching street at a height of three and one-half (3-½) feet above the ground.

Section 130 Requirements for New Streets and Roadways

A. All new streets proposed to be constructed in a subdivision or other development, whether public or private, shall be designed and constructed to the minimum standards contained in this ordinance, in accordance with the classification of streets.

B. If a new street or thoroughfare is proposed by the Comprehensive Plan or the State of Georgia to traverse the property, the proposed road shall be designed and constructed in accordance with the street classification as shown in the Comprehensive Plan and contained in this ordinance, or as shown on plans proposed by the County or State of Georgia. The specific vertical and horizontal alignment of the proposed roadway shall be as established or approved by the County.

C. Substandard Streets

1. If a substandard street (dirt or gravel road or inadequate width of pavement or right of way) provides a means of access to a major subdivision or non-residential development, the street shall be upgraded to the street classification standard required by the Walton County major thoroughfare plan and in accordance with Section 100 of this Article. These improvements shall extend from the entrance of the development to the nearest standard paved road of an equivalent or higher classification, along the route of primary access.

2. All right-of-way required for these off-site improvements shall be acquired at the expense of the developer, unless additional requirements are mandated by the County as outlined in sub-section b. above.

D. Improvements Along State Highways

For any development which abuts a State or Federal highway, improvements to the roadway and the location and design of any street or driveway providing access from the State highway shall comply with the standards and requirements of the Georgia Department of Transportation and this ordinance. A permit for the proposed access or improvements shall be required to have been approved by the Georgia Department of Transportation and incorporated into the construction drawings for the project prior to issuance of a development permit by the Department.

E. Permanent Dead End Streets

1. New streets shall connect at both ends of existing streets unless the Director determines that unique parcel configuration or terrain make a fully connected street pattern infeasible or unsafe.

2. When necessary, streets designed to have one end permanently closed shall provide a cul-de-sac turnaround and may be no more than 1000 feet in length unless otherwise approved by the Director.

3. The length of a cul-de-sac street shall be measured from the center of the cul-de-sac to the center of the intersection with another street.

4. Cul-de-sacs shall conform to Section 100 of this Part and design requirements of the Standard Design and Construction Details.

F. Temporary Dead End Streets

1. A temporary dead end street shall be provided to the boundary of a subdivision to provide access to abutting property for planned continuity of future circulation, improved access for public safety vehicles or for the extension of public water or other utilities to neighboring properties. Such dead end streets shall be designed so as to allow their reasonable extension and shall be located so as to be reasonably incorporated into a street design for the neighboring property. A temporary vehicular turnaround shall be provided as shown in the Standard Details 3.10 in Appendix F.
2. Dead end streets on abutting property shall be extended into a proposed subdivision and incorporated into the street design of the development.

3. Paragraphs 1 and 2 may be modified by the Director in cases of serious topographical hardship unacceptable land use conflicts between the two developments. This modification may be conditioned on the provision of easements necessary for the extension of public utilities, the provision of a cul-de-sac or other permanent turnaround on the dead end street or the removal of the dead end street back to its nearest intersection.

4. Where a dead end street (other than a cul-de-sac) serves four or more lots in a multi-phase subdivision and such street is to be extended later, the developer shall be required to provide a temporary vehicular turnaround within the right-of-way. This requirement may be waived if extension of the dead end street is approved and under construction prior to its inclusion in a Final Plat.

G. Access Roads

Where a development borders on or contains a railroad right-of-way, major utility easement, limited access highway right-of-way or a major thoroughfare, a public street may be required to be constructed and dedicated within the development approximately parallel to and on each side of such right-of-way. Locations of such service roads shall be aligned with similar service roads on adjacent properties.

H. Construction Access Drives

1. On multiphase developments, the developer shall be required to dedicate, install, maintain, and remove temporary construction access drives for the ingress and egress of construction vehicles, personnel, and equipment.

2. Temporary construction access drives shall be shown on the concept plan and preliminary plat, and shall access an existing County road where possible. Construction access drives shall be permitted through the Planning and

Development Department, and shall comply with sight distance requirements outlined in these Regulations.

3. Temporary construction access drives shall be utilized as the sole means of ingress and egress during the construction of subsequent phases of the development, to prevent the flow of construction and heavy vehicular traffic on newly constructed streets completed under earlier phases.

4. If a temporary construction access drive cannot be provided at the discretion of the Director, due to site-specific restrictions, then the Developer shall provide a maintenance surety for those portions of the newly constructed roadway utilized for construction access. The maintenance surety shall provide collateral for roadway repairs and resurfacing. The required surety amount per linear foot shall be the current amount established by the Board of Commissioners. The maintenance surety shall be provided to the County prior to the start of construction, and shall not expire for a period of six months following the completion of all construction activities.

I. Half-Streets

Both the construction of new half-streets and the extension of access to existing half-streets shall be prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

J. Reserve Strips

Land in private ownership adjacent to public rights-of-way which could control or are intended to control access to streets, alleys or public lands shall not be permitted unless control is given to the County under ownership, dedication or easement conditions approved by the County Attorney or acceptable to the Director. No development shall be designed so as to deny access to abutting properties.

K. Alleys

Alleys may be permitted by the Director where lots are less than 60 feet in width or otherwise when the developer produces satisfactory grounds for the request. In the event the Director approves the request, the alleys must be laid out in a grid fashion at rear lot lines, and double-fronting lots are permitted. However, in residential subdivisions with alleys driveway access shall be permitted on the alley side only. The alley shall be designated as a private street or constructed as a local street pursuant to the standards contained in this ordinance. Alleys shall not be permitted as dead end streets except in unusual circumstances, subject to approval by the Director.

L. Street Jogs

1. Local streets shall either directly align or have offsets of a minimum of 125 feet for residential subdivision streets and a minimum of 200 feet for non-residential subdivision streets, as measured between the centerlines.

2. Where alignment of arterials or collector streets is not desirable or feasible, collectors or arterials shall provide offsets, spaced no less than 600 feet apart as measured between centerlines.

M. Traffic Calming Measures

Specific traffic calming measures may include easeabouts, eyebrow cul-de-sacs (Local streets only), or other methods approved by the Director and may be used on streets longer than 1,000 feet. (7-5-05) Street layout and configuration should include a series of relatively short interconnected roadways in lieu of longer straight roads, to discourage excessive speeds.

N. The profile elevation of the centerline of all streets shall be constructed a minimum of one (1) foot above the 100-year flood elevation contours. Exceptions to this provision may be granted by the Board of Commissioners, in cases where construction of the street elevation below the 100-year flood elevation contours would improve drainage or reduce the effects of flooding. (11-4-08)

Section 140 Street Intersections

A. Angle of Intersection

Intersections shall generally be at right angles and shall not be at an angle of less than 85 degrees, unless otherwise approved by the Director. If the intersection is signalized, the angle of the intersection may be reduced subject to the review and approval of the Director or designated Traffic Engineer.

B. Intersection Approaches

1. The approaching street at any intersection shall be designed and constructed to provide both the minimum horizontal and vertical approach distances, as defined under this Section and indicated in the table below.

2. Minimum horizontal approach distance is defined as the minimum distance required along the centerline of an approaching street, perpendicular or no less than 85 degrees to the intersected street, as measured from the edge of pavement of the intersected street to the point of horizontal curvature on the approaching street.

3. Minimum vertical approach distance is defined as the minimum distance required along the centerline of the approaching street, at a grade less than or equal to the recommended grade indicated in the table below, as measured from the edge of pavement of the intersected street to a point on the profile of the approaching street where grades exceed recommended values.

INTERSECTION APPROACH DISTANCES			
Approaching Street Classification	Minimum Horizontal Approach Distance[1]	Minimum Vertical Approach Distance[1]	Recommended Approach Grade[2]
Arterial	300 Feet	200 Feet	2.0%
Major Collector	200 Feet	150 Feet	2.0%
Minor Collector	150 Feet	100 Feet	2.5%
Local Street	100 Feet	50 Feet	2.0%

1. Distance of the approach is measured from edge of pavement of the intersected street to the point of curvature in the approaching street.
2. Recommended approach grades shall be considered as the maximum allowable grades, unless otherwise approved by the Director. No grade shall be less than 1.5 %.

C. Crown Taper

The typical crowned street cross section shall be tapered over a distance of not less than fifty (50) feet on the approaching street at all intersections, in order to connect flush with the line and grade of the edge of pavement on the intersected street. The cross section taper shall be designed and constructed so as to provide for the adequate drainage of surface water from all portions of the travel surface and gutter.

D. Intersection Radii

Intersection radii for roadways measured at back of curb and for the right-of-way lines shall be as follows. For intersecting streets of different classification, the larger radii shall be provided. In all cases, adequate right-of-way shall be provided to maintain minimum of 12 feet from back-of-curb. Larger radii may be required for streets intersecting at angles less than 90 degrees. Reference *Standard Design and Construction Details*, Roadway Design Parameters, 3.03.

E. Islands

Islands in street intersections shall conform to the design requirements of the standard drawings. In no case shall anything in an island extend more than three (3) feet above the street grade within the right-of-way, except traffic regulatory devices,

street trees and other infrastructure erected or approved by Walton County. No island shall be approved which contains less than 100 square feet. Irrigation or other private systems shall not be installed within public right-of-way.

F. Intersection Corner Sight Distance

1. Intersections shall be designed with adequate corner sight distance for each approaching street. Where necessary, back slopes shall be flattened and horizontal or vertical curves lengthened to provide the minimum required sight distance.

2. The minimum corner sight distance from the approaching street shall be equal to or exceed 10 times the regulated speed of the intersected street, as measured from the center of the approaching street in both directions to a point along the centerline of the intersecting street. As an alternative, the minimum corner sight distance requirement may be calculated using AASHTO "Policy on Geometric Design of Highways and Streets," Chapter 9 (at-grade intersections), latest edition. The sight distance shall provide clear visibility of an object 2 feet above the intersected street, when viewed from the centerline of the approaching street at a height of 3.5 feet above the ground.

G. Obstructing Visibility at Intersections

On all corner lots located at a street intersection, a clear sight zone shall be maintained at all times. The clear sight zone is defined as the area formed by the lot lines fronting on each street, and a miter line joining points on such lot lines, located at a distance of 15 feet from the point of their intersection (see Standard Detail 3.11).

The following requirements shall apply to all clear sight zones:

1. There shall be no fence or wall or hedge higher than three feet.

2. There shall be no obstruction to vision other than a post, column or tree not exceeding one foot in greatest cross-sectional dimension, between a height of three feet and a height of 15 feet above the established grade of either of the intersecting streets.

3. Any and all objects determined to create a visible obstruction by the County shall be removed within 48 hours of notification. If it is determined by the County that the obstructive object poses a significant and immediate traffic hazard, the County may remove the obstructive object without prior notification of the property owner.

H. Turning Lanes at Intersections

Both center left turn and right turn lanes shall be provided on all new internal project streets, and on all existing County roads where traffic volumes and turning movements warrant the installation. At the request of the Director, the Developer or Applicant shall prepare and submit a detailed traffic study (as defined herein) outlining projected traffic volumes, turning movements, and auxiliary lanes required. The methodology and conclusions presented in the traffic study are subject the review and approval of the Planning and Development Department.

1. Center Turn Lane Storage - A minimum storage length of 150 feet shall be provided for center left turn lanes on any Arterial Streets. A minimum storage length of 100 feet shall be provided on all Collector Streets. Additional storage capacity shall be provided as required, based on projected peak traffic volumes and turning movements.

2. Taper Length - The taper length shall be in accordance with AASHTO design standards, based on the lane widths and design speed of the subject street.

3. The design, right-of-way acquisition, drainage system improvements, roadway widening, asphalt construction, traffic control, traffic striping, signage and all other improvements required or incidental to the installation of auxiliary turn lanes required to support any proposed development shall be completed by the Developer or Applicant, at no cost to Walton County.

4. Under the following conditions, left storage lanes shall be added to two-lane collectors or arterials with speed limits of 40 MPH or more, at unsignalized locations where left turning vehicles will leave the arterial or collector street and enter major driveways or development entrances:

If average peak hour left turn volume is:	And collector/arterial traffic is: (Vehicles per lane in peak hour):	Left turn storage lane
Over 25	All volumes	Required
16-25	51-100	Required
13-15	101-200	Required
1-12	Over 200	May be required
Any volume	Any volume	May be required by Director if sight distance (in feet) in either direction is less than 10 times the posted speed limit.

Source : Institute for Traffic Engineers, Traffic Engineering Handbook.

Section 150 Geometric Street Design Standards

A. All streets and roadways shall be designed in accordance with the American Association of State Highway and Transportation Officials (AASHTO) Standards, as provided in *A Policy on Geometric Design of Highways and Streets*, latest edition and any amendments thereto. All applicable signage, markings or other traffic control measures shall be designed in accordance with the *Manual of Uniform Traffic Devices* (MUTCD), latest edition and any amendments thereto.

B. Horizontal Curvature and Superelevation

All new streets shall adhere to the following standards governing horizontal curvature and superelevation unless otherwise specified by AASHTO Standards:

Street Category	Minimum Radius	Maximum Superelevation
Arterial	885 feet	0.06
Major Collector	500 feet	0.04
Minor Collector	300 feet	0.03
Local	250 feet	N/A

C. Tangents

Between reverse horizontal curves there shall not be less than the minimum centerline tangents shown below unless otherwise specified by AASHTO Standards. Compound radii are prohibited. Desirable tangent lengths shall be provided unless hardship conditions of topography or property configuration do not allow for tangent lengths greater than the minimum. For compound circular curves, the ratio of the flatter radius to the sharper radius shall not exceed 1.5 to 1.

Street Category	Minimum Tangent Length	Desirable Tangent Length
Arterial	300 feet	400 feet
Major Collector	200 feet	280 feet
Minor Collector	100 feet	150 feet
Local	100 feet	120 feet

D. Vertical Alignment

1. All changes in street profile grades having an algebraic difference greater than one (1) percent shall be connected to a parabolic curve having a minimum length in feet (L), which is equal to the algebraic difference between the grades in percent (A) multiplied by the design constant (K) assigned to the street according to its classification and design speed (i.e. L = KA).

2. Constant (K) values are shown in the table below for both desirable and minimum acceptable (hardship) conditions. The desirable value shall be utilized in all cases, unless otherwise approved by the Director based on topographic or

other site-specific conditions. In such situations, the Director may approve a lesser value to the extent required by the hardship condition, but in no case shall the constant K value be less than the minimum permitted.

CONSTANT (K) VALUES FOR VERTICAL ALIGNMENTS

Street Category	Design Speed	Crest Vertical Curves (K Value)		Sag Vertical Curves (K Value)	
	(MPH)	Minimum	Desirable	Minimum	Desirable
Arterial	55	150	220	100	130
Major Collector	45	80	120	70	90
Minor Collector	30	30	50	40	60
Local	25	20	30	30	40

E. Street Centerline Grades

1. Street or road grades exceeding ten (10) percent for a minor collector and twelve (12) percent for local streets are prohibited, unless otherwise approved by the Director. The Director may grant limited exceptions on maximum grades based on conclusive evidence that shows a lesser grade is impractical due to topographic or site specific limitations.

2. The minimum centerline grade for any street or roadway shall not be less than one and one-half percent (1.5%), without exception, due to drainage concerns. A desirable minimum centerline grade of two percent (2%) shall be provided where possible.

3. The maximum centerline grade across any cul-de-sac turnaround shall be six percent (6%).

F. Crown Slope

All streets and roadways, unless super elevated, shall be designed and constructed with crown slope of ¼" per foot, to provide for the adequate drainage of surface water from the street centerline to the gutter or edge of pavement.

G. Super Elevation

The design of arterial and major collector roadways may require the super elevation of the travel surface on horizontal curves in accordance with AASHTO Standards. The design and horizontal alignment of minor collectors and local streets serving residential areas should avoid the use of super elevation where possible. In all instances, the maximum super elevation rates shall be in accordance with paragraph B above. Under no circumstance is a curved street to be reverse super elevated.

Section 160 Street Construction Standards and Specifications

Unless otherwise specifically set forth in these Regulations, all of the materials, methods of construction, and workmanship used in street construction shall conform to the Georgia Department of Transportation's *Standard Specifications for the Construction of road and Bridges*, latest edition and any amendments thereto.

A. Pre-Construction Meeting

A mandatory pre-construction meeting is required for all development, construction, and land disturbing activities, unless this requirement is specifically waived by the Planning and Development Department. The Applicant or Developer shall contact the Department to schedule a pre-construction meeting. The Department will insure the attendance of all necessary County Staff. The Applicant or Developer must at a minimum have the following project personnel attend the pre-construction meeting:

1. On-Site Project Representative on behalf of the Applicant or Developer

2. General and/or Grading Contractor

3. Sub-Contractors performing drainage system installation, base course construction or asphalt paving

4. Other specialty contractors performing a significant portion of the work

5. Design Professional responsible for project design

B. Clearing and Grubbing

Before grading is started the entire right-of-way area shall be first cleared and grubbed of all trees, stumps, roots, brush, debris and other objectionable materials. Specific trees that are intended for preservation shall be indicated on the design plans, and subject to the review and approval of the Planning and Development Department.

C. Rough Grading

1. Grading activities shall be performed in accordance with the lines and grades shown on the approved construction plans. Grading plans shall include a plan view of the proposed roadway, showing existing and proposed contour lines at an interval of no more than two (2) feet, as well as a profile of the street centerline and all applicable curve and design data. Grading plans shall outline those areas required to remain undisturbed (i.e., Tree Protection Areas, Buffers, etc.) and shall indicate protective fencing or staking to be placed surrounding such areas.

2. Cut or fill slopes shall not exceed three (3) horizontal units to one (1) vertical unit, unless otherwise approved by the Director based on site-specific topographic conditions. Flatter slopes shall be provided where possible, to better accommodate utility installation and maintenance activities.

3. Erosion and Sediment Control Best Management Practices (BMP's) shall be installed in accordance with the approved construction plans, prior to or concurrent with all land disturbing activities. Alternate or additional BMP's may be required by the County Inspector, if it is deemed that current measures do not provide adequate protection.

4. All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess or unsuitable materials, including organics, soft clay, etc., shall be removed from within the roadway limits and for a distance not less than one foot on each side of the road surface for each vertical foot of unsuitable material at the edge of pavement.

5. Fill material shall be placed in uniform horizontal layers or "lifts", not to exceed a compacted thickness of more than six (6) inches. Moisture content shall be adjusted as necessary to compact material to 95 percent of maximum dry density. The top 12 inches of subgrade material under any roadway, drive or parking area shall be compacted to 100 percent of maximum dry density.

D. Final Grading and Subgrade Preparation

1. After rough grading, storm sewer and utility installation is complete, and the back-fill in all such ditches thoroughly compacted, the subgrade shall be brought to the lines, grades, and typical roadway section shown on the plans.

2. All utility crossings shall be installed prior to subgrade approval. If utility installation cannot be completed at this time, the Developer shall coordinate the installation of casings or conduits to accommodate subsequent utility installation without disturbance to the subgrade. Utility trenches cut in the subgrade shall be back-filled and compacted as specified herein. The County Inspector may require additional compaction tests at utility crossings to verify compaction.

3. Prior to subgrade inspection and approval, the design professional shall certify in writing to the Planning and Development Department that the lines and grades of the proposed street or streets are within 6” of design grades. This letter shall be submitted prior to subgrade inspection by County personnel.

4. Subgrade Testing and Inspection: Subgrade compaction shall be tested by the County Inspector, prior to construction of the graded aggregate base course. Compaction testing shall be accomplished by visual inspections of actual live axle loads, commonly referred to as a "Roll Test". The Developer or Contractor shall schedule all compaction tests with the County Inspector no less than 24

hours in advance. The Developer or Contractor shall also provide an adequate testing vehicle, minimum eighteen (18) ton hauling capacity, fully loaded. All areas or sections of the subgrade that do not pass visual live load compaction testing, at the discretion of the County Inspector, shall be corrected. Once the Developer or Contractor makes all necessary corrections, it shall be his/her responsibility to re-schedule any and all subsequent roll tests.

5. Provisions shall be made to provide adequate drainage of the road surface during the course of construction, including temporary 4-inch drain lines in all concrete gutters.

E. Graded Aggregate Base Course Construction

1. The Base Course shall consist of graded aggregate, of a minimum thickness as required based on the street classification. Minimum base course thickness is provided in the Standard Design and Construction Details. The base course shall be constructed in accordance with the lines, grades and typical cross sections shown on the approved construction plans. All aggregate materials shall be secured from Georgia Department of Transportation approved sources, and shall comply with Section 815 of the *Standard Specifications for the Construction of Road and Bridges*, latest edition.

2. All base course material shall be spread uniformly with a mixture spreader, or other approved means, to the proper depth to obtain the required thickness. The maximum thickness of base course material to be placed one course shall be six inches compacted. If the design thickness of the base course is more than six inches, it shall be constructed in two or more courses of approximate equal thickness. With sufficient and suitable equipment, the County Inspector may allow base material to be placed in lifts up to eight inches.

3. The moisture content of the aggregate material shall be uniformly distributed, and shall be adequate to allow compaction to a minimum of 100% of the maximum dry density (AASHTO T180, Method D). Immediately following the spreading of the graded aggregate, all material shall be compacted to the full width by rolling with a smooth wheel vibratory roller weighing seven to ten tons, or an equivalent sheepsfoot packer. Rolling shall progress gradually from the edge to the center, parallel with the centerline of the street and lapping uniformly each preceding track by one-half the width of such track. Rolling shall continue until the entire surface is smooth, closely knit, free from cracks, conforming to the prescribed line, grade and cross section, within the limits specified.

4. Any irregularities, areas of segregation, or depressions that develop under such rolling shall be corrected by loosening the material at these locations and adding or removing material until the surface is smooth and uniform. The application of water, applied uniformly over the base course may be required to achieve

adequate compaction. Shaping and rolling shall be performed alternately as required to prepare a uniform compacted base.

5. Along curbs, headers, walls and at all locations not accessible to the roller, the base course material shall be compacted thoroughly with mechanical tampers or approved hand tampers.

6. No base material shall be deposited or shaped when the subgrade is frozen, thawing, or during other unfavorable weather conditions.

F, Graded Aggregate Base Course Testing and Inspection:

1. Cross Section: The cross section and crown slope shall be verified at intervals or locations determined by the County Inspector. The Developer or Contractor shall provide a string line and dedicated personnel, to pull the line and allow verification measurements to be made by the County Inspector. Those areas or portions of the roadway, which do not comply with the design cross section or crown slope, shall be corrected and verified by County personnel prior to Base Course approval.

2. Roll Test: Base course compaction shall be tested by the Planning and Development Department, prior to the application of Bituminous Asphalt Paving. Compaction testing shall be accomplished by visual inspections of actual live axle loads, commonly referred to as a "Roll Test". The Developer or Contractor shall schedule all compaction tests with the County Inspector no less than 24 hours in advance. The Developer or Contractor shall also provide an adequate testing vehicle, minimum eighteen (18) ton hauling capacity, fully loaded. All areas or sections of the base course that do not pass visual live load compaction testing, at the discretion of the County Inspector, shall be corrected. Once the Developer or Contractor makes all necessary corrections, it shall be his/her responsibility to re-schedule any and all subsequent roll tests.

3. Prime Coat: At the completion of base course construction, testing and approval by the County Inspector, the base course shall be primed and sealed with 0.25 gallon of R.C. 70 per square yard. This requirement may be waived by the County Inspector, if the placement of asphalt paving is anticipated within the following 3 to 5 days and prior to any significant rainfall event.

4. Additional Inspections due to weather conditions: If a significant weather or rainfall event occurs following the approval of base construction but prior to asphalt paving, the County Inspector may require additional roll testing to reverify the structural integrity of the road base. The Developer or Contractor shall be subject to comply with such additional inspections, at the discretion of the County Inspector.

G. Bituminous Asphalt Paving

1. Bituminous asphalt production, handling, transportation and placement shall meet or exceed the requirements of the Georgia Department of Transportation's *Standard Specifications for the Construction of Roads and Bridges*, latest edition and any amendments thereto. Asphalt pavements shall be of the conventional mix design as specified herein, and the use of "superpave" mix designs will not be permitted unless otherwise approved by the Director.

2. Equipment:

   a. Mechanical Pavers: Mechanical pavers used for the placement of hot mix asphalt shall be capable of spreading and finishing all courses to the indicated widths and depths, true to line, grade, and cross section, and shall be capable of striking a smooth finish, uniform in density and texture. Mechanical pavers shall be equipped with extendable screeds, capable of spreading at the width of each travel lane in one pass.

   b. Compaction Equipment: The compaction equipment must be in good mechanical condition and capable of compacting the mixture to the required density. The number, type, size, operation, and condition of the compaction equipment shall be subject to the approval of the County Inspector. At a minimum, a smooth drum vibratory roller (min. 8-ton) and a separate pneumatic tired roller shall be provided. An additional finish roller or larger equipment may be required by the County Inspector based on visual observations of surface texture or density tests.

H. Paving Operations

1. The County Inspector may require that a copy of the detailed asphalt mix design be submitted prior to asphalt paving. Only asphalt produced by a Georgia DOT approved plant may be utilized. Plant production, transportation and paving operations shall be so coordinated that a uniform continuity of operation is maintained. If the spreading operations are interrupted for one hour or more, a transverse joint shall be constructed. Asphalt shall be delivered to the job site at a temperature of no less than 350° F. The County inspector may reject any asphalt load that does not meet temperature requirements, contains segregated material or does not comply with mix design requirements.

3. Weather Limitations: The mixing and placement of Bituminous Asphalt Pavement shall not be performed when the existing surface is wet or frozen. For all courses, the air temperature for placement of the mix shall be in accordance with the following table.

Lift Thickness (Inches)	Minimum Temperature (°F)
1 or Less	55
1.1 to 2.0	45
2.1 to 3.0	35
3.1 to 4.0	30
4.1 to 8.0	Contractor's Discretion

4. Bituminous Tack Coat: Tack shall be applied prior to the placement and compaction of all subsequent courses of asphalt pavement, in accordance with Georgia DOT Standards, Section 413. On curbed streets, the edge of the gutter shall be tacked to provide a water resistant seal at the joint. Special care shall be taken to avoid the application of bituminous tack to portions of the curb and gutter which are to be visible following construction.

I. Concrete Streets

For concrete streets classified as Local or Minor Collectors, six (6) inches of 3,500 psi concrete is to be applied on a stabilized subgrade consisting of at least 150 pounds of stone per square yard mixed in four (4) inches deep and compacted. The design and construction of the street shall comply with the Portland Cement Association Standards. Concrete road design for Major Collectors and Arterials will be based on design loading in accordance with AASHTO Standards.

J. Rural Cross Section

Certain local residential roads may be constructed without curb and gutter as provided in this ordinance. On all such rural streets, the road base shall be extended one (1) foot beyond the edge of the pavement.

