

## Appendix A ZONING<sup>1</sup>

### ARTICLE 1. GENERAL

#### Section 101. Short title.

This document is entitled "the Zoning Ordinance of Upson County, Georgia." It may also be known by and cited by the short title of "Upson County Zoning Ordinance."

#### Section 102. Authority.

Counties of the State of Georgia are authorized by the 1983 Constitution of the State of Georgia, article 9, section 2, paragraph 4 [Ga. Const. art. IX, § II, ¶ IV], and chapter 66 of title 36 of the Official Code of Georgia Annotated, to exercise the powers of planning and zoning; and it is hereby determined by the board of commissioners of Upson County, Georgia, that it is necessary and desirable to adopt these zoning regulations under the authority of the above-cited constitutional and statutory provisions.

#### Section 103. Jurisdiction.

This ordinance applies to all land within the unincorporated areas of Upson County, Georgia, and within the limits of any inactive municipality in accordance with chapter 70 of title 36 of the Official Code of Georgia Annotated.

#### Section 104. Purposes.

- A. The zoning ordinance of Upson County, Georgia seeks to encourage the development of desirable land use patterns within Upson County in accordance with the Upson County ~~Land Use Comprehensive Plan (where one exists)~~. The promotion of sound land use patterns is intended to reduce or eliminate the occurrence of

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<sup>1</sup>Editor's note(s)—Printed herein is the county's zoning ordinance, adopted February 15, 1995, as Ordinance No. 79. Amendments to the ordinance are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original ordinance. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Additions made for clarity are indicated by brackets.

Cross reference(s)—Any zoning ordinance saved from repeal, § 1-6(10); airport hazard zoning, § 18-26 et seq.; buildings and building regulations, ch. 22; environment, ch. 38; floods, ch. 42; historical preservation, ch. 50; manufactured homes and trailers, ch. 54; planning, ch. 66; subdivisions, ch. 78.

State law reference(s)—The Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; conflicts of interest in zoning actions, O.C.G.A. § 36-67A-1 et seq.; effect of zoning laws on covenants running with the land, O.C.G.A. § 44-5-60; authority to adopt plans and exercise the power of zoning, Ga. Const. art. IX, § II, ¶ IV.

certain conditions that can threaten the general health, safety, and welfare of the residents of Upson County. This ordinance should serve the following purposes:

1. Reduce the occurrence of hazardous traffic patterns and general congestion.
  2. Secure safety from fire, panic, and other dangers.
  3. Assure that adequate light and air are provided.
  4. Prevent the overcrowding of land and undue concentration of population.
  5. Facilitate the adequate provision of public utilities and facilities.
  6. Promote adequate living conditions and sustained suitability of neighborhoods.
  7. Protect property against blight and depreciation.
- B. Additional benefits to the public interest that can accrue from the development of sound land use patterns are as follows:
1. Efficient development and use of community utility networks.
  2. Economy in governmental expenditures.
  3. A higher level of convenience, order, prosperity, and aesthetics.
- C. While the Upson County Zoning Ordinance must be enforced fairly and uniformly, there are certain circumstances where special considerations need to be factors in Upson County's land use policy-making and implementation. The federal Fair Housing Act of 1988 makes it unlawful to refuse to make "reasonable accommodation" (modifications or exceptions) to rules, policies, practices or services, when such accommodations may be necessary to afford persons with disabilities an equal opportunity to use or enjoy a dwelling. Reasonable accommodation considerations may require Upson County to look at the purpose and intent of certain of its land use regulations from a different perspective in specific cases.

( Ord. No. 266 , § 1, 10-9-2018)

## Section 105. Content.

This ordinance provides for the following:

- A. Defines certain terms used in this ordinance.
- B. Establishes certain land use districts and specifies the boundaries of those districts.
- C. Provides procedures for administering and amending the ordinance.
- D. Regulates the erection, alteration, and use of buildings and structures.
- E. Provides penalties for violation of this ordinance.
- F. Defines the powers and duties, as they relate to this ordinance, of the board of commissioners, as well as such administrative officers, bodies, and agencies as the board of commissioners may establish for the efficient exercise of the zoning powers of Upson County under provisions specified in the zoning procedures law (O.C.G.A. § 36-66-1, enacted by 1985 Ga. Laws, page 1139, 1.), paragraph 2-(b)-(11). This includes at a minimum the administrative officer and the planning commission.
- G. Repeals conflicting ordinances.

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## Section 106. Related uniform development ordinances.

- A. *Uniform development standards adopted by reference.* The following uniform development standards are referred to frequently in the Upson County Zoning Ordinance and should be considered as part of the unified development ordinances of Upson County. This adopts them by reference as part of this ordinance:
1. Georgia Rules and Regulations for Manufactured Homes (as amended). (Not included as appendix, a copy may be reviewed in the office of the administrative officer.)
  2. American National Standards Institute ANSI A119.1 Mobile Homes (1974). (Contains uniform standards for construction of class C (non-HUD) manufactured homes, not included as appendix, a copy may be reviewed in the office of the administrative officer.)
  3. Standards for off-street parking and service facilities. (Contains uniform standards for design and minimum required number of off-street parking and services facilities. See [appendixAppendix B](#) [to this appendix]).
  4. Upson County Building Codes (as amended). (Not included as appendix—administrative officer's copy may be reviewed in his office.)
  5. Upson County Development Standards. (See [appendixAppendix A](#) [to this appendix].)
- B. *Uniform development ordinances related to zoning ordinance.* The following uniform development ordinances are referred to frequently in the Upson County Zoning Ordinance. Although they are adopted as separate ordinances, they are closely related to the zoning ordinance and should be considered as part of the unified development ordinances of Upson County. These ordinances are as follows:
1. Ordinance establishing Upson County Planning Commission [published as chapter 66, article II, in the Code of Upson County, Georgia]. (Not included as an appendix, a copy may be reviewed in the office of the board of commissioners.)
  2. Upson County Soil and Sedimentation Control Ordinance [published as chapter 38, article II, in the Code of Upson County, Georgia]. (Not included as an appendix, a copy may be reviewed in the office of the board of commissioners.)
  3. Upson County Sign Ordinance ~~(where one exists). (Not included as an appendix Appendix, a copy may be reviewed in the office of the board of commissioners.)~~
  4. Upson County Flood Damage Prevention Ordinance [published as chapter 42, article II, in the Code of Upson County, Georgia]. (Not included as an appendix, a copy may be reviewed in the office of the board of commissioners.)
  5. Ordinance establishing Upson County Historic Preservation Commission [published as chapter 50, article II, in the Code of Upson County, Georgia]. (Not included as an , a copy may be reviewed in the office of the board of commissioners.)
  6. Thomaston-Upson County Airport Hazard Ordinance [published as chapter 18, article II, in the Code of Upson County, Georgia]. (Not included as an appendix, a copy may be reviewed in the office of the board of commissioners.)

## ARTICLE 2. DEFINITIONS OF TERMS USED

### Section 201. Interpretation of certain common terms.

When used in this ordinance, the following words and phrases have the meaning as defined in this article. Terms not defined here have the same meaning as is found in most dictionaries, where consistent with the context. The terms "must," "will," and "shall" are mandatory in nature, indicating that an action has to be done. The term "may" is permissive and allows discretion regarding an action. When consistent with the context, words used in the singular number include the plural, and those used in the plural number include the singular. Words used in the present tense include the future. The word "developer" includes a "firm," "corporation," "copartnership," "association," "institution," or "person." The word "lot" includes the words "plot" and "parcel." The word "building" includes the word "structure." The words "used" or "occupied" as applied to any land or building includes the words "intended," "arranged," or "designed," "to be used" or "occupied."

### Section 202. General definitions.

- A1. *Administrative officer:* The person, officer, or official and his authorized representative, whom the board of commissioners of Upson County has designated as its agent for the administration of these regulations.
- B2. *Agriculture:* The raising of products, including but not limited to soil crops, livestock, fish, fowl, and commercial timber regardless of the quantity or value of production, in a customary manner ~~on tracts of land at least three acres in size~~, including all associated activities. Retail selling of products, the majority of which are raised on the premises, is permitted provided that space necessary for the parking of customers' vehicles is provided off the public right-of-way.
- C3. *Agritourism:* Any agricultural related activity, ~~on a minimum lot size of five acres~~, consistent and in conjunction with a bona fide farm or ranch or in a working forest which allows members of the general public, for recreational, entertainment or educational purposes to view or enjoy activities including farming ranching, historical, cultural or "harvest your own" activities and attractions. ~~Such activities may include, but are not be limited to farmers' markets, rodeos, cornfield mazes, pumpkin patches, Christmas tree farms, vineyards/wineries, petting zoos, camping and similar uses and activities.~~
- D4. *Airport:* A transportation terminal facility where aircraft take off and land.
- E5. *Airstrip, private:* An area designated for the takeoff and landing of private, noncommercial aircraft, with no terminal facilities and no scheduled takeoffs and landings.
- F6. *Alley:* A secondary way that affords access to the side or rear of abutting property.
- G7. *Alteration:* Any change in the supporting members of a building, any modification or change in construction, any addition that increases the area or height, any change in use from that of one district classification to another, or movement of a building from one location to another.
- H8. *Antenna, dish:* A structure intended for receiving audio or video signals via a satellite orbiting the earth. It is constructed of a round or square surface that is parabolically curved focusing on a low-noise signal amplifier and the apparatus is mounted on a base. Such antennas must meet the following development standards as well as all other applicable regulations.
- I A. ~~—~~They must not exceed a size of 18 feet in diameter or 20 feet above the surface upon which the base is affixed.

- ~~9~~. *Automobile service station*: A land use where gasoline, oils, greases, batteries, tires, and general automobile accessories may be provided, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles. This use must meet all applicable federal and state requirements.
- ~~10~~. *Block*: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys.
- ~~11~~. *Board of commissioners*: The board of commissioners of Upson County.
- ~~12~~. *Boarding or rooming house*: A building used or intended for use as a place for lodging or feeding or both, of three or more persons, for compensation.
- ~~13~~. *Buffer*: A portion of a lot at least ten feet wide established for open space purposes and intended to separate properties with different and possibly incompatible types of uses. A buffer must not be otherwise occupied with structures. It must provide reasonable visual screening of the property through the provision of one of the following:
- ~~1A~~.—Planted vegetative screen at least six feet high and three feet wide.
- ~~2B~~.—Fence or wall at least six feet high which provides visual screening.
- ~~14~~. *Building*: Any structure having a roof and intended for shelter, housing, or enclosure of persons, animals, or property of any kind.
- ~~15~~. *Building, accessory*: A structure used for a purpose that is customarily incidental and subordinate to the principal use or structure, and located on the same lot as such a principal use or structure. (Note: for Accessory Dwelling Unit definition see *Dwelling: Accessory Dwelling Unit* under Section 203, Housing Definitions.)
- ~~16~~. *Building, principal*: The building on a lot in which the principal use of the lot is conducted.
- ~~17~~. *Building height*: The vertical distance of a building, measured from the average elevation of the finished grade at the front of the building to the highest point of the building.
- ~~18~~. *Building line*: The line that represents the distance a building must be set back from the boundary line of a lot, measured at the foundation of the building.
- ~~19~~. *Camping*: Temporary and occasional use of a recreational vehicle, tent or other temporary shelter, for short stays, on an Upson County Zoning Ordinance-approved property/parcel/lot or site, for recreational, leisure, hunting or similar purposes for a period not to exceed 30 cumulative days per calendar year.
- ~~20~~. *Cemetery*: Land either already reserved for burial plots for the deceased, or which may, in the future, be so reserved; it may be maintained either by a family, a church or other place of worship, or a private corporation.
- ~~21~~. *Centerline, street*: That line surveyed and monumented by the governing authority as the centerline of a street, or if such a centerline has not been surveyed, it is the line running midway between the outside curbs or ditches of the street.
- ~~22~~. *Clinic*: An establishment where medical or dental patients are admitted for examination and treatment, but where there is no overnight lodging.
- ~~23~~. *Club or lodge*: An incorporated or unincorporated association for civic, social, cultural, religious, fraternal, literary, political, recreation, or like activities, operated for the benefit of its members and not open to the general public.
- ~~24~~. *Commercial poultry or swine operation*: Poultry or swine facilities, houses, barns, structures and uses, owned by any individual, group or company, used to grow, feed, raise and/or sell poultry or swine or poultry or swine products or byproducts, as part of a business operation, as contrasted with raising or owning poultry or swine as a hobby or solely for owner use and consumption. Such commercial poultry or swine operation

business owners may be contract growers who invest in and build poultry houses or swine barns/operations, working under contract with a poultry or swine production and processing company (integrator), to raise, feed, grow and care for poultry or swine for the commercial market.

Y25. *Consumer retail business or service*: Businesses that sell consumer goods and/or businesses that sell consumer services whose products/goods and services are sold for consumptive use by the average consumer. The goods and services are the end result of production and manufacturing. The products and services are sold to consumers for their own use or enjoyment and not a means to future economic production activity.

Z26. *Curb cut*: The point at which vehicular access is provided to an adjoining street from a lot.

AA27. *Density*: The number of dwelling units per acre of land use for residential purposes. Unless otherwise stated, density figures are to be in terms of net acres, or the land devoted to residential use exclusive of streets or other public lands.

BB28. *Easement*: The right or privilege of using another's property, for purposes such as constructing and maintaining sanitary sewers, water mains, electric lines, telephone lines, storm sewers, gas lines, bicycle paths, pedestrian ways, and other purposes.

CC29. *Elevation, front*: The view of a building or group of buildings as seen from directly in front of the structure.

DD30. *Employee, full-time*: A person who works 40 hours for one employer.

EE31. *Estate sale, professional*: Professional estate sale shall mean a sale or liquidation for purposes of estate planning. Professional estate sales are coordinated and conducted by professional liquidators. A "yard sale" named an "estate sale", not meeting these criteria is not a professional estate sale.

FF32. *Family*: One or more persons related by blood, marriage, or adoption, including up to three additional unrelated individuals, occupying a dwelling unit. A family may also consist of no more than four unrelated individuals.

GG33. *Farm*: Any tract or parcel of land ~~containing three or more acres~~ that is devoted to the raising of agricultural products, including, but not limited to, soil crops, livestock, fish, fowl, and commercial timber regardless of the quantity or value of production.

HH34. *Flea market*:

1A.—Per the O.C.G.A. § 10-1-360, a flea market means any event:

- a1. At which two or more persons offer personal property for sale or exchange;
- b2. At which a fee is charged for the privilege of offering or displaying new and/or used personal property for sale or exchange from a building, portion of a building or open-air market area where individual market stalls or spaces are provided (rented or leased);
- c3. At which a fee is charged to prospective buyers for admission to the area where new and/or used personal property is offered or displayed for sale or exchange from a building, portion of a building or open-air market area where individual market stalls or spaces are provided (rented or leased); or
- d4. Regardless of the number of persons offering or displaying personal property or the absence of fees, at which new and/or used personal property is offered or displayed for sale or exchange if the event is held more than six times in any 12-month period.

