

Sec. 206-1. - W-P watershed protection district.

(a) *Legislative findings; purpose and intent.*

- (1) The board of commissioners finds that Big Haynes Creek was identified as a feasible water source for Rockdale County in a regional water supply plan adopted by the Atlanta Regional Commission (ARC) in 1976. The ARC plan was preceded by a number of other studies that supported an impoundment on Big Haynes Creek. Consistent with these plans and studies, and the county's comprehensive plan, the county first enacted the W-P zoning district regulations and determined that the W-P zoning regulations were needed in the drainage basin contributing to the Upper Big Haynes Creek in 1981 to protect the watershed. These watershed protection zoning regulations require an average lot size of three acres (minimum two acres), among other restrictions, to protect the environmental and aesthetic qualities of this district and to protect the watershed from future environmental degradation.

The board of commissioners further find that in 1987, the Georgia Environmental Protection Division studied the reservoir and the Conyers-Rockdale Big Haynes Creek Impoundment Authority was created by the Georgia General Assembly and charged with constructing a surface water impoundment for a water supply for Rockdale County. In 1988, the Atlanta Regional Commission adopted a regional water supply plan that identified the Big Haynes project. The ARC has repeatedly warned that the region will not be able to meet its water supply demands unless local and regional water supplies are developed. In addition, one of the critical issues identified by the Governor's Growth Strategies Commission was the importance of expanding Georgia's water supply base. The Big Haynes Authority consulted with the U.S. Environmental Protection Agency, the Georgia Environmental Protection Division, the U.S. Wildlife Federation, the Georgia Conservancy, the U.S. Fish and Wildlife Federation and numerous other agencies. The authority held numerous public hearings on the project before the U.S. Army Corps of Engineers issued the Federal Clean Water Act Section 404 permit in October 1992. To protect this future water supply, the Rockdale Board of Commissioners rezoned the remaining portion of the reservoir's watershed in 1993, applying the following regulations to said properties consistent with this extensive planning for this project. The county finds that these W-P regulations, in addition to implementing these studies, will also assist in implementing a two-year study, facilitated by ARC, of the 82-square mile watershed which resulted in a five-county agreement to control pollution in stormwater that runs off impervious surfaces, such as roads, parking lots and rooftops, within the watershed.

The board of commissioners further finds that the W-P zoning regulations are necessary to protect water quality for the county's water treatment plant, capable of treating 22.1 million gallons of water per day (MGD), completed in 2002, enabling Rockdale to utilize Randy Poynter Lake for potable water consistent with these W-P regulations.

(2)

The board of commissioners further finds that the county benefits from additional public parks and recreational facilities and programs. Consistent with this finding the board of commissioners finds that the Randy Poynter Lake (formerly Big Haynes reservoir) property may be used for limited recreation purposes in addition to water supply purposes consistent with the following regulations and those found in chapter 62, article II and the county's comprehensive plan, as amended.

- (3) The board of commissioners finds that it is in the best interests of the citizens of the county to establish and protect a reservoir for drinking water and limited recreational purposes in this part of the county. The board of commissioners finds the Rockdale County Comprehensive Plan adopted July 9, 1991, made certain findings and recommendations regarding water quality, wetlands establishment and preservation, provision of water supply, establishment and preservation and protection of a watershed district, and expansion of public and private recreation uses in the Big Haynes basin. Said comprehensive plan has since been amended and updated. The board of commissioners incorporates the analyses and findings set out in the Rockdale County Comprehensive Plan, as amended, regarding those matters and finds that action to accomplish the goals and objectives as set out in the comprehensive plan are implemented in the following W-P regulations. The board of commissioners finds that the Rockdale Comprehensive Plan requires protection of the Big Haynes Watershed in order to provide optimum conditions for the impoundment of the reservoir and the public water intake site. The board of commissioners further finds that the Rockdale Comprehensive Plan, as amended, determines that the impoundment of the reservoir and the establishment of the watershed protection zoning district are necessary actions to protect the integrity of the reservoir and intake site, particularly those zoning regulations establishing an average lot size of three acres (minimum lot size of two acres), prohibiting commercial and other non-residential uses, and establishing buffers. The board of commissioners finds that the following regulations governing the W-P district are consistent with the comprehensive plan and will serve to substantially implement the plan.
- (4) The board of commissioners further finds that the watershed protection district as recommended in the comprehensive plan, as amended, will allow for protection of wetlands and the preservation of the integrity of water supplies to the greatest extent possible. The state Department of Natural Resources "Environmental Planning Criteria for Water Supply Watersheds" defines Big Haynes Creek as a "small" water supply watershed. The state Department of Natural Resources' criteria require, among other things, streamside and lakeside vegetated buffers, impervious surface setbacks, and septic tank and drain field setbacks, and that impervious surface be limited throughout the entire watershed to a maximum of 25 percent of the area. As a result of the Atlanta Regional Commission cooperative watershed study, and other studies, the necessary limitation for impervious surface throughout the entire W-P district is at least ten percent of the total area.