K. Typical Sections

All streets and roadways shall be constructed to the typical sections specified in the Standard Design and Construction Details, based on street classification category.

Section 170 Curbs and Gutters

A. All new streets or street widening sections shall be provided with curb and gutter except as noted below. All gutters shall drain positively with no areas of ponding.

B. Streets without curb and gutter shall be allowed with approval of Board of Commissioners in residential subdivisions. Such streets shall be graded to provide a minimum eight (8) foot shoulder on each side of the pavement. Such shoulders shall have at least a four percent (4%) slope away from the edge of the pavement. (10-4-05)

C. All concrete curb and gutter shall be Georgia DOT Standard Type A, with a general gutter dimension of 24-inches and curb 6-inches in height. Type B curb and gutter may be used in super elevated sections only. Roll-back or Hollywood curbing shall be prohibited.

D. Curbing shall conform to the following standards:

1. Concrete shall be Class “A”, as defined by Georgia Department of Transportation, and have a minimum strength of three thousand (3,000) PSI at 28 days.

2. One-half (½) inch expansion joints or pre-molded bituminous expansion joint material shall be provided at all structures and radius points and at an interval not to exceed 250 feet in the remainder of the curb and gutter. Contraction joints shall also be provided at ten foot intervals along the curb line.

3. When the development ties into existing curbing, the curb and gutter shall transition to and match the existing width and profile at the connection point.

4. Terminations or curb tapers shall be provided at the end of any gutter. The curb height shall be tapered from 6-inches to 0-inches over a distance of six feet.

E. Curb and gutter shall be set true to the line and grade of the street, horizontally and vertically field staked, and finished to the section shown on the plans. Line and grade shall be established by the Developer’s engineer or surveyor. Offset staking shall be provided at 50-foot intervals.

F. Curbing not installed in accordance with the requirements of this Section or the Standard Details, shall be removed and replaced at the Developer's expense. The County Inspector may require and the Developer shall provide core samples to verify concrete thickness.

G. Disturbed areas along all curbing shall be back-filled, stabilized, and grassed.

Section 180 Sidewalks and Bikeway Requirements

A. Sidewalks shall be located:

1. Along the street frontage of all non-residential developments. The Director may waive the installation of sidewalks if the development is agricultural or located on a rural road section; and

2. Along the street frontage of all developments within a ½-mile radius of any public school; and

3. Along the interior streets of all residential developments with lot sizes of less than one (1) acre. (7-5-05)

B. Sidewalks shall be installed on both sides of the street where the development includes property on both sides of the street.

C. Sidewalks in subdivisions shall be continued to the nearest arterial street.

D. Sidewalks shall be located two (2) feet from the back of the curb. (7-5-05)

E. Sidewalks shall be installed on an individual lot basis at the time of building construction. Required sidewalks shall be installed across open space or other common areas prior to the acceptance of the street. The County shall inspect the location and construction of the sidewalk, and shall not accept the street nor issue a Certificate of Occupancy until the required sidewalk is properly installed (7-5-05)

F. A strip of grass or other approved landscape material at least two (2) feet in width shall separate sidewalks from adjacent curbs on all streets The width may be reduced to abut the curb with the approval of the Director. (7-5-05)

G. Sidewalks shall be concrete and a minimum of three (3) feet wide on interior streets and four (4) feet wide on all other streets and four (4) inches thick. Concrete shall be Class “A”, as defined by the Georgia Department of Transportation, and have a strength of 3,000 psi at 28 days. Disturbed areas along sidewalk shall be backfilled, stabilized and grassed. (7-5-05)

H. Additional sidewalks and/or pedestrian easements may be required in subdivisions or developments where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

I. Bicycle lanes, where required, shall be a minimum of four feet in width and placed between the outside lane of a roadway and the curb or shoulder. When on-street parking is permitted, the bicycle lane shall be between the parking lane and the outer lane of moving vehicles. Lanes shall be delineated with appropriate markings, as required by MUTCD Standards. Bikeways and bicycle lanes must be pre-approved by the Department.

Section 190 Traffic Control Devices

A. MUTCD Compliance

All traffic signals, signage, striping and pavement markings shall conform to the *Manual on Uniform Traffic Control Devices*, latest edition and any amendments thereto. Signs shall comply in shape, color, size, reflectivity, height, materials, and placement.

B. Traffic Signage

1. Prior to Final Plat approval, the Developer shall be responsible for all sign materials and their installation as required by the approved plans. (2-7-06)

2. Any signs that are damaged following initial installation, due to additional work at the site, shall be replaced at the Developer's expense.

3. Decorative signs or traffic control devices shall be prohibited. The use of decorative signposts may be approved at the discretion of the Director, if covenants are provided which require decorative sign post replacement to be funded by an established Property Owner's Association. If decorative signposts in any development are damaged or worn, the County will provide only a standard U-channel sign post as replacement.

C. Pavement Markings

1. Local streets with curb and gutter are exempt from traffic striping requirements. All other street classifications shall require both centerline and edge line striping in accordance with this Ordinance.

2. All centerline or edge line striping shall be performed in compliance with Georgia DOT Standard 652, Paint Striping. On any street classified as a Major Collector or Arterial, all traffic striping shall be thermoplastic in accordance with Georgia DOT Standard 653.

3. All pavement markings shall be reviewed and approved by the Planning and Development Department. All Pavement Markings shall be thermoplastic and shall be installed in accordance with Georgia DOT Standard 653 and MUTCD requirements.

4. On any newly paved or resurfaced streets on public rights of way, thermoplastic stop bars are required on all approach lanes in accordance with MUTCD Standards.

5. Raised Pavement Markers (RPM's) or similar devices or shall be required on all Major Collector and Arterial streets, and on any other street installed by developers where safety conditions warrant such devices.

D. Traffic Signals

Traffic signal installation must be approved by Walton County and the Georgia Department of Transportation. The Developer shall submit a traffic study prepared by a Professional Engineer, registered in the State of Georgia, detailing existing and projected traffic volumes, movements, capacity and required improvements. The Director may require that a traffic study be provided for any development where increased traffic volumes may significantly impact the existing capacity, traffic flow or safety on any existing County Road. See Appendix D for details.

E. Traffic Safety Improvements

It shall be the Developers sole responsibility to fund, design, construct and/or install any all traffic safety improvements and traffic control devices required to provide safe ingress and egress to any development.

Article 10 Drainage and Utilities

Part 1 Drainage System Requirements

Section 100 Drainage System Requirements

A. Drainage Improvements Required

Drainage Systems which may include but are not limited to culverts, storm sewer piping, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, and ditches, shall be provided for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Drainage systems that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the requirements of these regulations.

B. Standard Specifications

Unless otherwise specifically set forth herein, all of the materials, methods of the construction, and workmanship for the work covered in reference to drainage system construction shall conform to the most recent Standard Specifications of the Georgia Department of Transportation (Georgia DOT). For roads constructed with public funds, either wholly or in part, or for roads classified as Major Collectors or Arterials, materials which meet the Georgia DOT design standards shall be used unless an alternative is specifically approved by the Walton County Road Department.

C. Design Criteria – General

1. All drainage system design calculations shall be certified by a Registered Professional Engineer or Landscape Architect, licensed in the State of Georgia.

2. The methods utilized in calculating storm water runoff and peak flows from any drainage basin or basins, shall be appropriately selected based on the relative size of each basin and best engineering practice. Recommended hydrologic methods and basin size limitations are presented below.

Recommended Hydrologic Methods	
Method	**Basin Size Limits**
Rational	0 – 50 Acres
SCS	25 – 2,000 Acres
USGS	25 Acres – 25 Sq. Mi.

3. All portions of a drainage system, which drain areas falling within a specific category above, shall be analyzed using the same methodology.

4. Run-off coefficients used for the Rational Method and runoff Curve Numbers used for the SCS Method shall be consistent with those shown in the Manual for Erosion and Sediment Control in Georgia, latest edition.

5. Culverts carrying live streams shall extend to where the crown of the pipe intersects the roadway slope. Pipes that do not carry live streams shall extend at least 50 feet beyond the front building setback lines, and may be required to extend farther where necessary to provide an adequately protected building site on the property. In nonresidential subdivisions, these pipes may temporarily end at the right-of-way line, but shall be extended as part of a subsequent development permit approved for the individual site. The length requirement, however, shall be subject to requirements for maintaining stream buffers in accordance with Georgia law or County regulations.

6. No drainage system piping shall be installed beneath or within the load bearing soil strata supporting and building or structure.

D. Design Criteria – Cross Drain Culverts (Streams or Major Drainage Channels)

1. Cross drain culverts or pipe systems designed to convey water from one side of a public right-of-way to the other shall be designed to pass the fully developed peak flow associated with a 100-year storm with at least 1.5 feet of freeboard between the 100-year ponding elevation and the centerline of the road, without raising the 100-year flood elevation on upstream properties. Fully developed flows shall be based on the Future Land Use Plan adopted by the Board of Commissioners.

2. The 100-year ponding limits at and upstream of the culvert shall be shown on the Development Plans and on the Final Plat (if applicable).

3. The minimum allowable culvert diameter shall be 18 inches. Culvert design shall include a thorough analysis of both inlet and outlet control conditions.

E. Design Criteria - Longitudinal Storm Sewer Piping

1. The preliminary design (initial pipe sizing and profile design) of longitudinal pipe collection systems shall be based upon conveyance of the peak flows associated with a fully developed 25-year storm with the hydraulic grade line (HGL) being one foot or more below the top of each structure, gutter line or proposed final ground surface elevation, whichever is lowest. All longitudinal piping within a FEMA identified floodplain shall be sized to adequately convey the 100-year frequency storm event.

2. The minimum allowable pipe diameter shall be 18 inches.

3. Storm sewer inlets or catch basins shall be provided and spaced so that the gutter spread for a 10-year design flow shall not exceed the following, as measured from the face of the curb:

    a. Four (4) feet or less based on the requirements of the Georgia DOT Drainage Manual, if the street is classified as a Major Collector or Arterial Street;

    b. Six (6) feet if the street is classified as a Minor Collector; or

    c. Fourteen (14) feet at any given section, but in no case greater than eight (8) feet on one side of the street, if the street is classified as a Local Street.
4. Gutter spread calculations shall be submitted to the Planning and Development Department for review and approval.

5. Complete pipe sizing, flow, velocity, and hydraulic grade line computations, shall be provided for all portions of a piped collection system. Hydraulic grade lines shall be shown on the storm drainage profiles contained with the Development Plans for the 25-year storm.

F. Energy Dissipation - Piped Systems and Culverts

1. Energy dissipation devices, such as splash pads, rip-rap, stilling basins, etc., shall be provided at the outlet of every culvert and piped collection system. Outlet protection shall be in accordance with the Manual for Erosion and Sediment Control in Georgia, latest edition.

2. Energy dissipation devices shall be located entirely within the project site no closer than 20 feet from any property line, and shall not encroach upon any required buffer.

3. When uniform, graded stone rip-rap is used for energy dissipation, ultraviolet resistant filter fabric (200-pound test) shall be used between the stone layers.

G. Pipe Material Specifications

Pipe materials shall be provided in accordance with the Selection Guidelines for Storm Sewer Piping, based on application, traffic and flow conditions (See Standard Design and Construction Details).

1. Corrugated steel pipe and pipe arches shall conform to the requirements of AASHTO M-36, and shall be Aluminized Type II or Galvanized.

    a. Galvanized corrugated steel pipe shall have a minimum zinc coating of 2 ounces per square foot, with an additional full bituminous coating. A zinc coating or four (4) ounces per square foot or greater, may be provided in lieu of a full bituminous coating.

b. Aluminized Type II coated steel pipe shall comply with AASHTO M-274 for coating requirements, and AASHTO M-36 for the pipe fabrication

c. No corrugated steel pipe may be utilized in a flowing stream application, with the exception of minor limited applications as provided in the Selection Guidelines for Storm Sewer Piping (See Standard Design and Construction Details).

d. The gauge, diameter, and corrugation configurations for corrugated steel pipe and pipe arches shall be in accordance with Georgia DOT Standard 1030-D.

e. Each end of each pipe section, to be joined by a coupling band, shall have a minimum of two annular corrugations. Coupling bands shall be so constructed as to lap on an equal portion of each of the pipe sections to be connected. The connecting bands shall have a minimum of four annular corrugations and shall fully engage, over the entire pipe periphery, two corrugations on each pipe end. Bands shall be fabricated from the same material as is the pipe, and the gauges shall be as specified in Section 9.2 of AASHTO M-36.

f. Gaskets may be required as determined by the County Inspector in the field and shall be either sleeve type or O-ring type, and shall meet the requirements for gaskets as specified in Section 9.3 of AASHTO M-36.

g. Corrugated steel pipe laid at slopes of less than one percent shall have a paved invert.

h. Reinforced concrete pipe joints shall be not less than 8 foot in length. All joints shall be bell and spigot type, using an O-ring gasket conforming to ASTM C-443. Pipe shall be manufactured in accordance with AASHTO M-170 and/or ASTM C-76. Class of pipe and wall thickness shall be in accordance with Georgia DOT 1030-D.

i. Corrugated aluminum alloy pipe shall comply with AASHTO M-196 for material and fabrication.

   (1) The gauge, diameter, and corrugation configurations for corrugated aluminum alloy pipe and pipe arches shall be in accordance with Georgia DOT Standard 1030-D.

   (2) Each end of each pipe section, to be joined by a coupling band, shall have a minimum of two annular corrugations. Coupling bands shall be so constructed to lap on an equal portion of each of the pipe sections to be joined. The connecting bands shall have a minimum of four annular corrugations and fully engage, over the entire pipe periphery, two corrugations on each pipe. Bands shall be fabricated from the same

material as the pipe. The minimum band gauges for aluminum alloy pipe shall be as specified in AASHTO M-196, Section 19.

(3) Gaskets may be required as determined by the County Inspector in the field, and shall be either sleeve type or O-ring type and shall meet the requirements for gaskets as specified in AASHTO M-36, Section 9.3.

j. Structural plate drainage structures shall conform to the following specifications:

(1) Corrugated steel structural plate pipe, pipe arches, and arches shall consist of galvanized plates, bolts and nuts of the size, shape and thickness as shown on the approved plans. These structures shall conform to the requirements of AASHTO M-167.

(2) Corrugated aluminum alloy structural plate pipe, pipe arches and arches shall consist of aluminum plates and galvanized bolts and nuts of the size, shape and thickness as shown on the approved plans. These structures shall conform to the requirements of AASHTO M-219.

k. Corrugated High Density Polyethylene Pipe – Smooth Lined Type "S"

(1) This specification is applicable to nominal sizes 18" through 36" diameter. Requirements for test methods, dimensions, and markings of pipe sizes 18" through 36" diameter are those found in AASHTO Designation M-294. HDPE pipe manufacturers shall be approved by the Georgia Department of Transportation.

(2) Pipe and fittings shall be made of polyethylene compounds that meet or exceed the requirements of Type III, Category 4 or 5, Grade P33 or P34, Class C per ASTM D-1248 with the applicable requirements defined in ASTM D-1248. Corrugated fittings may be either molded or fabricated by the manufacturer. Fittings supplied by manufacturers other than the supplier of the pipe shall not be permitted without prior approval from Walton County.

(3) Joints shall be made with split couplings, corrugated to engage the pipe corrugations, and shall engage a minimum of 4 corrugations, 2 on each side of the pipe joint. Where required by Walton County, a neoprene gasket shall be utilized with the coupling to provide a soil tight joint. Gaskets shall conform to ASTM F-477.

(4) Installation shall be in accordance with ASTM Recommended Practice D-2321 or as specified by Walton County. Certification from the manufacturer that the product was manufactured, tested, and supplied in

accordance with this specification shall be furnished to Walton County upon request.

H. Pipe Installation Standards

Reinforced concrete pipe, corrugated steel and aluminum alloy pipe shall be bedded and backfilled in the same manner. Corrugated high-density polyethylene pipe shall be bedded and backfilled in accordance with the Georgia DOT Standard Specifications. In addition, prior to approval of a Final Plat, the County may require the submittal of certification from a mandrel testing agency indicating that any HDPE pipe installed does not exceed 7.5% deflection.

1. Pipe Bedding - All piping and structures shall be placed on stable earth or fine granular foundation, the characteristics of which would be expected to provide long-term stability. In all live stream pipe installations, in areas of low bearing solid or non-uniform foundations, in areas where rock is encountered at the foundation level, or in other locations where conditions warrant, a minimum of 6" of crushed stone bedding is required, (maximum size of stone shall be 3/4"). Geo-textiles or geo-grids may also be required by the County Inspector in unstable materials.

2. Backfilling - Backfill on all pipe installations shall be constructed using foundation backfill material Type I or Type II, as specified in Georgia DOT Standards 812.01 and 812.02 respectively. These materials shall be placed in layers of not more than six inches loose. Compaction of these materials shall be accomplished by hand tamping or machine tamping. Required compaction levels are as follows:

   a. Backfill within all street rights-of-way shall be compacted to 98% maximum

   b. Backfill in all other areas shall be compacted to 95% maximum density, tested using the AASHTO Method T-99.

3. Construction Loads and Minimum Cover - The minimum cover for any pipe or culvert shall be two (2) feet or one-half the inside diameter plus six inches, whichever is greater. Minimum cover shall be measured from subgrade elevations, to insure adequate pipe protection from construction loads.

4. Inspection of Pipe Installation - All pipe shall be installed in a straight approach in strict accordance with the lines and grades shown in the approved construction drawings. The County Inspector shall provide periodic inspections of all drainage system installation, to insure compliance with these Regulations. No cross drain piping or piping under the proposed paved surface shall be completely backfilled prior to the inspection of all pipe joints, bedding, initial backfill and compaction up to the pipe center line. A final inspection and approval of all pipe installation shall be required at the completion of construction activities, and prior to Final Plat approval.

I. End Finish

Headwalls or other end treatments are required on all culverts (except under residential driveways) and at the outlet of all piped collection systems.

1. Headwalls shall be pre-cast concrete or poured-in-place, with adequate steel reinforcement and concrete footings. Headwalls shall be required at any pipe inlet where erosion protection and slope stabilization is required.

2. Flared end sections shall be concrete or zinc coated metal only, in accordance with Georgia DOT Standard 1120. Tapered end cuts on metal pipe may be permitted in lieu of flared end sections, at the discretion of the Planning and Development Department.

J. Junction Boxes and Catch Basins

1. General Requirements - A junction box, catch basin or other approved drainage structure shall be provided at all points where a change in the horizontal or vertical alignment of any pipe segment occurs, or at intervals not to exceed 300 feet. The change in directional flow in any junction box or catch basin shall not be greater than 90 degrees.

2. Junction boxes, catch basins, inlets, and all other accessible drainage structures shall be constructed of pre-cast reinforced concrete, minimum four (4) feet in diameter or larger. Structures shall be properly sized (diameter) and pre-cored (inlets and outlets) based on the diameter(s) of piping to be connected. All pre-cast drainage structures with a finished depth greater than four (4) feet, shall be provided with accessible polypropylene composite steps spaced at not more than 12-inches vertically on center. All pre-cast drainage structures shall include a metal ring and cover, to provide access for maintenance personnel. Junction boxes shall require a Standard 310 (traffic rated) ring and cover, which shall either be cast in or grouted to the cone section.

3. Catch basins shall be constructed in accordance with Georgia DOT Standards 1033D (Single Wing) or 1034D (Double Wing). All catch basins located along the radius of any cul-de-sac shall be constructed in accordance with Georgia DOT Standard 1033F or 1034F (Off Set). Catch basins shall require a reinforced pre-cast "round to square" adapter set at a depth of not less than 6-inches below the gutter elevation, to provide additional gutter clearance and throat support. The throat and top of each catch basin shall be cast in place, and the edge of the top facing the travel lane shall include chamfered edges to prevent possible tire damage. The vertical opening of any catch basin, measured at the gutter line, shall not be less than 6-inches or greater than 8-inches. Each catch basin top shall include a metal ring and cover (Standard 1033) to provide access for maintenance personnel.

4. Curb Inlets - The use of hood and grate curb inlets, in accordance with Georgia DOT Standard 1019, may be used along curb radii less than 25 feet, but shall not be used in any cul-de-sac turn around or at the low point of any sag vertical curve draining more than 300 linear feet of road surface.

5. Finish - Drainage structures shall be set at the proper location, and installed plumb. The tops of all drainage structures shall match final grade. The pipe end at the connection to any drainage structure shall not extend more than 6-inches past the interior wall of the structure, when measured at the centerline of the pipe. All pipe end connections shall be adequately sealed with a non-shrink grout. All sediment and debris shall be removed from each structure prior to final inspection and approval. All drainage structures that are damaged during construction activities, shall be repaired and or replaced, at the discretion of the County Inspector.

K. Special Structures

The use of special structures such as natural bottom arches and box culverts are subject to the review and approval of the Director. Special structures may be permitted in accordance with the latest Standard Specifications of the Georgia Department of Transportation.

L. Drainage Ditches and Swales

1. Ditches, swales, or channels shall be designed and constructed to convey at least the fully developed 25-year storm, with freeboard equal to 20% of the design flow depth. All channels which lie within a FEMA indicated flood plain, shall be designed to adequately convey the 100-year frequency storm event.

2. Transition channels shall be provided at the inlet and outlet ends of all culverts and pipe systems, unless otherwise provided herein.

3. The maximum flow rate and velocity at the project site's downstream property line shall not exceed the pre-developed flow rate and velocity.

4. In cases of potential erosion due to irregular channel alignment, extreme velocities, or excessive slopes, a paved ditch or concrete valley gutter may be required. However, if, in the opinion of Director, the expected long-term maintenance of an open or surface drainage system could prove impractical, a closed or piped drainage system design may be required.

5. The cross-sectional shape of channels shall be as found in the Standard Design and Construction Details. "V" shaped cross-sections are not permitted in grassed channels.

6. If the channel will be affected by backwater from culverts, bridges, other structures or floodplains, backwater curves shall be shown in profiles of the channel.

7. Construction Standards: Ditches and Channels shall be constructed to the line, grade and cross section specified on the approved plans, and shall be free of gullies or other irregularities. Protective cover in grassed channels shall be installed as soon as practical, to prevent possible erosion. All ditches or channels constructed in fill material shall be lined with appropriately sized coarse aggregate or other approved materials, based on design velocities.

M. Easement Requirements

1. Easements, where required shall have a minimum width of ten (10) feet on either side of lot line where pipes outlet between lots.

2. Drainage easements for improved ditches, pipe construction, and detention facilities shall be cleared, opened and stabilized at the time of development to control surface water run-off. Run-off slope and side-slopes are to be specified by the Developer's engineer, according to good engineering practice. Drainage easements shall be provided according to the minimum requirements found in the Table given below, and shall conform to County Standards.

Easements for Storm Drain Pipes and Systems

Diameter of Pipe	Minimum Easement Width
18” to 36”	20 feet
42” to 72”	25 feet
Over 72”	30 feet
Multiple Pipes	Width plus 10 feet
Improved Ditches/Natural Watercourse	20 feet

3. All engineering design items for storm drainage and erosion control and sedimentation control and delineation of the intermediate regional flood plains shall meet the applicable minimum requirements of published design standards of Walton County, Part 4 of this Article, Flood Damage Prevention, and those of FEMA. Rainfall intensities used in hydrologic computations shall not be less than shown by applicable rainfall curves published by the National Weather Service for the affected area.

4. Where a subdivision is traversed by a stream, watercourse, drainage way or channel, there shall be dedicated an access and maintenance easement measuring not less than 20 feet in width or at least 10 feet on each side of the top of bank, whichever is greater.

Section 110 Bridges and Concrete Box Culverts

A. The design and construction of bridges and concrete box culverts shall comply with all applicable standards of the Georgia Department of Transportation and the American Association of State Highway and Transportation Officials (AASHTO).

B. The review and inspection of bridge and concrete box culvert design and construction are subject to additional fees as imposed by the Planning and Development Department. Said fees shall cover the costs of an independent structural review and supplemental inspections performed on behalf of the County, at the Discretion of the Director, by an independent Registered Professional Engineer.

C. At the completion of bridge and/or concrete box culvert construction, the Designer and Engineer of Record shall provide written certification that the structure was constructed in accordance with the approved plans, all applicable standards of the Georgia Department of Transportation, and that the bridge or concrete box culvert is complete, structurally sound and safe to accommodate traffic.

Section 120 Walls and Fences

A. No fence or wall (other than subdivision entrance walls, noise abatement walls or tennis court fences) shall be more than eight (8) feet in height or be constructed on public right-of-way or future street right-of-way. If a fence is to be located adjacent to a public road and within the required setback within a residential zoning district, the fence shall not exceed six (6) feet in height. Should a fence be erected in error within the right-of-way Walton County shall not be responsible for replacing or repairing the illegal structure.

B. When permanent grades are proposed with a resulting slope steeper than one foot vertical for every two feet of horizontal displacement (2:1), an appropriate retaining structure shall be designed by a registered professional engineer to be constructed of reinforced concrete or other masonry materials designed by a registered professional engineer in compliance with applicable regulations of the U.S. Occupational Safety and Health Administration. An engineered design may be substituted for the reinforced concrete design if the specific vendor has a pre-qualified acceptance from the Building Official. All structural components of the wall shall meet the minimum building codes for the proposed use.

C. When the necessity for an earth retaining structure is required for a vertical displacement of thirty (30) inches or less, appropriate landscaping timbers, or approved equal, may be employed if no permanent structure is supported by the soil retained by the retaining wall. The use of railroad cross ties or other timber product will only be allowed in these instances as per detail.

D. All wall designs must demonstrate complete dimensions for line and grade. Wall design will consider foundation drainage and select backfill material for the proposed conditions.

E. Walls shall be located in such a fashion as to not encroach upon existing or proposed drainage easements or drainage courses or floodplains to encumber the natural flow of surface run-off of stormwater. Walls shall be located at a distance from such water courses to allow for anticipated future maintenance of the easement to prevent a safety hazard to maintenance workers or to jeopardize the structural integrity of the wall.

F. Walls that are not attached to the permitted structure and require a foundation shall be permitted as a free standing structure and shall be inspected as prescribed by the permitting procedure. Walls will be inspected for conformance with the approved design. Any deviation from the approved design will require the engineer of record to submit a certification of the non-conforming structure along with supporting calculations to indicate that the construction is consistent with the initial design parameters. In the event the inspector has not been provided ample opportunity to inspect the structure, the contractor must provide a certification of the construction by the engineer of record and geotechnical reports for concrete testing for strength, reinforcing steel specifications. Failure to comply with the requirements of this Section will require that the remaining work cease and/or removal of non-conformance until the adequacy of structural integrity is demonstrated to the satisfaction of the Director.