2B.—The term "flea market" is interchangeable with and applicable to "swap meet," "indoor swap meet" or other similar terms regardless of whether these events are held inside a building or outside in the open. The primary characteristic is that these activities involve a series of sales sufficient in number, scope, and character to constitute a regular course of business.



~~3C.~~—The term "flea market" shall not mean and shall not apply to:

- ~~a1.~~ A short-term event which is organized for the exclusive benefit of any federally or state government-recognized, not-for-profit community chest, fund, foundation, association or corporation organized and operated for religious, educational, or charitable purposes, provided that no part of any admission fee or parking fee charged vendors or prospective purchasers or the gross receipts or net earnings from the sale or exchange of personal property, whether in the form of a percentage of the receipts or earnings, as salary or otherwise inures to benefit of any private shareholder or person participating in the organization or conduct of the event;
- ~~b2.~~ Any event at which all of the personal property offered for sale or displayed is new and all persons selling, exchanging or offering or displaying personal property for sale or exchange are manufacturers or licensed retail or wholesale merchants; or
- ~~c3.~~ Antique stores, junk stores, auction houses or similar businesses, where all components of the business are established on a permanent basis and no stalls or spaces for rent or lease or the like are included.

~~4D.~~—In addition to the standards set forth in O.C.G.A. § 10-1-360, flea markets typically contain outdoor product display areas on a continuous or near-continuous basis. Flea markets are deemed not to be the same as "auction galleries", "auction houses", or "auction markets".

~~35.~~ *Flea market, indoor:* A flea market which is wholly contained within a fully enclosed structure.

~~36.~~ *Flea market, outdoor:* A flea market which is partially or wholly conducted outside an enclosed structure.

~~37.~~ *Flood boundary:* That area threatened by possible flood under normal to severe circumstance; determined as shown on the flood hazard boundary map, published by the Federal Emergency Management Agency (FEMA), 1972.

~~38.~~ *Floor area:* The area of a dwelling exclusive of attic, basement, garage, carport, patios, and open porches measured from the exterior face of the exterior walls of a dwelling. Also, the gross leasable floor area for any business or industry based on interior dimensions.

39. Food Truck: A mobile vehicle whose owner/operator has been issued a valid food service permit to serve food. It is a mobile, fully self-contained unit with valid State of Georgia registration that utilizes no outside cooking area. Operations must meet applicable State of Georgia standards.

~~40.~~ *Garden:* The raising of soil crops in a customary manner on tracts of land less than three acres in size. This excludes any commercial crop growing, any raising of livestock, fish, fowl, and any sales of products on the premises.

~~41.~~ *Garage, public:* Any garage, other than a private garage, which is used for storage, minor repair, rental, servicing, washing, adjusting, or equipping of automobiles or other motor vehicles, but not including the storage of wrecked or junked vehicles.

~~42.~~ *Garage, repair:* A public garage intended to be used to make major commercial automobile, motorcycle, lawn mower, or other motor vehicle repairs; such a use should meet the following development standards as well as all other applicable regulations:

1A.—All body work and painting must be conducted within an enclosed building.

2B.—No open storage of junk, wrecked vehicles, dismantled parts, or supplies visible beyond the premises is permitted.

~~43.~~ *Garage or carport, private:* A covered space for the storage of one or more motor vehicles belonging to the occupants of the principal use on the lot. No business occupation or service may be conducted for profit within the private garage except a home occupation under conditions specified in section 202.

~~QQ~~44. *Home occupation*: An occupation for gain or support conducted only by members of a family residing on the premises and entirely within the principal dwelling. The following required development standards must be met by all home occupations:

~~1A~~.—Only residents of the dwelling may be engaged in the home occupation.

~~2B~~.—The home occupation must be clearly incidental to the residential use of the dwelling and must not change the essentially residential character of the building.

~~3C~~.—No display of products may be visible from the street.

~~4D~~.—Use of the building for this purpose may not exceed 25 percent of the principal building.

~~5E~~. No internal or external alterations inconsistent with the residential use of the building is permitted.

~~6E~~. No accessory buildings or outside storage may be used in connection with the home occupation except a private garage; commercial vehicle repair garages, junked auto parking and wrecker service use is expressly prohibited.

~~7G~~.—Only vehicles designed and used primarily as passenger vehicles (this includes light pickup trucks) may be parked at the residence. Heavy equipment associated with the home occupation may not be parked at the home and must be parked on appropriately-zoned property. used in connection with the conduct of the home occupation.

~~RR~~45. *Hospital*: An institution providing health services primary for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

~~RRSS~~46. ——— *Hotel*: A building in which overnight accommodations, without separate cooking facilities, are provided to the public. The term "hotel" includes the terms "motel" and "tourist court."

~~SSIT~~47. *Industrialized building*: 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 which bears the insignia of approval issued by the commissioner of the Georgia Department of Community Affairs.

~~TTUU~~48. *Institution*: A nonprofit corporation, establishment, or entity; for public or semipublic use.

~~UUVV~~49. ——— *Intermediate care home*: A facility that admits residents on medical referral. It maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies. It otherwise complies with the rules and regulations contained in chapter 290-5-9: Intermediate Care Homes (Rules of the Georgia Department of Human Resources).

~~VVWW~~50. ——— *Joint yard sale*: Joint yard sale shall mean a yard sale held at a specific location by a group of residents, tenants or by an organization (religious, charitable or otherwise).

~~WWXX~~51. ——— *Junked vehicle*: Any wrecked or nonoperable automobile, truck, or other vehicle that does not bear a current license plate.

~~XXYY~~52. *Junkyard*: Any use involving the parking, storage or disassembly of junked vehicles, or wrecked or nonoperable 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 stoves, old refrigerators, and other old household appliances, and used brick, wood, or other building materials. These



uses are considered junkyards whether or not all or part of these operations are conducted inside a building or in connection with, in addition to, or accessory to other uses of the premises. This use must meet all applicable federal and state requirements.

~~YY~~ZZ53. *Kennel*: The housing for four or more dogs, cats, or other domestic animals for the purpose of providing an income or revenue.

ZZ54. *Loading space*: Space logically and conveniently located for pickup and delivery service, scaled to the vehicles expected to be used, and accessible to such vehicles at all time[s].

AAA55. *Lot*: A parcel of land occupied or capable of being occupied by one or more buildings and customarily incidental accessory buildings or uses, including such open spaces as are required by this ordinance.

BBB56. *Lot, corner*: A lot located at the intersection of two or more streets.

CCC57. *Lot, double frontage*: A lot, other than a corner lot, which has frontage on more than one street.

~~DDD~~58. *Lot width*: The distance between side lot lines measured at the front building line. If a corner lot, the distance between lot lines measured along the front building line that parallels or more nearly parallels the rear lot line.

EEE59. *Nuisance*: A nuisance is anything that causes hurt, unreasonable inconvenience or damage to another and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance. The inconvenience complained of shall not be fanciful or such as would affect only one of fastidious taste, but shall be such as would affect an ordinary, reasonable person with impacts beyond what one would normally and typically expect.

FFF60. *Nursing home*: A facility that admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision. It maintains the services and facilities for skilled nursing care, rehabilitative nursing care, and has a satisfactory agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the home. It otherwise complies with the rules and regulations contained in chapter 290-5-8: Nursing Homes (Rules of the Georgia Department of Human Resources).

GGG61. *Official map*: The map entitled "The Official Zoning Map of Upson County, Georgia," indicating the locations of zoning district boundaries in Upson County.

~~HHH~~62. *Parking space*: The storage space for one motor vehicle. (See Standard Building Code of SBCCI for dimension standards required of standard parking spaces and those accessible to handicapped persons.)

~~##~~63. *Permanent residential use of a recreational vehicle*: Illegal use of a recreational vehicle that causes it to be occupied for residential/housekeeping-type activities generally extending more than 30 days in a calendar year or in a 12-month period, for other than those temporary uses approved by the Upson County Zoning Ordinance. Such approved temporary uses are camping, deer camps, temporary lodging, short-term vacation stays, short term guest housing, short-term RV residence, itinerant travel, temporary emergency shelter, special circumstances housing and the like, sometimes approved by special exception or special permit.

~~##~~64. *Personal care home*: A building or group of buildings, a facility, or place in which is provided two or more beds and other facilities and services—including rooms, meals, and personal care for nonfamily ambulatory adults. It otherwise complies with the rules and regulations contained in chapter 290-5-35: Personal Care Homes (Rules of the Georgia Department of Human Resources). For the purpose of this ordinance, personal care homes are classified as follows:

- ~~1A~~ 1A *Family personal care home*: A home for adults in a family type residence, noninstitutional in character, which offers care to two through six persons.
- ~~2B~~ 2B *Group personal care home*: A home for adult persons in a residence or other type building(s), noninstitutional in character, which offers care to seven through 15 persons.
- ~~3C~~ 3C *Congregate personal care home*: A home for adults which offers care to 16 or more persons.
- ~~KKK65~~ 65 *Personal property*: Personal property shall mean property, which is owned, used and maintained by an individual or members of his/her household and acquired in the normal course of living in or maintaining a dwelling. It does not include merchandise which was purchased for resale or obtained on consignment.
- ~~LLL66~~ 66 *Planning commission*: The Upson County Planning Commission.
- ~~MMM67~~ 67 *Plat*: A map, plan, or layout of a county, city, town, section, or subdivision indicating the location and boundaries of properties.
- ~~NNN68~~ 68 *Recreation facility or use*: A public or private structure, building, complex, field, range, course, trail, athletic court, playground, pool, location or use related to participation in activities conducted for enjoyment, health, active leisure, athletics and/or sport rather than primarily for business, commerce, trade, transport, production or manufacturing. Multiple principle buildings per lot may be permitted. Recreational facilities and uses do not include fairs, carnivals, games of chance, arcades, amusement rides or the like.
- ~~OOO69~~ 69 *Recreational vehicle*: A vehicle, with or without motive power, designed for human habitation for recreational, emergency shelter or other temporary human occupancy, most often built to ANSI/RVIA (Recreational Vehicle Standards Institute) standards. The terms motor home, motor coach, travel trailer, truck camper, pick-up coach, pop up trailer, conversions or camping trailer shall be synonymous with the term recreational vehicle.
- ~~PPP70~~ 70 *Recreational vehicle, occupied*: A recreational vehicle shall be considered "occupied" when it is entered or used by any person(s) for short- or long-term living, staying, vacationing, sleeping, camping/hunting activities and the like. A recreational vehicle shall be considered unoccupied when it is void of human or animal occupants or is being used/entered only for purposes related to maintenance, cleaning, repair, renovation, relocation, being shown for sale and similar activities.
- ~~QQQ71~~ 71 *Recreational vehicle park/campground*: Any Upson County-approved site, lot, field, tract of land or property under single ownership, ownership of two or more people, owner-occupied or corporate ownership, where one or more spaces are rented to users of recreational vehicles and which may only be occupied for temporary residency purposes. Recreational vehicle parks may include specifically designated areas for recreational vehicle storage and tent camping.
- ~~RRR72~~ 72 *Recreational vehicle site/space*: A plot of ground within a County-recognized recreational vehicle park, manufactured home park, or similar, legal location reserved for the temporary location of one recreational vehicle.
- ~~SSS73~~ 73 *Right-of-way*: A strip of land designed, reserved, dedicated, or purchased for the purpose of pedestrian or vehicular access or utility line installation.
- ~~TTT74~~ 74 *Roadside stand*: A structure for selling agricultural products, at least 50 percent of which are raised on the premises. It must not exceed 500 feet in floor area.
- ~~UUU75~~ 75 *Story*: That portion of a building, not including a basement, between the surface of any floor and the surface of the floor next above it, or if there is no floor above, then the space between the floor and the ceiling next above it.

~~WWW~~76. *Street or road, arterial*: A road that is on the Georgia state highway system and is designated by a state route number. Such a street primarily serves the purpose of moving traffic through the county. Connecting roads and access to adjacent property should be kept to a minimum on an arterial road, as these interfere with traffic flow, adversely affecting the capacity and safety of the road. (See functional classification of thoroughfares in the Upson County Land Use Plan (where one exists).)

~~WWW~~77. *Street or road, collector*: A road that is not on the Georgia state highway system. Such a road would usually serve to distribute traffic from individual lots to arterial streets or roads. They may also connect neighborhoods with one another. (See functional classification of thoroughfares in the Upson County Land Use Plan (where one exists).)

~~XXX~~78. *Street or road, local*: A road that serves adjacent property by providing access to the road network. A local street or road is characterized by short trips, low speeds, and small traffic volumes. The design of this type of road should be toward eliminating through traffic. (See functional classification of thoroughfare in the Upson County Land Use Plan (where one exists).)

~~YYY~~79. *Structure*: Anything constructed or erected that requires a fixed location on the ground or which is attached to something having a fixed location on the ground.

ZZZ. *Subdivision*:

1A. The division of a lot of record at the time of enactment of this ordinance into three or more lots, building sites, or other divisions for the purpose—whether immediate or future—of sale, legacy, or building development. This definition includes all of the following:

- a1. All divisions of land involving a new street.
- b2. All divisions of land involving a change in existing streets.
- c3. Any resubdivision of land.
- d4. The process of subdividing.
- e5. Any land or area subdivided.

AAAA80. *Use*: Any purpose for which a building or tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure or a tract of land.

BBBB81. *Use, accessory*: A use or structure customarily incidental and subordinate to the principal use or structure, and located on the same lot as the principal use or structure. Accessory uses and structures may not be placed on a lot without the presence of an associated, permitted principal use or structure, unless otherwise indicated by other provisions of this zoning ordinance.

CCCC82. *Use, conditional*: A use which is permitted in a particular zoning district, but only under certain specified conditions.

DDDD83. *Use, nonconforming*: Use of land and/or buildings that does not conform to the regulations and standards of the district in which it is located, which lawfully existed at the time of adoption of this ordinance and is allowed to continue under the provisions for nonconforming uses (see section 403).

EEEE84. *Use, principal*: The main purpose for which a lot is intended and for which it is used.

FFFF85. *Variance*: A permit issued by the board of appeals that allows use of a parcel of land in a way that does not meet certain requirements for the district in which the property is located. See section 407 for further details.