(5) The following regulations are intended to protect the health, safety and general welfare of the citizens of the county and to implement the policies and objectives and findings of the comprehensive plan, as amended, through the enactment of regulations governing the use of the affected land pursuant to the county's zoning, planning and general police powers. The purpose of the watershed protection zoning district is to protect the public health by setting standards for land use which will maintain, and where possible improve the purity of water in the streams in the county that flow into the public water intake and reservoir. The W-P district is intended to provide for low density residential development, public and private open space, park land, and related uses that are compatible with the primary purpose of protecting the purity of the water and that are substantially related to the primary intended land use of low-density residential development and limited recreational uses.

(b) *Definitions.* The following words, terms, or phrases, when used in this section, shall have the meanings ascribed to them in this section; except where the context clearly indicates a different meaning.

*Agri-tourism:* An agriculturally based operation or activity that brings visitors to a farm for purposes of direct to consumer sales, agricultural education, hospitality, recreation or entertainment in order to generate supplemental income for the farmer.

*Randy Poynter Lake (previously Big Haynes Creek Reservoir):* The water impoundment project consisting of the impounded waters from Big Haynes Creek located in Rockdale County, Georgia.

*Easement rights:* An easement right which shall inure to the benefit of the county in the form of either: (i) a conservation easement in relation to the reservoir buffer area; (ii) a conservation easement in relation to water quality protection; or (iii) an ingress/egress easement.

*Flood pool area:* The area lying between the 735 mean sea level (MSL) line and the 739.8 MSL line as established by the 100-year flood event.

*Normal pool:* The area of the reservoir impoundment contained within the 735-foot MSL contour line from which the reservoir buffer area, impervious surface setback, and the septic system setbacks are to be measured.

*Organic farming:* Any primary use of a tract or parcel of land for the purpose of growing and harvesting, farming or any other use which contributes to the production of agricultural, floricultural or horticultural products for the purpose of beautification, education, outreach, agri-tourism, on-site sale or off-site-sales. All farming shall be conducted in a manner consistent with the USDA organic standards, codified in 7 CFR Part 205, Subpart C, including avoiding the use of prohibited pesticides, fertilizers, and/ or synthetic substances. USDA organic certification pursuant to 7 CFR Part 205, Subpart E is not required. In order to secure its annual business license from the County, the operator shall produce documentation evidencing farming practices for the preceding year consistent with United States Department of Agriculture (USDA)

organic standards, codified in 7 CFR Part 205, Subpart C. Greenhouses, hoop houses, trellises, raised beds, tool sheds, farm stands, and any other accessory structure used in the operation of an organic farm are permitted in the W-NR subzone. All structures, buildings or enclosed areas used for the operation shall be a minimum of 100 feet from all property lines. Equipment producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet from the nearest residential structure.

*Recreation grounds and facilities:* Land and structures owned or leased by a governmental entity and used or intended to be used for the purpose of public leisure activities such as picnic areas, sports facilities, fishing piers, boating ramps, related equipment storage and similar activities.

*Reservoir buffer area:* The area extending a horizontal distance of 150 feet outward from the normal pool elevation (735 feet MSL) and maintained as a natural or enhanced vegetated area around the reservoir.

*Reservoir manager:* The designated agency or employee of the board including the authorized representatives of the reservoir manager.

*Stream buffer area:* The area extending a horizontal distance of 100 feet from the top of both banks of a perennial stream and maintained as a natural or enhanced vegetated area with no or limited minor land disturbances.

*W-P country store:* A community store building lawfully in existence prior to the adoption of the watershed protection zoning district, used solely or principally for the purpose of sales to the public of general merchandise, including but not limited to packaged food and beverages, small houseware articles, papers and magazines, and similar "general store" items.

(c) *District boundaries.* There is hereby established a zoning district known as the watershed protection district (W-P). This W-P district shall consist of all land within the district boundary line specified as W-P including all subzones, on the county's official zoning map identified in section 202-3. The regulations set forth in this section shall apply to all land within this W-P district.

(d) *Watershed subzones delineated.* The watershed protection (W-P) district has distinct land areas that require separate regulations. Accordingly, there are hereby created within the W-P district the following five subzones:

- (1) Watershed/non-reservoir area (W-NR).
- (2) Watershed/reservoir water area (W-RW).
- (3) Watershed/reservoir recreation area (W-RR).
- (4) Watershed/reservoir buffer area (W-RB).
- (5) Watershed/reservoir prohibited area (W-RP).