G. Retaining walls that are proposed for the purpose of stormwater retention must be designed in such a way that the walls are capable of a hydro-static load as measured from the top of the foundation footing to the highest elevation along the top of the wall. The hydrological design must allow for a free board dimension of one foot and an emergency overflow capacity equal to the allowable peak discharge for the 100-year storm event. The routing calculations should not take into account the existence of the emergency overflow. Place the overflow device above the projected 100-year flood elevation within the detention area.

H. Any construction that may impact or be within the right-of-way of an existing or proposed water or sanitary sewer easement must be approved by the utility providing service.

Part 2 Utilities

Section 100 Easements

A. Utility and drainage easements shall be required in subdivisions when it is found to be necessary and desirable to locate drainage ways and public utility lines in other than street rights-of-way. The Developer shall dedicate such easements to Walton County.

B. Easements shall not be less than twenty (20) feet in width and, where possible, shall be centered on rear or side lot lines.

Section 110 Installation of Utilities

A. All utilities shall be located and constructed in accordance with the Typical Utility Location Plan (see Standard Design and Construction Details).

B. After grading is completed and approved and before any base is applied, all of the under ground work within the street right-of-way — water mains, gas mains, etc. — shall be installed completely and approved throughout the length of the project in accordance with this Part. At the same time, all service connections shall be stubbed out to each lot.

C. After final grading is completed and approved, and before the graded aggregate base course is applied, all utility crossings under the proposed edge of pavement shall be installed, properly back filled, compacted and approved. It shall be the Developer's responsibility to coordinate the installation of casings or conduits to accommodate future utility installation following base course construction. After the placement and compaction of the graded aggregate base course is complete, any and all subsequent utility installation under the road bed shall be completed by jack and bore, as approved by the County Inspector.

D. No other underground utilities, such as private lawn sprinkler systems, yard lighting, etc., shall be installed within a public right-of-way or easement except by authorization of Department. Such authorization, if issued, shall require the applicant to assume all repair costs of the applicant's facilities should they be damaged during the course of installation, maintenance or repair of any of the public utilities authorized to occupy said right-of-way or easement.

Section 120 Public Water Systems

If a public water supply is available to any proposed subdivision or development and connection is permitted or required, the developer shall install all required water mains, fire hydrants, and connections from the existing water main to each lot in accordance with the Standards and Specifications of the Public Utility providing service. Connection to an operational public water system shall be required when any proposed subdivision or development lies within 1,500 feet from the nearest point on the property to an

existing public water main (at least 6 inches in size), provided that there is an adequate water supply to serve the proposed development.

Section 130 Community or Private Water Supply Systems

Any proposed subdivision or development, which is not required to connect to public water systems under the provisions of Section 120 of this Part, may use community water supply systems, provided the systems are approved and permitted by the Environmental Protection Division of the Georgia Department of Natural Resources, and all system components, including installed fire hydrants, are inspected and found to fully comply with the design and construction standards of the Walton County Water and Sewer Authority or provider for public water systems. Such systems must be operated by licensed personnel until such time as Walton County accepts such systems to be connected and dedicated to the Walton County Water and Sewer Authority or provider.

Section 140 Individual Groundwater Well Systems

When a public water supply is not available and a community water system is not proposed, the developer shall carefully consider the capability and suitability of the general area of the subdivision or development to support individual groundwater well systems for each lot. Plans should consider the location of primary and secondary well systems for each lot. Subdivision developments supported by individual groundwater well systems shall have a maximum of thirty-five (35) lots. A minimum lot size of two (2) acres shall be required on twenty-five (25) lots. A minimum lot size of three (3) acres shall be required on ten (10) lots.

Section 150 Determination of Available Capacity

The Walton County Water and Sewer Authority or provider or other Municipal water service provider shall be responsible for determining the adequacy of the proposed water supply and pressure.

Section 160 Fire Protection

A. Location of Fire Hydrants

1. In rural areas fire hydrants shall be spaced at a distance not to exceed 500 feet.

2. Fire hydrants in all other residential and commercial areas shall be spaced at a distance not to exceed 500 feet.

3. Fire hydrants shall be generally located in the back five feet of the right-of-way, at the nearest property corner.

4. Fire hydrant locations are also subject to more stringent requirements of the public utility providing service and by the Fire Marshall.

B. Fire Flow Test

1. A fire flow test must be conducted on the water line for any new subdivision or development prior to submitting design drawings for approval, to determine the adequacy of water supply for the project. The Applicant or Developer shall request, coordinate, and pay all necessary fees to the public water service provider for required fire flow tests on existing water mains. Use of a fire flow test by more than one project is prohibited.

2. The test shall consist of a fire hydrant flow test and a 24-hour flow and pressure test. Test information provided by the developer shall consist of:

   a. Static pressure;

   b. Residual pressure and flow rate (GPM);

   c. Projected flow in GPM at 20 psi;

   d. 24-hour pressure chart (for commercial sites only);

   e. Site map including fire hydrant locations.

3. Fire flow test results and 24-hour pressure chart must be included in the water plans prior to approval of the plan by the Walton County Planning and Development Department. The water supply *should* meet the instantaneous fire flow and peak domestic water demand requirements for the existing service areaplus the proposed development. *9-4-07*

4. Minimum *recommended* flow in gallons per minute at 20 psi for the duration in minutes, is required to be as follows:

   a. Residential:

Needed Fire Flow	Distance between buildings
500 gpm	Over 100’
750 gpm	31’ - 100’
1000 gpm	11’ - 30’
1500 gpm	10’ or less

   b. Multi-Family, Commercial, Institutional: 1,500 GPM for 30 minutes.

C. Fire Main Size

1. Single-Family Residential: Water main diameter shall be a minimum of eight (8) inches.

2. Multi-Family, Commercial, Institutional: Water main diameter shall be a minimum of eight (8) inches, and final sizing shall be based on project demands.

Section 170 Sanitary Sewer Systems

A. Public Sewer System

When connection to a public sewer system is permitted or required by sub-section C, the developer shall install and connect to the public sewage collection system within the proposed subdivision or development, or feasible portion thereof, in accordance with the standards and specifications of the or provider County Water and Sewer Authority or provider or other Municipal sewer service provider.

B. Community or Private Sewer Collection Systems

When public sewer service is not available, the subdivision shall be properly designed to accommodate the installation and proper operation of both a primary and secondary septic drain field on each lot.

C. Required Sewer Connections

Connection to an operational public sewer system shall be mandatory in new subdivisions or developments which are located within the distances outlined in the following table. Distance shall be measured from the nearest point on the property to an operational sanitary sewer located in the same or adjacent drainage basin.

REQUIRED SEWER CONNECTION DISTANCES

Development Type	Distance from Sewer Main
Non-Subdivision Developments	500 feet
Subdivisions:	
under 25 lots/units	500 feet
25 to 50 lots/units	1,000 feet
51 to 75 lots/units	1,500 feet
76 to 100 lots/units	2,000 feet
over 100 lots/units	2,500 feet

D. System Design and Placement

Prior to issuance of a building permit, the developer shall coordinate the design and placement of sewer infrastructure with the Walton County Water and Sewer Authority or provider.

E. On-Site Septic Systems

When an individual septic system is proposed for each lot within a subdivision, the developer shall provide appropriate soil survey data and information in compliance with the regulations of the Walton County Health Department. Each lot shall have suitable soils and sufficient area to accommodate the installation and proper operation of both a primary and secondary (replacement) septic drain field. A separate permit must be obtained from the Walton County Health Department, for each individual lot located within any development.

Section 180 Other Utilities

All other utilities including but not limited to telephone, power, cable, gas, etc., shall be subject to the requirements of this Ordinance. The installation of all utilities shall be in accordance with this Part, and the operation of such utilities with Walton County Right-of-Way shall be subject to the requirements of Section 190 of this Part.

Section 190 Utility Permit Requirements

A. Any public or private utility proposing to construct, improve, relocate, repair, maintain or alter and utility system within any public right-of-way of Walton County, shall first complete and submit a Utility Permit Application for such activities to the Walton County Planning and Development Department for review and approval.

B. The payment of all applicable Utility Permit fees, as currently established by the Board of Commissioners, shall be paid upon submission of any application, to cover review and inspection costs related to the proposed activities.

C. The applicant shall provide all information requested on the application, and attach permit drawings no larger than 11" x 17", which adequately depict the nature of the proposed activities, including at a minimum the following information:
   Name and address of applicant
   State Highway of County road name and number
   Description of proposed utility work (including size, type and length)
   Location of activities with reference to nearest intersections or landmarks
   Signature and date of authorized utility representatives
   Construction drawings (minimum 3 copies)
   Roadway dimensions including right-of-way and pavement width
   Distance from edge of pavement, back of curb, and/or right-of-way
   Depth of cover
   Size, method and repair of pavement cuts (if approved)
   Method of installation
   Detailed reasoning for any variations of installing utilities in locations other than the back five feet of the right-of-way
   Locations of manholes, poles, pedestals, or other above ground appurtenances (include distance form edge of pavement and/or right-of-way)
   Location and depth of bore pits
   Location of material and equipment storage areas
   Vertical clearance for overhead installations

Indicate all facilities that are proposed to be removed or abandoned
Location map showing the location of all proposed activities
Traffic control plan

D. Utility installation, repair and maintenance shall be performed in accordance with the following general standards:

1. All utilities shall be installed within the back five feet of any public right-of-way, unless otherwise approved by the County

2. All fire hydrants, poles, pedestals, manholes and other appurtenances shall be installed at property corners where possible

3. No pavement cuts shall be permitted without the prior approval of Walton County. All pavement cuts shall be repaired within 24 hours, in accordance with the Standard Construction Details.

4. No trench or bore pit shall be located closer than 10 feet from the edge of pavement, or at a distance of one horizontal foot for each vertical feet of depth, whichever is greater

5. All jack and bore road crossings shall be installed with a welded steel casing for a distance of ten feet on either side of the traveled surface, in accordance with Georgia DOT Standards

6. No utility installation shall be permitted in any drainage channel or ditch maintained by the County unless approved by the Director. Where utility installation disturbs any established drainage ditch or channel, the contractor or utility company shall install geotextile matting for the full length of such disturbance to insure proper stabilization.

7. It shall be the Contractor or Utility Company's responsibility to provide, install and maintain all required traffic control measures during the course of construction, in accordance with Georgia DOT and MUTCD Regulations.

8. If at any time during the course of utility construction, repair or maintenance, it is determined that the Contractor or Utility Company is in violation of any part of these Regulations, the County Inspector shall issues a Stop Work Order to cease and desist all operations until the project is brought into substantial compliance and further work is approved by the County.

9. All abandoned facilities must be removed by the Utility Company, if requested by Walton County.

Section 200 Utility Relocation Policy

Should any roadway, street, intersection, or right-of-way thereof be realigned, widened, altered or improved by Walton County or the Georgia Department of Transportation, and require the relocation of any public or private utility line or system located within any public right-of-way of Walton County, such public or private utility line or system shall be relocated within the new or existing right-of-way to a location approved by the County, at the sole expense of the owner or utility company.

Section 210 Street Lights

Street lights may be extended into new or existing residential subdivisions in accordance with the provisions of Part 3 of this Article. Street lights are required for all new developments except A, A-1 and A-2 zoning districts.

Part 3 Street Lights

Section 100 Authority and Responsibility

A. The Walton County Board of Commissioners shall provide and be responsible for the construction, establishment, maintenance and operation of lighting fixtures for the illumination of public streets and roads (hereinafter sometimes referred to collectively as "public rights-of-way") situated within the unincorporated area of Walton County, Georgia, in the manner and in accordance with the standards set forth in this Ordinance. No persons, firms or entities shall be permitted to establish lighting of public rights-of-way in any portion of the unincorporated area of Walton County, Georgia, without first complying with the provisions of this Ordinance.

B. The Board of Commissioners shall be authorized to enter into and make contracts with public utility companies and other firms, entities or persons for the purpose of carrying out and effecting the provisions of this Ordinance.

C. The Director shall administer the street lighting program and shall:

1. Advise prospective petitioners for proposed street lighting districts of the procedures required for the inclusion of such district pursuant to this Ordinance.

2. Provide standard form petitions for use by prospective petitioners.

3. Advise petition originators of estimated fees for owners of property lying within proposed street lighting district.

4. Examine all filed petitions for accuracy and for compliance with the provisions of this Ordinance.

5. Submit petitions to the Board of Commissioners together with estimated assessment rates to owners of property lying within such district and with such recommendations as the Director may deem appropriate.

6. Coordinate the installation of lighting fixtures within such districts upon final approval by the Board of Commissioners.

7. Perform any and all other acts or duties necessary or proper for the attainment of the purpose herein set out.

Section 110 Procedures

A. The owners of lots within an existing subdivision, who have existing street lights, will automatically be billed on the property tax bill.

B. The developer of property lying within a proposed subdivision, with lots less than two (2) acres in size, of land shall be required to construct and install lighting fixtures for

illumination of public right-of-ways to be located within such proposed subdivision, subject to the provisions of this Ordinance.

C. The Developer shall submit plans and specification which shall be approved by the public utility company which will provide electric service to the proposed subdivision and shall include, but not be limited to, a preliminary plat of the proposed subdivision showing the approved location of the lighting fixtures within the subdivision as required by the appropriate public utility, and a description of the fixtures, poles, and other components approved for use by such utility company.

D. The construction and installation of such lighting fixtures shall not commence until the Department has issued a Development Permit. The Developer shall be responsible for payment of monthly streetlight fees until the end of the year in which the fee is added to the tax digest. (12-2-03)

E. The owners of lots within an existing major subdivision, who do not have existing street lights, may submit to the Director a petition to have lighting fixtures for the illumination of public right-of-way to be installed and operated. The petition must contain the signatures of at least sixty-six percent (66%) of the owners of the property lying within the proposed street lighting districts in favor of such designation and must contain the tax map and parcel numbers as used by the Walton County Tax Assessor and the Walton County Tax Commissioner. The Director shall submit such petition to the Board of Commissioners for final approval. Unless one hundred (100) percent of the lot owners have signed the petition, a public hearing shall be scheduled and advertised one (1) time in the official organ of the county; and signs shall be posted in the proposed street lighting district giving notice of the hearing, at least ten (10) days before the public hearing. The number and size of the signs shall be such as is required by Article 4, Part 4, Section 120.

F. The owners of lots within an existing major subdivision, who have existing street lights, may submit to the Director a petition to have their subdivision exempt from the Street Lighting Ordinance. The homeowners will be responsible for paying appropriate electrical company the fees for their street lights. The petition must contain the signatures of at least sixty-six percent (66%) of the owners of the property lying within the existing subdivision who are in favor of such exemption and must contain the tax map and parcel numbers as used by the Walton County Tax Assessor and the Walton County Tax Commissioner. The petition shall be heard between January 1 and May 31, to ensure that the request is recorded in the Tax Assessors office prior to their deadlines for the next year. The Director shall submit such petition to the Board of Commissioners for final approval. This ordinance should have no effect on subdivisions recorded after September 1, 1995.

Section 120 Cost and Assessments

A. The cost of providing and maintaining service in street lighting districts created pursuant to the Ordinance shall be the average cost of the energy used plus the average cost of poles plus a sum to cover administrative expenses. Each property

owner shall be responsible for and pay their pro rata share of such costs which shall be prorated among all lot owners. The construction costs incurred in the installation of lighting fixtures shall be retired in the manner set out by agreement between the public utility or other person or entity to whom the indebtedness is owed.

B. For purposes of this Part, the term "lot" shall be defined as any single tract of land which falls within any of the zoning classifications as defined by the Zoning Regulations of Walton County, Georgia, adopted January 1973, as amended, and shall include both improved and unimproved property.

C. Any other provision of this Ordinance to the contrary notwithstanding, the Board of Commissioners shall be authorized to establish, by resolution duly adopted, the cost of providing and maintaining service in street lighting district created pursuant to the provisions of this Ordinance as the Board of Commissioners may deem necessary or proper.

D. The Tax Commissioner of Walton County, Georgia, shall be responsible for the collection and receipt of monies in payment of the cost of illuminating public rights-of-way from the owners of property lying within each street lighting district. The cost of such service shall be added to the tax statement issued annually to each such property owner. In addition to any other rights of collection for late or unpaid charges, the county shall have the rights available under the laws of the state for assessment, the creation of a lien upon the property of the owner receiving the service provided, together with all rights of execution, levy, foreclosure and sale. The Board of Commissioners shall be authorized to establish, by resolution duly adopted, such other manner or method of billing, accounting, collecting and receiving of monies in payment of the cost of providing and maintaining street lighting district as the Board of Commissioners may deem necessary or proper.

Section 130 Standards

The American National Standard Practice of Roadway Lighting of the Illuminating Engineering Society, as approved by the American Standards Institute, as amended from time to time, is hereby adopted as the standard for the installation and operation of lighting in the unincorporated area of Walton County, Georgia.

Article 11 Environmental Protection

Part 1 Protected Resources

Section 100 River and Stream Corridor Protection (12-2-08)

The following rivers and streams are declared to be protected rivers and streams and are regulated under the provisions of this Section:

The Apalachee River

A. The following greenways and setbacks are hereby established along the Apalachee River.

1. Stream Greenway: The area extending a distance of 100 feet from the river. This area shall remain a natural and undisturbed buffer except as otherwise provided in this District, below.

Stream Setback: No impervious surface shall be constructed within a distance of 150 feet from the river.

Facilities handing hazardous waste within a 7-mile radius of a water supply intake shall perform operations on impermeable surfaces having spill and leak collection systems.

B. Development Regulations

All requirements relating to the development of a site along this corridor 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. Septic Tank Construction

Septic tanks and septic tank drain fields are prohibited within the greenway or setback areas of the river.

2. Wildlife and fisheries management activities consistent with the purposes of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).

3. 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 river bank 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.

4. 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.

5. Recreational usage consistent either with the maintenance of a natural vegetative greenway or with river-dependent recreation, such as a boat ramp.

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 x 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 and must have a lot that is at least 110% of the minimum lot size required by Table MT-1 of the Department of Human Resource's Manual for On-Site Sewage Management Systems.

8. A 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 110% of the minimum lot or space size required by Table MT-2 of the Department of Human Resource's Manual for On-Site Sewage Management Systems.

Section 120 Wetlands Protection

A. Purpose

The purpose of this Article is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts from the destruction or alteration of federally protected wetland environments.

B. Applicability

All persons proposing development and/or construction within any suspected federally protected Wetland located in Walton County, as determined by the Director, shall submit a detailed delineation of such wetlands, a copy of the pre-construction notification required under the Nationwide Permit (NWP) program, and written approval from the U.S. Army Corps of Engineers (USACOE) granting concurrence with the proposed activities and mitigation measures outlined.

C. Use Restrictions

Within any protected wetlands area, the following shall apply:

1. Hazardous or toxic waste receiving, treatment or disposal facilities are prohibited.

2. Sanitary landfills are prohibited.

3. Land uses that may be allowed if permitted by the zoning district and by the Section 404 permit include:
   a. Timber production and harvesting.

   b. Wildlife and fisheries management.

   c. Camping, hiking, hunting and fishing recreation activities.

   d. Public wastewater treatment and natural water quality treatment or purification facilities.

   e. Other uses permitted under Section 404 of the federal Clean Water Act.

D. Restriction On Construction Activities

No development, land disturbance or construction activities will be permitted in any suspected Wetland, as determined by the Director, until all such permit applications are submitted by the applicant or developer to the U.S. Army Corps of Engineers (USACOE), and subsequent approvals are issued by the USACOE for the proposed activities. The Director may grant partial project approval, and allow work to proceed

on those portions of the project outside of the delineated wetlands, provided an alternate development plan is submitted in accordance with these regulations with ample provisions for project completion in the case that the subject wetlands disturbance is not permitted by the USACOE.

E. Violation And Enforcement

If any development, land disturbance or construction activities are performed in any suspected federally protected Wetland, as determined by the Director, without first complying with the requirements of this Section 120 of this Part, the Director shall issue a Stop Work Order for all site activities and promptly report any and all violations to the U.S Army Corps of Engineers and the Georgia Environmental Protection Division. Work shall not resume at the site until all required documentation has been submitted to and approved by the USACOE, and all subsequent fines issued have been paid in full.

Part 2 Stormwater Management

Section 100 Purpose

The purpose of this Article is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts from stormwater discharges within Walton County. Proper management of surface water runoff will reduce channel erosion, stream sedimentation, local flash flooding, assist in the attainment and maintenance of water quality standards, and maintain as practically as possible the pre-development surface water runoff characteristics of the area.

Section 110 Policy

It is hereby declared to be public policy to:

1. Recognize the necessity of joint action where feasible by the County and the development industry in resolution of existing drainage problems and prevention of their worsening or recurrence;

2. Work in a cooperative relationship with the development industry to accomplish the above-stated objective by encouraging through this chapter and other public actions the development of fewer but larger major detention facilities and incremental resolution of existing drainage problems on a priority basis in concert with private development activities;

3. Maintain, where feasible, the natural environment of County streams through reduction of flow quantities resulting from new development, and where feasible, restore the flood plain to its natural functional purpose to resolve existing flooding problems, but recognize the necessity of using urban streams for stormwater

runoff in those situations where maintenance of the natural stream environment would result in continuation or worsening of flooding conditions;

4. Require the development industry to maintain the function of the storm drainage system during the development process and property owners thereafter;

5. Encourage the construction of joint detention ponds serving several residential properties. The County encourages the location of these detention facilities off the site of the property under development and may participate where it is in the general public's best interest in the construction of major detention facilities which would serve not only the needs of the property under development, but would assist in resolving existing flooding problems;

6. Encourage innovative design solutions to the effective detention of runoff.

Section 120 Applicability

A. All persons proposing development and/or construction within Walton County shall submit a Stormwater Management Plan and Hydrology Study to the Department for review and approval, except as provided in Section 130 of this Part.

B. A combination of storage and controlled release of stormwater runoff shall be required for all development and construction that will increase the peak rate of runoff from the site by more than one cubic foot per second for a ten-year frequency storm. The requirement of this paragraph may be waived by the Director if it can be shown by detailed engineering including descriptions, drawings, calculations and any other pertinent information necessary and acceptable to prove to the Director that one of the following conditions exists:

1. The installation of stormwater management facilities would reduce downstream flood peaks by less than one percent; or

2. The applicant demonstrates how the downstream drainage system will have enough capacity to receive any increase in runoff for the design storms and protect downstream development without the addition or improvement of stormwater management facilities; or

3. The applicant demonstrates that the proposed site design will meet the standards of this Ordinance without installing such facilities.

However, the provisions of this Paragraph B shall not be waived if the Director determines that such waiver would increase known flooding problems, or exceed the capacity of the downstream drainage system.

Section 130 Exemption From Requirements

A. The following development activities are exempt from the requirements of providing a combination of storage and controlled release of stormwater runoff. (7-5-05):

1. Agricultural and forestry land management activities.

2. Additions or modifications to existing detached single-family dwellings.

3. Construction of a detached single-family dwelling that is not part of a larger development.

4. Non-residential developments with less than five thousand (5,000) square feet of land disturbance activity. (6-1-04)

5. Developments of property where the runoff resulting from the proposed development is discharged directly into a Federal Emergency Management Agency (FEMA) identified 100-year flood zone, provided that approved Sediment Basins are constructed at each significant discharge point to prevent the discharge of sediment from the site, and provided that sufficient energy dissipation devices or structures are installed to limit post development stormwater velocities to less than or equal to pre-development flow velocities at any point on the perimeter of the project.

6. Residential developments consisting of single-family dwellings, each on a lot of five (5) acres or more.

B. When the developer requests and the Department agrees that development and construction of nonresidential projects are too small, or that engineering and economic factors make combined detention of other drainage facilities more practical, the Department may authorize the joint construction of these facilities to serve two or more properties by two or more developers. Where joint detention facilities serving two or more properties are approved for construction, no use of land or occupancy of building within the properties served by these facilities shall be permitted until completion of the detention facility, and the owners of the joint detention facility have submitted a written agreement that is satisfactory to the Department and assigns to one of the parties the responsibility of maintaining that facility.

Section 140 Requirements for Stormwater Management Plan

A. Stormwater detention facilities shall be constructed in accordance with plans approved by the Department and shall be in place and inspected prior to the issuance of a certificate of occupancy or acceptance of a Final Plat.

B. The Stormwater Management Plan shall be prepared under the supervision of, and certified by, a Professional Engineer, Landscape Architect or a Registered Land Surveyor in accordance with O.C.G.A. 43-15-2, with competency in Hydrology and Hydraulics, currently registered in the State of Georgia. The Stormwater Management Plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed

development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The minimum information required for a Stormwater Management Plan, or applications for a variance or waiver, shall include a site plan drawn to a scale of not less than one (1) inch equals one hundred (100) feet with the following characteristics and information: (6-6-06)

1. Graphic scale, north arrow and date.

2. Vicinity map showing the site location relative to surrounding landmarks, highway intersections, rivers, and streams.

3. Topography showing existing and proposed elevations in accordance with the following:

    a. For sites with slopes less than two percent, show contours at intervals of not more than two (2) feet and spot elevations at all breaks in grade along drainage channels or swales at selected points not more than fifty (50) feet apart.

    b. For sites with slopes more than approximately two (2) percent, show contours with an interval of not more than five (5) feet.

    c. Elevation shall be based on the datum plane established by the United States Geodetic Survey (USGS).

C. Delineation of property lines and deed record names of adjacent property owners.

D. Location of Existing Structures.

1. Location and right-of-way of streets, roads, railroads and utility lines, either on or adjacent to the property to be developed. Specify whether utility lines are in easements or right-of-way and show location of towers and poles.

2. Size and location of existing sewers, water mains, storm drains, culverts, or other underground facilities within the tract or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of storm drains, sewers and culverts shall be shown.

E. Proposed Conditions

1. Layout of streets, roads, alleys, drives and paved areas, and public crosswalks, with widths, road names or designations.

2. Location of structures.

3. Proposed storm sewer system with grade, pipe size, and location of outlet, both in plan and profile.

4. Delineation of drainage areas that are to be routed through the proposed drainage structure and/or stormwater management facility.

5. Plans for detention facilities shall show existing and proposed contours with a contour interval per Paragraph 3 of this Section. The plans shall include sufficient information indicating positive drainage (dry-basins), top of wall or dam to insure adequate freeboard for the 100-year peak stage (minimum 1'), width of the dam crest (minimum 8'), limits of ponding, maximum ponding elevation, location of facility with respect to property lines, public right-of-way, easements, and details of the outlet device, dam or wall and other provisions needed to insure the safe, proper, and continued function of the facility.