GGGG86. *Visitor/camper registry:* An electronic and/or paper record of each recreational vehicle, by vehicle tag state and number, that remains in a park for any overnight stay of one night or longer. The registry shall indicate, by date, every day that the vehicle is present on the property. The registry shall list all occupants of each registered recreational vehicle, indicating by date, every day that the occupants are present on the property.

87. *Wrecker Service:* A specialized towing service that assists in removing disabled or abandoned vehicles from the roadway. These professionals typically operate flatbed trucks equipped with winches and other specialized equipment, and their businesses may involve transport of junked vehicles destined for a junkyard but does not include storage of junked vehicles unless co-located with a junkyard where appropriately zoned.

HHHH88. *Yard:* A required open space on a lot that is left unoccupied with structures and facilities, except as permitted in this ordinance. A yard may also be known as a setback.

IIII89. *Yard sale:* Yard sale shall mean the sale, offering for sale, exchange or trading of new, used and/or secondhand items of primarily personal property such as clothing furniture, household items, food dishes, antiques and similar personal property, goods or merchandise. Such sales are held by individuals not regularly engaged in the business of such sales which are held on a residentially zoned lot or parcel in the A-R, P-R, R-1, R-2, R-4, R-5, etc. zoning districts. Yard sales may include all sales entitled and also known as garage sale, tag sale, porch sale, lawn sale, attic sale, basement sale, rummage sale, junk sale, estate sale, moving sale, barn sale or any similar casual sale or primarily personal property, which is advertised by any means whereby the public at-large is or can be aware of such sale. Yard sales shall not be subject to permits or occupation tax.

JJJJ90. *Yard, front:* The open space on a lot located between the centerline of an abutting street and the building line projected to the lot lines to either side. Any yard lying between an abutting street and the building line is considered a front yard. For example, in the case of a corner lot which is abutted on two sides by streets, both yards abutting the streets would be front yards; setbacks and other development standards for front yards would apply to both of these yards.

KKKK91. *Yard, rear:* The open space between the rear property line and the rear building line projected to the side lot lines.

LLLL92. *Yard, side:* The open space between the side property line and the side building line extending from the rear line of the front yard to the front line of the rear yard.

MMMM93. *Zoning district:* One or more sections of Upson County, Georgia as delineated and designated on the official map, within which the zoning regulations are uniform.

( Ord. No. 243 , § 1, 8-25-2015; Ord. No. 258 , § 1, 10-10-2017; Ord. No. 262 , § 1(A), 5-8-2018; Ord. No. 266 , § 1, 10-9-2018; Ord. No. 268 , § 1, 9-24-2019; Ord. No. 270 , § 1, 12-10-2019)

## Section 203. Housing definitions.

A1. *Conventional construction:* 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) (or a similar, nationally recognized code adopted by the State of Georgia).

B2. *DCA:* Georgia Department of Community Affairs.

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- ~~63.~~ *Doublewide*: An obsolete term used to describe a mobile home or manufactured home having a width of generally between 20 and 28 feet. In the context of this ordinance this term has no specific meaning. See definition of manufactured home.
- ~~64.~~ *Dwelling*: A building or portion thereof designed, arranged, or used principally for residential occupancy, not including motels, hotels, boardinghouses, or roominghouses.
- ~~65.~~ *Dwelling, apartment*: One or more dwelling units, under a single ownership, located on one lot of land, occupied by renters.
- ~~66.~~ *Dwelling, cluster*: One of a series of attached and/or detached dwelling units developed under a single ownership.
- ~~67.~~ *Dwelling, condominium*: An individually owned dwelling unit in an attached, detached, or multifamily structure, combined with joint ownership of common areas of the buildings and grounds.
- ~~68.~~ *Dwelling, garden apartment*: A multifamily dwelling one or two stories in height containing from one to four dwelling units, and where the area immediately surrounding the dwelling is landscaped and may contain recreation facilities for the private use of dwelling occupants.
- ~~69.~~ *Dwelling, multiple-family*: A building designed, constructed, altered or used for five or more adjoining dwelling units, with each dwelling unit having a party wall or walls and/or a party floor and ceiling connecting it with at least one other dwelling unit located on one lot of land. A multiple-family dwelling may be apartments or condominiums.
- ~~710.~~ *Dwelling, patio*: A single-family dwelling in which all or a portion of the area required for side and rear yards may be consolidated into one or more garden court spaces within the walls of the dwelling unit.
- ~~711.~~ *Dwelling, single-family attached*: A building containing two or more single-family dwelling units joined at one or more points by one or more party walls or other common facilities (not including the walls of an enclosed courtyard or similar area) and with property lines separating each dwelling unit.
- ~~712.~~ *Dwelling, single-family detached*: A single residential detached building designed for or containing one dwelling unit.
- ~~713.~~ *Dwelling, townhouse*: One of a series of three or more attached dwelling units on separate lots that are separated from each other by firewalls extending at least from the lowest floor level to the roof.
- ~~714.~~ *Dwelling, two-family*: A detached dwelling designed, constructed, altered, or used for two adjoining dwelling units, with each dwelling unit having a party wall connecting it with the other dwelling unit, located on one lot; also known as a duplex.
- ~~715.~~ *Dwelling unit*: One or more rooms within a dwelling forming a separate, independent housekeeping establishment for use of one family involving owner or renter occupancy, with provisions for cooking, eating, and sleeping, and which is physically set apart from other rooms or dwelling units in the same building.
- ~~716.~~ *(Reserved) Dwelling, Accessory Dwelling Unit (ADU): A secondary dwelling established in conjunction with and clearly subordinate to the primary dwelling, whether part of the primary dwelling or located in a detached accessory building on the same lot.*
17. Dwelling, Tiny Home: A single-family dwelling unit 400 square feet or less and more than 220 square feet constructed on a permanent foundation. Any dwelling of this nature on a chassis, or on wheels is not a tiny home but a recreational vehicle, not built to ICC or HUD standards but often built to ANSI (American National Standards Institute) standards.

Q18. HUD: U.S. Department of Housing and Urban Development.

R19. *Industrialized home*: A home manufactured in accordance with the Georgia Industrialized Building Act and the rules of the commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State-approved buildings meet the state building and construction codes and bear an insignia of approval issued by the commissioner.

S20. *Manufactured home, class A*:

1A.—A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home and Standards Act 42 USC 5401—5445 (the HUD Code, which became effective on June 15, 1976), and meeting the following development standards:

- a1. The home has a minimum width of 16 feet.
- b2. The pitch of the home's roof is a minimum 4/12 vertical rise to horizontal run, and the roof is finished with code compliant materials and construction methods.
- c3. The exterior siding consists of wood, concrete, vinyl hardboard, stucco, aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in conventional residential construction, or HUD-approved siding.
- d4. A curtain wall (skirting)—unpierced except for required ventilation and access, and constructed of masonry, rock, brick or natural or manufactured stone products shall be installed so that it encloses the area located under the home to the ground level. Such a wall must meet the standards specific in Georgia Rules and Regulations for Manufactured Housing (as amended). A 24-inch tall, minimum, crawl space shall be maintained under the home, measured from the lowest structural member.
- e5. The home shall have permanent landings installed at each doorway. Such landings shall have a minimum area of 48 square feet. Steps shall be attached to all landings and must lead to the ground level. All landings visible from the public right-of-way shall be completely skirted with the same materials as the home or with a decorative latticework. Landings and steps construction must meet the requirements set forth in the International Residential Code.
- f6. The CO shall not be issued until all installation work has been completed including all skirting/curtain walls.

2B.—All manufactured homes must be installed in accordance with the current International Residential Code, as amended and the Georgia Rules and Regulations for Manufactured Housing (as amended), except as modified and/or exceeded by separate Upson County standards.

3C.—Manufactured homes are not permitted to be used as storage buildings.

T21. *Manufactured home, class B*: A dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with Federal Manufactured Home Construction and Safety Standards Act 42 USC 5401—5445 (the HUD Code, which became effective on June 15, 1976), but does not satisfy the criteria necessary to qualify the unit as a class A manufactured home. All manufactured homes must be installed in accordance with the current International Residential Code, as amended and the Georgia Rules and Regulations for Manufactured Housing (as amended), except as modified and/or exceeded by separate Upson County standards.



~~1A.~~—The home has a minimum width of 14 feet.

~~2B.~~—The pitch of the home's roof is a minimum 3/12 vertical rise to horizontal run, and the roof is finished with code compliant materials and construction methods.

~~3C.~~—The exterior siding consists of wood, concrete, vinyl hardboard, stucco, aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in conventional residential construction, or HUD-approved siding.

~~4D.~~—A curtain wall (skirting)—unpierced except for required ventilation and access, and constructed of either masonry, or a simulated rock or brick or other material manufactured for such a purpose—is installed so that it encloses the area located under the home to the ground level. Such a wall must meet the standards specific in Georgia Rules and Regulations for Manufactured Housing (as amended). A 24-inch tall, minimum, crawl space shall be maintained under the home, measured from the lowest structural member.

~~5E.~~—The home shall have permanent landings installed at each doorway. Such landings shall have a minimum area of 48 square feet. Steps shall be attached to all landings and must lead to the ground level. All landings visible from the public right-of-way shall be completely skirted with the same materials as the home or with a decorative latticework. Landings and steps construction must meet the requirements set forth in the International Residential Code.

~~6F.~~ The CO shall not be issued until all installation work has been completed including all skirting/curtain walls.

~~U22.~~ *Manufactured home, class C:* Any manufactured home that does not meet the definitional criteria of a class A or class B manufactured home (not constructed to the HUD code). All manufactured homes must be installed in accordance with Georgia Rules and Regulations for Manufactured Housing (as amended). Class C manufactured homes must meet the construction standards specified in ANSI A119.1 (NFPA-501B). Compliance with ANSI A119.1 may be determined by any of the following procedures:

~~1A.~~—For manufactured homes located with [within] Upson County, the Upson County Administrative Officer must inspect the unit and determine what (if anything) is needed to bring the unit up to the standards of ANSI 119.1. Upon determining that the unit meets ANSI 119.1 standards and that the provisions of all other applicable Upson County ordinances are met by the proposed placement of the manufactured home, the administrative officer will issue the permit for placement of the manufactured home.

~~2B.~~—(Reserved).

~~3C.~~—(Reserved).

~~4D.~~—(Reserved).

~~5E.~~ \_Manufactured homes are not permitted to be used as storage buildings.

~~V23.~~ *Manufactured home space:* An area of land within a planned manufactured home community designed to accommodate one manufactured home.

~~W24.~~ *Manufactured housing:* A general term used to describe a type of housing that is produced, either completely or partially, in a factory, including manufactured homes, modular homes, and industrialized homes. In the context of this ordinance, this term has no specific meaning.

~~X25.~~ *Mobile home:* An obsolete term used to describe a manufactured home. In the context of this ordinance, this term has no specific meaning. See definition of manufactured home.

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- ~~Y~~26. *Mobile home park*: An obsolete term used to describe a planned manufactured home park. In the context of this ordinance, this term has no specific meaning. See definition of planned manufactured home park.
- ~~Z~~27. *Modular home*: A factory-fabricated single-family dwelling that is constructed in one or more sections and complies with the definition of industrialized home.
- ~~AA~~28. *Multisection home*: An obsolete term used to describe a manufactured home finished in two or more sections. In the context of this ordinance, this term has no specific meaning. See definition of manufactured home.
- ~~BB~~29. *National Manufactured Home Construction and Safety Standards*: The national building code for all manufactured homes built since June 15, 1976, written and administered by the U.S. Department of Housing and Urban Development; also known as the HUD Code.
- ~~CC~~30. *Planned apartment home community*: A lot used or intended for use as a residential area occupied by apartment homes and conforming to an approved development plan; with appropriate and adequate community services, recreation facilities, utilities, streets, and sidewalks provided by the developer.
- ~~DD~~31. *Planned manufactured home community*: A lot used or intended for use as a residential area occupied by manufactured homes; and conforming to an approved development plan with appropriate and adequate community services, recreation facilities, utilities, streets, and sidewalks provided by the developer; where the resident owns or rents the manufactured home and rents the manufactured home space. All manufactured home parks must be designed and constructed in accordance with ANSI A225.1 (NFPA 501A), Manufactured Home Installations 1982, as amended.
- ~~EE~~32. *Prefabricated home*: A general term used to describe any home constructed in a factory setting including manufactured homes, modular homes, and industrialized homes. In the context of this ordinance, this term has no specific meaning.
- ~~FF~~33. *SBCCI*: Southern Building Code Congress International[, Inc.].
- ~~GG~~34. *Sectional home*: A general term used to describe any home constructed in a factory setting, especially manufactured homes. In the context of this ordinance, this term has no specific meaning.
- ~~HH~~35. *Singlewide*: An obsolete term used to describe a mobile home or manufactured home having a width of between eight and 14 feet. In the context of this ordinance, this term has no specific meaning. See definition of manufactured home.
- ~~II~~36. *Site-built home*: See definition of conventional construction.
- ~~37~~J. *Skirting*: A durable, non-load bearing material which shall enclose the space from the bottom of a manufactured home to grade.
- ~~38~~K. *Stick-built home*: See definition of conventional construction.
- ~~39~~L. *Trailer*: An obsolete term used to describe a manufactured home. In the context of this ordinance, this term has no specific meaning.
- ~~MM~~40. *Trailer court*: An obsolete term used to describe a planned manufactured home community. See definition of planned manufactured home community.
- ~~NN~~41. *Trailer park*: An obsolete term used to describe a planned manufactured home community. See definition of planned manufactured home community.
- ~~OO~~42. *Travel trailer*: A vehicle designed as a temporary dwelling for travel or recreational uses, not more than eight feet in width and not more than 30 feet in length.

43PP. *Travel trailer park*: A lot on which are parked two or more travel trailers for a period of less than 30 days.

44QQ. *Underpinning*: The load-bearing foundation or structural support for the frame of a manufactured home, often masonry piers.

( Ord. No. 267 , § 1, 2-12-2019)

### ARTICLE 3. ESTABLISHMENT OF DISTRICTS

#### Section 301. Districts established.

A. *Districts*: For the purposes of this ordinance, Upson County is divided into districts as follows:

A-R	Agricultural- <del>R</del> esidential – very low density
<del>R-E</del>	<del>Rural Estate residential</del>
R-1	Single-family residential—low density
R-2	Single-family residential—medium density
R-3	(Reserved)
R-4	General residential
R-5	Single-family residential—small dwelling
	(Reserved)
P-R	Planned development—residential
P-M	Planned development—mixed use
O-1	Office-residential
C-1	Commercial—light/neighborhood
C-2	Commercial—general/highway
C-3	Commercial—intensive/CBD
M-1	Manufacturing—light
M-2	Manufacturing—general

B. *Overlay districts*: In addition, overlay districts apply additional standards to specific areas which may lie within any of the above districts. Those districts are as follows:

<del>1.</del>	S-1	Sensitive land—flood hazard
<del>2.</del>	S-2	Sensitive land—watershed protection
<del>3.</del>	H-1	Historic district

#### Section 302. Districts explained.

A. Districts are areas of land within Upson County to which different development requirements and standards are applied. These differences are intended to promote the separation of incompatible uses, encourage sound land use patterns, and retain the character of the community. Although this ordinance establishes the locations of district boundaries, as indicated on the official map, the boundaries may be amended in the future in order to meet changing needs if facts are presented and accepted in support of such an amendment.

