

STATE OF GEORGIA

CITY OF WALNUT GROVE

ORDINANCE NO. 2023- 02

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF WALNUT GROVE, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

APPLICANT: Matt Rutledge
PROPERTY OWNER: Benchmark Excavating, Inc.
REQUESTED ZONING: C-2 with Conditional Use Permit for Outdoor Storage and a buffer variance
LOCATION: Tax Parcel ID WG010026 & WG010027
SIZE: 11.929± Acres
PROPOSED DEVELOPMENT: Service-oriented commercial and office/warehouse

WHEREAS, the governing authority of the City of Walnut Grove, Georgia is the Mayor and Council thereof; and

WHEREAS, the governing authority of the City of Walnut Grove, Georgia desires to amend its official zoning map as it applies to the 11.929± acres tract of land located off Walnut Grove Parkway (Tax Parcels ID WG010026 & WG010027) with a current zoning of Agriculture (AG); and

WHEREAS, the health, safety, and welfare of the citizens of Walnut Grove, Georgia, will be positively impacted by the adoption of this Ordinance.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF WALNUT GROVE, GEORGIA, and by the authority thereof:

Section 1. The 11.929± acre tract of land described in Exhibit "A" is hereby zoned to C-2 subject to the following conditions:

CONDITIONS:

1. Development:
 - a. The site shall be developed in general conformance to the site plan submitted with the rezoning request attached hereto as Exhibit "B."
 - b. No development activities will be permitted until all approvals from the City of Walnut Grove have been obtained.
2. Permitted uses:
 - a. Service-oriented commercial and office/warehouse uses will be permitted. No retail commercial businesses OR uses listed in the Industrial or Manufacturing Uses portion of the "Table of Permitted and Conditional Uses" (Section 900 of the Zoning Ordinance) will be permitted with the exception of one building limited to 20,000 sq.ft. substantially located as shown on Exhibit "B."
 - b. Any outdoor storage will be limited to the areas not visible from Hwy. 81 (i.e., at the rear of the office/warehouse buildings).
3. Hours of Operation:
 - a. Hours of Operation for the proposed development shall be limited to 7:00am to 9:00pm.
4. Buffers/Landscaping:

a. Provide a 50-foot undisturbed buffer adjacent to the R-1 properties to the west. Supplement the buffer with plantings where sparsely vegetated. Buffer may be reduced to 40 feet with the construction of an eight-foot decorative fence or wall adjacent to the R-1 properties. Fence/wall details to be approved prior to the issuance of any permits.

b. Provide a 50-foot-wide buffer adjacent to the AG property along the southern and southeastern property lines. Buffer may be reduced to 40 feet with the construction of a decorative fence or wall adjacent to the AG property. Fence/wall details to be approved prior to the issuance of any permits. Should the adjacent parcel be rezoned the zoning buffering will no longer be required.

c. Developer to comply with the Cornish Creek WP-1 Overlay requirements (Section 911.C.) for buffers and setbacks along the creek along the northern property line.

d. Tree replacement and plantings shall follow the guidelines in the Land Development Ordinance.

5. Access:

a. Provide a 20' wide no access easement along the property frontage along Hwy. 81. No driveway access will be permitted on Hwy. 81.

b. Prior to issuance of any site development or building permits for the subject property, the owner shall provide to the City evidence of a permanent access easement to the property from Walnut Grove Parkway.

6. Utilities/Stormwater:

a. The City Engineer will approve all water and sewer designs prior issuance of any development permits.

b. All Stormwater management ponds and improvements to follow the guidelines of the Land Development Ordinance, including any documentation needed for offsite/regional detention.

7. Architectural/Lighting/Decorative Elements:

a. Mayor and Council to approve the proposed exterior architectural designs for all proposed uses prior to any building permits being issued. Proposed architectural designs should incorporate the Downtown Overlay District guidelines where possible.

b. All lighting shall be cut off type luminaries and designed to not shine on adjacent residential properties.

Section 2. The changes in zoning classification are to be noted on the Official Zoning Map of the City of Walnut Grove, Georgia as amended and approved by the Mayor and Council as soon as reasonably possible following the adoption of this Ordinance. The Official Zoning Map of the City of Walnut Grove, Georgia, shall also be amended with an editorial note specifying the date these Walnut Grove zoning amendments were approved by the Mayor and Council and specifying the parcels affected by this Ordinance. Until the changes are indicated on the Official Zoning Map of the City of Walnut Grove, Georgia, as approved by the Mayor and Council, this Ordinance shall govern over Official Zoning Map of the City of Walnut Grove, Georgia approved by the Mayor and Council to the extent of any discrepancy between this Ordinance and the Official Zoning Map of the City of Walnut Grove, Georgia approved by the Mayor and Council.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 4. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 5. Penalties in effect for violations of the Zoning Ordinance of the City of Walnut Grove at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. This Ordinance was adopted on April ____, 2023. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

SO ORDAINED _____ this of March 2025.
(this ordinance was passed by council on April 13, 2023)

Stephanie Moncrief, Mayor

ATTEST:

Lynn Heard, City Clerk

APPROVED AS TO FORM:

Anthony O.L. Powell, City Attorney
Powell & Crowley, LLP

Adopted by the City Council at a regular called meeting on _____.

____ Council members voting in favor

____ Council members voting against

____ Council members voting abstaining

Legal Description
Walnut Grove Office Warehouse

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lots 175 and 198, 4th District, City of Walnut Grove, Walton County, Georgia, being more particularly described as follows:

BEGINNING at a point on the eastern right of way of Georgia Highway #81 (100 foot right of way) with State Plane Coordinates of: Northing-1364695.08 and Easting-239201.20, that is the **POINT OF BEGINNING**; thence continuing along said right of way North 05°58'58" East a distance of 60.18 feet to a point; thence leaving said right of way South 81°44'15" East a distance of 297.19 feet to a point; thence North 08°15'17" East a distance of 472.96 feet to a point; thence South 52°48'29" East a distance of 901.14 feet to a point; thence South 32°49'43" West a distance of 362.56 feet to a point; thence North 81°50'24" West a distance of 194.08 feet to a point; thence South 65°53'34" West a distance of 342.66 feet to a point; thence North 81°51'41" West a distance of 250.00 feet to a point; thence North 08°23'24" East a distance of 416.95 feet to a point; thence North 81°44'59" West a distance of 200.12 feet to a point located on the eastern right of way of Georgia Highway #81, being the **POINT OF BEGINNING**. Said tract contains 11.929 Acres.