F. Provide computations and supporting documentation of hydrologic and hydraulic analyses.

1. Analysis of drainage areas fifty (50) acres and less in size may be performed using the Rational Method.

2. Analysis of drainage areas of twenty-five (25) to two thousand (2,000) acres may be performed using SCS methods.

3. Analysis of drainage areas of twenty (25) acres to twenty-five (25) square miles may be performed using USGS methods.

4. Use of other methods will require prior approval from the Department.

G. The stormwater management plan shall provide the following information for pre-development and post-development conditions:

1. The composite runoff curve number or runoff coefficient for the site.

2. The peak runoff rate at the point, or points, of discharge for the two (2), five (5), ten (10), twenty-five (25), fifty (50), and one hundred (100) year, design frequency storm events.

3. The capacity of storm sewers, ditches, and other hydraulic structures.

H. A landscaping plan shall be submitted and reviewed for all detention and other storage facilities as part of the Stormwater Management Plan.

I. The Planning and Development Department shall review each Stormwater Management Plan, and shall either approve or reject the plan and return comments

for revision. The approval of any Stormwater Management Plan shall not relieve the Developer from satisfying any and all requirements of this Part.

J. Operations and Maintenance Plan

Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices is required to ensure their continued function as designed and constructed is preserved. These plans will identify the parts or components of the stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary.

1. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues.

2. Provisions for periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. (5-1-07)

Section 150 Hydrology Study Requirements

A. The hydrology study used in the Stormwater Management Plan shall consist of analytical computations resulting in pre-developed and post-developed runoff rates for the 2, 5, 10, 25, 50, and 100-year frequency storms and contain the following:

1. Statement of methodology used (Rational, SCS, USGS or a derivative thereof with prior approval from the Department).

2. Statement of all assumptions.

3. Calculations should be shown for time of concentration or lag time.

4. Calculations should be shown for all weighted C-factors or weighted curve numbers used.

5. Rainfall intensities and amounts are to be consistent with data for the Walton County or Metro Atlanta area.

B. Downstream Analysis Required

The purpose of the downstream analysis is to determine if flooding or drainage problems will occur as a result of the proposed development or if existing flooding or drainage problems will be exacerbated. To provide a reasonable guide for downstream analysis, hydrologic-hydraulic engineering study shall extend

downstream to a point where the proposed development represents less than ten percent of the total watershed draining to that point.

1. Hydrographs shall be generated for the following conditions:

    a. Design hydrographs from the developed land using undeveloped land use conditions.

    b. Design hydrographs from the development using developed land use conditions and routed through the proposed storage or other stormwater management facilities.

    c. Design hydrographs at the ten percent point routed from the development using developed land use conditions within the development site.

    d. Design hydrographs from the entire drainage area to the ten percent point using land use conditions as for the different design flows specified in this section.

2. Hydrographs at the exit to the development and at the ten percent point are then compared and analyzed to show that the flows from the development will not be increased beyond the limits allowed in this section, at the exit to the development and at the ten (10) percent point.

3. A narrative shall be prepared to describe the hydraulic characteristics of the drainage system downstream from the proposed development, any restrictions that exist, and any physical characteristics that might affect the conveyance of flows through the system to the ten percent point.

C. All detention and/or retention facility plans shall be at a scale of not less than one inch equals fifty feet with a maximum contour interval of two feet. Hereinafter where the term detention facility is used, it will be taken that the same criteria applies to a retention facility as well. The plans should be based on a stage-storage and controlled discharge design and contain the following information:

1. Maximum storage requirements for the proposed detention facility based on the storage volume required for the 100-year frequency storm event.

2. The plans shall present clearly all information needed for proper review and construction of the storage facility, including dimensions and contours as appropriate.

D. Design of Outlet Device

1. The outlet device shall be thoroughly and clearly detailed for proper construction. The design shall be such as to require minimal maintenance and provide maximum longevity.

2. Provide emergency overflow spillway in dam or outlet structure top.

3. If the outlet device utilizes orifice flow, a trash rack protecting the orifice from blockage from debris shall be provided for orifices 15" or less. Access shall be provided for maintenance in the form of a manhole or other suitable device and shall discourage and restrict human entry by use of bolt down lids or other positive means.

4. Discharge from the detention facilities shall be released at a minimum distance of six times the diameter of the discharge pipe, if used, from any exterior property line. Rip-rap shall be placed accordingly.

5. Provide details of outlet devices and dam cross section on the construction drawings.

6. The type and size of pipes to be used for the outlet, along with detail drawings and specifications for all facilities should be indicated.

7. Actual results obtained from routing the 2, 5, 10, 25, 50, and 100-year post-developed storm hydrographs through the facility are required.

8. A summary chart showing maximum pond elevation, storage required, and pre-developed and post-developed discharge rates for the 2, 5, 10, 25, 50, and 100 year storms should be included.

E. Acceptable stormwater management facilities are not limited to conventional detention and/or retention facilities. Constructed wetlands, infiltration systems, and other innovative solutions are encouraged, so long as the intent of this ordinance is satisfied. However, proposals for alternative systems shall be presented to the Director for tentative acceptability prior to formal submittal of a stormwater management plan.

F. Stormwater retention facilities are recommended in all residential and commercial developments where possible, to provide an effective stormwater management facility, improve water quality, enhance groundwater recharge, and to provide an aesthetically pleasing amenity area to complement the development.

G. Design Criteria

1. The peak release rate of stormwater from all developments where detention is required shall not exceed the corresponding peak stormwater runoff rate from the area in its natural undeveloped state for all intensities up to and including the 50-year storm event. Routing conditions must also be presented to prove that the facility can safely accommodate and pass the 100-year storm event, without damage to any dam or related structure.

2. The same methodology must be used for calculating the pre-development and post-development rates of runoff from a site.

3. Detention designs may be rejected by the Director if they incorporate structures and facilities that will demand excessive maintenance or utilize numerous small structures, if other alternatives are physically possible.

4. Discharge velocities from detention facilities shall be reduced to provide a non-erosive velocity flow from a structure, channel or other control measure.

5. Stormwater management and flood control facilities shall include both structural and non-structural controls in accordance with Sections 230 and 240 of this Ordinance.

H. Methods for estimating stormwater runoff, storage design and outlet structure design shall be implemented in accordance with the Georgia Stormwater Management Volume 2, Chapter 2, First Edition dated August, 2001, with subsequent revisions to be incorporated herein. (6-1-04)

Section 160 Location Criteria for Detention Facilities

A. Detention facilities shall be considered to consist of the area within the maximum design ponding limits, the dam (if one) including all embankment slopes and wall footings (if applicable), primary and emergency outlet works, any drainage and access easements, and any energy dissipation devices.

B. Detention facilities shall be designed and located to promote interception of runoff from the proposed land use. "By-pass" areas (areas of non-regulated runoff) shall be permitted only if the combined peak discharge rate from the site meets the requirements of Sections 140 and 150 of this Part.

C. Detention facilities shall be located in conformance with the Georgia Erosion and Sedimentation Act of 1975 (see Title 12-7-6,16) and the Flood Damage Prevention Ordinance of Walton County.

D. Detention facilities shall be located in accordance with the restrictions created by Title 44, Chapter 1, Subchapter B, Parts 59 and 60 of the Code of Federal Regulations, as amended.

E. Detention facilities shall be located in conformance with the provisions of the Clean Water Act of 1974 as amended regulating land disturbing activities within designated wetland areas. (See Title 404 of the Federal Regulations)

F. Detention facilities may be constructed within a transitional buffer or recreation areas, upon approval by the Director of Planning and Development on an individual basis dependent on site-specific conditions. Title to the recreation area is to be held by a property owners association, homeowners association or private entity and the design will not interfere with the intended use of the area. Detention facilities constructed on individual lots will be owned and maintained by the property owner. (10-4-05)

G. The 100-year ponding elevation created by the detention facility shall be considered a flood hazard and as such, shall require the same provisions as the base flood as defined by the Flood Damage Prevention Ordinance of Walton County.

H. The drainage system from a proposed development must discharge into an outfall that has adequate capacity to accommodate the runoff from the development. If downstream easements are needed to extend the drainage system to an adequate outfall, the developer shall seek these easements. In the event such easements cannot be obtained by the developer, the County may, at its option, agree to assist the developer in obtaining needed drainage easements using its powers, including condemnation.

I. Detention facilities may be incorporated into lake or pond designs. All such facilities shall be designed and constructed in conformity with applicable State and Federal regulations. Design engineers are expected to be knowledgeable of the criteria contained within the Georgia Safe Dams Act, Georgia Department of Natural Resources "Rules for Dam Safety" publication, and the U.S.D.A. Soil Conservation Service's Technical Release No. 60, "Earth Dams and Reservoirs." In lieu of more restrictive design standards, the principles and practices for dam construction as detailed in Design of Small Dams, United States Department of the Interior Bureau of Reclamation, Third Edition, 1987, shall be used.

J. Parking lot detention areas shall be located so as to restrict ponding to areas other than parking spaces near buildings, and to not encroach upon entrance drives. The maximum depth of detention ponding in a parking lot, except at a flow control structure, shall be 6" for a 10-year storm, and 9" for a 100-year storm. The maximum depth of ponding at a flow control structure shall be 12" for a 100-year storm. In truck parking areas, the maximum depth of ponding shall be 12" for the 10-year storm. Detention in ponding areas are to be drained within 30 minutes after the peak flow occurs.

K. The 100-year ponding limits of a detention facility shall not encroach upon a public right-of-way. Roadway embankments will not be allowed as a dam for a detention facility.

L. Detention facilities may not be located within utility easements, or encroach upon utility easements or right-of-way, unless the owner provides the Department with written permission from both the property and utility owners.

Section 170 Access and Fencing Requirements

A. Access

1. A 20 ‘ access easement shall be provided to all storm water management and detention facilities from a public right-of–way. Within the easement shall be constructed an access road of at least 12’ in width. The road shall have a 12” base compacted to 95% of the Standard Proctor soil test and be grassed. (7-5-05)

2. All storm water management and detention facilities shall be provided with a minimum 10’ drainage and access easement encompassing entire facility including the 100-year ponding limits and the entire dam. The area surrounding the facility shall be for the purpose of maintaining the facility. (7-5-05)

3. Storm water detention facilities shall be constructed in accordance with plans approved by Walton County and shall be in place and inspected prior to the issuance of a certificate of occupancy or acceptance of a Final Plat.

B. Fencing

1. Except as provided in subsection (B.2.) below a four (4) foot chain link fence will be required for every stormwater detention facility. When a four-foot chain link fence is required, the fence shall include double 8-foot wide gates (16 feet total opening) to permit entrance of equipment necessary to allow periodic maintenance activities.

2. A four-foot chain link fence will not be required when the stormwater detention facility meets one of the following criteria:

   a. When, regardless of pond depth, a minimum of seventy percent of the side slopes is not steeper than a slope of four horizontal to one vertical.

   b. When the maximum depth of the pond is less than three feet in the one hundred year frequency event.

   c. When the planned facility is a retention facility and the maximum depth change from the normal water surface elevation to the one-hundred year flood frequency event is less than or equal to four feet. (5-3-05)

   d. When a culvert is downsized to provide stormwater detention through a natural area where the existing topography has not been altered.

e. When the site in which the pond is to be constructed is zoned industrial and is more than five hundred (500) feet from properties zoned residential or publicly owned property (excluding right-of-way).

Section 180 Maintenance of Stormwater Management Facilities

A. The maintenance of any Stormwater Management Facility shall be the responsibility of the mandatory homeowners association of residential subdivision developments or property owner of commercial development. Piped systems and other drainage facilities, whether in an easement or not, outside the county right-of-way, are the responsibility of the mandatory homeowners association in residential subdivision developments or the property owner of commercial property. In residential or commercial developments, stormwater management facility maintenance is to be vested in the mandatory homeowners or property owners association with responsibility clearly vested in the organization through established covenants previously approved by the director. The county maintains the right, but not the responsibility to access any stormwater management facility for maintenance purposes.

B. Regional stormwater retention facilities, which are deemed by the Board of Commissioners to be an essential and integral part of the Walton County stormwater management plan, may be maintained by Walton County. In order to facilitate the maintenance of said stormwater retention facilities, a drainage easement shall be provided which will encompass the one hundred year flood elevation contour plus twenty feet. The twenty (20) feet shall be measured horizontally outward from the one hundred year flood elevation contour. An improved access easement shall be provided from an existing or proposed right-of-way to the regional stormwater detention facility as required in Section 170 of this Article.

C. A stormwater retention facility built to satisfy the requirements of this Article shall be maintained to satisfy the requirements set forth herein. The shorelines must be graded so that there is not a sudden change in elevation. The banks of the impoundment beyond the normal pool contour shall be graded to a slope not steeper than a 6 horizontal to 1 vertical. A retention facility shall require periodic maintenance of the outlet structure and the dam.

D. All stormwater detention facilities shall be graded so as to provide positive drainage. The minimum slope along the bottom of the facility shall be two percent.

E. Inspection and Maintenance Agreement:

1. An inspection and maintenance agreement shall be executed for all private on-site stormwater management facilities prior to Final Plat approval. Such agreement shall be in form and content acceptable to the Director, and shall provide that all maintenance and repairs of such facilities shall be the

responsibility of the developer, property owner, or other entity approved by the County.

2. Such agreement shall provide for access to the facility by virtue of a non-exclusive perpetual easement dedicated to Walton County for periodic inspections of the facility by County personnel. The agreement shall provide that preventive maintenance inspections of infiltration systems, retention, or detention facilities may be made by the County, at its option. Without limiting the generality of the foregoing, the County's inspection schedule may include an inspection during the first year of operation and once every two (2) years thereafter. Inspection reports shall be maintained by the Department.

3. The agreement shall provide that if, after an inspection, the condition of a facility presents an immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, the County shall have the right, but not the duty, to take such action as may be necessary to protect the public and make the facility safe. If it is determined that such deficient conditions are the result of neglected maintenance or other action caused by the owner, then any cost incurred by Walton County shall be paid by the owner as set forth in Paragraph 4 below.

4. The agreement shall provide that the County shall notify the owner(s) of the facility of any violation, deficiency or failure to comply with this Division. The agreement shall also provide that upon a failure to correct violations requiring maintenance work, within fourteen (14) calendar days after notice thereof, the County may provide for all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the costs of the work performed by the County pursuant to this subsection and there shall be a lien on all property of the owner in which said property utilizes or will utilize such facility in achieving stormwater management, which lien, when filed in Walton County real estate records, shall have the same status and priority as liens for ad valorem taxes. Should such a lien be filed, portions of the affected property may be released by Walton County following the payments by the owner of such portion of the property of such owner’s pro-rata share of the lien amount based upon the acreage to be released with such release amount to be determined by the Director.

5. The agreement shall be recorded by the owner in the land records of Walton County prior to the Final Plat approval or the issuance of any building permit for the subject property(s).

Section 190 Maintenance of Pre-Existing Stormwater Facilities

All stormwater management facilities in existence in Walton County on the effective date of these Regulations may be maintained by Walton County in such a manner as to maintain and enhance the public health, safety, and general welfare; in order to be

assured that such facilities are safe, to reduce and minimize damage to public and private property, to reduce and minimize the impact of such facilities on land and stream channel erosion, to assist in the attainment and maintenance of water quality standards, to reduce local flooding, and to maintain, as nearly as possible, the pre-existing development runoff characteristics of the area.

Section 200 Performance Surety

A. Stormwater management facilities shall be constructed before other clearing and grading activities unless the Director approves otherwise. The Director may allow limited construction only after the applicant has provided suitable performance surety.

B. When required stormwater management facilities have not yet been constructed, and a valid performance surety is in effect, the Director may issue a maximum of five (5) building permits for construction within a residential development, provided that adequate temporary measures are in place to satisfy the intent of this Section.

C. The performance surety or other securities shall not be released until the following requirements have been met:

    1. The Director, or designee, shall perform a final inspection of the facilities and determine that they have been constructed in compliance with the Stormwater Management Plan, and this Part.

    2. It has been determined that all provisions of the Stormwater Management Plan have been faithfully executed.

    3. A provision may be made for partial release of the amount of the surety pro-rata upon completion and acceptance of various stages of development as specifically delineated, described and scheduled in the Stormwater Management Plan. The applicant shall notify the Department upon completion of each stage that is ready for inspection.

Section 210 Inspection

A. The Director, or designee, shall be responsible for determining whether development is proceeding in accordance with the approved Stormwater Management Plan. Periodic inspection of the development site shall be made by the Director, or designee, to ensure that the Stormwater Management Plan is properly implemented.

B. The Director, or designee, and other duly authorized employees bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, and management in accordance with the provisions of this Part.

C. Upon completion of construction on the project, and prior to approval of the final plat or issuance of a Certificate of Occupancy, the developer shall provide certification by

a Professional Engineer, currently registered in the State of Georgia, that the stormwater management facility has been constructed in accordance with the approved stormwater management plan and will effectively control post development peak flow and velocities to less than or equal to pre-development conditions for the 2, 5, 10, 25 and 50-year frequency storm events, and can safely accommodate and pass the 100-year frequency storm event without damage to the facility.

Section 220 Enforcement

A. In the event that work performed does not conform to the provisions of the approved Stormwater Management Plan and inspection, the developer shall be subject to any and all applicable enforcement and violation procedures outlined in this Part.

B. In the event that the developer continues in non-compliance with the Stormwater Management Plan following the issuance of a stop-work order or other violation, the performance surety or other surety posted shall be forfeited in favor of Walton County.

Section 230 Structural Stormwater Controls

Structural stormwater controls are to be designed and implemented in accordance with the Georgia Stormwater Management Manual Volume 2, Chapter 3, First Edition, dated August, 2001 with subsequent revisions to be incorporated herein. (6-1-04)

Section 240 Non-Structural Stormwater Controls

Non-Structural storwater controls are to be designed and implemented in accordance with the Georgia Stormwater Management Manual Volume 2, Chapter 3, First Edition, dated August, 2001 with subsequent revisions to be incorporated herein. (6-1-04)

Section 250 Stormwater Management Planning and Design

Stormwater management minimum standards for new development, redevelopment and hotspots as well as site planning and site design shall be in accordance with the Georgia Stormwater Management Manual Volume 2, Chapter 3, First Edition, dated August, 2001 with subsequent revisions to be incorporated herein. (6-1-04)

Section 260 Drainage System Guidelines

Stormwater conveyance facilities which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutters, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

A. Methods to calculate stormwater flows shall be in accordance with the

Georgia Stormwater Management Manual, Vol. 2, First Edition.

B. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the Georgia Stormwater Management Manual, Vol. 2, First Edition.

C. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the Georgia Stormwater Management Manual, Vol. 2, First Edition. (5-1-07)

Part 3 Erosion, Sedimentation, And Pollution Control

(2-3-04) amended 5-1-07 amended 6-1-10

Section 100 Intent

Walton County intends that developers shall be required to provide, install and maintain all necessary soil erosion and sedimentation control measures in accordance with the Manual for Erosion and Sediment Control in Georgia, latest edition and any amendments thereto. The Sections that follow within this Part are to be interpreted consistent with the foregoing statement of intent.

Section 110 Purpose

It is hereby declared to be public policy in this Article to:

A. Minimize the removal of vegetation and trees during the development process;

B. Minimize the exposure of bare earth to precipitation by encouraging the scheduling of land development in increments of workable size which can be completed within a single construction season or within a time period compatible with the type and size of the project;

C. Provide for the re-establishment of vegetation within a reasonable period following completion of final grading and utility installation;

D. Give priority to the paving of streets, parking lots, and other areas within a reasonable time following completion of final grading; and

E. Encourage the use of erosion control and sedimentation techniques found in "Manual for Erosion and Sedimentation Control in Georgia" as published by the State Soil and Water Conservation Commission and as amended from time.

Section 120 Definitions

The following definitions shall apply in the interpretation and enforcement of this Section, unless otherwise specifically stated:

Best Management Practices (BMP'S): These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Board: The Board of Natural Resources.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Certified Personnel: A person who has successfully completed the appropriate course approved by the Georgia Soil and Water Conservation Commission.

Commission: The State Soil & Water Conservation Commission (GSWCC).

CPESC: Certified Professional in Erosion and Sediment Control with current certification by Certified Professional in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

Department: The Georgia Department of Natural Resources (DNR).

Design Professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control, Inc.

Director: The Director of the Environmental Protection Division (EPD) of the Department of Natural Resources or an authorized representative.

District: The Walton County Soil and Water Conservation District.

Division: The Environmental Protection Division of the Department of Natural Resources.

Drainage Structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place

to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and Sedimentation Control Plan: A plan required by the Erosion and Sedimentation Act, O.G.C.A. Chapter 12-7, that includes, as a minimum, protections at least as stringent as the State General Permit, best management practices, and requirements in Section140C of this ordinance.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground or an excavation.

Final Stabilization: All soil disturbing activities at the site have been completed and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by the EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches, or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground Elevation: The original elevation of the ground surface prior to cutting or filing.

Land Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 130, Paragraph 5.

Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, including that construction activities may occur on a specific plot.

Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) of O.C.G.A. 12-7-8.

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

Operator: The party or parties that have: (A) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation, and pollution control for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation, and pollution control plan or to comply with other permit conditions.

Outfall: The location where storm water, in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site becomes a point source discharging into that receiving water.

Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.

Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

Properly Designed: Designed in accordance with the design requirements and specification contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of the NOI submittal.

Roadway Drainage Structure: A device such as a bridge, culvert, ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and Water Conservation District Approved Plan: An erosion, sedimentation, and pollution control plan approved in writing by the Walton County Soil and Water Conservation District.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State General Permit: The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the State's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Structural Erosion and Sedimentation Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication "Manual for Erosion and Sediment Control in Georgia".

Trout Streams: All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A., 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as waters supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout

throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

a Permanent seeding, sprigging or planting, producing long-term vegetative cover; or

b Temporary seeding, producing short-term vegetative cover; or

c Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

Watercourse: Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Section 130 Exemptions

A. This Part shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968";

2. Granite quarrying and land clearing for such quarrying;

3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences and other related activities which result in minor soil erosion;

4. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.G.C.A. 12-7-6 and this paragraph. For single-family residence construction covered, by the provisions of this paragraph, there shall be a buffer zone between the residence and any

state waters classified as trout streams pursuant to Article 2 of Chapter 5, of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the EPD Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.G.C.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the local issuing authority;

5. Agricultural operations as defined in O.C.G.A. 1-3-3, “definitions”, to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; and farm buildings and farm ponds;

6. Forestry land management practices, including harvesting; provided however, that when such exempt forestry practices cause or result in land-disturbing or other activities prohibited in a buffer, as established in paragraphs 15 and 16 of Section 140C of this ordinance, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;

7. Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

8. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams

which do not have water in them year round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9, or 10 of this Section;

9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of Department of Transportation or State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1;except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the local issuing authority, the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders.

10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the local issuing authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holder; and

11. Any public water system reservoir.

Section 140 Minimum Requirements for Erosion Sedimentation and Pollution Control Using Best Management Practices

A. General Provisions

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if the requirements of the ordinance and the NPDES General Permit area not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation, and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation, and pollution control plans. Soil erosion, sedimentation, and pollution control measures and practices shall conform to the minimum requirements of Section 140 B and C of this ordinance. The application of measures and practices shall apply to all features of the site, including the street and utility installations, drainage facilities, and other temporary and permanent improvements. Measures shall be installed to prevent and control erosion, sedimentation and pollution during all stages of land-disturbing activities in accordance with requirements of this ordinance and the NPDES General Permit.

B. Minimum Requirements/BMPs

1. Best management practices as set forth in Section 140 B and C of this ordinance shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the EPD Director or to any other allegation of noncompliance with paragraph 2 of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A 12-5-30, the “Georgia Water Quality Control Act”. As used in this subsection, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the “Manual for Erosion and Sediment Control in Georgia” specified in subsection (b) of O.C.G.A. 12-7-6.

2. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing authority or of any State General Permit issued by the Division pursuant to subsection (f) of O.C.G.A 12-5-30, the “Georgia Water Quality Control Act”, for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the EPD Director. This

paragraph shall not apply to any land disturbance associated with the construction of single-family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.

3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by the local issuing authority or of any State General Permit issued by the Division pursuant to subsection (f) of O.C.G.A.12-5-30, The "Georgia Water Quality Control Act" for each day on which such failure occurs.

4. The EPD Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

5. The local issuing authority may set more stringent buffer requirements that stated in Section 140C.15 and 16, in light of O.G.C.A. 12-7-6-(c).

C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.G.C.A. 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the State General Permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "The Manual for Erosion and Sediment Control in Georgia" published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was submitted, as well as the following:

1. Stripping of vegetation, re-grading and other development activities shall be conducted in a manner so as to minimize erosion;

2. Cut-fill operations must be kept to a minimum;

3. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;

4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;

5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;

6. Disturbed soil shall be stabilized as quickly as practicable;

7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

8. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;

9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A 12-7-1, et seq.;

10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills;

11. Cuts and fills may not endanger adjoining property;

12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;

14. Land-disturbing activity plans for erosion, sedimentation, and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Section 140B.2 of this Part.

15. Except as provided in paragraph 16 of this subsection, there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision: the term “ephemeral stream” means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground water table year round; for which ground water is not a source or water; and for which run-off from precipitation is the primary source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the “Georgia Water Quality Control Act”, shall remain in force unless a variance is granted by the Director as provided in this paragraph. A stream buffer of 25 feet in width shall be maintained in addition to the 25 foot

state waters buffer, with an additional setback maintained for 25 feet horizontally beyond the stream buffer. The following requirements shall apply to any such buffer:

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

16. There is established a 50 foot buffer as measured horizontally from the point measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as “trout streams” pursuant to Article 2 of Chapter 5 of Title 12, the “Georgia Water Quality Control Act”, except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner’s property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.

b. The buffer shall not apply to the following land disturbing activities, provided that they occur at an angle as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented; (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines.

D. Nothing contained in O.G.C.A. 12-7-1 et seq. shall prevent any local issuing authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Sections 140B and C of this ordinance.

E. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

Section 150 Application/Permit Process

A. The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The local issuing authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance and other ordinances, rules, regulations, or permits, which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However, the owner and/or operator are ~~is~~ the only parties who may obtain a permit.

B. Application Requirements

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Walton County without first obtaining a permit from the Walton County Planning and Development Department to perform such activity and providing a copy of the Notice of Intent submitted to EPD if applicable.

2. The application for a permit shall be submitted to the Walton County Planning and Development Department and must include the applicant's erosion, sedimentation, and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section 150C of this ordinance. Erosion, sedimentation, and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section 140B and C of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by three copies of the applicant's erosion, sedimentation, and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with EPD Rule 391-3-7-10.

3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed $80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.