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- B. This may be done, however, only if the proposed change is in conformance with the Upson County Land Use Plan (where one exists). (This does not necessarily mean a one-to-one correspondence.) If conditions have changed to the point that a genuinely needed change in a district boundary is not in conformance with the Upson County ~~Land Use Comprehensive Plan (where one exists)~~, then the Upson County ~~Land Use Comprehensive Plan (where one exists)~~ must first be amended to address the changing needs.
  - C. In making the decision to amend the boundary of a district, the points contained in section 410 must be considered by the planning commission as well as the board of commissioners.

## *ARTICLE 4. GENERAL PROCEDURES*

### Section 401. Initial information.

- A. Article 4 outlines the procedures to be followed in order to comply with the requirements of this ordinance. The developer (see definition of "developer" in article 2), who initially may not be familiar with this ordinance, first visits the administrative officer to get information concerning the ordinance affecting his proposed development.
- B. The administrative officer will show the developer a copy of this ordinance. The developer may either review the document in the office or he may purchase a copy for his own use.

### Section 402. Compliance with zoning ordinance required.

- A. No building is to be erected, used, occupied, moved, or altered in a manner that does not conform to the requirements specified for the district in which it is located.
- B. The only exception to this requirement is that all buildings or uses which lawfully existed at a particular location at the time this ordinance was adopted may be continued as "nonconforming uses."

### Section 403. Continuation of nonconforming uses.

Invariably, at the time a land use and development control ordinance is adopted or amended, certain uses which lawfully existed prior to the adoption or amendment will not conform to the regulations and standards for the districts in which they are located. These are known as nonconforming uses, and in order to feasibly adopt the ordinance and so as not to cause undue economic hardship on owners of nonconforming uses, these uses are allowed to continue under special conditions as outlined in the following parts of this section:

- A. Where a nonconforming use of a building or lot has ceased for more than six months or has changed to a permitted or conforming use, further use of the building or lot must be in conformance with the standards and requirements for the district in which it is located.
- B. A nonconforming use shall not be extended or expanded. Any interior or exterior remodeling or other alteration of a nonconforming building or lot that does not have the effect of extending or expanding the nonconforming use must be in conformance with the requirements of this ordinance.
- C. A nonconforming use which undergoes interior or exterior remodeling or other alteration that does not extend or expand the nonconforming use must meet applicable Upson County building codes and development regulations. When an applicant seeks a building permit for such remodeling or other alteration of a nonconforming use, the administrative officer shall inspect the unit and determine what is needed to bring the unit into conformance with applicable building codes and development regulations. Upon determining that the unit meets applicable building codes and development regulations, the administrative officer will issue the building permit for the nonconforming use.

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- D. If a nonconforming building or structure suffers damage which does not exceed 50 percent of its fair market value immediately preceding such damage, the building or structure may be reconstructed and reused as before if completed within 12 months from the time such damage occurred. If such damage is greater than 50 percent of its fair market value immediately preceding the damage, such a building or structure may only be reconstructed and used in conformity with the standards and requirements for the district in which it is located. Otherwise, it must be removed at the owner's expense within six months from the time such damage occurred.
  - E. A use which is nonconforming only with respect to screening or buffer (see definition in article 2) requirements must provide required screens or buffers within a period of three years from the effective date of this ordinance. This time period is to allow for the growth of natural vegetative buffers.
  - F. In addition to the above stated conditions concerning the continuance of nonconforming uses, any business (including a home occupation business) that meets the definition of nonconforming use as specified herein shall at all times maintain a properly obtained and executed Upson County occupational tax certificate (commonly referred to as "business license"). A break of 12 months or more in the purchase and issuance of said occupational tax certificate shall cause the business to lose its status as a nonconforming use, and any further use must be in conformance with the standards and requirements for the district in which it is located.

(Ord. No. 166, 6-24-2004)

#### Section 404. Building permit required.

- A. The developer or other person wishing to do any of the following must first apply to the administrative officer for a building permit:
  - 1. Excavation or filling of a lot for the construction of a building.
  - 2. Erection, movement, extension, or enlargement of a building.
  - 3. Work on an existing building which increases the assessed value \$500.00 or more.
  - 4. Installation of a manufactured home or industrialized building.
- B. No electricity, water, or sewage hookup will be made available to the site of new construction until a building permit is secured.
- C. The building permit must be applied for either by the owner of the land upon which the proposed building or alteration is to be located, or by the contractor doing the work.
- D. The applicant may obtain a building permit application from the administrative officer. He should complete the application form and submit it to the administrative officer, together with any supporting documentation which the administrative officer may specify.
- E. No application will be accepted from any person who is in violation of the zoning ordinance. If an applicant for a building permit is, at the time of such an application, determined by the administrative officer to be in violation of the zoning ordinance, then the administrative officer will be prohibited from accepting or processing any application from that applicant until the applicant does one of the following:
  - 1. He must voluntarily remove or change the cause of the violation and cease to be in violation. The applicant must notify the administrative officer that he has ceased the violation and obtain a release from the administrative officer as to the violation.

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2. He must be tried before a court of competent jurisdiction and acquitted of charges and present a certified copy of the court order to the administrative officer within 30 days of the final order of the court.
- F. When the applicant has ceased to be in violation by either "1" or "2" above, the administrative officer will then accept the application for building permit.
  - G. Before a building permit is issued by the administrative officer, the Upson County Health Department must approve the proposed water supply and sewage disposal facilities required in connection with the proposed building or structure. In areas served by a public water and sewage [sewer] system, the health department may elect to waive the requirement for approval. After study of the site of a proposed use, the health department may require for health reasons that all or any portion of the site not be used for the intended purpose. The health department may also set a minimum lot size larger than that required by this ordinance. The Upson County Health Department will either approve or disapprove the water and sewer facilities within ten days of receipt of the application from the administrative officer, providing a written decision, including reasons for the decision.
  - H. An existing use which is altered or extended must meet applicable Upson County building codes and development regulations. When an applicant seeks a building permit for the extension or alteration of an existing use, the administrative officer will inspect the use and determine what (if anything) is needed to bring the use into conformance with applicable building codes and development regulations before a building permit may be issued.
  - I. The administrative officer is in charge of issuing building permits. The administrative officer will contact the applicant at the address shown on the application. The building permit will be issued if, upon review of the application and inspection of the site, the administrative officer is satisfied that the proposed project will meet the requirements of this ordinance and all other applicable ordinances. The administrative officer may require the submission of additional information in order to determine if the proposed project meets the requirements of this ordinance.
  - J. If the administrative officer determines that the proposed project as presented in the building permit application will not satisfy the requirements of this ordinance, he will not issue a building permit. He will notify the applicant in writing within 14 days of the submission of the application, stating reasons for the refusal. The applicant will then need to confer with the administrative officer to determine what he needs to do in order to comply with the ordinance and be eligible for a building permit.
  - K. Construction on an approved project must start within six months from the date of issue of the building permit, or the permit will become invalid and a new one must be applied for if construction of the project is desired at a future date. If construction has begun on an approved project and then ceases before the project is completed, construction must be restarted within 12 months from the time that it was stopped, or the permit will become invalid and a new one must be applied for if construction of the project is desired to resume at a future date. Records of building permit applications and supporting materials will be maintained by the administrative officer.
  - L. All newly constructed buildings, as well as additions, extensions, or enlargements of structures, must comply with all building codes in effect in Upson County. The administrative officer will explain the procedures and timing of inspections to determine if work meets applicable codes.

#### Section 404.1. Inspection of previously inhabited manufactured homes—Minimum health and safety standards.

All previously inhabited manufactured homes required to be permitted for major renovations and/or relocation from outside or from within Upson County shall comply with the following before closing out of the permit and before being issued a certificate of occupancy by the building inspector:



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- A. *HUD Code.* Every previously inhabited 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.
  - B. *Interior condition.* Every floor, interior wall, and ceiling of a previously inhabited 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.
  - C. *Exterior condition.* The exterior of all previously inhabited 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.
  - D. *Sanitary facilities.* Every plumbing fixture, water, and waste pipe of a previously inhabited 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.
  - E. *Heating systems.* Heating shall be safe and in working condition. Un-vented heaters shall be prohibited. However, factory-installed ventless gas logs are permitted.
  - F. *Electrical systems.* 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.
  - G. *Hot water supply.* Each home shall contain a water heater in safe and working condition.
  - H. *Egress windows.* Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary.
  - I. *Ventilation.* The kitchen in the home shall have at least one operating window or other ventilation device.
  - J. *Smoke detectors.* Each previously inhabited 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.

( Ord. No. 267 , § 1, 2-12-2019)

#### Section 405. Certificate of occupancy required.

- A. A certificate of occupancy is required before a structure for which a building permit has been issued may be occupied or used. The building permit becomes the certificate of occupancy when the administrative officer signs it in the appropriate space, certifying that to the best of his knowledge all requirements of this ordinance have been met. The owner/contractor will then receive the certificate of occupancy to be used as confirmation that he has complied with the provisions of this ordinance.
- B. The administrative officer will issue the certificate of occupancy within ten days of receiving the building permit with required certifications, if he finds that all requirements of this ordinance and all other applicable

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ordinances have been met. However, if he finds that all requirements of such ordinances have not yet been met when the owner/contractor seeks a certificate of occupancy, the administrative officer will not issue the certificate of occupancy. He will notify the owner/contractor within ten days, stating reasons for the refusal. The owner/contractor will then need to confer with the administrative officer to determine what he needs to do in order to comply with the ordinance and be eligible for a certificate of occupancy.

#### Section 406. Appealing an action of the administrative officer.

- A. If the administrative officer executes an action which the developer or other aggrieved party believes to be contrary to law, that action may be appealed. Findings of fact, however, may not be appealed. Such an appeal must be filed within 30 days of the date on which the action by the administrative officer was taken.
- B. The planning commission has jurisdiction for hearing appeals concerning actions of the administrative officer related to this ordinance. Applications for appeal may be obtained from and submitted to the administrative officer, who will transmit them to the planning commission for its consideration.
- C. When an action of the administrative officer is appealed, all construction or other activity authorized by the appealed action must be stopped immediately. In certain cases, however, the administrative officer may feel that the stopping of such construction or other activity authorized by the appealed action will cause imminent peril to life or property. Then, the administrative officer may certify to the planning commission that, by reason of facts stated in the certificate, the halting of construction or other activity authorized by the appealed action would in his opinion cause imminent peril to life or property. In such cases, the construction or other activity authorized by the appealed action is allowed to continue unless a restraining order is granted by either the planning commission or a court of appropriate jurisdiction.
- D. When an application for appeal of an action of the administrative officer is received, the planning commission will set a time and place for a public hearing on the appeal. Notice of the hearing must be published in the legal organ (newspaper) of Upson County at least 15 days before the hearing. In addition, the parties to the appeal will be notified of the date of the hearing by the planning commission by certified mail with return receipt requested at least 15 days before the hearing. Any person may appear at the hearing, or have a representative attend instead.
- E. The planning commission will make a decision concerning the appeal and record the decision in the minutes for that meeting. Further appeal on points of law may be made to [the] board of commissioners.

#### Section 406.1. Appealing an action of the planning commission.

- A. If the planning commission executes an action which the developer or other aggrieved party believes to be contrary to law, that action may be appealed. Findings of fact, however, may not be appealed. Such an appeal must be filed within 30 days of the date on which the action by the planning commission was taken.
- B. The board of commissioners has jurisdiction for hearing appeals concerning actions of the planning commission related to this ordinance. Applications for appeal may be obtained from and submitted to the administrative officer, who will transmit them to the board of commissioners for its consideration.
- C. When an action of the planning commission is appealed, all construction or other activity authorized by the appealed action must be stopped immediately. In certain cases, however, the administrative officer may feel that the stopping of such construction or other activity authorized by the appealed action will cause imminent peril to life or property. Then, the administrative officer may certify to the board of commissioners that, by reason of facts stated in the certificate, the halting of construction or other activity authorized by the appealed action would in his opinion cause imminent peril to life or property. In such cases, the construction or other activity authorized by the appealed action is allowed to continue unless a restraining order is granted by either the board of commissioners or a court of appropriate jurisdiction.

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- D. When an application for appeal of an action of the planning commission is received, the board of commissioners will set a time and place for a public hearing on the appeal. Notice of the hearing must be published in the legal organ (newspaper) of Upson County at least 15 days before the hearing. In addition, the parties to the appeal will be notified of the date of the hearing by the board of commissioners by certified mail with return receipt requested at least 15 days before the hearing. Any person may appear at the hearing, or have a representative attend instead.
  - E. The board of commissioners will make a decision concerning the appeal and record the decision in the minutes for that meeting. Further appeal on points of law may be made to the Upson County Superior Court.

## Section 407. Variances.

- A. A variance is a permit, issued by the planning commission, which allows use of a parcel of land in a way that does not meet certain requirements for the district in which the property is located. A variance may be granted only in an individual case where an extreme hardship would result if all of the requirements of this ordinance were applied stringently to a particular piece of property. The hardship must be proven by showing beyond a doubt that reasonable use of the land is not possible if all of the requirements of this ordinance are to be met. The hardship cannot be self-created such as:
  - 1. A lot purchased with knowledge of an existing restriction.
  - 2. A claim of hardship in terms of prospective sales.
  - 3. An expressed economic need requiring a variance, when such a need can be met in other ways which would not require a variance.
- B. Relief from the hardship—the variance—must not cause substantial detriment to the public good or impair the purposes of this ordinance.
- C. When a variance is issued, the spirit of this ordinance must be observed and the public safety and welfare secured. A variance may be granted only for permitted uses in the zoning district in which the property in question is located; use variances are not allowable. (For example, a two-family dwelling would not be allowed to be placed in an R-1 district under a variance.) Additionally, a granted variance must be limited to the minimum extent required to accomplish the applicant's need to resolve a hardship.
- D. The developer or owner wishing to request a variance must have at least 51 percent ownership of the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing, under the owner's signature. The planning commission or board of commissioners may also propose a variance. However, the power to approve a variance rests with the planning commission.
- E. Application for a variance may be made with the administrative officer. The administrative officer will take the required information and transmit it to the planning commission for its consideration. No application is to be accepted from any person in violation of the zoning ordinance. If an applicant for a variance or any other action by the planning commission is, at the time of such application, determined by the administrative officer to be in violation of the zoning ordinance, then the administrative officer will be prohibited from accepting or processing any application from that applicant until the applicant does one of the following:
  - 1. He must voluntarily remove or change the cause of the violation and cease to be in violation. The applicant must notify the administrative officer that he has ceased the violation and obtain a release from the administrative officer as to the violation.
  - 2. Has been tried before a court of competent jurisdiction and acquitted of charges and presents a certified copy of the court order to the administrative officer within 30 days of the final order of the court.