These five subzones shall be delineated as specified on the official zoning map and made a part of this section. Uses permitted within each subzone shall be as specified in the table of permitted uses. All other regulations set forth in this section shall apply to all subzones unless otherwise stated. The following further

describes each subzone area:

- (1) *W-NR: Watershed/non-reservoir area.* The watershed/non-reservoir area subzone comprises the watershed area within the boundaries of the county as defined in the comprehensive plan. This area comprises all land outside the reservoir water area, the reservoir buffer area, the reservoir recreation area and the reservoir prohibited areas.
  - (2) *W-RW: Watershed/reservoir water area.* The watershed/reservoir water area subzone comprises the entire area of the water impoundment owned in fee simple by the county.
  - (3) *W-RR: Watershed/reservoir recreation area.* The watershed/reservoir recreation area subzone comprises the areas suitable for recreational uses. This subzone comprises governmentally owned land both within and outside the normal pool of the reservoir. The portion of the recreation area subzone lying outside the normal pool area comprises approximately 25 percent of the reservoir shoreline and is subject to the Big Haynes Reservoir Management Ordinance as found in article II of chapter 62.
  - (4) *W-RB: Watershed/reservoir buffer area.* The watershed/reservoir buffer area subzone is comprised of the land area lying within 150 feet, horizontally, outside of the reservoir impoundment water surface at normal pool.
  - (5) *W-RP: Watershed/reservoir prohibited area.* The watershed/reservoir prohibited area subzone is comprised of those areas associated with the reservoir that are established for the protection of project operations and ecosystems and to provide for the physical safety of the recreational visitor. This subzone comprises approximately one percent of the reservoir shoreline.
- (e) *Permitted uses.* The table of permitted uses sets forth the uses permitted in each subzone of the watershed protection zoning district. Any use not expressly permitted in such table is prohibited. Uses or accessory uses which generate or utilize hazardous or toxic waste are prohibited.
- (f) *Nonconforming uses.* Except as otherwise provided in subsection (g), all nonconforming situations shall be regulated pursuant to chapter 234 of the UDO.
- (g) *Nonconforming retail uses.*
- (1) *Findings.* The board of commissioners finds that four nonconforming community store uses were in existence in the W-P district prior to the enactment of the watershed protection zoning district. The board of commissioners finds that the necessity for stringent environmental and water quality regulations in the district must be carefully balanced with the individual hardships associated with restrictions on these nonconforming uses as well as the public interest served by continuing to provide existing general store/retail services to residents and visitors in the district. Accordingly, the board of commissioners finds that with regard to these existing nonconforming W-P country store uses, limited expansion may be authorized, but only in strict accordance with the standards and criteria set forth in

subsection (g)(2). It is the specific intent of this subsection (g) to prohibit any new non-residential use or structure not specifically authorized herein, including but not limited to restaurants, convenience stores, gasoline sales, and other retail establishments.

(2) *Criteria.* Notwithstanding the provisions of chapter 234 of the UDO, the legal nonconforming W-P country stores located within the W-P district may be altered and/or expanded in strict accordance with these standards and criteria:

- a. All building applications for the renovation, redevelopment, expansion or improvement of any nonconforming W-P country store use within the W-P district shall be accompanied by detailed architectural plans and renderings. Such construction plans shall reflect an architectural style that is consistent with the residential and rural development pattern in the W-P district. All such plans shall be reviewed by the director for consistency with these requirements. The front elevation exterior facade, visible from the public right-of-way, shall be constructed of wood.
- b. No building shall be constructed, expanded or modified so as to exceed 2,500 square feet of gross floor area as measured to the outside face of walls, and are limited to one story, not to exceed 20 feet in height.
- c. All renovation, redevelopment, expansions or improvement shall be limited to a single building on the same site platted prior to the enactment of the W-P district. Such W-P country store location may be replatted to a maximum allowable lot area of 1.5 acres.
- d. No building shall be developed or utilized for any use other than the sales provided by country stores to the public, such as general merchandise, gasoline, groceries (including but not limited to packaged foods and beverages, individual takeout food and beverages), small houseware articles and furnishings, papers and magazines and similar "general store" items.
- e. All development standards applicable to commercial uses specified in various sections of this section and chapter 302 pertaining to the subdivision regulations of the county as well as all applicable requirements of this Code shall apply to such alterations and/or expansions with the following exceptions:
  1. A ten-foot wide landscape strip shall be established against all road frontages.
  2. Any renovation, redevelopment or expansion of the existing facility shall conform to all applicable county codes, except for the following standards:
    - A. Building setbacks:
      - i. Side yard: 25 feet.
      - ii. Rear yard: 40 feet.
    - B.

The site shall maintain a 25-foot, naturally vegetated buffer area against the rear and side yard property lines in conjunction with a 100 percent opaque fence to be established the entire length of the affected property line.

C. Variances and appeals. Variances to this section shall be governed by section 238-9. Appeals to this section shall be governed by section 238-8.

