



ORDINANCE O-01b-24

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 22 OF THE CODE OF WALKER COUNTY, GEORGIA REGARDING LAND DEVELOPMENT; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL ANY AND ALL CONFLICTING ORDINANCES AND PARTS OF ORDINANCES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR OTHER PURPOSES

WHEREAS, Walker County desires to amend its Land Development Code to provide clarity regarding certain zoning matters, poultry operations, solar energy systems, and mobile homes, among other topics; and

WHEREAS, on November 14, 2024, Walker County adopted Sections 1-11 and Sections 16-18 of O-01-24 to amend its Land Development Code; and

WHEREAS, Walker County tabled Sections 12-15 to be considered following a Planning Commission work session; and

WHEREAS, Planning Commission recommendations have been incorporated into this document;

THEREFORE, BE IT ORDAINED by the Board of Commissioners of Walker County that the Code of Walker County, Georgia is amended as follows:

12.

ARTICLE IV. ZONING, DIVISION 2: DISTRICTS AND DISTRICT REGULATIONS; Section 22-156 – 178 is amended as follows:

Sec. 22-156. Poultry Operations.

- (a) A waste storage facility/stack house is subject to the same buffer/setbacks as a poultry house: 200-feet from the property line. Reciprocal buffer/setbacks apply from new residences proposed adjacent to existing poultry operations utilizing a waste storage facility: 200-feet from the property line / 400-feet from an existing waste facility. The farm owner/operator or a residence provided to employees shall be exempt from setback requirements.

Secs. 22-156—22-178. Reserved.

Secs. 22-157—22-178. Reserved.

13.

ARTICLE IV. ZONING, DIVISION 3: SITE IMPROVEMENT STANDARDS; Section 22-181 table is amended as follows:

						Front Setback from State and Federal Highways (ft)	
						Front Setback from State and	



						<i>Federal Highway right of way (ft)</i>	
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14.

ARTICLE IV. ZONING, DIVISION 3: SITE IMPROVEMENT STANDARDS; Section 22-184(e)
– (h) is deleted in its entirety and replaced with the following:

~~(e) A 400-foot buffer is required between the A-1 Agriculture District and property zoned R-1, R-2, R-3, C-1 or CN. The buffer area shall be measured from the property line from which the buffer is required, and such buffer may be used for general or low intensity agricultural purposes, but may not be used for a feedlot, poultry, hog and dairy operations.~~

(e) A buffer or setback of at least 400-feet is required between the A-1 Agriculture District and property zones R-1, R-2, R-3, C-1 and C-N. The measurement shall be from the property line to the nearest point of the feedlot, poultry, hog or dairy operation. Such buffer/setback may be used for general or low intensity agricultural purposes. A buffer of at least 200-feet with adequate woody vegetative measures installed, if not existing, will be required in A-1 zones. The measurement shall be from the property line to the nearest point of the feedlot, poultry, hog or dairy operation. Such buffer/setback may be used for general or low intensity agricultural processes.

~~(f) A buffer of at least 400 feet shall be required and maintained from any residential or commercial structure to the nearest point at which a feedlot, poultry, hog or dairy operation is taking place within an A-1 district. The buffer will be maintained by the owner of the land used for a feedlot, poultry, hog or dairy operations; however, said buffer can be used for other general and low intensity agricultural uses. Buffer requirements under this subsection are applicable where the residential or commercial structure is in existence prior to the construction of the feedlot, poultry, hog or dairy operation.~~

(f) A buffer or setback of at least 400-feet shall be required and maintained from any residential or commercial structure to the nearest point at which a feedlot, poultry, hog or dairy operation is taking place, within an A-1 district. The buffer/setback can be used for other general and low intensity agricultural uses. The farm operator/owner's or a residence provided to employees shall be exempt from setback requirements.

~~(g) In the event a screen, wall, fence, planted dividing strip or any other type of buffer is required by this article for any use, such screen, wall, or other buffer will be subjected to periodic inspections by the Office of Planning and Enforcement to determine that such required wall, fence, etc., is being properly maintained. Failure to maintain such required wall, fence, etc., to an acceptable standard may be deemed a violation of this section.~~

(g) A buffer or setback of 400-feet will be required from a new residence to an adjoining existing feedlot, poultry, hog or dairy operation structure or 200-feet from the property line. A 200-foot minimum setback will be required from the centerline of the road to the nearest point of a new feedlot, poultry, hog or dairy operation.

(h) In the event a screen, wall, fence, planted dividing strip or any other type of buffer (hereinafter referred to as "Buffer") is required by this article, for any use, the Buffer shall be subjected to periodic inspections by the County Office of Planning and Enforcement to determine that the Buffer is being properly maintained. Failure to properly maintain the Buffer to an acceptable standard may be deemed a violation of this section.