4. Immediately upon receipt of an application and plan for a permit, the local issuing authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation, and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of a District to act within 35 days shall be considered an approval of the pending plan. The result of the District review shall be forwarded to the local issuing authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 140C.15 and 16 have been obtained, all fees have been paid and surety if required

as per Section 150B.6, has been obtained. Such review will not be required if the local issuing authority and the District have entered into an agreement which allows the local issuing authority to conduct such review and approval of the plan without referring the application and plan to the District. The local issuing authority with plan review authority shall approve or disapprove a revised plan submittal within 35 days of receipt. Failure of the local issuing authority with plan review authority to act within 35 days shall be considered an approval of the revised plan submittal.

5. If a permit applicant has had two or more violations of previous permits, this Ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the local issuing authority may deny the permit application.

6. The local issuing authority may require the permit applicant to post surerty in the form of a bond, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the local issuing authority may call the surety or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the local issuing authority with respect to alleged permit violations.

C. Plan Requirements

1. Plans must be prepared to meet the minimum requirements as contained in Section 140B and C of this ordinance, or through the use of more stringent alternate design criteria which conform to sound conservation and engineering practices. The “Manual for Erosion and Sediment Control in Georgia” is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including road-ways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings, and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections, or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the

Division and the Stakeholder Advisory Board created pursuant to O.G.C.A. 12-7-20.

2. Data required for the site plan shall include all the information required from the appropriate Erosion, Sedimentation, and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

D. Permits

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the local issuing authority of a completed application, providing variances and surety are obtained, where necessary and all necessary and applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

2. No permit shall be issued by the local issuing authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the local issuing authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Section 140C.15 and 16 are obtained, surety requirements, if necessary, as per Section 150B.6 are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the local issuing authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. Any land disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance and any other ordinances relating land development, as are applied to private persons and the Division shall enforce such requirements upon the local issuing authority

4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

5. The permit may be suspended, revoked, or modified by the local issuing authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

6. The local issuing authority may reject a permit application if the applicant

has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.G.C.A. 12-7-7(f)(1).

Section 160 Inspection and Enforcement

A. The Walton County Planning and Development Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.

B. The local issuing authority must amend its ordinances to the extent appropriate within twelve months of any amendment to the Erosion and Sediment Control Act of 1975.

C. The Walton County Planning & Development Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

D. No person shall refuse entry or access to any authorized representative or agent of the local issuing authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

E. The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. 12-7-8 (a). The District or the Commission or both may

provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the counties or municipality's erosion and sedimentation control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

F. The Division may periodically review the actions of the counties and municipalities which have been certified as local issuing authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the District and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the Division, the Division may revoke the certification of the county or municipality as a local issuing authority.

Section 170 Penalties and Incentives

A. Failure to Obtain a Permit for Land-Disturbing Activity

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the <u>local</u> issuing authority.

B. Stop Work Orders

1. For the first and second violation of the provision of this ordinance, the EPD Director or the local issuing authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the local issuing authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred: provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit the Director or the local issuing authority shall issue an immediate stop-work order in lieu of a warning;

2. For a third and each subsequent violation, the Director or the local issuing authority shall issue an immediate stop work-order; and

3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

4. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority, by the Director, or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the Director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

C. Surety Forfeiture

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance surety, if required to post one under the provisions of Section150B.6. The local issuing authority may call the surety or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. Monetary Penalties

Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed $2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed $2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties

for such violations not to exceed $2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 180 Education and Certification

A. Persons involved in land development design, review, permitting, construction, monitoring, or inspection of any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Commission in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A.12-7-20.

B. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education and training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the State General Permit.

C. Persons or entities involved in projects not requiring a State General Permit, but otherwise requiring a certified personnel on site may contract with certified persons to meet the requirements of this ordinance.

D. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.G.C.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.G.C.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

Section 190 Administrative Appeal, Judicial Review

A. Administrative Remedies

The suspension, revocation, modification or grant with condition of a permit by the local issuing authority upon finding that the holder is not in compliance with the approved erosion, sedimentation, and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Walton County Board of Appeals within 30 days after receipt by the local issuing authority of a written notice of appeal.

B. Judicial Review

Any person, aggrieved by a decision or order of the local issuing authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Walton County.

Section 200 Effectivity, Validity, and Liability

A. Effectivity

This ordinance shall become effective on the 1st day of June 2010.

B. Validity

If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not effect the remaining portions of this ordinance.

C. Liability

1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the local issuing authority or District for damage to any person or property.

2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act, or the rules and regulations promulgated and approved there under or pollute any waters of the State as defined thereby.

Part 4 Flood Damage Prevention Ordinance

12-5-06

Introduction

It is hereby determined that:

The flood hazard areas of Walton County, Georgia are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

Flood hazard areas can serve important stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas.

Effective floodplain management and flood hazard protection activities can (1) Protect human life and health; (2) Minimize damage to private property; (3) Minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and (4) Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.

Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, Walton County, Georgia, does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

Section 100 General Provisions

A. Purpose and Intent

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection,

wetlands preservation and ecological and environmental protection by provisions designed to:

(1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(2) Restrict or prohibit uses which are dangerous to health, safety and property due to flooding or erosion hazards, or which increase flood heights, velocities, or erosion;

(3) Control filling, grading, dredging and other development which may increase flood damage or erosion;

(4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;

(5) Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters; and,

(6) Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological functions of natural floodplain areas.

B. Applicability

This ordinance shall be applicable to all Areas of Special Flood Hazard with Walton County, Georgia.

C. Designation of Ordinance Administrator

The Director of the Planning & Development Department, hereinafter referred to as “Director”, or designee is hereby appointed to administer and implement the provisions of this ordinance.

D. Basis for Area of Special Flood Hazard – Flood Area Maps and Studies

For the purposes of this ordinance, the following are adopted by reference:

(1) The Flood Insurance Study (FIS), dated May 18, 2009, with accompanying maps and other supporting data and any revision thereto are hereby adopted by reference.

(2) Other studies which may be relied upon for the establishment of the base flood elevation or delineation of the 100-year floodplain and flood-prone areas include:

(a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, State or Federal agency applicable to Walton County; or

(b) Any base flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology and approved by the Walton County Planning and Development Department.

(3) Other studies which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood-prone areas include:

(a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey, or any other local, State or Federal agency applicable to Walton County; or

(b) Any future-conditions flood study authored by a registered professional engineer in the State of Georgia which has been prepared by FEMA approved methodology approved by the Walton County Planning and Development Department.

(4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at 303 S. Hammond Drive, Monroe, Georgia 30655 in the office of the Walton County Planning and Development Office.

E. Compatibility with Other Regulations

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this
ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or impose higher protective standards for human health or the environment shall control.

F. Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinances shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

G. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Walton County or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

Section 110 Definitions

ADDITION (TO AN EXISTING BUILDING: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than afire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered New Construction.

APPEAL: A request for a review of the Director's interpretation of any provision of this ordinance.

AREA OF SHALLOW FLOODING: A designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: The land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation (including A, A1-30, A99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and flood prone areas at or below the future-conditions flood elevation, and all other flood prone areas as referenced in Section 100 Subsection D. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood.

BASE FLOOD ELEVATION: The highest water surface elevation anticipated at any given point during the base flood.

BASEMENT: That portion of a building having its floor subgrade (below ground level) on all sides.

BUILDING: Any structure built for support, shelter, or enclosure for any occupancy or storage.

DEVELOPMENT: Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

ELEVATED BUILDING: A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

EXISTING CONSTRUCTION: Any structure for which the "start of construction" commenced before December 3, 2002.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before December 3, 2002.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

FEMA: The Federal Emergency Management Agency.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters; or (b) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the boundaries of areas of special flood hazard have been defined as Zone A.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

FLOOD INSURANCE STUDY (FIS): The official report by the Federal Insurance Administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

FLOODPLAIN: Any land area susceptible to flooding.

FLOODPROOFING: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY OR REGULATORY FLOODWAY: The channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

FUNCTIONALLY DEPENDENT USE: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

FUTURE CONDITIONS FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

FUTURE-CONDITIONS FLOOD ELEVATION: The flood standard equal to or higher than the Base Flood Elevation. The Future-Conditions Flood Elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

FUTURE-CONDITIONS FLOODPLAIN: Any land area susceptible to flooding by the future- conditions flood.

FUTURE-CONDITIONS HYDROLOGY: The flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

HISTORIC STRUCTURE: Any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the U. S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

(d)Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

1.By an approved state program as determined by the Secretary of the Interior, or

2. Directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR: The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this ordinance.

MANUFACTURED HOME: A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a "mobile home" regardless of the date of manufacture. The term also includes parked trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

MEAN SEA LEVEL: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD) and/or the North American Vertical Datum (NAVD) of 1988.

NATIONAL GEODETIC VERTICAL DATUM (NGVD): Corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

NEW CONSTRUCTION: Any structure (see definition) for which the "start of construction" commenced after December 3, 2002 and includes any subsequent improvements to the structure.

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NEW MANUFACTURED HOME PARK OR SUBDIVISION: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after December 3, 2002.

NORTH AMERICAN VERTICAL DATUM (NAVD) OF 1988: A vertical control used as a reference for establishing varying elevations within the floodplain.

OWNER: The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

PERMIT: The permit issued by the Walton County Planning and Development Department to the applicant which is required prior to undertaking any development activity.

RECREATIONAL VEHICLE: A vehicle which is:
built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently tow-able by a light duty truck; and, designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SITE: The parcel of land being developed, or the portion thereof on which the development project is located.

START OF CONSTRUCTION: The date the permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are not exempt from any ordinance requirements). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

SUBDIVISION: The division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the

case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial damage” regardless of the actual amount of repair work performed. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.

SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARK OR SUBDIVISION: Where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

VARIANCE: A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance.

VIOLATION: The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure of other development without the elevation certificate, other certificates, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

Section 120 Permit Procedures and Requirements

A. Permit Application Requirements

(1) No owner or developer shall perform any development activities on a site where an Area of Special Flood Hazard is located without first meeting the requirements of this ordinance prior to commencing the proposed activity.

(2) Unless specifically excluded by this ordinance, any landowner or developer desiring a permit for a development activity shall submit to the Walton County Planning and Development Department a permit application on a form provided by the Walton County Planning and Development Department for that purpose.

(3) No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this ordinance.

B. Floodplain Management Plan Requirements

An application for a development project with any Area of Special Flood Hazard located on the site will be required to include a floodplain management/flood damage prevention plan. This plan shall include the following items:

(1) Site plan drawn to scale which includes but is not limited to:

(a) Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;

(b) For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one-foot contour elevations throughout the building site;

(c) Proposed locations of water supply, sanitary sewer, and utilities;

(d) Proposed locations of drainage and stormwater management facilities;

(e) Proposed grading plan;

(f) Base flood elevations and future-conditions flood elevations;

(g) Boundaries of the base flood floodplain and future-conditions floodplain;

(h) If applicable, the location of the floodway; and

(i) Certification of the above by a registered professional engineer or surveyor.

(2) Building and foundation design detail, including but not limited to:

(a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

(b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

(c) Certification that any proposed non-residential flood-proofed structure meets the criteria in Section 140 Subsection B.2;

(d) For enclosures below the base flood elevation, location and total net area of foundation openings as required in Section 140, Subsection A.5;

(e) Design plans certified by a registered professional engineer or architect for all proposed structure(s).

(3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;

(4) Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre-and post-development conditions' base flood elevations, future-conditions flood elevations, flood protection elevations, Special Flood Hazard Areas and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS;

(5) Copies of all applicable State and Federal permits necessary for proposed development; and

(6) All appropriate certifications required under this ordinance.

(7) The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

C. Construction Stage Submittal Requirements

(1) For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the Director a Certified As-built Elevation Certificate or Flood-proofing Certificate for non-residential construction including the lowest floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is completed. A final Elevation Certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

(2) Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Director shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit certification or failure to make the

corrections required hereby shall be cause to issue a stop work order for the project.

D. Duties and Responsibilities of the Administrator

Duties of the Director shall include, but shall not be limited to:

(1) Review all development applications and permits to assure that the requirements of this ordinance have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;

(2) Require that copies of all necessary permits from governmental agencies from which approval is required by Federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, be provided and maintained on file;

(3) When Base Flood Elevation data or floodway data have not been provided, then the Director shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, state or other sources in order to meet the provisions of Sections 130 and 140;

(4) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures;

(5) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been flood-proofed;

(6) When flood-proofing is utilized for a non-residential structure, the Director shall obtain certification of design criteria from a registered professional engineer or architect;

(7) Notify affected adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

(8) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions) the Director shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this ordinance. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area

graphically delineated on the floodplain maps; and,

(9) All records pertaining to the provisions of this ordinance shall be maintained in the office of the Director and shall be open for public inspection.

Section 130 Standards for Development

A. Definition of Floodplain Boundaries

(1) Studied “A” zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.

(2) For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by the Walton County Planning and Development Department. If future-conditions elevation data is not available from the Walton County Planning and Development Department, then it shall be determined by a registered professional engineer using a method approved by FEMA and the Walton County Planning and Development Department.

B. Definition of Floodway Boundaries

(1) The width of a floodway shall be determined from the FIS or FEMA approved flood study. For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by the Walton County Planning and Development Department. If floodway data is not available from the Walton County Planning and Development Department, then it shall be determined by a registered professional engineer using a method approved by FEMA and the Walton County Planning and Development Department.

C. General Standards

(1) No development shall be allowed within the future-conditions floodplain that could result in any of the following:

(a) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;

(b) Reducing the base flood or future-conditions flood storage capacity;

(c) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area; or,

(d) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.

(2) Any development within the future-conditions floodplain allowed under (1) above shall also meet the following conditions:

(a) Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the top of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;

(b) Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;

(c) Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;

(d) Verification of no-rise conditions (0.01 foot or less), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of Section 130, Subsection D;

(e) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and

(f) Any significant physical changes to the base flood floodplain shall be submitted as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Walton County Planning and Development Department using the Community Consent forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR

approval shall be the responsibility of the applicant. Within six months of the completion of construction, the applicant shall submit as-built surveys for a final Letter of Map Revision (LOMR).

D. Engineering Study Requirements for Floodplain Encroachments

An engineering study is required, as appropriate to the proposed development activities on the site, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and/or floodways for which the provisions of Section 140, Subsection D apply. This study shall be prepared by a currently registered Professional Engineer in the State of Georgia and made a part of the application for a permit. This information shall be submitted to and approved by the Walton County Planning and Development Department prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

(1) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;

(2) Step-backwater analysis, using a FEMA-approved methodology approved by the Walton County Planning and Development Department. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles;

(3) Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development;

(4) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

E. Floodway Encroachments

Located within Areas of Special Flood Hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

(1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway, except for activities specifically allowed in (2) below;

(2) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof; and,

(3) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the Walton County Planning and Development Department until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA and a no-rise certification is approved by the Walton County Planning and Development Department.

F. Maintenance Requirements

The owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on his property so that the flood-carrying or flood storage capacity is not diminished. The Walton County Planning and Development Department may direct the property owner (at no cost to Walton County) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the Walton County Planning and Development Department.

Section 140 Provisions for Flood Damage Reduction

A. General Standards

In all Areas of Special Flood Hazard, the following provisions apply:

(1) New construction of principal buildings (residential or non-residential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Section 130, Subsections C, D, and E have been met;

(2) New construction or substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(3) New construction or substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

(4) New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage;

(5) Elevated Buildings – All new construction and substantial improvements of existing structures that include any fully enclosed area located below the lowest flood formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure.
The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

(a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
(i) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
(ii) The bottom of all openings shall be no higher than one foot above grade; and,
(iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

(b) So as not to violate the “Lowest Floor” criteria of this ordinance, the unfinished and flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,

(c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(6) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering o accumulating within the components during conditions of flooding;

(7) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited

to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;

(8) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(9) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(10) On-site waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding; and,

(11) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced.

(12) If the proposed development is located in multiple flood zones or multiple base flood elevations cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence.

B. Building Standards for Structures and Buildings within the Future-Conditions Floodplain

The following provisions, in addition to those in Section 140, Subsection A, shall apply:

(1 Residential Buildings

(a) New Construction. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless Section 130, Subsections C, D, and E have been met. If all of the requirements of Section 130, Subsections C, D, and E have been met, all new construction shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Section 140, Subsection A.5.

(b) Substantial Improvements. Substantial improvement of any principal structure or manufactured home shall have the lowest

floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to equalize the hydrologic flood forces on exterior walls and to facilitate the unimpeded movements of flood waters shall be provided in accordance with the standards of Section 500, Subsection A.5.

(2) Non-Residential Buildings

(a) New Construction. New construction of principal buildings, including manufactured homes shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Section 130, Subsections C, D, and E have been met. New construction that has met all of the requirements of Section 130, Subsections C, D, and E may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered Professional Engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Director.

(b) Substantial Improvements. Substantial improvement of any principal non-residential structure located in A1-30, AE, or AH Zones, may be authorized by the Director to be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation, or at least as high as the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered Professional Engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Director.

(3)Accessory Structures and Facilities

Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, parking lots, recreational facilities and other similar non-habitable structures and facilities) which are permitted to be located within the limits of the floodplain shall be constructed of flood-resistant materials and designed to pass all floodwater in accordance with Section 140, Subsection A.5 and be anchored to prevent flotation, collapse or lateral movement of the structure.

(4) Standards for Recreational Vehicles

All recreational vehicles placed on site must either:

(a) Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or

(b) The recreational vehicle must meet all the requirements for Residential Buildings –Substantial Improvements (Section 140, Subsection B.1(b), including the anchoring and elevation requirements.

(5) Standards for Manufactured Homes

(a) New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of Section 130, Subsections C, D, and E have been met.

(b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
(i) The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher; or
(ii) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of Section 140, Subsection A.7.

C. Building Standards for Structures and Buildings Authorized Adjacent to the Future-Conditions Floodplain

(1) Residential Buildings – For new construction or substantial improvement of any principal residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher.

(2) Non-Residential Buildings – For new construction or substantial improvement of any principal non-residential building, the elevation of the lowest floor, including basement and access to the building, shall be at least one (1) foot above the level of the base flood elevation or at least as high as the future-conditions flood elevation, whichever is higher.

D. Building Standards for Residential Single-Lot Developments on Streams Without Established Base Flood Elevations and/or Floodway (A-Zones)

For a residential single-lot development not a part of a subdivision that has Areas of Special Flood Hazard, where streams exist but no base flood data have been provided (A-Zones), the Director shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a Federal, State, local or other source, in order to administer the provisions and standards of this ordinance.

If data are not available from any of these sources, the following provisions shall apply:

(1) No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty (50) feet from the top of the bank of the stream, whichever is greater.

(2) In special flood hazard areas without base flood or future-conditions flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with Section 140, Subsection A.5.

E. Building Standards for Areas of Shallow Flooding (AO Zones)

Areas of Special Flood Hazard may include designated “AO” shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel.

In these areas the following provisions apply:

(1) All substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the flood depth number in feet specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 140, Subsection A.5.

(2) Substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice; and,

(3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

F. Standards for Subdivisions

(1) All subdivision proposals shall identify the special flood hazard area and provide base flood elevation data and future-conditions flood elevation data;

(2) All residential lots in a subdivision proposal shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required;

(3) All subdivision plans will provide the elevations of proposed structures in accordance with Section 120, Subsection B.

(4) All subdivision proposals shall be consistent with the need to minimize flood damage;

(5) All subdivision proposals shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of flood waters, and discharges from the systems into flood waters; and,

(6) All subdivision proposals shall include adequate drainage and stormwater management facilities per the requirements of Walton County to reduce potential exposure to flood hazards.

Section 150 Variance Procedures

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this ordinance. A request for a variance may be submitted by an applicant who has been denied a permit by the Walton County Planning and Development Department or by an owner or developer who has not previously applied for a permit for the reasons stated herein above.

(1) Requests for variances from the requirements of this ordinance shall be submitted to the Walton County Planning and Development Department. All such requests shall be heard and decided in accordance with procedures to be published in writing by the Walton County Planning and Development Department. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.

(2) Any person adversely affected by any decision of the Walton County Planning and Development Department shall have the right to appeal such decision to the Board of Appeals as established by Walton County in accordance with procedures to be published in writing by the Board of Appeals. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.

(3) Any person aggrieved by the decision of the Board of Appeals may appeal such decision to the Superior Court of Walton County, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.

(4) Variances may be issued for the repair or rehabilitation of Historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an Historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.

(5) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(7) In reviewing such requests the Walton County Planning and Development Department and Board of Appeals shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.

(8) Conditions for variances:

(a) A variance shall be issued only when there is:

(i) a finding of good and sufficient cause;

(ii) a determination that failure to grant the variance would result in exceptional hardship; and,

(iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.

(b) The provisions of this ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a Historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(c) Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

(d) The Director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(9) Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the Walton County Planning and Development Department and Board of Appeals shall deem necessary to the consideration of the request.

(10) Upon consideration of the factors listed above and the purposes of this ordinance, the Walton County Planning and Development Department and the Board of Appeals may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this ordinance.

(11) Variances shall not be issued “after the fact”.

Section 160 Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

A. Notice of Violation

If the Walton County Planning and Development Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

(1) The name and address of the owner or the applicant or the responsible person;

(2) The address or other description of the site upon which the violation is occurring;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;

(5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,

(6) A statement that the determination of violation may be appealed to the Walton County Planning and Development Department by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

B. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Walton County Planning and Development Department shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Walton County Planning and Development Department may take any one or more of the following actions or impose any one or more of the following penalties.

(1) Stop Work Order

The Walton County Planning and Development Department may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to sure such violation or violations.

(2) Withhold Certificate of Occupancy

The Walton County Planning and Development Department may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

(3) Suspension, Revocation or Modification of Permit

The Walton County Planning and Development Department may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Walton County Planning and Development Department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(4) Civil Penalties

In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the Walton County Planning and Development Department shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the Walton County Planning and Development Department has taken one or more of the actions described above, the Walton County Planning and Development Department may impose a penalty not to exceed $1,000 (depending on the severity of the violation) for each day the violation remains un-remedied after receipt of the notice of violation.

(5) Criminal Penalties

For intentional and flagrant violations of this ordinance, the Walton County Planning and Development Department may issue a citation to the applicant or other responsible person, requiring such person to appear in Magistrate Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Part 5 Dam Regulations

Section 100 Purpose

The purpose of this Article is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements for the construction and maintenance of dams.

Section 110 Applicability

Any development or land disturbing activity that involves a property that is proposed to contain a dam shall comply with the provisions of this Article as well as all other provisions of this Ordinance.

Section 120 Dam Safety Regulations

A. Dams proposed to be 25 feet or more in height or proposed to have an impounding capacity of 100 acre-feet or more at maximum water storage elevation shall be subject to the following:

   1. The design and construction of any new dam shall be subject to the requirements of the Georgia Safe Dams Act and Rules for Dam Safety adopted by the Georgia Department of Natural Resources. The developer shall obtain necessary approvals and permits from the Environmental Protection Division of the Georgia Department of Natural Resources for the project and the dam prior to securing a Development Permit from the Department.

   2. The Developer shall provide a dam breach analysis, prepared by a Registered Professional Engineer, utilizing the computer model entitled "DAMBRK". The dam breach analysis shall be reviewed by the County for potential impacts to downstream properties. The Applicant may be required to obtain dam breach easements, if in the opinion of Walton County, potential adverse impacts to downstream properties exist.

   3. Prior to recording of a Final Plat or issuance of a Certificate of Occupancy, as appropriate, an as-built certification from a registered professional engineer shall be submitted to the Department. The certification shall state that the dam is constructed in accordance with the provisions of these regulations as well as the authorized construction plans. If the project is for the development of a subdivision, the developer shall also establish a legal entity, acceptable to the County, such as a mandatory Property Owners Association, prior to approval of the Final Plat, responsible for the maintenance of the dam and its impoundment.

B. Dams proposed to be 9 feet or more in height, but less than 25 feet in height, in combination with an impounding capacity proposed to be 20 acre-feet or more at maximum water storage elevation, but less than 100 acre-feet, shall be subject to the following:

   1. If the developer elects not to construct the new dam to the design standards for new dams as contained in the Rules for Dam Safety, then a dam breach analysis for the dam shall be submitted with the construction plans for review and authorization prior to securing a Development Permit from the Department. The design engineer shall utilize the computer model entitled "DAMBRK" for the dam breach analysis.

2. Should the new dam not meet the design standards for new dams as contained in the Rules for Dam Safety, then only the following uses and structures shall be permitted within the dam breach zone:

    a. Agriculture which requires no structures for human habitation within the dam breach zone including forestry, livestock raising, and agricultural and forestry access roads.

    b. Fences.

    c. Outdoor advertising signs provided they are located no closer than 100-feet from any residence or place of business.

    d. Roads, driveways and parking areas.

    e. Utility poles, towers, pipelines, water treatment outfalls and facilities, or similar facilities and structures.

3. If the developer elects to construct the new dam in accordance with the design standards for new dams as contained in the Rules for Dam Safety, then new development shall be permitted within the dam breach zone. However, the dam shall meet the design standards for new dams as contained in the Rules for Dam Safety if development currently exists or is proposed in the dam breach zone.

4. Construction plans for new dams defined herein shall be submitted to Walton County for review for the project and the dam prior to securing a Development Permit from the Department.

5. For any dam that is proposed not to meet the design standards for new dams as contained in the Rules for Dam Safety, the developer shall obtain a dam breach easement, recorded with the Clerk of Superior Court, from any offsite property owner where it is proposed for the dam breach zone to extend off the property where the dam is being constructed. The developer shall also cause a dam breach easement to be recorded upon the property being developed.

6. Prior to recording of a Final Plat or issuance of a Certificate of Occupancy, as appropriate, an as-built certification from a registered professional engineer shall be submitted to the Department. The certification shall state that the dam is constructed in accordance with the provisions of these regulations as well as the authorized construction plans. If the project is for the development of a subdivision, the developer shall also establish a legal entity, acceptable to Walton County, such as a mandatory Property Owners Association, at time of recording of the Final Plat, responsible for the maintenance of the dam and its impoundment.

Section 130 Existing Dams

Existing dams that are located on a project site and will remain after construction is complete, shall comply with the provisions of this Part and all referenced articles as if they were new dams.

Section 140 Existing Category II Dams

When an existing Category II dam may be reclassified to a Category I dam because of a proposed development downstream of the dam, the following shall be provided by the developer for review by the Georgia Safe Dams Program.

A. Location of the Category II dam and the proposed development; and,

B. A surveyed cross-section of the stream valley at the location of the proposed development including finished floor elevations; and,

C. A dam breach analysis using the Dambreak computer model to establish the height of the floodwave in the downstream floodplain. The Dambreak modeling shall be completed in accordance with the Safe Dams Program Quality Assurance Program by a qualified registered engineer.