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- F. When the applicant has ceased to be in violation by either [subsection] 1. or 2. above, the administrative officer will then accept the application for variance.
  - G. When an application for a variance is received, the administrative officer must post a sign at least two feet by three feet in size in a conspicuous place on the property, visible from all bordering public streets, at least 15 days but not more than 45 days prior to the date of the scheduled public hearing. The sign must set forth the fact that it is a "variance notice." It must show the date, time, and place of the scheduled public hearing, and it must inform the public that additional information may be obtained from the administrative officer.
  - H. When an application for a variance is received, the planning commission will set a time and place for a public hearing on the variance. Notice of the hearing must be published in the legal organ (newspaper) of Upson County at least 15 days before the hearing. Such notice will state the application number, owner's name, property location, its area, time, place and subject of the hearing. At least 15 days before the public hearing, notice of the time, place, and subject of the hearing will be sent to the appellant or petitioner in writing by U.S. mail to his last known address. Copies of all such letters will be maintained in the applicant file for permanent record.
  - I. The planning commission will make a decision concerning the variance and record the decision in the minutes for that meeting.
  - J. The variance issued by the planning commission must specify which requirements are to be varied from. It must specify alternative requirements to be met, replacing the requirements varied from.
  - K. The planning commission may establish performance bonds to assure compliance with any requirements it has set for granting a variance. Where a variance is granted for a construction activity requiring a building permit, the building permit must be obtained and construction must begin within six months of the issuance of the variance. Otherwise, the variance expires after six months.
  - L. The decision of the planning commission on the application for variance may be appealed on points of law to the board of commissioners and then to the superior court of Upson County.

#### Section 408. Conditional zoning.

- A. When a parcel of property is placed in a certain zoning district, all permitted uses for that zoning district are allowed on the property as long as the published requirements of this ordinance and other development regulations of Upson County are met. However, in certain situations, only one of the permitted uses for a district may be appropriate for a parcel of property while many of the other uses within the range of those permitted would not be appropriate—or certain design, location, aesthetic, or other standards may be needed to mask otherwise undesirable effects of a permitted use. In such cases, conditional zoning may be granted by the board of commissioners.
- B. The following situations are permitted under conditional zoning:
  - 1. The use of land may be specifically limited to any one or more of the permitted uses for the zoning district in which the land is placed.
  - 2. Special requirements of design, location, aesthetics, or other considerations may be imposed for the uses permitted on the land.
  - 3. Any combination of the above two categories of conditions may be imposed.
- C. Conditional zoning is attached to a specific lot or group of lots—not to the owner(s). If ownership of the lot(s) changes, continued compliance with the special conditions must be maintained by the new owner(s).
- D. Conditional zoning may be proposed by the board of commissioners, the planning commission, the petitioner for a zoning amendment, or any person who may be affected by the subject property.

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- E. A tract of land to which special conditions have been attached continues to be subject to all other requirements of this ordinance and other applicable regulations of Upson County which are not in conflict with those special conditions.
  - F. Whenever a tract of land has had special conditions imposed upon it and a building permit is applied for, plans and specifications which are drawn in compliance with the special conditions must be submitted with the application for a permit.
  - G. Two sets of plans and specifications must be submitted to the administrative officer in application for a building permit. Upon approval, the administrative officer will certify in writing his approval upon the plans and specifications. The copies of the approved plans and specifications will be distributed as follows:
    - 1. One copy to record of rezoning file.
    - 2. One copy to applicant.
  - H. ~~Reserved. When conditional zoning has been granted for a parcel of property, and no building permit for the property has been applied for within 12 months of the date of such conditional zoning, the property will revert to its original zoning prior to the conditional zoning. However, the owner of the property conditionally zoned may request the board of commissioners to extend the conditional zoning for up to 12 months. If the board of commissioners find just cause for extending the conditional zoning, it may be extended for a period of up to 12 months.~~
  - I. The zoning of any parcel of land which is subject to special conditions will be indicated on the official map by its zoning district designation followed by "C" (for example "R-1-C").
  - J. Any granting of conditional zoning is an amendment of this ordinance, and procedures contained in section 410 must be followed.

#### Section 409. Special exceptions.

- A. Some zoning districts permit certain uses only upon approval of the planning commission. These are called special exceptions. Consideration is given to whether or not the objectives of this ordinance will be hindered in an individual situation.
- B. The developer or owner wishing to request a special exception must have at least 51 percent ownership of the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing, under the owner's signature. The planning commission or board of commissioners may also propose a special exception. However, the power to approve a special exception rests with the planning commission.
- C. Application for a special exception may be made with the administrative officer. The administrative officer will take the required information and transmit it to the planning commission for its consideration. No application is to be accepted from any person in violation of the zoning ordinance. If an applicant for special exception or any other action by the planning commission is, at the time of such an application, determined by the administrative officer to be in violation of the zoning ordinance, then the administrative officer will be prohibited from accepting or processing any application from that applicant until the applicant does one of the following:
  - 1. He must voluntarily remove or change the cause of the violation and cease to be in violation. The applicant must notify the administrative officer that he has ceased the violation and obtain a release from the administrative officer as to the violation.
  - 2. He must be tried before a court of competent jurisdiction and acquitted of charges and present a certified copy of the court order to the administrative officer within 30 days of the final order of the court.

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- D. When the applicant has ceased to be in violation by either [subsection] 1. or 2. above, the administrative officer will then accept the application for special exception.
- E. When an application for a special exception is received, the administrative officer must post a sign at least two feet by three feet in size in a conspicuous place on the property, visible from all bordering public streets, at least 15 days but not more than 45 days prior to the date of the scheduled public hearing. The sign must set forth the fact that it is a "special exception notice." It must show the date, time, and place of the scheduled public hearing, and it must inform the public that additional information may be obtained from the administrative officer.
- F. When an application for a special exception is received, the planning commission will set a time and place for a public hearing on the special exception. Notice of the hearing must be published in the legal organ (newspaper) of Upson County at least 15 days before the hearing. Such a notice will state the application number, owner's name, property location, its area, time, place, and subject of the hearing. At least 15 days prior to the hearing, notice of the time, place, and subject of the hearing will be sent to the appellant or petitioner in writing by U.S. mail to his last known address. Copies of all such letters will be maintained in the applicant file for permanent record.
- G. The planning commission will make its decision concerning the special exception and record the decision in the minutes of that meeting.
- H. The decision of the planning commission on the application for special exception may be appealed on points of law to the board of commissioners and then to the superior court of Upson County.
- I. The planning commission will consider the following points in arriving at a decision on the special exception:
1. It must not be contrary to the purpose of this ordinance.
  2. It must not be detrimental to the use or development of adjacent properties, or to the general neighborhood; it must not adversely affect the health or safety of residents or workers.
  3. It must not constitute a nuisance or hazard because of the number of persons who will attend or use such a facility, vehicular movement, noise or fumes generated, or type of physical activity.
  4. It must not adversely affect existing uses, and it must be proposed to be placed on a lot of sufficient size to satisfy the space requirements of the use.
  5. It must meet all other requirements of this ordinance.
- J. The planning commission may require any additional restrictions and development standards on a special exception as may be necessary to protect the health and safety of workers and residents.
- K. If the planning commission finds that any restrictions upon which a special exception was granted are not being complied with, it will revoke the permit after giving due notice to all parties concerned and granting full opportunity for a public hearing. All work must cease until the decision is final.

(Ord. No. 242 , § 1, 6-9-2015)

## Section 410. Amendments.

- A. If a developer or landowner finds that a proposed new use of his land does not meet the requirements of this ordinance, he may request that this ordinance be amended to permit his proposed use. The developer or owner wishing to request an amendment of the official map must have at least 51 percent ownership of the subject property or be the duly authorized agent of such a person, possessing notarized authorization in writing under the owner's signature. The planning commission or the board of commissioners may also propose an amendment. However, the power to approve and enact an amendment rests with the board of commissioners.



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- B. Application for an amendment may be made with the administrative officer. The administrative officer will take the required information and transmit it to the planning commission for its consideration. No application is to be accepted from any person in violation of the zoning ordinance. If an applicant for an amendment or any other action by the planning commission is, at the time of such an application, determined by the administrative officer to be in violation of the zoning ordinance, then the administrative officer will be prohibited from accepting or processing any application from that applicant until the applicant does one of the following:
1. He must voluntarily remove or change the cause of the violation and cease to be in violation. The applicant must notify the administrative officer that he has ceased the violation and obtain a release from the administrative officer as to the violation.
  2. He must be tried before a court of competent jurisdiction and acquitted of charges and present a certified copy of the court order to the administrative officer within 30 days of the final order of the court.
- C. When the applicant has ceased to be in violation by either [subsection] 1. or 2. above, the administrative officer will then accept the application for amendment.
- D. When an amendment is initiated which involves changing the zoning district of a parcel of land, the administrative officer must post a sign at least two feet by three feet in size in a conspicuous place on the property, visible from all bordering public streets, at least 15 days but not more than 45 days prior to the date of the scheduled public hearing. The sign must set forth the fact that it is a "zoning notice." It must show the present zoning classification, the proposed zoning classification, the purpose, date, time, and place of the scheduled public hearing, and it must inform the public that additional information may be obtained from the administrative officer.
- E. All applications for amendment must first be reviewed by the planning commission. The planning commission will study the proposed amendment and determine if it meets the requirements of this ordinance, as well as other applicable ordinances of Upson County. At this time, the administrative officer may review the proposed amendment and make written recommendations to the planning commission.
- F. The planning commission must then conduct a public hearing on the amendment. The responsibility of conducting the public hearing is delegated by the board of commissioners to the planning commission under provisions specified in the Zoning Procedures Law (O.C.G.A. § 36-66-1, enacted by 1985 Ga. Laws, page 1139, 1.), paragraph 2-(b)-(1). (See section 105, paragraph F of this ordinance for additional details.) Notice of the hearing must be published in the legal organ (newspaper) of Upson County at least 15 days but not more than 45 days before the hearing. The location of the property, present zoning classification, proposed zoning classification, owner's name and the time, date, and place of the hearing must be indicated in the newspaper notice.
- G. The following policies and procedures shall be applicable to the calling and conducting of public hearings required by O.C.G.A. § 36-66-4 and the Upson County Zoning Ordinance for both the Upson County Planning Commission and the Upson County Board of Commissioners:
1. The zoning hearing shall be held at the time and place provided in the published notice of the hearing and shall be conducted on the premises of the Upson County Courthouse.
  2. In order for a person in attendance at the public hearing to speak on a matter, with the exception of the applicant and/or his/her designated representative, such person shall register with the person designated by the planning commission or the board of commissioners prior to the time of the meeting at which the application in question shall be heard. Such registration shall include:
    - a. Name, address, and telephone number of the person wishing to speak.
    - b. The matter on which the person wishes to speak.

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- c. Whether the person intends to speak as a proponent or opponent.
    - d. Whether the person has been named as a representative to speak on behalf of a particular group.
  3. The planning commission chairman or the chairman of the board of commissioners shall review for those present, at the commencement of the hearing, the procedures set forth herein and shall call each listed application before the commission or board.
  4. If the subject of the hearing is a zoning decision initiated by a petitioner other than the board of commissioners, the petitioner requesting such zoning decision, or the petitioner's agent, shall be recognized first and shall be permitted to present and explain the request for the zoning decision. Thereafter, all individuals who are registered and who so desire shall be permitted to speak in favor of the zoning decision. If the request for a zoning decision is initiated by the board of commissioners, all members of the board of commissioners shall be allowed to speak as they are recognized by the presiding officer, regardless of whether such board member speaks in favor of or in opposition to the proposed zoning decision.
  5. The planning commission members or the board of commissioners will question the applicant on his application. The chairman shall then call upon persons who have registered to speak in opposition to the application.
  6. In the case of a request by a petitioner to rezone property, the petitioner shall have an opportunity, after all comments in opposition have been made, to make summary remarks concerning the proposed zoning decision.
  7. After public comments have been heard as to the matter, the presiding officer shall announce that the public hearing for the requested zoning decision is closed, and the board of commissioners or the planning commission, as the case may be, shall immediately discuss the proposed zoning decision in public among themselves and vote on action which they are authorized to take.
  8. Each speaker shall speak from the podium or area designated and preface his or her remarks by stating his or her name, address, and the organization or group represented by the speaker, if any. The length of time for oral presentations permitted to each speaker will be governed by the planning commission or the board of commissioners, depending upon the number of persons present and desiring to speak. Each speaker, other than the petitioner, will be allotted the same amount of time to speak, provided they comply with the policies set out herein.
  9. No debate between speakers shall be permitted nor will debate or argument with the planning commission or the board of commissioners be permitted or tolerated. Speakers shall be expected to conduct themselves in an appropriate manner and involvement of personalities or the use of abusive or profane language shall not be allowed. Speakers will be ruled out of order for such infractions.
  10. As a result of time constraints and hearings, interested parties shall be encouraged to submit petitions, studies, letters, and other materials requiring prior study in time to have them included in their file agenda. The board of commissioners or the planning commission shall have the discretion to accept such materials at the hearing if circumstances do not permit earlier submittal. Such materials, if presented orally at the hearing, shall be subject to the time limits provided above. The planning commission or the board of commissioners shall have the discretion to continue a hearing to a later date if the materials submitted or views expressed require more time for study and consideration than may be reasonably allocated in one meeting.
  11. The board of commissioners may call for such additional views, studies, or other information from any source they consider necessary to make a sound decision on a proposed zoning action.
  12. Any person desiring a transcript of the hearing must arrange for a court reporter at their own expense.