(h) *Density, lot size, and setback requirements.* Property in the W-P district may be developed in accordance with section 214-1 of the UDO, dimensional standards of zoning districts, table 1 development standards for residential zoning districts, and the following provisions.

The following standards shall apply to all tracts immediately contiguous to the reservoir buffer area:	
Minimum depth of lot (inclusive of 150-foot lake shore buffer), in feet	400
Minimum lake shore frontage (as measured along lake shore at normal pool elevation 735 MSL), in feet	125
Impervious surface setback (measured from the reservoir water surface at normal pool elevation of 735 MSL), in feet	150
Septic system setback tank and absorption field (measured from the reservoir water surface at normal pool elevation 735 MSL), in feet	150

- (1) A site plan, approved by the county environmental health service and the department of public services and engineering, shall be required prior to the issuance of a building permit.
- (2) All divisions of land in the W-P district shall meet the minimum lot size specified in this section. Lots of record lawfully in existence prior to October 11, 1994 and that do not meet the minimum lot size specified in the W-P district shall be deemed legal nonconforming lots and may be developed in accordance with all other requirements specified in this section.

(i) *Stream buffers.*

- (1) All perennial streams within the W-P district shall be regulated by each of the following criteria:
  - a.

A natural or enhanced vegetated area with limited land disturbances shall be maintained for a distance of 100 feet from both sides of the stream as measured from the stream banks;

- b. No impervious surface shall be constructed or placed within a distance of 150 feet from both sides of the stream as measured from the stream banks; and
  - c. No septic tanks or septic tank drainfields shall be constructed or placed within a distance of 150 feet from both sides of the stream as measured from the stream banks.
- (j) *On-site wastewater management systems.* County regulations require a permit for siting and installation of septic tanks and absorption fields from the county environmental health department. Such laws, ordinances and regulations shall be applicable to the W-P district.
- (k) The uses set forth in the table below shall be permitted only as listed within each zoning district and only in the manner so listed. Any use not listed in said table is prohibited in all districts. No use shall be permitted and no structure associated with such use shall be erected, structurally altered, or enlarged unless the use is permitted as one of the following:
- (1) P: A permitted use.
  - (2) C: A use requiring a special use permit subject to approval following the application procedures and requirements in section 238 of the UDO.
  - (3) S: A supportive commercial use that is on the same lot or parcel with a permitted use in a zoning district and established for the sole convenience of nearby residents, employees, patients, patrons, or visitors within walking distance.
  - (4) A: An accessory use subject to the requirements specified and generally applicable to accessory uses.
- (l) Any use not listed with the letter P, C, S, or A in a particular zoning district shall be prohibited in that zoning district, unless it is a nonconforming use lawfully established prior to the effective date of the regulation that rendered it legally nonconforming. All listed uses shall comply with the supplemental use standards set forth below and in sections 218-12 and 218-13. See also section [chapter] 234.

**Table of Permitted Uses**  
 ("P" denotes a permitted use)

Specified Use	W-NR	W-RW	W-RR	W-RB	W-RP
Dwellings, single-family (detached)	P				
DCA approved industrialized homes	P				
HUD approved Class A manufactured homes	P				



Home occupation	A				
Accessory uses and structures	P		P		
Livestock (noncommercial)	P				
Child daycare facility (in home)	S				
Fruit and vegetable market	P				
Places of worship	P				
Monasteries and convents	P				
Cemeteries (only on 10 acres or larger)	P				
Telecommunications facilities	C				
Electric transformer stations	P				
Community fairs and events on government-owned property	P				
Family day care home	S				
Apiary Class A & B	P				
Apiary Class C	P				
Organic Farming	P				

<p>Recreation/education and support facilities— Government owned. Areas designated for public use as recreation/education with the normal support facilities necessary for the operation and maintenance of such areas. Recreation/education uses shall include, but not be limited to, the following uses:</p> <ol style="list-style-type: none"> <li>1. Picnic areas</li> <li>2. Boat ramps</li> <li>3. Amphi- theatre</li> <li>4. Nature center</li> <li>5. Nature trails</li> <li>6. Camping areas</li> <li>7. Fishing piers</li> <li>8. Horticultural gardens</li> </ol>	P		P		
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(m) Art shows and other special events shall be subject to the terms and conditions of subsection 218-13(ttt), Temporary Use, Commercial Retail.

(n) *Road standards.* Local and collector streets in the W-P district may be constructed without curbs and gutters or sidewalks.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006; Ord. No. 2008-11, § 3, 9-23-2008; Ord. No. 0-2013-10, § I, 11-12-2013; Ord. No. 0-2014-13, § 4, 12-9-2014; Ord. No. O-2021-06, § II, 2-9-2021; Ord. No. O-2021-07, §§ I, II, 2-9-2021)