Part 6 Litter Control (7-10-12)

Section 100 General Provisions

A. Purpose and Intent.

The purpose of this ordinance is to protect the public health, safety, environment and general welfare through the regulation and prevention of litter. The objectives of this ordinance are:

1. Provide for uniform prohibition throughout Walton County of any and all littering on public or private property; and

2. Prevent the desecration of the beauty and quality of life of Walton County and prevent harm to the public health, safety, environment and general welfare, including the degradation of water and aquatic resources caused by litter.

B. Applicability.

This ordinance shall apply to all public and private property within Walton County, Georgia.

C. Compatibility with Other Regulations.

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

D. Severability.

If the provisions of any article, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

Section 110 Definitions

LITTER: Any discarded or abandoned:

1. Refuse, rubbish, junk or other waste material; or

2. Dead animals that are not subject to the provisions of O.C.G.A. § 4-5-4.

PUBLIC OR PRIVATE PROPERTY: The right-of-way of any road or highway; any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge or conservation area; residential or farm properties, timberlands or forests; or any commercial or industrial property.

Section 120 Prohibitions Against Littering Public or Private Property or Waters

It shall be unlawful for any person or persons, whether the owner of such property or not, to dump, deposit, throw, or leave or to cause or permit the dumping, depositing, placing, throwing, burning or leaving of litter on any public or private property in Walton County or any waters in Walton County unless:

1. The Property is designated by the State or by any of its agencies or political subdivisions for the disposal of such litter, and such person is authorized by the proper public authority to use such property; or

2. The litter is placed into a receptacle or container installed on such property in such a manner as to prevent it from bring carried and deposited by the elements upon any public or private property.

It shall further be unlawful for the owner of any single family dwelling to allow grass, weeds or uncultivated vegetation in the exterior yards surrounding the dwelling to obtain a height in excess of 12 inches. Heavily wooded lots where equipment cannot maneuver on the lot because of density are exempt from this section. Also exempt are legitimate agricultural uses including but not limited to: hayfields, pastures and gardens.

Section 130 Vehicle Loads Causing Litter

No person shall operate any motor vehicle with a load on or in such vehicle unless the load on or in such vehicle is adequately secured to prevent the dropping or shifting of materials from such load onto the roadway.

Section 140 Construction Sites and Demolition Sites

All construction and demolition contractors shall provide on-site solid wastes receptacles, bulk containers, or detachable containers for loose debris, paper, building material waste, scrap construction/demolition wastes, and other trash produced by those working at the construction site. The site shall be kept in as liter-free condition as reasonably practicable. Building material originating from private property preliminary to, during or subsequent to the construction of new building, alterations or additions to an existing building of whatever type or from demolition of existing structures shall be removed by the owner of the property or by the contractor. All solid wastes from construction and related activities shall be kept on site in such a manner as to eliminate wind-driven debris and unsightly litter in and about the site. (4-1-14)

Section 150 Violations, Enforcement and Penalties

A. Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise sentenced in a manner provided by law.

B. Evidence.

1. Where litter is thrown, deposited, dropped or dumped from any motor vehicle, boat, airplane or other conveyance in violation of this ordinance, it shall be prima facie evidence that the operator of the conveyance has violated this ordinance.

2. Except as provided in Subsection 1, whenever any litter which is dumped, deposited, thrown or left on public or private property in violation of this ordinance is discovered to contain any article or articles, including but not limited to letters, bills, publications or other writings which display the name of the person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be prima facie evidence that such person has violated this ordinance.

C. Conviction and Penalties.

Any person who violates this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

1. By the imposition of a fine not to exceed $1,000.00, by imprisonment in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment; provided however that each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder; and

2. In addition to the fine set out in Subsection 1 above, the violator shall reimburse Walton County for the reasonable cost of removing the litter when the litter is, or is ordered, removed by Walton County, and for the maintenance of the grass, weeds or uncultivated vegetation when the grass, weeds or uncultivated vegetation is or is ordered maintained by the County; and

3. In addition to the fine set out in Subsection 1 above, the court may order the violator to pick up and remove the litter when the litter is located on the violator's property and to maintain the grass, weeds or uncultivated vegetation on the violator's property; and

4. In the sound discretion of the court, the person may be directed to pick up and remove from any public street or highway or public right-of-way for a distance not to exceed one mile any litter he has deposited and any and all litter deposited thereon by anyone else prior to the date of execution or sentence; and

5. In the sound discretion of the court, the person may be directed to pick up and remove any and all litter from any public property, private right-of-way or, with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that he has deposited litter. Pick up and removal shall include any and all litter deposited thereon by anyone prior to the date of execution of sentence.

6. The court may publish the names of persons convicted of violating this ordinance.

D. <u>Removal by the County.</u>

1. Notice to Remove and Hearing

(a) In addition to the available penalties listed in Section C above, if the property at issue is unoccupied, vacant or abandoned, the owner of the offending property shall be notified and requested to cause the condition to be remedied. The notice shall consist of both a physical posting on the property in the name of the property owner and by certified mail or personal delivery to the owner or owners as their names and addresses are shown on the tax records of Walton

County. Notice shall be deemed complete and sufficient when so physically posted and personally delivered or mailed.

(b) The required notice shall contain the following:

(i) Names and addresses of the owners of the property, according to the public records of Walton County;

(ii) Location of the property on which the violation exists;

(iii) Statement that a violation of this Article has been determined to exist on the property, which violation constitutes a public nuisance;

(iv) Description of the condition which causes the property to be in violation of this Article;

(v) Requirement that the owners of the property remedy the violation within thirty (30) calendar days from the date of notice, failing which the County will remedy the condition and assess against the record title owners all the costs thereof plus interest;

(vi) Statement that the charge for any work done by the County will be included on the owners' next regular tax bill, and if the costs are not paid by the time that bill becomes due, a lien will be placed on the property for the amount due plus accrued interest.

(vii) Schedule of the charges which may be assessed against the record owners if the County is forced to remedy the violation, along with a good-faith estimate of the total cost for such remedy; and

(viii) Statement that the record owners of the property may, within thirty (30) calendar days from the date of the notice, make a written request for a hearing before the Board of Appeals for the purpose of showing that the cited condition does not constitute a violation.

(c) Within thirty (30) days from the date of the notice, the owner of the property may make a written request to the Board of Appeals for a hearing before that body to show that the condition does not constitute a public nuisance. Such request shall state the following:

(i) Name of the property owner(s);

(ii) Location of the cited property; and

(iii) Grounds upon which the owner relies on to show that the cited condition does not constitute a public ordinance.

At the hearing, both the property owner and the County may introduce such evidence as deemed necessary.

2. If after thirty (30) calendar days from the date of the notice, the owners have failed, neglected or refused to remedy the condition on the property or to request a hearing on the matter, Walton County is authorized and empowered to either remove the litter or pay for its removal at the expense of the property owners and to either maintain the grass, weeds or uncultivated vegetation or pay for the maintenance at the expense of the property owners.

3. When Walton County has removed the litter or has paid for its removal, the actual cost thereof, plus accrued interest at the rate of eight (8) percent per annum from the date of completion of the work if not paid by such owners prior thereto, shall be charged to the owners of such property on the next regular tax bill forwarded to such property owners by the County and such charge shall be due and payable by such owners at the time of payment of such bill.

4. Where the full amount due Walton County is not paid by such owners in accordance with subsection 3 above, the County shall cause to be filed in the office of the Clerk of Superior Court a sworn statement showing the cost and expense incurred for the work, the date the work was done, and the location of the property on which such work was done. Said sworn statement shall be recorded among the public records of Walton County and shall be prima facie evidence that all legal formalities have been complied with. The recordation of such sworn statement shall constitute a lien on the property and shall remain in full force and effect until final payment has been paid. Such lien shall be in favor of Walton County, and may be satisfied at any time by payment thereof including accrued interest.

E. <u>Enforcement.</u>

All law enforcement agencies, officers and officials of this state or any political subdivision thereof, or any enforcement agency, officer or any official of any commission of this state or any political subdivision thereof, are hereby authorized, empowered and directed to enforce compliance with this Article.

Part 7 Noise Limitations

The making of excessive, unnecessary or unusually loud noises are a detriment to public health, comfort, convenience, safety, welfare and prosperity of the residents of the unincorporated areas of Walton County, Georgia; and the necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted, is declared as a matter of legislative determination and public policy, and is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity and the peace and quiet of Walton County, Georgia, and its inhabitants.

Section 100 Noises Prohibited

A. It shall be unlawful for any persons to make, continue or cause to be made or continued any loud, unnecessary or unusual sound or noise which unreasonably annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the county, and in addition, to be unlawful, the sound or noise must be audible to a person of normal hearing ability more than 200 feet from the point of origin of this sound or noise.

B. The following acts among others are declared to be loud, disturbing and unnecessary sounds or noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

1. Pile drivers, hammers, and similar equipment. The operation between the hours of 10:00pm and 7:00am of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by unreasonably loud or unusual sounds or noises is prohibited.

2. Recreational Vehicles, blowers and engines. The operation of any noise-creating blower or power fan or any internal-combustion engine, the operation of which causes noises due to the explosion of operating gases or fluids is prohibited unless the noise from the blower or fan is muffled and the engine is equipped with a muffler device reasonably sufficient to deaden the noise.

3. Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal-combustion engine is prohibited except through a muffler or other device which will effectively prevent loud or explosive noises there from.

4. Loudspeakers, amplifiers for advertising. The using or operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure is prohibited. Announcements over loudspeakers shall only

be made by the announcer in person and without the aid of any mechanical device.

5. Construction or repair of buildings. The erection, excavating, demolition, alteration or repair or any building, other than between the hours of 7:00am and 10:00pm on weekdays and 9:00am and 10:00pm on weekends, is hereby prohibited; except that the building inspector may determine when the loss of inconvenience that would result to any party in interest is of such a nature as to warrant special consideration, then the building inspector may grant a permit for a period not to exceed ten (10) days or less for this work to be done between the hours of 10:00pm and 7:00am.

6. Keeping animals, birds. Anyone who keeps or maintains an animal or bird that unreasonably disturbs the comfort or repose of any person or persons because the animal or bird is emitting frequent or long-continued sound or noise, and who continues to keep, maintain or allow any animal or bird to so disturb the comfort or repose of any person or persons shall be deemed in violation of this section; provided the person keeping or maintaining the animal or bird has been first notified in writing by certified mail, return receipt requested, by the complaining party that this animal or bird being kept by the addressee is unreasonably disturbing his or her comfort or repose. This section shall be liberally construed to accomplish the objective thereof and the person making this written notification need not use the exact words of this section to the addressee so long as the notification sufficiently informs the addressee of the nature of the disturbing noise emitted by the animal or bird.

Table 100-1, the Table of Maximum Permitted Sound Levels, below establishes the maximum permissible noise levels for authorized conditional and permitted commercial uses in the A-1, A-2, B-1, B-2, and M-1 districts. Upon determination by the Director, any such business is emitting noise levels which appear to exceed those limits as listed below, the property owner shall be required to provide the Department with decibel readings obtained by a certified professional in accordance with the following: (12-6-05) Measurements shall be taken at the boundary line of the lot on which the use is located, and, as indicated, the maximum permissible nose levels vary according to the zoning of the lot adjacent to the lot on which the A-1, A-2, B-1, B-2, or M-1 use is located. A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level sound louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (i.e., whether the pitch of the sound is high or low) an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter taking measurements required by this Section. Accordingly, all measurements are expressed in dB (A) to reflect the use of this A-weighted filter. The standards established in the Table set forth in Table 1 below are expressed in terms of the Equivalent Sound Level (Leq), which must be calculated by taking 100 instantaneous A-weighted sound levels at 10-second intervals and computing the Leq. both in accordance with a noise

measurement data sheet and a computational work sheet which shall be promulgated by the Director. Table 100-1, the Table of Maximum Permitted Sound Levels, dB (A) is as follows:

Table 100-1: Table of Maximum Permitted Sound Levels, dB (A)				
Zoning	Adj. to Res. 7 AM to 7 PM	Adj. to Res. 7Pm to 7 AM	Adj. to B-1/ B-2	Adj. to M-1/ M-2
A-1, A-2	50	45	55	60
M-1, M-2	50	45	60	65
B-1, B-2	50	45	55	55

Impact noises generated by sources that do not operate more than one minute in any one-hour period are permissible up to a level of 10 dB (a) in excess of the figures listed in Table 100-1 above, except that this higher level of permissible noise shall not be measured using the fast response of the sound level meter. Noise resulting from emergency signaling devices, refuse collection vehicles and other public service operations shall be exempt from the requirements of this section. Sound level shall be measured with a sound meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

C. Provided, that the provisions of this section shall not apply to or be enforced against:

1. Any necessary public business or project;

2. Excavations or repairs of streets by or on behalf of the county or state at night when public welfare and convenience renders it impossible to perform this work during the day; or

3. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character.

Part 8 Illicit Discharge and Connection Stormwater Ordinance

Section 100 Purpose/Intent

The purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of Walton County, Georgia through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this ordinance are:

(1) To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user

(2) To prohibit Illegal connections and Discharges to the municipal separate storm sewer system

(3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

Section 110 Definitions

(11-4-08)

For the purposes of this ordinance, the following shall mean:

Accidental Discharge- A discharge prohibited by this ordinance which occurs by chance and without planning or thought prior to occurrence.

Clean Water Act - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity- Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Illicit Discharge- Any direct or indirect non-stormwater discharge to the Walton County separate storm sewer system, except as exempted in Section 160 of this ordinance.

Illegal Connection- Means either of the following:
Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited. to any conveyances which allow any non-stormwater discharge including sewage,

process wastewater, and wash water to enter the storm drain system, regardless of

whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

a. Any pipe, open channel, drain or conveyance connected to the Walton County separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity- Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit- A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Walton County Separate Storm Sewer System- Any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, Walton County streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

a) Owned or maintained by the county;
b) Not a combined sewer; and
c) Not part of a publicly-owned treatment works.

Non-Stormwater Discharge- Any discharge to the storm drain system that is not composed entirely of stormwater.

Person- Except to the extent exempted from this ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

Pollutant- Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution- The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Premises- Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

State Waters- Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia which are not entirely confined and retained completely upon the property of a single person.

Stormwater Runoff or **Stormwater-** Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Structural Stormwater Control- A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

Section 120 Applicability

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

Section 130 Responsibility for Administration

The Walton County Planning and Development Dept. shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Section 140 Severability

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

Section 150 Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Section 160 Discharge Prohibitions

Prohibition of Illicit Discharges.
No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater de-watering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wet-land flows, swimming pools (if de-chlorinated - typically less than one PPM chlorine), fire fighting activities, and any other water source not containing Pollutants.

(2) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(3) The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Prohibition of Illegal connections.

(1) The construction, use, maintenance or continued existence of Illegal connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, Illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Section 170 Suspension OF MS4 Access

Suspension due to Illicit Discharges in Emergency Situations
The Walton County Planning and Development Dept. may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Suspension due to the Detection of Illicit Discharge
Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The authorized enforcement agency will notify a violator of the proposed termination of its MS4 access. The violator may petition the authorized enforcement agency for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the authorized enforcement agency.

Section 180 Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Walton County Planning and Development Dept. prior to the allowing of discharges to the MS4.

Section 190 Monitoring of Discharges

1. Applicability

This section applies to all facilities that have storm water discharges associated with industrial activity, including construction activity.

2. Access to Facilities.

(1) The Walton County Planning and Development Dept. shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the authorized enforcement agency.

(2) Facility operators shall allow the Walton County Planning and Development Dept. ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

(3)The Walton County Planning and Development Dept. shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the authorized enforcement agency to conduct monitoring and/or sampling of the facility's storm water discharge.

(4) The Walton County Planning and Development Dept. has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Walton County Planning and Development Dept. and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the Walton County Planning and Development Dept. access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies

the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.

(7) If the Walton County Planning and Development Dept. has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

Section 200 Requirement to prevent, control, and reduce storm water pollutants by the use of Best Management Practices

The Walton County Planning and Development Dept. will adopt requirements identifying Best Management Practices for any activity, operation, or facility, which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Section 210 Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section 220 Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Walton County Planning and Development Dept. within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 230 Enforcement

Notice of Violation.

Whenever the Walton County Planning and Development Dept. finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

(a) The performance of monitoring, analyses, and reporting;

(b) The elimination of illicit connections or discharges;

(c) That violating discharges, practices, or operations shall cease and desist;

(d) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and

(e) Payment of a fine to cover administrative and remediation costs; and

(f) The implementation of source control or treatment BMPs.

If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated

governmental agency or a contractor and the expense thereof shall be charged to the violator.

Section 240 Appeal of Notice of Violation

Any person receiving a Notice of Violation may appeal the determination of the authorized enforcement agency. The notice of appeal must be received within 30 days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Section 250 Enforcement Measures After Appeal

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 30 days of the decision of the municipal authority upholding the decision of the authorized enforcement agency, then representatives of the authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Section 260 Cost of Abatement of the Violation

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this article shall become liable to the County by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of 8 percent per annum shall be assessed on the balance beginning on the 5th day following discovery of the violation.

Section 270 Injunctive Relief

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Section 280 Compensatory Action

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section 290 Violations Deemed a Public Nuisance

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Section 300 Criminal Prosecution

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of $100.00 dollars per violation per day and/or imprisonment for a period of time not to exceed the maximum penalties specified in O.C.G.A. 36-1-20. The authorized enforcement agency may recover all attorneys' fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Section 310 Remedies Not Exclusive

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

Section 320 Adoption of Ordinance

This ordinance shall be in full force and effect 30 days after its final passage and adoption. All prior ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

PASSED AND ADOPTED this 6th day of April, 2004.

Part 9 General Construction Site Waste Management Ordinance

Construction Waste and Hazardous Waste Control

Section 100 Discarded Building Materials and Construction Waste Disposal Requirements

A. Building materials, litter, sanitary waste, and other construction site wastes must be properly managed and disposed of to reduce the risk of pollution from materials such as surplus or refuse building materials or hazardous wastes.

B. Practices such as trash disposal, recycling, proper material handling, and spill prevention and cleanup measures must be implemented to reduce the potential for storm water runoff to mobilize construction site wastes and contaminate surface or ground water.

C. The proper management and disposal of wastes should be practiced at all construction sites to reduce storm water runoff.

1. Waste management practices must be used to properly locate refuse piles.

2. Cover materials that may be displaced by rainfall or storm water runoff.

3. Prevent all spill and leaks of hazardous wastes.

D. Guidelines for proper handling, storage, and disposal of construction site wastes must be posted in storage and use areas on site.

Section 110 Storage and Disposal of Construction Site Waste

A. Designate a waste collection area onsite that does not receive a substantial amount of runoff from upland areas and does not drain directly to a waterbody.

B. Ensure that containers have lids so they can be covered before periods of rain. Keep containers in a covered area whenever possible.

C. Schedule waste collection to prevent the containers from overfilling.

D. Clean up spills immediately. For hazardous materials, follow cleanup instructions on the package. Use an absorbent material such as sawdust or kitty litter to contain the spill.

1. During the demolition phase of construction, provide extra containers and schedule more frequent pickups.

2. Collect, remove, and dispose of all construction site wastes at authorized disposal areas.

Section 120 Disposal of Hazardous Materials

A. Steps must be taken to ensure the proper disposal of hazardous materials:

1. Local waste management authorities must be consulted about the requirements for disposing of hazardous materials.

2. A hazardous waste container must be emptied and cleaned before it is disposed of to prevent leaks.

3. The original product label must never be removed from the container as it contains important safety information. Follow manufacturer's recommended method of disposal, which should be printed on the label.

4. If excess products need to be disposed of, they must never be mixed during disposal unless specifically recommended by the manufacturer.

B. Consult State or local solid waste regulatory agencies or private firms to ensure the proper disposal of contaminated soils that have been

exposed to and still contain hazardous substances.

C. The following practices must be used to reduce risks associated with pesticides or to reduce the amount of pesticides that come in contact with storm water:

1. Follow all federal, state, and local regulations that apply to the use, handling, or disposal of pesticides.

2. Do not handle the materials any more than necessary.

3. Store pesticides in a dry, covered area.

4. Construct curbs or dikes to contain pesticides in case of spillage.

5. Follow the recommended application rates and methods.

6. Have equipment and absorbent materials available in areas where pesticides are stored and used in order to contain and clean up any spills that occur.

D. The following management practices must be followed to reduce the contamination risk associated with petroleum products:

1. Store petroleum products and fuel for vehicles in covered areas with dikes in place to contain any spills.

2. Immediately contain and clean up any spills with absorbent materials.

3. Have equipment available in fuel storage areas and in vehicles to contain and clean up spills.

Section 130 Maintenance Requirements

A. Containers or equipment that may malfunction and cause leaks or spills must be identified through regular inspection of storage and use areas.

B. Equipment and containers must be inspected regularly for leaks, corrosion, support or foundation failure, or any other signs of deterioration and should be tested for soundness. Any found to be defective must be repaired or replaced immediately.

Section 140 Vehicle Maintenance and Washing Areas

A. Maintenance and washing of vehicles should be conducted using environmentally responsible practices to prevent direct, untreated discharges of nutrient-enriched wastewater or hazardous wastes to surface or ground waters.

B. Designate covered, paved areas for maintenance and washing activities. Eliminate improper connections from these areas to the storm drain system.

C. Siting and design considerations:

1. Construction vehicles must be inspected for leaks daily and repaired immediately. All used automotive-related chemicals must be disposed of as directed by the manufacturer.

2. Special paved areas must be designated for vehicle repair and a separate vehicle washing area in which runoff and wastewater from these areas is directed to the sanitary sewer system or other treatment facility as industrial process waste.

3. Only biodegradable products must be used. They must not contain halogenated solvents.

4. Washing areas must be clearly marked and workers should be informed that all washing must occur in this area. No other activities, such as vehicle repairs, are to be conducted in the wash area.

5. The wash area must be bermed and covered to prevent contamination of runoff from pollutants.

(7-6-04)

Part 10 Stream Buffer Protection

(5-1-07)

Section 110 Title

This ordinance shall be known as the “Walton County Stream Buffer Protection Ordinance”.

Section 120 Findings and Purposes

A. Findings

Whereas, the Board of Commissioners of Walton County, Georgia finds that buffers adjacent to streams provide numerous benefits including:

(1) Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources

(2) Removing pollutants delivered in urban stormwater

(3) Reducing erosion and controlling sedimentation

(4) Protecting and stabilizing stream banks

(5) Providing for infiltration of stormwater runoff

(6) Maintaining base flow of streams

(7) Contributing organic matter that is a source of food and energy for the aquatic ecosystem

(8) Providing tree canopy to shade streams and promote desirable aquatic habitat

(9) Providing riparian wildlife habitat

(10) Furnishing scenic value and recreational opportunity

(11) Providing opportunities for the protection and restoration of greenspace.

B. Purposes

It is the purpose of this Ordinance to protect the public health, safety, environment and general welfare; to minimize public and private losses due to

erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

(1) Create buffer zones along the streams of Walton County for the protection of water resources; and,

(2) Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

Section 130 Definitions

BUFFER: With respect to a stream, a natural or enhanced vegetated area (established by Section 500.A below), lying adjacent to the stream.

IMPERVIOUS COVER: Any manmade paved, hardened or structural surface regardless of material. Impervious cover includes but is not limited to rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

LAND DEVELOPMENT: Any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

LAND DEVELOPMENT ACTIVITY: Those actions or activities which comprise, facilitate or result in land development.

LAND DISTURBANCE: Any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

LAND DISTURBANCE ACTIVITY: Those actions or activities which comprise, facilitate or result in land disturbance.

FLOODPLAIN: Any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

PARCEL: Any plot, lot or acreage shown as a unit on the latest county tax assessment records.

PERMIT: The permit issued by the Walton County Planning and Development

Department required for undertaking any land development activity.

PERSON: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

PROTECTION AREA OR STREAM PROTECTION AREA: With respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

RIPARIAN: Belonging or related to the bank of a river, stream, lake, pond, or impoundment.

SETBACK: With respect to a stream, the area established by Section 500. A (2) extending beyond any buffer applicable to the stream.

STREAM: Any stream, beginning at:

The location of a spring, seep, or groundwater outflow that sustains stream flow; or a point in the stream channel with a drainage area of 25 acres or more; or

Where evidence indicates the presence of a stream in a drainage area of other than 25 acres, the Walton County Planning and Development Department may require field studies to verify the existence of a stream.

STREAM BANK: The sloping land that contains the stream channel and the normal flows of the stream.

STREAM CHANNEL: The portion of a watercourse that contains the base flow of the stream.

WATERSHED: The land area that drains into a particular stream.

Section 140 Applicability

This ordinance shall apply to all land development activity on property containing a stream protection area as defined in Section 300 of this ordinance. These requirements are in addition to, and do not replace or supersede, any other applicable buffer requirements established under state law and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or from other applicable local, state or federal regulations.

A. Grandfather Provisions

This ordinance shall not apply to the following activities:

(1) Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this ordinance.

(2) Existing development and on-going land disturbance activities including but not limited to existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.

(3) Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this ordinance.

(4) Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two years of the effective date of this ordinance.

B. Exemptions

The following specific activities are exempt from this ordinance. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

(1) Activities for the purpose of building one of the following:

(a) a stream crossing by a driveway, transportation route or utility line;

(b) public water supply intake or public wastewater outfall structures;

(c) intrusions necessary to provide access to a property;

(d) public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;

(e) unpaved foot trails and paths;

(f) activities to restore and enhance stream bank stability,

vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used.

(2) Public sewer line easements paralleling the creek, except that all easements (permanent and construction) and land disturbance should be at least 25 feet from the top of the bank. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures. This exemption shall not be construed as allowing the construction of roads, bike paths or other transportation routes in such easements, regardless of paving material, except for access for the uses specifically cited in Item B (1), above.

(3) Land development activities within a right-of-way existing at the time this ordinance takes effect or approved under the terms of this ordinance.

(4) Within an easement of any utility existing at the time this ordinance takes effect or approved under the terms of this ordinance, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.

(5) Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the Walton County Planning and Development Department on the next business day after commencement of the work. Within 10 days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the Walton County Planning and Development Department to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.

(6) Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise by prohibited, then no other land disturbing activity other than normal forest management practices will be allowed on the entire property for three (3) years after the end of the activities that intruded on the buffer.

After the effective date of this ordinance, it shall apply to new subdividing and platting activities.

Any land development activity with a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to Section 500. B below.

Section 150 Land Development Requirements

A. Buffer and Setback Requirements

All land development activity subject to this ordinance shall meet the following requirements:

(1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.

(2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

(3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

B. Variance Procedures

Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

(1) Where a parcel was platted prior to the effective date of this ordinance, and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the Walton County Planning and Development Department finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the Board of Appeals of Walton County, Georgia may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

(2) Except as provided above, the Board of Appeals of Walton County, Georgia shall grant no variance from any provision of this ordinance without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Board of Appeals. Walton County shall give public notice of each such

public hearing in a newspaper of general circulation within Walton County. Walton County shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

Variances will be considered only in the following cases:

(a) When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.