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13. "Standing" to challenge a zoning decision is not conferred by being permitted to speak orally at a hearing, nor by being permitted to file statements or pleadings.
- H. Whenever this county shall exercise its zoning power, the following standards are considered relevant and shall be considered in balancing the county's interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property:
1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent or nearby property.
  2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
  3. Whether the property affected by the zoning decision has a reasonable economic use as currently zoned.
  4. Whether the zoning proposal is in conformity with the policy and intent of any adopted land use plan.
  5. Whether there are other existing conditions affecting the use and the development of the property which give supporting grounds for either approval or disapproval of a zoning proposal.
  6. The length of time the property has been vacant.
  7. The threat to the public health, safety, and welfare if rezoned.
- I. The county may also consider whether development of the property in the zoning classification sought would do any of the following:
1. Have an adverse effect on the insurance rating of the county, or any substantial portion of the county, issued by the Insurance Service Office or similar rating agency.
  2. Overtax the public utilities and streets presently existing to serve the site.
  3. Have a substantial adverse impact on the environment, including, but not limited to, drainage, soil erosion, and sedimentation, flooding, air quality, and water quality and quantity.
- J. After the public hearing, and at an official meeting of the planning commission, the planning commission will formulate its recommendations to the board of commissioners, recording them in the minutes for that meeting. The planning commission may decide to make no recommendation or it may make any of the following recommendations with respect to an application for an amendment: approval, denial, deferral, withdrawal without prejudice, reduction of the land area for which the application is made, change of the zoning district requested, or imposition of zoning conditions. The planning commission must send its recommendations on the proposed amendment in writing to the board of commissioners within 45 days of the close of the public hearing. If the planning commission fails to send its recommendations to the board of commissioners within 45 days of the close of the public hearing, it will mean that the planning commission approves of the proposed amendment.
- K. [Action of the board of commissioners.]
1. Before taking action on a proposed amendment and after receipt of the planning commission recommendations and reports thereon, the board of commissioners shall hold a public hearing on the proposed amendment in accordance with the provisions of O.C.G.A. § 36-66-4.
  2. So that the purpose of this zoning ordinance will be served and so that the health, public safety, and general welfare will be secured, the board of commissioners may, in its legislative discretion, approve or deny the proposed amendment as submitted, reduce the land area for which the application is made, change the zoning district to one other than that requested, or add or delete zoning conditions as the board deems appropriate. The board of commissioners shall also have the legislative discretion to grant a conditional use in its decision to rezone property. However, conditions applying to reversion

of rezoning approval may not be applied. An action to defer a decision on the proposed amendment shall include a specific meeting date to which the proposed amendment is deferred. The board of commissioners may also approve a withdrawal of an application, and if so stipulated by the board in its decision to approve withdrawal, the 12-month limitation on refiling of the application for the same property shall not apply.

- L. If the board of commissioners deny a proposed amendment, a minimum period of 12 months must pass before the same amendment proposal is again submitted for consideration.

#### Section 411. (Reserved).

#### Section 412. Appealing an action of the board of commissioners.

If the board of commissioners execute an action which the developer or other aggrieved party believes to be contrary to law, that action may be appealed to the Upson County Superior Court. Findings of fact, however, may not be appealed. Such an appeal must be filed within 30 days of the date on which the action of the board of commissioners was taken. To appeal an action of the board of commissioners, first obtain a written signed decision from the board of commissioners as to the matter which is being appealed and then comply with the requirements of state law regarding certiorari to the superior court (O.C.G.A. § 5-4-1 et seq.).

(Ord. No. 148, § 8, 8-23-2001)

#### Section 413. Penalties.

Any person who violates any of the provisions of this ordinance must face penalties. If a developer or landowner exhausts the decision and appeals procedures contained in article 4 and is still dissatisfied with the decision, he must then comply with the final decision or face penalties. Anyone who violates any of the provisions of this ordinance, upon conviction, will be fined no more than \$500.00 for each offense. In addition, he must pay all costs and expenses involved in the case. Each day such a violation continues constitutes a separate offense.

- A. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such a violation may each be found guilty of a separate offense and suffer the penalties provided here[in].

#### Section 414. Remedies.

If any building or land is used or maintained in violation of this ordinance, anyone, including the county, who would be harmed by such a violation may initiate legal proceedings to obtain an injunction or other appropriate remedy to stop the violation or to prevent any act which would constitute such a violation. Other legal remedies are also available as provided by Georgia law.

### *ARTICLE 5. A-R AGRICULTURAL-RESIDENTIAL*

#### Section 501. Purpose.

A-R zoning districts are intended to establish and preserve quiet rural areas where the primary activities are those of farming, agriculture, livestock, timber cultivation, and related uses consistent with maintaining the land resources of ~~the [sic]~~ Upson County reserved for these purposes. Residences of a very low-density nature which are incidental to these activities are also permitted. These districts are free from other uses which are incompatible with a very low-density agricultural-residential neighborhood.

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## Section 502. Determining if an area is suitable for inclusion within an A-R district.

The factors contained in section 410 of this ordinance must be thoroughly considered by the planning commission as well as the board of commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Upson County.

## Section 503. Boundaries of A-R districts.

The official map (section 2301 of this ordinance) shows the boundaries of all A-R districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

## Section 504. Permitted uses.

A. The following principal uses are permitted in A-R districts:

1. Site-built single-family detached dwelling with a floor space of at least 1,008 square feet.
2. Industrialized home with a floor area of at least 1,008 square feet.
3. Class A manufactured home with a floor area of at least 1,008 square feet.
4. Local, state, or federal government building.
5. Garden, crop growing.
6. Publicly owned and operated park or recreation area.
7. Non-commercial, property owner-only or property owner-accompanied family and friends, recreational vehicle camping, meeting the following standards:
  - a. The lot must contain a minimum of five acres.
  - b. Recreational vehicle(s) must be removed immediately following each camping stay.
  - c. Camping may be for a period not to exceed 30 cumulative days per calendar year, per parcel.
  - d. No rent, fees or other compensation may be charged or received for any campers accompanying the property owners.
  - e. Property-owner accompanied camping trips which include three to five recreational vehicles must be registered with the appropriate county department, with any required fees. Permits must be prominently displayed, visible to code enforcement officers.
  - f. All recreational vehicles must be self-contained with potable water and waste holding tanks. Wastewater may not be disposed of on-site unless an operational, permitted septic system exists on-site and is properly connected to.
  - g. The recreational vehicles must meet or exceed all minimum A-R zoning district setbacks.
  - h. Any camping proposed for more than five recreational vehicles at one time or more than 30 cumulative days per year, per parcel may only be approved by special exception. Permits must be prominently displayed, visible to code enforcement officers.

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- i. Recreational vehicles used in A-R zoning district camping and the camp sites are subject to ordinance compliance inspections.
  8. Agriculture, excluding commercial poultry and swine operations (see section 504.B.16, of this ordinance).
  9. Legally permitted (Georgia Department of Natural Resources, its successors and assigns) wildlife storage, limited to processors and cold-storage houses, not to include grocery stores, hotels, markets, restaurants, etc.
  10. Legally permitted (Georgia Department of Agriculture, its successors and assigns) custom feral swine and custom license (cattle, sheep, swine, ratites, goats, etc.), slaughter and processing facilities, not to include slaughter houses.
  11. Raising of quail, pheasant, partridge and other game birds. (Permitted only, when game-holding permit required, O.C.G.A. § 27-2-11.)
  12. Agriculture-related auctions, such as livestock, horse, produce and farm equipment auctions. (Permitted only, when permit required.)
  13. Agritourism, including agricultural related activity on a minimum of five acres including the following activities:
    - a. Farmers markets.
    - b. Rodeos.
    - c. Cornfield mazes.
    - d. Pumpkin patches.
    - e. Christmas tree farms.
    - f. Vineyards/wineries.
    - g. Distilleries
    - h. Petting zoos.
    - i. Camping.
    - j. Food trucks and similar mobile/temporary vendors.
    - k. Similar uses and activities.
  14. Licensed hunting/shooting preserves.
  15. Utility substation meeting the following development standards:
    - a. Structures must be placed at least 30 feet from all property lines.
    - b. Structures must be enclosed by a woven wire fence at least eight feet high with bottom of fence either flush with the ground or with a masonry footing.
    - c. No vehicles or equipment may be stored on the lot.
    - d. A buffer (see definition in article 2) must be maintained along the side and rear property lines.
  16. ~~Home occupation (excluding public garage or repair garage) provided said business is conducted in accordance with the standards set out in the definition of home occupation contained in this ordinance.~~ Reserved.
  17. All telecommunications towers and antennas 75 feet tall and shorter.
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- B. The following principal uses are permitted as special exceptions in A-R districts:
1. Church, synagogue, chapel, or other place of religious worship or educational instruction meeting the following development standards:
    - a. It must be located on either an arterial or collector road;
    - b. The property must have a minimum of at least 200 feet of immediate frontage on a public road;
    - c. Notwithstanding any other provisions of this section, the lot on which the improvements are located must contain at least two acres;
    - d. All buildings must be located at least 50 feet from any property line;
    - e. A buffer (see definition in article 2) must be provided along all side and rear property lines.
  2. Nursery school or kindergarten meeting the following development standards:
    - a. At least 200 square feet of outdoor play area must be provided;
    - b. At least 35 square feet of indoor space per child must be provided;
    - c. Outdoor play areas must be enclosed by a fence at least four feet high.
  3. School—elementary, middle, high—public or private.
  4. Golf course—public or private—meeting the following development standards:
    - a. It must be for daytime use only;
    - b. All buildings, greens, and fairways must be set back at least 100 feet from any property line.
  - 4a. Recreation facilities.
  - 4b. Deer camps, which meet the following requirements:
    - a. Have letter of approval from owner of property for deer camp.
    - b. Have letter from road department for approval of driveway pipe.
    - c. Have letter from environmental health for number of privies.
    - d. Have plan for camp with number of spaces for campers and privies.
    - e. Have plan for power pole and underground wiring for each pedestal or camper site.
    - f. Plan shall be for campers only. No buildings.
    - g. Fee for special exception \$150.00 plus \$25.00 for each camper space.
    - h. Shall get permit for power pole and wiring for campers.
    - i. Campers shall not be used for permanent dwellings.
    - j. Any changes to approved plan shall be reviewed and approved by planning commission.
  5. All telecommunications towers and antennas over 75 feet tall, meeting the following development standards:
    - a. All such structures, guy wires, and support facilities must be set back from property lines in accordance with the Upson County Telecommunication Towers and Antennas ordinance;
    - b. All Federal Aviation Administration requirements must be met.
  6. Airport—public, private, or commercial—paved or unpaved.

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7. Ambulance or emergency service.
  8. Armory.
  9. Crematory.
  10. College or university with dormitories, fraternity and/or sorority houses, when located on main campus.
  11. Kennel of a commercial nature meeting the following development standards:
    - a. All structures must be set back 200 feet from all property lines.
  12. Private club or lodge.
  13. Hospital meeting the following development standards:
    - a. Must have a minimum lot area of three acres;
    - b. Must have minimum side and rear yards of 50 feet;
    - c. Lot must front on an arterial road, ~~as specified in the Upson County Land Use Plan (where one exists).~~
  14. Library.
  15. ~~Cemeteries, only as accessory to a principal religious use to ensure maintenance.~~ ~~Cemetery.~~
  16. Commercial poultry and swine operations required to meet all of the standards of article 27, commercial poultry and swine operations — standards for operation, structures and appurtenances, of this ordinance.
  17. Family personal care home as defined in Section 202.64ZZ(A4) that meets the following criteria:
    - a. Minimum lot size: Two acres;
    - b. Minimum house size:
      - a'. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling;
      - b'. For no more than three residents: 1,500 heated square feet, with at least one bathroom;
      - c'. For no more than six residents: 2,000 heated square heat, with at least two bathrooms;
    - c. Compliance with the requirements of the American with Disabilities Act, 42 U.S.C. § 126, et seq.;
    - d. Compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
    - e. Certification of inspection and approval by the fire marshal and building inspector;
    - f. Occupancy requirements:
      - a'. The licensee authorized by the Georgia Department of Human Resources to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one officer, director or partner must maintain their domicile at the address at which the family personal care home is located;
      - b'. No more than three residents may occupy a single bedroom; and
      - c'. No two residents not related by blood or marriage shall be allowed to reside within a family personal care home if having been convicted of a felony.

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18. Indoor and outdoor special event venues, on a minimum lot size of five acres.
  19. Small, intermediate and large ground mounted solar energy system.
- C. The following accessory uses are permitted in A-R districts:
1. Private garage or carport not to exceed the storage capacity of three automobiles per dwelling unit, not over 35 feet high.
  2. Structure for the storage of equipment and supplies used in maintaining the principal dwelling and its grounds, not over 35 feet high.
  3. Structure for a children's playhouse and the storage of children's play equipment, not over 15 feet high.
  4. Private swimming pool and bathhouse or cabana meeting the following development standards:
    - a. All such swimming pools must meet the specifications of the Standard Swimming Pool Code (SBCCI).
  5. Private tennis court and/or basketball facilities; if lighted, lights must be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet high.
  6. Noncommercial garden, including a greenhouse and other customary garden structures not over ten feet high.
  7. Deck, patio, barbecue grill, or other such facility.
  8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.
  9. All telecommunications towers and antennas 75 feet tall and shorter.
    - a. May be placed in side yard if attached to principal building.
  10. Temporary building for storage of materials meeting the following development standards:
    - a. Permitted only in conjunction with construction of a building;
    - b. Allowed either on the same lot where construction is taking place or on an adjacent lot;
    - c. Such a use must be terminated upon completion of construction.
  11. The parking of one unoccupied, travel trailer, motor coach, and pleasure boat. Travel trailers and motor coaches not approved for camping or other temporary use, pursuant to this section, may not be located on A-R zoned property without the presence of a principle dwelling or home on-site. Such travel trailers must be unoccupied and stored as required.
  12. Sign as permitted by the Upson County Sign Ordinance (~~appendix~~Appendix C) ~~(where one exists)~~.
  13. Roadside stand for sale of agricultural products. At least 50 percent of the products sold must be grown on the premises, and it must not exceed 500 square feet in floor area.
  14. ~~Guest quarters~~Accessory Dwelling Unit (ADU) meeting the following development standards:
    - a. No more than one is permitted on a lot with another dwelling.
    - b. An ADU may be attached (included as part of the primary residential structure) or detached (a separate code-compliant structure).
    - ~~c. Such a use must not be used as rental property.~~
    - d. A detached ADU is permitted only within a rear yard.

and may be at maximum the lesser of 1,200 square feet or 40% of the primary structure size

- d. ~~Such building~~A detached ADU must contain at least ~~500~~400 square feet; structures identified as tiny houses per Upson County definition may qualify if of adequate size.
  - e. ~~Such building~~A detached ADU must be located a minimum of 200 feet from the principal dwelling located on the lot.
15. Barns not exceeding 45 feet in height used for storage or sheltering of equipment, supplies or livestock.
16. Home occupation use (excluding public garage, repair garage and wrecker service-related use) provided said business is conducted in accordance with the standards set out in the definition of home occupation contained in this ordinance and is secondary and accessory to the primary residential use of a residential structure.