(i) Property line setbacks may be waived between family members deeding property to family members to the third degree for the purpose of constructing production facilities. Property line and residence setbacks to neighboring A-1 properties shall remain as aforementioned.

(j) Regarding feedlots, poultry, hog or dairy operations in active production as of the date of this amendment, any new construction required due to fire, natural disaster or mandated upgrades will be allowed on the existing footprint of the operation. Expansion of the operation will be subject to setbacks in place at the time of this amendment.



15.

ARTICLE IV. ZONING, DIVISION 5: SPECIAL USES AND PERMITS is amended to include the following:

Subdivision IV. Solar Energy System (SES) Special Use Permit

Sec. 22-334. Solar Energy System Special Use Permit

Any SES shall meet the following requirements in order for a SES Special Use Permit to be issued:

1. A Solar Energy System (SES) shall be constructed in either a C-1 (commercial) or I (industrial) zone.
2. A SES must be set back from the property line the required distance for each zone, as specified in Sec. 22-181. A SES shall be encircled by a security fence or wall a minimum of 6-feet tall. Screening vegetation shall be provided outside the security fence.
3. A SES connected to the utility grid shall provide a "proof of concept letter" from the local utility company acknowledging the SES will be interconnected to the utility grid in order to sell electricity to the utility entity.
4. A ground mounting plan and process must be submitted with the permit application to the county. The ground mounting plan may consist of standard solar manufacturer installation plans and processes for ground mounting.
5. Signage. The names of the manufacturers, installers, facility owners, and facility operators, and their addresses and phone numbers shall be posted on the required fencing at each entrance of a SES. In addition, signage shall include a 24-hour emergency contact phone number and state the risks that may result from contact with a SES. No advertising, illuminated or other signage, shall be allowed around the solar energy system, with the exception of educational material.
6. Glare and lighting. In order to prevent a glare that may constitute a nuisance to neighboring properties, all panels shall be constructed of non-reflective materials or shall be treated with an anti-reflective material. If lighting is required, it shall:
 - a. Be limited to the minimum reasonably necessary for safe operation;
 - b. Be directed downward where reasonably feasible;
 - c. Incorporate full cut-off fixtures; and
 - d. Reasonably utilize motion sensors.
7. The operation of the SES shall comply with the following:
 - a. 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.



- b. All power transmission lines from a ground mounted solar energy system shall be located underground after connection from the solar panel combiners to the interconnection point.
 - c. Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the ground mounted solar energy system and shall comply with the requirements of the county zoning code. Any disturbed land shall be stabilized by a permanent seeding of perennial vegetation, such as grass or other dense surface cover, that will protect the soil surface from eroding.
 - d. The applicant shall demonstrate that the proposal will not have an adverse effect on neighboring properties or endangered wildlife species.
8. A written emergency response plan is required for any SES. The plan shall be approved by the county's planning department, fire department, and emergency management agency prior to start of operations. Each SES owner or operator shall update its emergency response plan no later than the first Monday in January of each year with a copy provided to all departments and agencies named in this subsection. The emergency response plan shall include the following:
- a. The phone number, email address, and street address for all manufacturers, installers, owners, and operators.
 - b. The phone number, email address, and mailing address for a representative of the SES responsible for responding to public inquiries.
 - c. The material safety data sheets that apply to any materials on the SES.
 - d. Clearly marked means and instructions for authorized staff to shut down the SES.
 - e. A representative for the owner or operator should have a reasonable response to the location in the event of an emergency.
9. In addition to a Special Use Permit, an applicant wanting to construct a SES shall also apply for and meet all of the requirements for a building/development permit.
10. Decommissioning. Unless otherwise approved, decommissioning shall begin no later than 12 months after a SES has ceased to generate electricity:
- a. The SES and all structures associated with it shall be removed and recycled or otherwise reused to the extent reasonably practicable, at the owner(s) or operators expense.
 - b. The SES site shall be restored to as natural condition as possible within six months of the removal.
 - c. All disturbed land shall be stabilized by a permanent seeding of perennial vegetation such as grass or other dense surface cover that will protect the soil surface from erosion, prevent sediment and runoff at the site.
 - d. Before any project breaks ground, there must be a solar decommission plan in place for the future.

Secs. 22-335—22-354. Reserved.

19.

This ordinance is effective immediately upon its adoption.



20.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

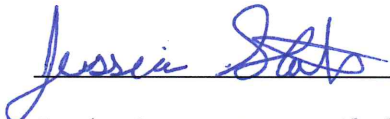
21.

If any section, clause, sentence, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.


PASSED AND ADOPTED this 19th day of December, 2024.

ATTEST:

WALKER COUNTY, GEORGIA



Jessica Staton, Deputy Clerk



SHANNON K. WHITFIELD, Chairman

The foregoing Ordinance received a motion for approval from Commissioner Hart, second by Commissioner Blakemore, and upon the question the vote is 4 ayes, 0 nays to adopt the Resolution.