(b) Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variances will not be considered when, following adoption of this ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

(3) At a minimum, a variance request shall include the following information:

(a) A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by a field survey;

(b) A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

(c) A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;

(d) Documentation of unusual hardship should the buffer be maintained;

(e) At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;

(f) A calculation of the total area and length of the proposed intrusion;

(g) A stormwater management site plan, if applicable; and,

(h) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

(4) The following factors will be considered in determining whether to issue a variance:

(a) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

(b) The locations of all streams on the property, including along property boundaries;

(c) The location and extent of the proposed buffer or setback intrusion; and,

(d) Whether alternative designs are possible which require less intrusion or no intrusion;

(e) The long-term and construction water-quality impacts of the proposed variance;

(f) Whether issuance of the variance is at least as protective of natural resources and the environment.

Section 160 Compatibility with Other Buffer Regulations and Requirements

This ordinance is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Section 170 Additional Information Requirements for Development on Buffer Zone Properties

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

1. A site plan showing:

    a. The location of all streams on the property;
    b. Limits of required stream buffers and setbacks on the property;
    c. Buffer zone topography with contour lines at no greater than five (5)-foot contour intervals;
    d. Delineation of forested and open areas in the buffer zone; and,
    e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;

2. A description of all proposed land development within the buffer and setback; and,

3. Any other documentation that the Walton County Planning and Development Department may reasonably deem necessary for review of the application and to insure that the buffer zone ordinance is addressed in the approval process.

All buffer and setback areas must be recorded on the final plat of the property following plan approval.

Section 180 Responsibility

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this ordinance shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon Walton County, its officers or employees, for injury or damage to persons or property.

Section 190 Inspection

The Walton County Planning and Development Department may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the Walton County Planning and Development Department in making such inspections. Walton County shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this ordinance, and for this purpose of investigating and inspecting the sites of any land development activities within the protection area.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor

shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

Section 200 Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

A. Notice of Violation

If the Walton County Planning and Development Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured the appropriate permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

(1) The name and address of the owner or applicant or the responsible person;

(2) The address or other description of the site upon which the violation is occurring;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this ordinance, and the date for the completion of such remedial action;

(5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,

(6) A statement that the determination of violation may be appealed to the Walton County Planning and Development Department by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

B. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Walton County Planning and Development Department shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Walton County Planning and Development Department may take any one or more of the following actions or impose any one or more of the following penalties:

(1) Stop Work Order – The Walton County Planning and Development Department may issue a stop work order which shall be served on the applicant or other responsible person. The Stop Work Order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the Stop Work Order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

(2) Withhold Certificate of Occupancy – The Walton County Planning and Development Department may refuse to issue a Certificate of Occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

(3) Suspension, Revocation or Modification of Permit – The Walton County Planning and Development Department may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Walton County Planning and Development Department may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(4) Civil Penalties – In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days (or such greater period as the Walton County Planning and Development Department shall deem appropriate)(except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the Walton County Planning and Development Department has taken one or more of the actions described above, the Walton County Planning and Development Department may impose a penalty not to exceed $1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

(5) Criminal Penalties – for intentional and flagrant violations of this ordinance, the Walton County Planning and Development Department may issue a citation to the applicant or other responsible person, requiring such person to appear in Magistrate Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Section 210 Administrative Appeal and Judicial Review

A. Administrative Appeal

Any person aggrieved by a decision or order of the Walton County Planning and Development Department may appeal in writing within 10 days after the issuance of such decision or order to the Board of Appeals of Walton County, Georgia and shall be entitled to a hearing before the Board of Appeals of Walton County within 45 days of receipt of the written appeal.

B. Judicial Review

Any person aggrieved by a decision or order of the Walton County Planning and Development Department after exhausting all administrative remedies, shall have the right to appeal de novo to the Superior Court of Walton County, Georgia.

Section 220 Severability

If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

Part 11 Post-Development Stormwater Management for New Development and Redevelopment

Introduction (11-4-08)

It is hereby determined that:

Land development projects and other land use conversions, and their associated changes to land cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition;

Land development projects and other land use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters;

The impacts of post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;

These adverse impacts can be controlled and minimized through the regulation of stormwater runoff quantity and quality from new development and redevelopment, by the use of both structural facilities as well as nonstructural measures, such as the conservation of open space and greenspace areas. The preservation and protection of natural area and greenspace for stormwater management benefits is encouraged through the use of incentives or “credits.” The Georgia Greenspace Program provides a mechanism for the preservation and coordination of those greenspace areas which provide stormwater management quality and quantity benefits;

Localities in the State of Georgia are required to comply with a number of both State and Federal laws, regulations and permits which require a locality to address the impacts of post-development stormwater runoff quality and nonpoint source pollution;

Therefore, Walton County has established this set of stormwater management policies to provide reasonable guidance for the regulation of post-development stormwater runoff for the purpose of protecting local water resources from degradation. It has determined that it is in the public interest to regulate post-development stormwater runoff discharges in order to control and minimize increases in stormwater runoff rates and volumes, post-construction soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with post-development stormwater runoff.

Section 100 General Provisions

A. Purpose and Intent

The purpose of this ordinance is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This ordinance seeks to meet that purpose through the following objectives:

(1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;

(2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;

(3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;

(4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;

(5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the county's greenspace protection plan;

(6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and,

(7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

B. Applicability

(1) This ordinance shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Subsection 2 below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

a. New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of 1 acre or more;

b. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one (1) acre or more;

c. Any new development or redevelopment, regardless of size, that is defined by the Director to be a hotspot land use; or,

d. Land development activities that are smaller than the minimum applicability criteria set forth in items A and B above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

(2)The following activities are exempt from this ordinance:

a. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;

b. Additions or modifications to existing single-family or duplex residential structures;

c. Agricultural or silvicultural land management activities within areas zoned for these activities; and,

d. Repairs to any stormwater management facility or practice deemed necessary by the Director.

C. Designation of Ordinance Administrator

The Director of the Planning and Development Dept. or designee is hereby appointed to administer and implement the provisions of this ordinance.

D. Compatibility with Other Regulations

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

E. Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

F. Stormwater Design Manual

Walton County will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual and any relevant local addenda, for the proper implementation of the requirements of this ordinance. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

Section 110 Definitions

"Applicant" means a person submitting a post-development stormwater management application and plan for approval.

"Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

"**Conservation Easement**" means an agreement between a land owner and the **Walton County** or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

"Detention" means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.
"Detention Facility" means a detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

"Developer" means a person who undertakes land development activities.

"Development" means a land development or land development project.

"Drainage Easement" means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

"Erosion and Sedimentation Control Plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

"Extended Detention" means the detention of stormwater runoff for an extended period, typically 24 hours or greater.

"Extreme Flood Protection" means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

"Flooding" means a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

"Greenspace" or "**Open Space**" means permanently protected areas of the site that are preserved in a natural state.

"Hotspot" means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

"Hydrologic Soil Group (HSG)" means a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

"Impervious Cover" means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.
"Industrial Stormwater Permit" means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the

pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

“Infiltration” means the process of percolating stormwater runoff into the subsoil.

“Jurisdictional Wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

“Land Development” means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

“Land Development Activities” means those actions or activities which comprise, facilitate or result in land development.

“Land Development Project” means a discrete land development undertaking.

“Inspection and Maintenance Agreement" means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

“New Development” means a land development activity on a previously undeveloped site.

“Nonpoint Source Pollution” means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

“Nonstructural Stormwater Management Practice” or **“Nonstructural Practice”** means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

“Off-Site Facility” means a stormwater management facility located outside the boundaries of the site.

"On-Site Facility" means a stormwater management facility located within the boundaries of the site.
"Overbank Flood Protection" means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the 2-year through 25-year frequency storm events.

"Owner" means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

"Permit" means the permit issued by the **Department of Planning and Development** to the applicant which is required for undertaking any land development activity.

"Person" means, except to the extent exempted from this ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

"Post-development" refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

"Pre-development" refers to the the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

"Project" means a land development project.

"Redevelopment" means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

"Regional Stormwater Management Facility" or **"Regional Facility"** means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

"Runoff" means stormwater runoff.

"Site" means the parcel of land being developed, or the portion thereof on which the land development project is located.

"**Stormwater Better Site Design"** means nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

"Stormwater Management" means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

"Stormwater Management Facility" means any infrastructure that controls or conveys stormwater runoff.

"Stormwater Management Measure" means any stormwater management facility or nonstructural stormwater practice.

"Stormwater Management Plan" means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this ordinance.

"Stormwater Management System" means the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

"Stormwater Retrofit" means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

"Stormwater Runoff" means the flow of surface water resulting from precipitation.

"Structural Stormwater Control" means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

"Subdivision" means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting

from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Section 120 Permit Procedures and Requirements

A. Permit Application Requirements

No owner or developer shall perform any land development activities without first meeting the requirements of this ordinance prior to commencing the proposed activity.

Unless specifically exempted by this ordinance, any owner or developer proposing a land development activity shall submit to the Planning & Development Dept. a permit application on a form provided by the Planning & Development Dept. for that purpose.

Unless otherwise exempted by this ordinance, a permit application shall be accompanied by the following items in order to be considered:

(1) Stormwater concept plan and consultation meeting certification in accordance with Subsection “B” below;

(2) Stormwater management plan in accordance with Subsection “C” below;

(3) Inspection and maintenance agreement in accordance with Subsection “D” below, if applicable;

(4) Performance surety in accordance with Subsection “E” below, if applicable; and,

(5) Permit application and plan review fees in accordance with Subsection “F” below.

B. Stormwater Concept Plan and Consultation Meeting

Before any stormwater management permit application is submitted, it is recommended that the land owner or developer meet with the Planning & Development Dept. for a consultation meeting on a concept plan for the post-development stormwater management system to be utilized in the proposed land development project. This consultation meeting should take place at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development stormwater management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and

potential ideas for stormwater management designs before the formal site design engineering is commenced.

To accomplish this goal the following information shall be included in the concept plan which shall be submitted in advance of the meeting:

(1) Existing Conditions / Proposed Site Plans
Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

(2) Natural Resources Inventory
A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

(3) Stormwater Management System Concept Plan
A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.

Local watershed plans, the Walton County greenspace projection plan (if applicable), and any relevant resource protection plans will be consulted in the discussion of the concept plan.

C. Stormwater Management Plan Requirements

The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this ordinance, including the performance criteria set forth in Section 130.

This plan shall be in accordance with the criteria established in this section and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia. Section C, D, E and F shall be prepared under the direct supervisory control of a registered Professional Engineer, who shall seal and sign the work. Portions of the overall plan may be prepared and stamped by a registered Land Surveyor licensed in the state of Georgia as appropriate, such as boundary surveys, contour maps, erosion and sedimentation control plans.

The stormwater management plan must ensure that the requirements and criteria in this ordinance are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required in the Stormwater Management Site Plan checklist found in the stormwater design manual. This includes:

(1) Common address and legal description of site

(2) Vicinity Map

(3) Existing Conditions Hydrologic Analysis
The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each subbasin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.

(4) Post-Development Hydrologic Analysis
The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each subbasin affected by the project; calculations for determining the runoff volumes that need to be addressed for each subbasin for the development project to meet the post-development stormwater management performance criteria in Section 4; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land

development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in Section 130 must be met for the stormwater runoff from the entire site.

(5) Stormwater Management System
The description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include: A map and/or drawing or sketch of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Section 4; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.

(6) Post-Development Downstream Analysis
A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10 percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the stormwater design manual.

(7) Construction-Phase Erosion and Sedimentation Control Plan
An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act, the Walton County Erosion & Sedimentation Ordinance, and the NPDES Permit for Construction Activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

(8) Landscaping and Open Space Plan
A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

(9) Operations and Maintenance Plan
Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

(10) Maintenance Access Easements
The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.

(11) Inspection and Maintenance Agreements
Unless an on-site stormwater management facility or practice is dedicated to and accepted by Walton County as provided in Subsection “D” below, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance with Subsection “D” below.

(12) Evidence of Acquisition of Applicable Local and Non-local Permits
The applicant shall certify and provide documentation to the Planning and Development Dept. that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

D. Stormwater Management Inspection and Maintenance Agreements

Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which Walton County requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by Walton County, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

The inspection and maintenance agreement, if applicable, must be approved by the Planning & Development Dept. prior to plan approval, and recorded in the deed records upon final plat approval.

The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also includeremedies for the default thereof.

In addition to enforcing the terms of the inspection and maintenance agreement, Planning & Development Dept. may also enforce all of the provisions for ongoing inspection and maintenance in Section 150 of this ordinance.

The Planning & Development Dept., in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

E. Performance Surety

(1)Stormwater management facilities shall be constructed before other

clearing and grading activities unless the Director approves otherwise. The Director may allow limited construction only after the applicant has provided suitable performance surety.

(2) When required stormwater management facilities have not yet been constructed, and a valid performance surety is in effect, the Director may issue a maximum of five (5) building permits for construction within a residential development, provided that adequate temporary measures are in place to satisfy the intent of this Section.

(3) The performance surety or other securities shall not be released until the following requirements have been met:

(a) The Director, or designee, shall perform a final inspection of the facilities and determine that they have been constructed in compliance with the Stormwater Management Plan, and this Part.

(b) It has been determined that all provisions of the Stormwater Management Plan have been faithfully executed.

(c) A provision may be made for partial release of the amount of the surety pro-rata upon completion and acceptance of various stages of development as specifically delineated, described and scheduled in the Stormwater Management Plan. The applicant shall notify the Department upon completion of each stage that is ready for inspection.

F. Application Procedure

(1) Applications for land development permits shall be filed with the Planning and Development Dept.

(2) Permit applications shall include the items set forth in Subsection “A” above (two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included).

(3) The Planning and Development Dept. shall inform the applicant whether the application, stormwater managment plan and inspection and maintenance agreement are approved or disapproved.

(4) If either the permit application, stormwater management plan or inspection and maintenance agreement are disapproved, the Planning and Development Dept. shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event subparagraph 3 above and this subparagraph shall apply to such resubmittal.

(5) Upon a finding by the Planning and Development Dept. that the permit application, stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this ordinance, the Planning and Development Dept. may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.

(6) Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:

a. The applicant shall comply with all applicable requirements of the approved plan and this ordinance and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;

b. The land development project shall be conducted only within the area specified in the approved plan;

c. The Planning and Development Dept. shall be allowed to conduct periodic inspections of the project;

d. No changes may be made to an approved plan without review and written approval by the Director, Planning and Development Dept.; and,

e. Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by Section 140, Subsection "B".

G. Application Review Fees

The fee for review of any stormwater management application shall be based on the fee structure established by the Planning and Development Dept. and shall be made prior to the issuance of any building permit for the development.

H. Modifications for Off-Site Facilities

The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

A stormwater management plan must be submitted to the Planning and Development Dept. which shows the adequacy of the off-site or regional facility.

To be eligible for a modification, the applicant must demonstrate to the satisfaction of the Planning and Development Dept. that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

(1) Increased threat of flood damage to public health, life, and property;

(2) Deterioration of existing culverts, bridges, dams, and other structures;

(3) Accelerated streambank or streambed erosion or siltation;

(4) Degradation of in-stream biological functions or habitat; or

(5) Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.

Section 130 Post-Development Stormwater Management Performance Criteria

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this ordinance:

A. Water Quality

All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

(1) It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;

(2) Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and,

(3) Runoff from hotspot land uses and activities identified by the Director or designee are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

B. Stream Channel Protection

Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

(1) Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;

(2) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;

(3) Erosion prevention measures such as energy dissipation and velocity control.

C. Overbank Flooding Protection

Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event. If control of the 1-year, 24-hour storm under Section 4.2 is exempted, then peak discharge rate attenuation of the 2-year through the 25-year return frequency storm event must be provided.

D. Extreme Flooding Protection

Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24 hour return frequency storm event such that flooding is not exacerbated.

E. Structural Stormwater Controls

All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the Director before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the Director of the Planning and Development Dept. may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

F. Stormwater Credits for Nonstructural Measures

The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Subsection “A” above. The applicant may, if approved by the Planning and Development Dept., take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

G. Drainage System Guidelines

Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more that one parcel, existing or proposed, shall meet the following requirements:

(1) Methods to calculate stormwater flows shall be in accordance with the Georgia Stormwater Management Manual;

(2) All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the Georgia Stormwater Management Manual; and,

(3) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the Georgia Stormwater Management Manual.

H. Dam Design Guidelines

Any land disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

Section 140 Construction Inspections of Post-Development Stormwater Management System

A. Inspections to Ensure Plan Compliance During Construction

Periodic inspections of the stormwater management system construction shall be conducted by the staff of the Planning and Development Dept. or conducted and certified by a professional engineer who has been approved by the Planning and Development Dept.. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.

All inspections shall be documented with written reports that contain the following information:

(1) The date and location of the inspection;

(2) Whether construction is in compliance with the approved stormwater management plan;

(3) Variations from the approved construction specifications; and,

(4) Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

B. Final Inspection and As-Built Plans

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual “as built” plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a Professional Engineer. A final inspection by the Planning and Development Department is required before the release of any performance securities can occur.

Section 150 Ongoing Inspection and Maintenance of Stormwater Facilities and Practices

A. Long-Term Maintenance Inspection of Stormwater Facilities and Practices

Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this ordinance.

A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the Planning and Development Dept. shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the time within which such measures shall be completed. If the responsible person failes or refuses to meet the requirements of the inspection and maintenance agreement, the Director of the Planning and Development Dept. may correct the violation provided in Subsection D hereof.

Inspection programs by the Planning and Development Dept. may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

B. Right-of-Entry for Inspection

The terms of the inspection and maintenance agreement shall provide for the Director or designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

C. Records of Maintenance Activities

Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the Planning and Development Dept.

D. Failure to Maintain

If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, Walton County, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. Walton County may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorum tax bill for such property and collected in the ordinary manner for such taxes.

Section 160 Violations, Enforcement and Penalties

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

A. Notice of Violation

If the Director determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this ordinance, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this ordinance without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

(1) The name and address of the owner or the applicant or the responsible person;

(2) The address or other description of the site upon which the violation is occurring;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and the date for the completion of such remedial action;

(5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,

(6) A statement that the determination of violation may be appealed to the Board of Appeals by filing a written notice of appeal within thirty (30) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient).

B. Penalties

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Director shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Director may take any one or more of the following actions or impose any one or more of the following penalties.

(1) **Stop Work Order** -The Director may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.

(2) **Withhold Certificate of Occupancy -** The Director may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

(3) **Suspension, Revocation or Modification of Permit -** The Director may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated [upon such conditions as the Director may deem necessary] to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(4) **Criminal Penalties -** For intentional and flagrant violations of this ordinance, the Director or designee may issue a citation to the applicant or other responsible person, requiring such person to appear in Magistrate court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Article 12 Buffers, Landscaping, and Tree Protection

Part 1 Buffers and Screening

Section 100 Screening Requirements and Transitional Buffers

A. Transitional buffers shall be of such nature and density so as to screen activities, structures, and uses on the property from view from the normal level of a first story window on a abutting lot and shall further provide a year-round effective visual screen.

B. Transitional buffers shall be natural, undisturbed, and free of encroachments, except as authorized by a condition of zoning, conditional use or variance approval, and shall contain the existing tree cover and vegetation, as well as any supplemental plantings or re-plantings as may be required.

C. Transitional buffers required along side property lines shall extend to a street right-of-way line unless otherwise required to observe the sight distance requirements contained in this Ordinance, or as authorized by a condition of zoning, conditional use or zoning approval.

Section 110 Supplemental Plantings in Transitional Buffers

A. Transitional buffers in which vegetation is non-existent or is inadequate to meet the screening requirements of this Section shall be planted with supplemental plantings so as to provide a year-round effective visual screen.

B. Supplemental plantings and re-plantings shall consist of evergreen trees, shrubs, or combination thereof, native or adaptable to the region. All trees planted shall be a minimum of six (6) feet in height at the time of planting and shall be a species which will achieve a height of at least twenty (20) feet at maturity. All shrubs planted shall be a large growing species, shall be a minimum of three (3) feet in height at time of planting and shall be a species which will achieve a height of at least ten (10) feet at maturity.

C. All supplemental plantings shall be installed to allow for proper plant growth and maintenance.

Section 120 Non-Vegetative Screening

A. Non-vegetative materials utilized to satisfy the screening requirements of this Section, in addition to the use of existing vegetation and/or supplemental plantings may consist of walls, fences, earthen berms, or a combination thereof.

B. If walls or fences are to be utilized, their placement and installation shall be such so as to cause minimal disturbance of existing vegetation and located so as to provide an effective visual screen.

Section 130 Disturbance or Encroachments

A. Ditches, swales, stormwater conveyance facilities, stormwater detention ponds, sanitary sewer conveyance facilities, and any associated easements, shall not encroach into a transitional buffer unless approved by the Director. Access and utility crossings (e.g. stormwater or sanitary sewer pipes) may encroach into the transitional buffer as near to perpendicular as practical.

B. Supplemental plantings or re-plantings of vegetation or authorized non-vegetative screening devices shall be authorized to encroach into a transitional buffer provided there is minimal disturbance of any existing vegetation.

C. Land disturbance is authorized in areas of a transitional buffer that are devoid of significant vegetation provided that the final grade and re-plantings of vegetation meet the screening requirements contained herein.

D. Diseased, hazardous, dying or dead trees may be removed from a buffer provided minimal disturbance occurs. Vegetation thus removed from a transitional buffer shall be replaced where necessary to meet the screening requirements contained herein.

Section 140 Protection During Land Disturbing Activities

A. During authorized land disturbing activities, buffers shall be clearly demarcated and protected prior to commencement of, and during, construction.

B. The method of demarcation and protection utilized shall be in accordance with best management practices or as required by the Department.

Section 150 Location and Width of Transitional Buffers

Transitional buffers shall be required between dissimilar districts or uses in accordance with the provisions of this Ordinance or as a condition of zoning, conditional use permit or variance approval.

A. A transitional buffer shall be required along any side and rear property line.

B. All transitional buffer areas and screening shall be established in accordance with the following requirements:

1. Transitional buffers shall meet the minimum width requirements for dissimilar districts as shown in the "Minimum Transitional Buffer Requirements Table" unless otherwise authorized.

2. In situations where the required transitional buffer width is partially or completely contained within an existing easement (i.e. power or natural gas transmission,

etc.) the screening requirements of this Ordinance shall be met outside of the easement area.

C. The width of required transitional buffers may be reduced by no more than 50 percent, as appropriate, if and only if:

1. It is clearly demonstrated that existing topography and/or vegetation within the reduced area achieve the purpose and intent of this Section; or

2. It is clearly demonstrated that, for topographic reasons, a fence, wall and/or other screening device required herein could not possibly screen activities conducted on ground level from view from the normal level of a first-story window on any lot in a residential district abutting the use.

D. Structures including driveways, parking facilities or retaining walls shall be located a minimum of five feet from any buffer.

E. When a transitional buffer is required on a non-residential tract that is of greater depth than the minimum yard requirement, the minimum yard shall be increased to include five (5) feet in addition to the width of the required transitional buffer.

F. All transitional buffers shall be so designated on the site construction plan and final subdivision plat.

Section 160 Outdoor Screening

A. In B-2, B-3, M-1, M-2 and MUBP districts, outdoor storage of materials, and outdoor servicing activities shall be enclosed by a wall or fence of solid appearance or visually continuous evergreen hedge not less than six (6) feet high when adjacent to A, A-1, A-2, R-1, R-2, R-3, or MHP.

B. In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall or fence of solid appearance or visually continuous evergreen hedge not less than six (6) feet in height.

Section 170 Minimum Transitional Buffer Requirements Table

Adjacent Districts

Buffering District	A	A-1	A-2	R-1	R-2	R-3	O-I	B-1	B-2	B-3	TC	MUBP	M-1	M-2
A	-	-	-	-	-	-	-	-				-		-
A-1	-	-	-	-	-	-	-					-		-
A-2	-	-	-	-	-	-	-					-		-
R-1	-	-	-	-	-	-	-					-		-
R-2	20 ft.	20 ft.	20 ft.	20 ft.	-	-	-					-		-
R-3	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.		-					-		-
O-I	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	-					-		-
B-1	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	-					-		-
B-2	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	20 ft.					-		-
B-3	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.							
TC	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.							
MUBP	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	50 ft.				.			
M-1*	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.	75 ft.							
M-2*	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft				100 ft	100 ft.		

Notes:

* Transitional buffer widths may be reduced to 25 feet by the addition of a solid, opaque fence or wall at least six feet in height.

(12-3-13)

Part 2 Trees and Landscaping

Section 100 Tree Preservation and Replacement

A. Statement of Purpose:

1. The purpose of these standards is to facilitate the preservation and/or replacement of trees as a part of the land development in the county.

2. The citizens of the county and their many communities enjoy many benefits that can be directly attributed to our trees.

   a. Trees produce oxygen, help to reduce the amounts of airborne pollutants and reduce soil erosion and storm water runoff. This decreases sedimentation problems and improves water quality.

   b. Trees provide food and shelter for desirable urban wildlife, they provide scenic amenities to soften the harshness of city buildings and streets and can increase property values.

3. Protect vegetation within the intermediate regional floodplain and within fifty (50) feet of the banks of state waters, so as to assist in the region of storm water runoff and the control of erosion, improvement of water quality, and the protection of stream bank stability by vegetation protection and/or restoration.

4. Protect specimen and historical trees as defined by the Vegetation Protection and Replacement Administrative Standards.

B. Applicability

1. The terms and provisions of this section shall apply to any activity on real property which requires the issuance of a development permit, excluding the development of single family detached and duplex single-family residential lots (except as required in the development guidelines for the Open Space Conservation District, and excluding the construction of public roads and utilities.

2. Agricultural and forestry operations, land clearing for clearly legitimate agricultural purposes and legitimate timber harvesting are exempt from the provisions of this article.

3. Trees found to be diseased, hazardous, dying, dead, or insect infested by the county extension service, the state forestry commission, an arborist, or urban forester may be removed.

4. The removal, replacement, planting, or transplanting of trees on an existing single-family or duplex residential property that remains in residential use or is

subject to a development permit or building permit authorizing a subdivision of land is exempt from this part.

5. The removal, replacement, planting, or transplanting of trees on an existing or planned non-residential property that is subject to a development permit or building permit authorizing non-residential construction with no more than 5,000 square feet of land disturbance, is exempt from this part.

6. The removal or transplanting of trees from horticultural properties, such as farms, nurseries or orchards is exempt.

7. The removal of any tree that has become, or threatens to become, a public nuisance or danger to human life or property is exempt.

8. Agricultural activities on land zoned A, A-1, or A-2, including crop cultivation and clearing pastures for raising livestock is exempt from this part.

9. Projects that contain more than one (1) building site, compliance with the requirements of this section shall be required at the time an individual site is developed.