D. The following accessory uses are permitted as special exceptions in A-R districts:

1. Small, intermediate and large scale ground mounted solar energy system.
2. Manufactured home or travel trailer for temporary use at construction site meeting the following development standards:
  - a. The procedure for applying for a special exception permit for a temporary manufactured home or travel trailer at a construction site is as follows:
    - a'. Plans for a water/well and sewage/septic system suitable for the principal building proposed to be constructed on the site must be submitted to the Upson County Health Department for its review and approval.
    - b'. Upon securing concurrence of the Upson County Health Department on the proposed water and sewage [sewer] systems to serve the proposed principal building, the owner should present evidence of such approval to the administrative officer and apply for a building permit for the proposed principal building, including the water and sewage [sewer] systems.
    - c'. Upon approval of the administrative officer and receipt of the building permit, the owner should proceed with construction of the proposed water and sewage [sewer] systems. The administrative officer will provide required inspections of these systems during and upon completion of construction.
    - d'. Upon certification of the administrative officer that the water and sewage [sewer] systems have been properly installed according to approved plans, the owner will be eligible to apply for the special exception permit for temporary use of a manufactured home or travel trailer at the construction site until the principal building is complete.
    - e'. Application should be made to the administrative officer for the special exception permit for temporary use of a manufactured home or travel trailer at a construction site.
    - f'. The administrative officer will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the permit.
    - g'. The administrative officer will consider such applications, and upon determining that all requirements have been met for such a permit, will issue the permit.
  - b. The following conditions apply to special exception permits issued for temporary use of a manufactured home or travel trailer at a construction site:
    - a'. It is allowed only in conjunction with a valid building permit which has been issued for the principal building to be placed on the lot.

- b'. It is temporary and valid only for a specified period of time.
  - c'. The valid period of the permit will be set to expire at the same time that the building permit for the principal building on the site will expire.
  - d'. A development plan must be submitted showing the proposed locations of the principal building, the water and sewage [sewer] systems, and the temporary manufactured home or travel trailer. That development plan must be approved by the planning commission before issuing the temporary special exception permit.
  - e'. In the event that construction of the principal building on the lot has been well underway, but the building is not yet completed and approved for occupancy when the building permit and accompanying temporary special exception expire after 12 months, the permittee may apply to the administrative officer for an extension of the two permits. The administrative officer will assess the situation and, at his discretion, may extend both permits for a period of up to 12 months in addition to the original period for which the permits were valid. In no case will a temporary manufactured home or travel trailer be allowed to remain for a period in excess of 24 months.
- c. During its period of approval, the temporary manufactured home or travel trailer must be connected to the approved water and sewage [sewer] systems for the principal building. No other water or sewage [sewer] systems are permitted on the site.
  - d. Upon approval of the principal building for occupancy, the temporary manufactured home or travel trailer must be disconnected from the water and sewage [sewer] systems and occupancy of the temporary manufactured home or travel trailer must cease.
  - e. The temporary manufactured home or travel trailer must be removed within 30 days of either the issuance of the certificate of occupancy for the principal building or the expiration of the special exception permit for the temporary manufactured home or travel trailer—whichever is earlier.
  - f. The temporary manufactured home or travel trailer must be either a class A or class B manufactured home.
  - g. No more than one such unit is permitted per lot.
  - h. The unit must be located entirely within the rear yard of the principal dwelling, as shown on the approved development plan.
3. Manufactured home for temporary use in case of certified hardship meeting the following development standards:
- a. A person having a certified hardship shown according to the procedure contained in this section and meeting any one of the following conditions may apply to the planning commission for the special exception permit:
    - a'. The applicant for the special exception is to be the owner and occupant of the temporary unit and is 65 years of age or older.
    - b'. The applicant for the special exception is to be the owner and occupant of the temporary unit; and at least one member of his family who will reside in the unit is 65 years of age or older.
    - c'. The applicant for the special exception is to be the owner and occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical of [or] physical care.

- d'. The applicant for the special exception is to be the owner and occupant of the temporary unit and at least one member of his family is physically disabled and requires frequent attendance by others for medical or physical care.
  - e'. The applicant for the special exception is not to be the owner and occupant of the temporary unit but at least one of the residents of the unit is a member of the applicant/owner's family and is 65 years of age or older.
  - f'. The applicant for the special exception is not to be the owner and occupant of the temporary unit but at least one of the residents of the unit is a member of the applicant/owner's family and is physically disabled and requires frequent attendance by others for medical or physical care.
- b. In order to determine if the need for the special exception permit presented by the applicant is a certified hardship, the planning commission will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be physically disabled and also attesting to the need for frequent attendance upon such a person by other people. The certificate will be requested by the planning commission directly from the doctor in attendance upon the person who is asserted to be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the planning commission prior to any action by the planning commission to obtain the certificate from the doctor and any possible subsequent issuance of the special exception permit.
- c. The procedure for applying for a special exception permit for a temporary manufactured home or travel trailer for certified hardship is as follows:
- a'. Application should be made to the planning commission for the special exception permit for a temporary manufactured home or travel trailer for certified hardship.
  - b'. The planning commission will explain to [the] applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the special exception permit.
  - c'. The planning commission will consider such applications, and upon determining that all requirements have been met for such a permit, will issue the special exception permit.
- d. Upon being granted a special exception permit to allow a temporary manufactured home or travel trailer for certified hardship, the applicant must then apply to the administrative officer for a building permit for the installation of the temporary manufactured home or travel trailer. The procedure is as follows:
- a'. Plans for a water/well and sewage [sewer]/septic system suitable for the temporary manufactured home proposed to be installed on the site must be submitted to the Upson County Health Department for its review and approval.
  - b'. Upon securing concurrence of the Upson County Health Department of the proposed water and sewage [sewer] systems to serve the proposed temporary manufactured home or travel trailer, the owner should present evidence of such approval to the administrative officer and apply for a building permit for installation of the proposed temporary manufactured home or travel trailer, including the water and sewage [sewer] systems.
  - c'. Upon approval of the administrative officer and receipt of the building permit, the owner should proceed with installation of the proposed temporary manufactured home or travel trailer, including water and sewage [sewer] systems. The administrative officer will provide required inspections of these systems during and upon completion of construction.

- e. The following conditions apply to special exception permits issued for temporary use of a manufactured home or travel trailer for hardship:
  - a'. It is temporary and valid only for a specific period of time.
  - b'. A development plan must be submitted showing the proposed locations of the principal building, the water and sewage [sewer] systems, and the temporary manufactured home or travel trailer. That development plan must be approved by the planning commission before issuing the temporary special exception permit.
  - c'. During its period of approval, the temporary manufactured home or travel trailer must be connected to the approved water and sewage [sewer] systems.
  - d'. The temporary manufactured home or travel trailer must be removed within 30 days of either the expiration of the special exception permit for the temporary manufactured home or travel trailer or upon finding of the planning commission, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the special exception was granted no longer exist—whichever is earlier.
  - e'. The temporary manufactured home or travel trailer must be either a class A or class B manufactured home.
  - f'. No more than one such unit is permitted per lot.
  - g'. The unit must be located entirely within the rear yard of the principal dwelling, as shown on the approved development plan.
- 4. All telecommunications towers and antennas over 75 feet tall.

#### 5. Family Cemeteries

- E. All accessory uses must meet the following standards:
  - 1. All accessory uses located on the same lot as the principal residence or building must meet the following requirements:
    - a. They must be located in the rear yard unless they are more than 60 feet from the principal residence on said lot.
    - b. They may not be located closer than five feet to any property line.
    - c. They may not be located in any front or side yard unless they are located a minimum of 100 feet from the center line of the road on which the lot fronts to the front foundation wall of the accessory building to be constructed.
    - d. Accessory buildings and structures not attached to the principal building must be located at least 12 feet from the principal building on said lot.
  - 2. All accessory uses located on a lot which has no principal residence or building located on the lot shall meet the following requirements:
    - a. Accessory use must be located a sufficient distance from the front line of the lot to allow room for a principal residence or building to be located between the accessory use and the road on which the lot fronts in compliance with all setback requirements of this ordinance.
    - b. The accessory use may not be located closer than five feet to any property line, unless the adjoining property is owned by the identical party who owns the lot on which the accessory use is being constructed.



- c. The accessory use building must be used solely for storage and/or sheltering equipment or livestock.

F. All uses not permitted within [the] A-R district by this section are specifically prohibited.

(Ord. No. 123, § 1, 12-10-1998; Ord. No. 148, §§ 1, 3—7, 8-23-2001; Ord. No. 166, 6-24-2004; Ord. No. 179, § 1, 9-13-2005; Ord. No. 190, § 2, 2-13-2007; Ord. No. 207, § 1, 9-9-2008; Ord. No. 212, §§ 1, 2, 12-22-2009; Ord. No. 240, §§ 1, 2, 5-26-2015; Ord. No. 243, § 1, 8-25-2015; Ord. No. 262, § 1(B), (C), 5-8-2018; Ord. No. 266, § 1, 10-9-2018; Ord. No. 267, § 1, 2-12-2019; Ord. No. 269, § 1, 11-26-2019; Ord. No. 273, § 1, 3-9-2021)

## Section 505. Development standards for A-R districts.

In addition to the development standards contained in article 4 of this ordinance, the following standards are required within A-R districts:

- A. *Minimum heated floor area per dwelling unit:* 1,008 square feet.
- B. *Minimum lot area:*
  - 1. *Unsewered areas:* ~~As specified by the Upson County Health Department, but in no case less than two~~ Twelve (12) acres; however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than two acres (nonconforming) may nevertheless be developed with a use which is permitted within an A-R district if approved by the Upson County Health Department.
  - 2. *Sewered areas:* Two acres; however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than two acres (nonconforming) may nevertheless be developed with a use which is permitted within an A-R district.
- C. *Minimum lot width:* ~~150~~ 225 feet.
- D. *Minimum front yard:*
  - 1. *Arterial streets/roads:* ~~100-120~~ feet minimum from centerline of street/road. The front of all buildings must be at least ~~35-60~~ feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
  - 2. *Collector streets/roads:* The front of all buildings must be at least ~~35-60~~ feet from the front property line or 120 feet from the road centerline, whichever is greater. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way.
  - 3. *Other streets/roads:* The front of all buildings must be at least ~~35-60~~ feet from the front property line or 120 feet from the road centerline, whichever is greater. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way.
  - 4. For existing lots of record 2 acres or less, front yard minimum shall be 35 feet from the property line.
- E. *Minimum side yard:* 30 feet.
- F. *Minimum rear yard:* ~~35-50~~ feet.
- G. *Maximum building height:* 35 feet; however, this height limit does not apply to projections not intended for human habitation. For buildings and structures with such projections, the minimum

required yards must be increased one foot for every two feet (or part of two feet) of height greater than 35 feet.

- H. ~~(Reserved)~~ Maximum lot width to depth ratio shall be 1:10 (e.g.: the lot depth may not be more than 10 times the lot width).
- I. *Sight distance:* In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the rights-of-ways of streets or of streets and railroads.
- J. *Applicability to land, buildings, and open space:* No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- K. *Every use must be on a lot:* No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- L. *Only one principal building per lot:* Only one principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided. Notwithstanding the foregoing statement the county administrator or his/her designee, may issue a building permit for a second single-family detached dwelling on a single lot meeting the following development standards:
- (1) Industrialized home with a floor area of at least 1,008 square feet.
  - (2) Class A manufactured home with a floor area of at least 1,008 square feet.
  - (3) Site-built single-family detached dwelling with a floor space of at least 1,008 square feet.
  - (4) Dwelling shall be no closer than 60 feet to any other dwelling located on said lot.
  - (5) Dwelling must have a separate septic disposal system approved by the Upson County Environmental Health Official. The second home shall have an electrical service separate from the first home's service.
  - ~~(6) Dwelling may only be occupied by a father, mother, son, daughter, brother or sister of the owner of the lot.~~
  - ~~(7)~~ Only one additional dwelling will be permitted per lot.
  - ~~(8)~~ The lot on which the second dwelling is to be placed contains at least twelve four (12) acres.
- M. *Open space not to be encroached upon:* No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in this ordinance. Shrubby, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- N. *Reduction of yards or lot area:* Except as otherwise provided in this ordinance, a lot existing at the time of passage of this ordinance may not be reduced, divided, [or] changed as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- O. *Lots with multiple frontage:* In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.

- P. *Landlocked lots*: In case of a landlocked lot (a lot without direct access to a public street or road) lawfully existing as of the effective date of this ordinance, the property owner is entitled to one building permit, as long as all of the following requirements are met:
1. No other principal building exists or is being constructed on the property.
  2. No other valid building permit has been issued prior to the effective date of this ordinance and is currently valid.
  3. The property was and continues to be under single ownership since the effective date of this ordinance.
  4. The property owner has acquired a ~~3060~~-foot easement to a city-, county-, or state-maintained street or road, and the easement has been duly recorded and made a part of the property deed.
  5. In the event the property is divided, no additional permits will be issued.
  6. The parcel must otherwise meet all A-R district dimensional and size requirements.
- Q. Panhandle or flag lots: Panhandle or flag lots, of required width and area, will be allowable where terrain makes standard design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access shall not be less than 40 feet wide for a flag lot totaling less than 24 acres in size, or not less than 80 feet wide for a flag lot totaling greater than 24 acres in size, and the panhandle access shall not be more than 500 feet long. No two such panhandle access points shall abut each other, nor shall their access strips be closer than 400 feet apart. All such access points or combinations thereof shall be separated from each other by the frontage of a standard lot required under the other sections of this chapter.
- QR. *Street frontage*: No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least one public street.
- RS. *Yards and other spaces*: No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- SI. *Substandard lots*: Any lot existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, is subject to the following exceptions and modifications:
1. *Adjoining lots in same ownership*: When two or more adjoining and vacant lots within a nonapproved development with continuous frontage and are in single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots must be replatted so as to create one or more lots which conform to the minimum frontage and area requirements of the district.
  2. *Single lots*: When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this ordinance are met.
- TU. *Encroachment on public rights-of-way*: No building, structure, service area, required off-street parking, or loading/unloading facilities are permitted to encroach on public rights-of-way.
- UV. *Physical design standards*: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult those documents for specific requirements.

- ~~W~~. *Off-street parking and service requirements*: Minimum standards for off-street parking and service requirements are contained in the Upson County Standard for Off-Street Parking and Service Facilities (~~appendix~~Appendix B [to this ~~appendix~~Appendix]).
- ~~W~~X. *Other applicable development regulations*: Information concerning any other applicable development regulations may be obtained by consulting the administrative officer.
- ~~X~~Y. *Signs*: Minimum design and location standards for signs are contained in the Upson County Sign Ordinance (~~appendix~~Appendix C) ~~(where one exists)~~. Consult that document for specific requirements.