10. Grandfathered projects

    This section shall not apply to any portion of a property included within the limits of a valid land disturbance permit issued prior to the effective date of this section, provided that all time constraints relating to the permit issued shall be observed.

    a. The requirements of this section may be waived by the Director for a land disturbance permit which is to proceed with development of a larger project, at least seventy-five (75) percent of the land area of which has already received a permit or permits initiating clearing or grading activities prior to the effective date of this section.
    b. In no event shall any grandfathered project be extended for a greater time period than twenty-four (24) months from the date of enactment of this section.

C. Procedures

1. All applications for land development permits shall provide a tree protection plan for the protection and replacement of trees within the buffer zone of the parcel, specimen trees, and trees throughout the property as otherwise indicated. Methods and standards for tree protection shall be established in Appendix C.

2. All tree protection plans shall be reviewed by the Director for conformance with the intent of the provisions of these regulations, and either approved or returned

for revision. Issuance of a land development permit shall constitute approval of the required tree protection plan.

3. Removal of trees and replacement landscaping.

   a. Trees are not to be removed in any buffer zone unless the owner/developer would suffer an economic hardship if the trees in the buffer zone were to be preserved.
   b. When no trees are present on a lot subject to this Part or when it is proposed that more than 5,000 square feet of the lot be disturbed, it shall be the responsibility of the owner/developer to landscape the areas with trees and other plant materials.
   c. Density requirements. The quantity of total existing/replacement trees on site must be sufficient so as to produce a total site density factor of no less than fifteen (15) units per acre. Procedures for calculating the required tree density as provided in Chart 1 of this Section. Tree unit values are assigned as follows:

Chart 1

(1) Existing deciduous trees to remain. Conversion from diameter to density factor units for deciduous trees.

DBH	UNITS		DBH	UNITS		DBH	UNITS
2-3	.4		30	4.9		43	10.1
4-6	.8		31	5.2		44	10.6
7-9	1.2		32	5.6		45	11.0
10-12	1.6		33	5.9		46	11.5
13-15	2.0		34	6.3		47	12.0
16-18	2.4		35	6.7		48	12.6
19-21	2.7		36	7.1		49	13.1
22-24	3.0		37	7.5		50	13.6
25	3.4		38	7.9			
26	3.7		39	8.3			
27	4.0		40	8.7			
28	4.3		41	9.2			
29	4.6		42	9.6			

(2) Existing coniferous trees to remain. Conversion from diameter to density factor units for evergreen trees:

DBH	Units
2 – 9”	.2 less unit than deciduous trees
10 – 15”	.1 less unit than deciduous trees
All others	Same as deciduous trees

(3) Replacement Trees

Conversion from caliper to density factor units

Caliper	Units
2—3	.4
4—6	.8
7—9	1.2
10—12	1.6
13—15	2.0
16—18	2.4

(4) Container-grown pine trees

Container-grown pine trees are given replacement as follows:

Size	Units
7 Gallon	0.4
*3 Gallon	0.2
*1 Gallon	0.1

*The use of one-and three-gallon pines permitted only with prior approval.

(5) Tree relocation

Replacement units will be granted to trees relocated on site. Tree relocation is subject to approval of the Director.

(a) Where the Director has determined that special constraints of a site result in an absolute inability to provide the required tree density, number of trees to be planted on site will be determined based on site review. The remaining balance of trees may be provided for plantings on public grounds. Tree bank arrangements can be made through the Department.

(b) Trees which are used to meet the density requirements for this chapter shall be maintained for one (1) year after the date of final inspection. Required tree density shall be maintained by the property owner.

(c) Specimen trees shall be located on the tree protection plan. Standards for identification, preservation and protection of specimen trees shall be established in Appendix C. Removed specimen trees shall be

replaced by 2 trees minimum 2" caliper species with potentials for comparable size and quality. Tree replacement in addition to the minimum required tree density shall be required in recompense for the removal of specimen trees.

Section 110 Parking Lot Landscaping (12-6-11)

1. Trees planted in parking lots shall be credited toward fulfillment of Section 100 of this Ordinance.

2. Parcels requiring more than twenty (20) off-street parking spaces shall contain landscaping and plantings as follows:

   a. One (1) shade tree for each ten (10) spaces around the perimeter of the parking lot.

   b. One (1) shade tree for each ten (10) spaces in landscaped islands on the interior of the parking lot. Each such island shall be at least eight feet in width and contain at least two trees.

   c. Each tree shall be at least 1½ " caliper and six (6) feet in height at time of planting and shall be a species native or suitable to this region.

   d. The minimum planting area or pervious area around each tree shall be 64 square feet.

   e. Trees shall be planted in landscaped strips a minimum of ten (10) feet wide surrounding the perimeter of the parking lot and shall be planted in planting areas or islands internal to the parking lot. (12-6-11)

   f. Ground areas shall be sodded, seeded or hydroseeded with grass and/or planted with groundcover species, and/or provided with other landscaping material or any combination thereof.

   g. Planting areas may be recessed below the grade of parking surfaces with curb breaks on upgrade side of planting areas in order to allow natural irrigation of landscape material and percolation of runoff.

   h. For parking lots with more than three parallel aisles, there shall be a continuous planting area at least eight (8) feet wide between alternate rows of opposing spaces.

Section 120 Administrative Variances

A. Front, side, and rear yard setbacks may be reduced by an amount not to exceed 10 percent where it is determined by the Director to be necessary in order to preserve existing specimen or significant trees. Such an administrative variance shall be

considered and decided consistent with the procedures and criteria contained in Article 14, Section 180 of this Ordinance.

B. Variances to reduce required parking spaces may be granted by the Board of Appeals when necessary to preserve a significant tree(s) that otherwise would be lost if the parking requirements were strictly applied. Such variance may only be granted if such tree(s) will be lost either by necessary removal for construction of the parking lot or as a consequence of construction having an adverse impact on the survivability of the tree by virtue of damage to the root system of the tree(s).

C. Any variance granted under the provisions of this section shall include a condition that should the subject tree(s) die as a consequence, direct or indirect, of construction, despite granting of the variance, the tree or trees shall be replaced at the property owner's or applicant's expense, in accordance with a tree replacement plan approved by the Director.

D. The maximum variance allowed under this provision shall be no more than ten percent of the total number of parking spaces required by Article 7 of this Ordinance, whichever is greater.

Section 130 Notice of Tree Harvesting Required

A. All persons or firms harvesting standing timber in any unincorporated area of Walton County for delivery as pulpwood, logs, poles, posts, or wood ships to any wood yard or processing plant located inside or outside this state shall provide notice of such harvesting operations to the Department prior to cutting any such timber.

B. Prior written notice shall be required of any person or firm harvesting such timber for each separate tract to be harvested thereby, shall be on forms provided by the Director and shall consist of:

1. A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road.

2. A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under Code Section 48-5-7.5, O.C.G.A.

3. The name, address and daytime telephone number of the timber seller is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest and

4. The name, business address, business telephone number and nighttime or emergency telephone number of the person or firm harvesting such timber.

5. Notice may be submitted in person, by transmission of an electronic record via telefacsimile or by mail.

C. Prior to the issuance of said notice, the Department shall require surety in the amount of $1,000.00. Said surety shall remain on deposit with the Department until the individual or business harvesting the timber shall indicate that all operations are complete in Walton County and request a refund of said surety. However, if upon inspection by Walton County, it is determined that repair work must be done, the harvester shall be given ten (10) working days to complete said work. If the harvesting entity has not made the necessary repairs, then repairs shall be made by the Department and the cost of such repairs deducted from the surety prior to refund.

D. Any subsequent change in the facts required to be provided for purposes of such notice shall be reported to the Department within three business days after such change.

E. Timber harvest on properties outside the A, A-1 and A-2 Zoning District shall be Select Harvest ONLY. Clear cuts are not to be allowed.

F. Violation of the notice requirements of any ordinance or resolution adopted pursuant to this Code section shall be punishable by a fine of $500.00.

Article 13 Nonconforming Situations

Section 100 Effect of Amendments on Prior Approvals or Existing Development

A. For any lot that has been recorded prior to the effective date of an amendment to the text or Official Land Development Maps affecting the lot, a building permit may be issued for any use of the property otherwise allowed under this Ordinance, provided that all minimum building setbacks are met.

   EXCEPTION: Within the W-P Watershed Protection Overlay District, use of lots of record and lots shown on approved Preliminary Subdivision Plats are governed by additional restrictions; see Article 4, Part 2, Sections 160 and 170.

B. For a property on which a use, building structure or other improvements existed in conformity with this Ordinance prior to the effective date of an amendment to the text or Official Land Development Maps affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the provisions for Continuance of Nonconforming Uses and Buildings, below.

C. Construction of any use, building, structure, or other improvements for which a building permit had been issued in conformity with this Ordinance prior to the effective date of any amendment to the text or Official Land Development Maps affecting the property may continue to completion as though no charge had occurred and, upon completion, shall be governed by Section 120 of this Article, Continuance of Nonconforming Uses and Buildings.

D. Construction of any portion of a subdivision or other land development project for which Preliminary Plat Approval and a land disturbing permit has been granted prior to the effective date of an amendment to the text or Official Land Development Maps affecting the property may continue to completion as though no change had occurred and, upon completion, may be recorded showing lot sizes, frontages and setback lines conforming to the requirements of this Ordinance prior to said amendment. Building permits may be issued on the lots pursuant to paragraph A in this Section.

Section 110 Continuance of Nonconforming Uses

A lawful use of or vested right to use any building, structure, or land existing at the time of the adoption of this ordinance or the adoption of any amendment thereto may be continued subject to the restrictions contained in this ordinance, except as follows:

A. A nonconforming use or structure shall not be changed to another nonconforming use.

B. A nonconforming use or structure shall not be extended or enlarged beyond the area of use or the size of the structure as it existed on the date of the adoption of this ordinance or the adoption of any amendments thereto. However, such use or structure may be repaired to the extent necessary to maintain it in a safe and sanitary condition.

C. Notwithstanding Paragraph B of this section, any structure used for single-family residential purposes and maintained as a nonconforming use may be enlarged or replaced with a similar structure of a larger size, so long as the enlargement or replacement does not create new non-conformities or increase the extent of existing non-conformities with respect to such matters as setback and parking requirements.

D. Any intended nonconforming use not yet commenced, for which a vested right was acquired prior to the adoption of this ordinance or the adoption of an amendment thereto, shall be prohibited unless such intended nonconforming use for which a vested right was acquired is actually commenced within one year of the adoption of this ordinance or the adoption of an amendment thereto, regardless of the intent or expectation to commence or abandon such nonconforming use.

E. No building or use shall be rebuilt, altered or repaired after damage exceeding 50 percent of its replacement cost at the time of destruction, except in conformity with this ordinance.

Section 120 Discontinuance of a Nonconforming Building or Use

A pre-existing use that was legally established, but became a nonconforming use after the adoption of this Ordinance and that has been discontinued for a continuous period of twelve (12) months, shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance.

Section 130 Effect of Government Action

A. Any use or lot of record that was legally established, but became nonconforming as a direct result of Government action, such as, but not limited to, the purchase, condemnation, or dedication of property accepted for public right of way or use, shall not be treated as nonconforming.

B. Where government action impedes access to land, the time of any resulting discontinuance of a nonconforming use shall not be counted towards the time periods of Section 120 of this Article.

Article 14 Appeals, Variances, Special Exceptions and Administrative Approvals

Section 100 Appeals to Board of Appeals

A. The Board of Appeals shall hear and decide applications of appeals as listed under Powers and Duties in Article 3, Part 2, Section 100 A.

B. Standing for Appeals

Appeals to the Board of Appeals may be taken in writing by any person aggrieved by any decision made under and pursuant to the provisions of this ordinance by any official of Walton County. For purposes of this Article, a person shall be considered to be aggrieved only if said person or said person's property was the subject of the action appealed from or said person has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

C. Three copies of the Appeal must be filed with the Department within fifteen (15) days after the decision at issue. The appeal shall be filed on a form provided by that office, and all pertinent information required thereon shall be furnished before the appeal will be accepted.

D. Upon receipt of the completed form, the Department shall transmit to the Board of Appeals, all papers constituting the record upon which the appeal is based along with any comments the Director may deem necessary.

E. The Board of Appeals shall conduct a public hearing on the appeal.

F. Decision of the Board

Following the consideration of all testimony, documentary evidence, and matters or record, the board shall make a determination on each appeal. An appeal shall be sustained only upon an expressed finding by the board that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official acted in an arbitrary manner. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by all other applicable laws are met.

Section 110 Variances to Board of Appeals

A. The Board of Appeals shall hear and decide applications for variances as listed under Power and Duties in Article 3, Part 2, Section 100 B.

B. Standards of Review

In ruling on any application for a variance, the Board of Appeals shall act in the best interest of the health, safety, morals, and general welfare of the county. In doing so, the Board of Appeals may grant variances in individual cases of practical difficulty or unnecessary hardship upon a finding that all the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;

2. The strict application of the Ordinance to this particular piece of property would create practical difficulty or unnecessary hardship; and

3. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.

4. No variance may be granted for a use of land or buildings or structure that is prohibited by this Ordinance or to change the density of a use allowed by this ordinance or to grant a development right or standard in conflict with a condition of zoning imposed by the Board of Commissioners.

C. Staff Analysis, Finding of Fact and Recommendations

The Department shall conduct a site inspection on all applications for variances and shall investigate and prepare an analysis of each proposed variance application. The Department shall provide the members of the Board of Appeals, a staff report containing complete information on each variance application including: a copy of the application and all supporting materials; all other written communications given to the staff either in support of or in opposition to the variance application; and the report and recommendation of the Department. The findings and recommendations of the staff shall be made based on the appropriate standards and factors contained in Section 110 B. In any recommendation of approval or any application, the Department may recommend the imposition of conditions. The staff shall present its findings and recommendations in written form to the Board of Appeals. Copies of the written findings and recommendations of the staff shall be reasonably made available to the applicant and the public.

Section 120 Special Exceptions to Board of Appeals

The Board of Appeals shall hear and decide applications for special exceptions under Powers and Duties in Article 3, Part 2, Section 100 C.

B. Standards for Review

In ruling on any application for a special exception, the Board of Appeals shall act in the best interest of the health, safety, morals and general welfare of the county. In doing so the Board of Appeals may grant special exceptions in individual cases upon a finding that all of the following conditions exist:

Request if granted, would not cause substantial detriment to the public good, safety, or impair the purposes and intent of this ordinance.

Request if granted, will not create adverse impact upon adjoining properties by reason of noise, smoke, odor, dust, vibration, hours of operation, activity, parking, visibility or nature of operation of use.

Request if granted, will allow use that is compatible with adjacent properties uses and other property uses in immediate area.

Request if granted, insures that adequate public services, public facilities and utilities are available to serve the special exception use.

Request if granted, insures that the public street on which the special exception use will be located has sufficient traffic carrying capacity and road design so as not to unduly increase traffic and/or create congestion, and/or create traffic hazards in the area.

C. Staff Analysis, Finding of Fact and Recommendations

The Department shall conduct a site inspection on all applications for special exceptions and shall investigate and prepare an analysis of each proposed application. The Department shall provide the members of the Board of Appeals, a staff report containing complete information on each special exception application including: a copy of the application and all supporting materials; all other written communications given to the staff either in support of or in opposition to the special exception application; and the report and recommendation of the Department. The findings and recommendations of the staff shall be made based on the appropriate standards and factors contained in Section 120B. In any recommendation of approval or any application, the Department may recommend the imposition of conditions. The staff shall present its findings and recommendations in written form to the Board of Appeals. Copies of the written findings and recommendations of the staff shall be reasonably made available to the applicant and the public.

Section 130 Burdens of Proof in Appeals, Variances and Special Exceptions

The applicant has the burden of presenting evidence sufficient to allow the Board of Appeals to take actions authorized in Article 3, Part 2, Section 100.

Section 140 Applications

Applications for appeals, variances, and special exceptions shall be filed on forms provided by the Department and shall not be considered authorized or accepted unless complete in all respects. Application fees shall be established by the Board of Commissioners.

Stays to Legal Proceedings

An appeal, application for a variance or special exception stays all legal proceedings in furtherance of the action filed unless the official from whom the action is taken certifies to the Board, after request has been filed, that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property. In such a case, proceedings shall be stayed only by a restraining order granted by the Superior Court of Walton County on notice to the officer from whom the action is taken and on due cause shown.

Section 150 Public Hearings

A. Any action by the Board of Appeals pursuant to their powers listed in Article 3, Part 2, Section 100 shall be decided in a public hearing. The public hearing shall be scheduled within sixty (60) days of the date when the applicant filed the appeal or request for variance or special exception.

B. Hearing Procedures

1. At the public hearing, the applicant or any other party may appear on his own behalf or be represented by agent or by attorney.

2. Order of the hearing shall be:

   a. Statement of case by Chairman
   b. Supporting argument by applicant or his agent or attorney
   c. Supporting arguments by others at the hearing
   d. Opposing arguments by persons at the hearing
   e. Rebuttal by those supporting appeal (other than applicant)
   f. Rebuttal by those opposed to appeal
   g. Final rebuttal by applicant
   h. Witnesses may be called and factual evidence and exhibits submitted. The Chairman may establish appropriate time limits for arguments, but such time limits shall be equal for both sides. The Chairman may require representatives of each side to speak for the entire group or portions of the group.

C. Decisions

A final decision on an appeal, an application for a variance or special exception shall be made within sixty- five (65) calendar days of the last public hearing at which the appeal or application is considered, and shall be in the form of a resolution.

The resolution shall show the reasons for the determination made, and if in favor of the applicant shall set forth any conditions or safeguards required, or any time limitations prescribed.

D. Any person or persons aggrieved by any decision of the Board of Appeals may petition the Walton County Superior Court for a writ of certiorari as provided by O.C.G.A. ch. 5-4 within 30 days of the date of the board's decision.

Section 160 Notices of Public Hearings

Notice of public hearing applications on appeals, variances and special exceptions shall be provided as follows:

Written Notice

Written notice of each application shall state the nature of the action requested, and the date, time, and place of the public hearing before the Board of Appeals and shall be mailed by first class mail to the owners of all property abutting and across the street from property, as such property owners are listed on the tax records of Walton County, at least 15 days before the public hearing before the Board of Appeals and not more than 60 days prior to the date of the public hearing before the Board of Appeals.

Posted Notice

For each application, the Department shall post signs on the subject property at least 15 days before and not more than 60 days prior to the date of public hearing before the Board of Appeals. The sign shall state the case number, the nature of the action request, and the date, time and place of the public hearing before the Board of Appeals.

At least one sign shall be posted on each street on which the subject property has frontage in a conspicuous location within the right of way in front of property or on the property in front. Signs shall be double-faced and posted so that the face of the sign is at a right angle to the street to allow the signs to be read by the traveling public in both directions. The lettering on the signs shall be at least one-inch height.

The public notice sign will be removed by the Department. Removal of the sign by any other individual is subject to fine or penalty.

Published Notice

For each application, notice of the nature of the action request and the date, time and place of the public hearing before the Board of Appeals shall be published in a newspaper of general circulation within the County in which are carried the legal advertisements of the County at least fifteen (15) days prior to and not more than sixty (60) days prior to the public hearing before the Board of Appeals.

Section 170 Compliance with Standards Upon Denial

In such case that an application to the board is initiated due to and existing violation of this ordinance and such application is denied, the violation shall be required to be corrected within thirty (30) days of such denial or as specified by the board if a greater time period is required. The maximum extension of time the board may grant for correction shall not exceed ninety (90) days.

Refilling an application for a variance or special exception affecting all or a portion of the same property which was denied by the Board of Appeals shall not be submitted for at least 90 days from the date of final decision by the Board of Appeals. The Board of Appeals may waive or reduce this time interval by resolution.

Section 180 Administrative Variances

The Director is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this Section and Section 110 B, a variance from the following regulations:

a. Reduce by variance any front, side or rear yard setback by an amount not to exceed 50 percent (50%) of the district requirements.

b. Reduce by variance any transitional buffer by an amount not to exceed 50 percent (50%) of the district requirements.

c. Reduce by variance the access management off-street parking or loading requirements by an amount not to exceed fifty percent (50%) of the district requirement.

d. Permit by variance the number of individuals permitted to occupy a dwelling unit under the Residential Occupancy Limitations described in Article 6 of this Code. To facilitate such an administrative variance, the Director shall be authorized to develop procedures or criteria for consideration of such an administrative variance, including, without limitation, evidence or documentation of such occupants being a family (as “family” is defined in Article 2 of this Code). (6-6-06)

No administrative variance shall be granted by the Director which conflicts with a conditional zoning or conditional use permit approval.

Any request for administrative variance permitted by this Section shall be filed in writing with the Director. The Director shall review and decide upon each such application pursuant to the applicable standards referred to in each subsection above, and shall make a written decision on each such application no later than 30 days from the date such application was filed. No administrative variance shall be authorized to delete, modify, or change in any manner any condition imposed by the Board of Commissioners or the Board of Appeals.

Section 190 Administrative Permits, Special

A. The Director is hereby authorized to consider and decide requests for special administrative permits. All such requests for special administrative permits shall be filed in writing on forms promulgated by the Director.

B. Each application for special administrative permit specifically authorized in this ordinance shall be considered and decided by the Director. All special administrative permits approved by the Director shall specify the length of time or duration of each such special administrative permit.

C. All applications received by the Director for special administrative permit shall be considered and decided pursuant to all of the standards below:

1. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed conditional use;

2. Compatibility with adjacent properties and with other properties in the same zoning district;

3. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;

4. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;

5. Whether or not the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, vibration, hours of operation or the manner of operation generated by the proposed use;

6. Whether the length of time for which the conditional use permit is granted should be limited in duration.

7. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

8. Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources; and

9. Whether or not the proposed plan will have an unreasonable adverse impact on natural resources or environmentally sensitive areas, including floodplains, wetlands, prime plant or animal habitat, or other similar features of unique value to the character of Walton County.

Article 15 Enforcement & Penalties

Section 100 Enforcement

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, concert or demolish, use, occupy or maintain any building or structure or use any land in the county, or cause the same to be done, contrary to or in violation of any of the provisions of this ordinance.

B. It shall be the duty of the Director to enforce this Ordinance. The Director shall have the authority to revoke, suspend or void any development permit or building permit and shall have the authority to suspend all work on a site or portion thereof.

C. Any permit issued in conformance with this Ordinance shall be voided if its terms are violated.

D. Work which is not authorized by an approved permit, which is not in conformance with the approved plans for the project or which is not in compliance with the provisions of this Ordinance or any other adopted code, regulation or ordinance of Walton County, shall be subject to an immediate stop work order issued by the Department. Work which proceeds without having received the necessary inspections of the Department shall be halted until all inspections of intervening work are complete.

E. The filing or recording of a plat of a subdivision or development without the required approvals as established by this Ordinance is declared to be a misdemeanor. The transfer of, sale, agreement to sell, or negotiation to sell land or other use of a plat of a subdivision or development, as herein defined, that has not been approved by the Department and recorded in the Office of the Clerk of the Superior Court of Walton County is prohibited, and the description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from penalties.

Section 110 Violations

A. Whenever the Department determines that activity on a property does not comply with the approved development and construction plans, with the provision of this Ordinance, or development or building permit, a notice of violation may be issued. Whenever the drainage system has been unlawfully altered, causing inadequate drainage, a notice of violation may be issued.

B. Whenever the conditions of rezoning, conditional use permit, Board of Appeals, or administrative approvals are not complied with, a notice of violation shall be issued.

C. Whenever the Director determines that any of the activities listed in paragraph A or B of this Section are taking place, the Director may order the work stopped by the

posting, in a conspicuous place on the site or on the building, a stop work notice. This stop work notice shall constitute the notice of violation.

D. The notice of violation of the provisions of this chapter or of any rule or regulation adopted pursuant thereto, shall be to the owner of the property or his agent shall:

1. Be in writing.
2. Include a description of the property sufficient to identify where the violation has occurred.
3. List the specific provisions of this Ordinance that have been violated.

E. If the violations have not been corrected within a reasonable time, not less than five (5) days, the owner of the property on which such violations occurs the owners agent or the party responsible for the violation shall be subject to the penalties set forth in Section 140, provided, however, that the Director may, at his discretion, extend the time for compliance with any such notice.

Section 120 Inspections and Right of Entry

A. Upon presentation of identification to the developer, contractor, owner, owner's agent, operator or occupants, employees of the County are authorized to make inspections of buildings or structures (their construction and use) and land (its use, development and subdivision) to determine if they conform to the requirements of this Ordinance. Inspections shall be carried out during reasonable business hours, unless an emergency exists.

B. The County may inspect any drainage system within or outside of an existing drainage easement. All drainage facilities located on private property, whether dedicated to the county or not, shall be accessible at all times for County inspection. Reasonable access shall be provided to all drainage easements for inspection and maintenance functions. Where an easement does not exist for the drainage system, the permission of the owner shall be obtained before entrance; however, in the event of emergency maintenance requirements, permission of the owner shall not be mandatory.

Section 130 Emergency Maintenance

The county may conduct emergency maintenance operations on private land and on drainage systems where emergency conditions exist and where drainage easements have been recorded. Emergency maintenance shall constitute the removal of trees and other debris, which in the judgment of the Director create a condition potentially injury to life, property or the public road system.

Section 140 Penalties for Violation

A. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of this Ordinance shall be guilty of violating a duly adopted Ordinance of Walton County and shall be punished by imposition of a minimum fine of $100.00, imprisonment or both, not to exceed the maximum penalties specified in

O.C.G.A. 36-1-20. Each offense shall constitute a separate offense for each day such violation shall continue.

B. The owner of any lands or parts thereof, where anything in violation of this Ordinance shall be placed or shall exist and each responsible party or other person assisting in the commission of any such violation, shall be guilty of a separate offense.

C. The court shall have the power and authority to place any person found guilty of violation of this Ordinance on probation and to suspend or modify any fine or sentence. As a condition of suspension, the court may require payment of restitution or impose other punishment as allowed by law.

D. Where a violation of this ordinance exists with respect to a structure, use or land and responsible party or other person that has been found guilty by a court of competent jurisdiction, the Director may, in addition to other remedies, require that public utility service be withheld therefrom until such time as the structure or premises is no longer in violation of this ordinance.

E. The Director or the Board of Commissioners may revoke the Walton County Occupational Tax Certificate of any entity found guilty by a court of competent jurisdiction of a violation of this ordinance with respect to a structure, use, or land.

Section 150 Remedies

In the event any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building, structure, or land is used in violation of this Ordinance, the Director, or any appropriate County authority or any person who would be damaged by such violation may institute injunction, mandamus or other appropriate action in proceeding to prevent the violation in the case of each building, structure, or land use pursuant to O.C.G.A. Section 15-10-63 and any successor statute.