#### Z. General Exceptions

1. Height limitations. Height limitations shall not apply to the following structures or architectural features: Chimneys, church steeples, flagpoles, grain elevators, distribution lines, towers and poles, radio and television antennas, water towers, and similar structures.
2. Front yard requirements. The front yard requirements of this ordinance shall not apply on lots where the average depth of existing front yards on developed lots located within 500 feet on each side thereof and within the same block and zoning district is greater or less than the minimum required front yard depth.
  - (a) In such case, the depth of the front yard on such lot shall be not less than the average front yard depth on such developed lots.
  - (b) On double-frontage lots the required front yard shall be provided on each street.
3. Projections into yards. Certain architectural features shall be permitted to project into required yard areas as follows:
  - (a) Cornices, canopies, eaves or similar features may project a distance not exceeding 2.5 feet.
  - (b) Fire escapes may project a distance not to exceed 4 feet.
  - (c) An uncovered stair or landing may project a distance not to exceed 3 feet.
  - (d) Bay windows, balconies and chimneys may project a distance not to exceed 2 feet provided such features do not occupy more than one-third the wall on which they are affixed.

(Ord. No. 123, § 2, 12-10-1998; Ord. No. 177, § 1, 9-27-2005; Ord. No. 268, § 1, 9-24-2019)

## **ARTICLE 6. R-1 SINGLE-FAMILY RESIDENTIAL—LOW DENSITY**

### **Section 601. Purpose.**

R-1 zoning districts are intended to establish and preserve quiet, relatively low-density neighborhoods of single-family residences as desired by large numbers of people. These districts are free from other uses which are incompatible with single-family homes.

### **Section 602. Determining if an area is suitable for inclusion within an R-1 district.**

The factors contained in section 410 of this ordinance must be thoroughly considered by the planning commission as well as the board of commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles are the basis upon which the decision is

made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Upson County.

### Section 603. Boundaries of R-1 districts.

The official map (section 2301 of this ordinance) shows the boundaries of all R-1 districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

### Section 604. Permitted uses.

A. The following principal uses are permitted in R-1 districts:

1. Site-built single-family detached dwelling with a floor area of at least 2,200 square feet.
2. Industrialized home with a floor area of at least 2,200 square feet.
3. (Reserved.)
4. Local, state, or federal government building.
5. (Reserved.)
6. Publicly owned and operated park or recreation area.
7. Subdivision recreation area owned, operated, and maintained by a homeowner's association exclusively for the use of residents and their guests.
8. Reserved.
9. Utility substations meeting the following development standards:
  - a. Structures must be placed at least 30 feet from all property lines.
  - b. Structures must be enclosed by a woven wire fence at least eight feet high with bottom of fence either flush with the ground or with a masonry footing.
  - c. No vehicles or equipment may be stored on the lot.
  - d. A buffer (see definition in article 2) must be maintained along the side and rear property lines.
- ~~10. Home occupation (excluding public garage or repair garage) provided said business is conducted in accordance with the standards set out in the definition of home occupation contained in this ordinance.~~

B. The following principal uses are permitted as special exceptions in R-1 districts:

1. Church, synagogue, chapel or other place of religious worship or educational instruction meeting the following development standards:
  - a. It must be located on either an arterial or collector road.
  - b. The property must have a minimum of at least 200 feet of immediate frontage on a public road.
  - c. Notwithstanding any other provisions of this section, the lot on which the improvements are located must contain at least two acres.
  - d. All buildings must be located at least 50 feet from any property line.
  - e. A buffer (see definition in article 2) must be provided along all side and rear property lines.

C. The following accessory uses are permitted in R-1 districts:

1. Private garage or carport not to exceed the storage capacity of three automobiles per dwelling unit, not over 35 feet high.
2. Structure for the storage of equipment and supplies used in maintaining the principal dwelling and its grounds, not over 35 feet high.
3. Structure for a children's playhouse and the storage of children's play equipment, not over 15 feet high.
4. Private swimming pool and bathhouse or cabana meeting the following development standards:
  - a. All such swimming pools must meet the specifications of the Standard Swimming Pool Code (SBCCI).
5. Private tennis court and/or basketball facilities; if lighted, lights must be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet high.
6. Noncommercial garden, including a greenhouse and other customary garden structures not over ten feet high.
7. Deck, patio, barbecue grill, or other such facility.
8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.
9. Antenna-satellite, television, radio, amateur radio antenna and support structure.
  - a. May be placed in side yard if attached to principal building.
  - b. Amateur radio antennas and support structures, combined 35 feet tall and less.
10. Temporary building for storage of materials meeting the following development standards:
  - a. Permitted only in conjunction with construction of a building;
  - b. Allowed either on the same lot where construction is taking place or on adjacent lots;
  - c. Such a use must be terminated upon completion of construction.
11. The parking of one unoccupied travel trailer, motorcoach, and pleasure boat.
12. Sign as permitted by the Upson County Sign Ordinance (~~appendix~~Appendix C) ~~(where one exists)~~.
13. Accessory Dwelling Unit meeting the following standards:
  - a. No more than one is permitted on a lot with another dwelling.
  - b. An ADU may be attached (included as part of the primary residential structure) or detached (a separate code-compliant structure).
  - c. Such a use must not be used as rental property.
  - d. A detached ADU is permitted only within a rear yard.
  - d. A detached ADU must contain at least 400 square feet; structures identified as tiny houses per State of Georgia definition may qualify if of adequate size.
  - e. A detached ADU must be located a minimum of 20 feet from the principal dwelling located on the lot.

and may be at maximum the lesser of 1,200 square feet or 40% of the primary structure size

D. The following accessory uses are permitted as special exceptions in R-1 districts:

1. Home occupation, excluding public garage and repair garage provided said business is conducted in accordance with the standards set out in the definition of home occupation contained in this ordinance and is secondary and accessory to the primary residential use of a residential structure.
2. ~~Reserved. Manufactured home or travel trailer for temporary use at construction site meeting the following development standards:~~
  - a. ~~The procedure for applying for a special exception permit for a temporary manufactured home or travel trailer at a construction site is as follows:~~
    - a'. ~~Plans for a water/well and sewage[sewer]/septic system suitable for the principal building proposed to be constructed on the site must be submitted to the Upson County Health Department for its review and approval.~~
    - b'. ~~Upon securing concurrence of the Upson County Health Department of the proposed water and sewage [sewer] systems to serve the proposed principal building, the owner should present evidence of such approval to the administrative officer and apply for a building permit for the proposed principal building, including the water and sewage [sewer] systems.~~
    - c'. ~~Upon approval of the administrative officer and receipt of the building permit, the owner should proceed with construction of the proposed water and sewage [sewer] systems. The administrative officer will provide required inspections of these systems during and upon completion of construction.~~
    - d'. ~~Upon certification of the administrative officer that the water and sewage [sewer] systems have been properly installed according to approved plans, the owner will be eligible to apply for the special exception permit for temporary use of a manufactured home or travel trailer at the construction site until the principal building is complete.~~
    - e'. ~~Application should be made to the administrative officer for the special exception permit for temporary use of a manufactured home or travel trailer at a construction site.~~
    - f'. ~~The administrative officer will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the permit.~~
    - g'. ~~The administrative officer will consider such applications, and upon determining that all requirements have been met for such a permit, will issue the permit.~~
  - b. ~~The following conditions apply to [a] special exception permit issued for temporary use of a manufactured home or travel trailer at a construction site:~~
    - a'. ~~It is allowed only in conjunction with a valid building permit which has been issued for the principal building to be placed on the lot.~~
    - b'. ~~It is temporary and valid only for a specified period of time. It is nontransferable from one owner to another.~~
    - c'. ~~The valid period of the permit will be set to expire at the same time that the building permit for the principal building on the site will expire.~~
    - d'. ~~A development plan must be submitted showing the proposed locations of the principal building, the water and sewage [sewer] systems, and the temporary manufactured home or travel trailer. That development plan must be approved by the planning commission before issuing the temporary special exception permit.~~



- ~~e'. In the event that construction of the principal building on the lot has been well underway, but the building is not yet completed and approved for occupancy when the building permit and accompanying temporary special exception expire after 12 months, the permittee may apply to the administrative officer for an extension of the two permits. The administrative officer will assess the situation and, at his discretion, may extend both permits for a period of up to 12 months in addition to the original period for which the permits were valid. In no case will a temporary manufactured home or travel trailer be allowed to remain for a period in excess of 24 months.~~
  - ~~c. During its period of approval, the temporary manufactured home or travel trailer must be connected to the approved water and sewage [sewer] systems for the principal building. No other water or sewage [sewer] systems are permitted on the site.~~
  - ~~d. Upon approval of the principal building for occupancy, the temporary manufactured home or travel trailer must be disconnected from the water and sewage [sewer] systems and occupancy of the temporary manufactured home or travel trailer must cease.~~
  - ~~e. The temporary manufactured home or travel trailer must be removed within 30 days of either the issuance of the certificate of occupancy for the principal building or the expiration of the special exception permit for the temporary manufactured home or travel trailer—whichever is earlier.~~
  - ~~f. The temporary manufactured home or travel trailer must be either a class A or class B manufactured home or travel trailer.~~
  - ~~g. No more than one such unit is permitted per lot.~~
  - ~~h. The unit must be located entirely within the rear yard of the principal dwelling, as shown on the approved development plan.~~
3. Manufactured home or travel trailer for temporary use in case of certified hardship meeting the following development standards:
- a. A person having a certified hardship shown according to the procedure contained in this section and meeting any one of the following conditions may apply to the planning commission for this special exception permit:
    - a'. The applicant for the special exception is to be the owner and occupant of the temporary unit and is 65 years of age or older.
    - b'. The applicant for the special exception is to be the owner and occupant of the temporary unit; at least one member of his family who will reside in the unit is 65 years of age or older.
    - c'. The applicant for the special exception is to be the owner and occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical or physical care.
    - d'. The applicant for the special exception is to be the owner and occupant of the temporary unit and at least one member of his family is physically disabled and requires frequent attendance by others for medical or physical care.
    - e'. The applicant for the special exception is not to be the owner and occupant of the temporary unit but at least one of the residents of the unit is a member of the applicant's family and is 65 years of age or older.
    - f'. The applicant for the special exception is not to be the owner and occupant of the temporary unit but at least one of the residents of the unit is a member of the

applicant/owner's family and is physically disabled and requires frequent attendance by others for medical or physical care.

- b. In order to determine if the need for the special exception permit presented by the applicant is a certified hardship, the planning commission will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be physically disabled and also attesting to the need for frequent attendance upon such a person by other people. The certificate will be requested by the planning commission directly from the doctor in attendance upon the person who is asserted to be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the planning commission prior to any action by the planning commission to obtain the certificate from the doctor and any possible subsequent issuance of the special exception permit.
- c. The procedure for applying for a special exception permit for a temporary manufactured home or travel trailer for certified hardship is as follows:
  - a'. Application should be made to the planning commission for the special exception permit for a temporary manufactured home or travel trailer for certified hardship.
  - b'. The planning commission will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the special exception permit.
  - c'. The planning commission will consider such applications, and upon determining that all requirements have been met for such a permit, will issue the special exception permit.
- d. Upon being granted a special exception permit to allow a temporary manufactured home or travel trailer for certified hardship, the applicant must then apply to the administrative officer for a building permit for the installation of the temporary manufactured home or travel trailer. The procedure is as follows:
  - a'. Plans for a water/well and sewage[sewer]/septic system suitable for the temporary manufactured home or travel trailer proposed to be installed on the site must be submitted to the Upson County Health Department for its review and approval.
  - b'. Upon securing concurrence of the Upson County Health Department of the proposed water and sewage [sewer] systems to serve the proposed temporary manufactured home or travel trailer, the owner should present evidence of such approval to the administrative officer and apply for a building permit for installation of the proposed temporary manufactured home or travel trailer, including the water and sewage [sewer] systems.
  - c'. Upon approval of the administrative officer and receipt of the building permit, the owner should proceed with installation of the proposed temporary manufactured home or travel trailer, including water and sewage [sewer] systems. The administrative officer will provide required inspections of these systems during and upon completion of construction.
- e. The following conditions apply to special exception permits issued for temporary use of a manufactured home or travel trailer for hardship:
  - a'. It is temporary and valid only for a specific period of time.
  - b'. A development plan must be submitted showing the proposed locations of the principal building, the water and sewage [sewer] systems, and the temporary manufactured home or travel trailer. That development plan must be approved by the planning commission before issuing the temporary special exception permit.

- c'. During its period of approval, the temporary manufactured home or travel trailer must be connected to the approved water and sewage [sewer] systems.
  - d'. The temporary manufactured home or travel trailer must be removed within 30 days of either the expiration of the special exception permit for the temporary manufactured home or travel trailer or upon finding of the planning commission, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the special exception was granted no longer exist—whichever is earlier.
  - e'. The temporary manufactured home or travel trailer must be either a class A or class B manufactured home or travel trailer.
  - f'. No more than one such unit is permitted per lot.
  - g'. The unit must be located entirely within the rear yard of the principal dwelling, as shown on the approved development plan.
- 4. Amateur radio antenna and support structure exceeding 35 feet tall.
- E. All accessory uses must meet the following standards:
- 1. They must be located in the rear yard.
  - 2. They may not be located closer than five feet from any property line.
  - 3. They may not be located in any front or side yard.
  - 4. Accessory buildings and structures not attached to the principal building must be located at least 12 feet from the principal building on the lot.
- F. All uses not permitted within R-1 districts by this section are specifically prohibited.
- (Ord. No. 148, §§ 5, 7, 8-23-2001; Ord. No. 190, § 1, 2-13-2007; Ord. No. 212, § 1, 12-22-2009; Ord. No. 266, § 1, 10-9-2018; Ord. No. 267, § 1, 2-12-2019; Ord. No. 273, § 1, 3-9-2021)

## Section 605. Development standards for R-1 districts.

In addition to the development standards contained in article 4 of this ordinance, the following standards are required within R-1 districts:

- A. *Minimum heated floor area per dwelling unit:* 2,200 square feet.
- B. *Minimum lot area:*
  - 1. *Unsewered areas:* as specified by the Upson County Health Department, but in no case less than one acre; however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one acre (nonconforming) may nevertheless be developed with a use which is permitted within an R-1 district if approved by the Upson County Health Department.
  - 2. *Sewered areas:* One acre; however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one acre (nonconforming) may nevertheless be developed with a use which is permitted within an R-1 district.
- C. *Minimum lot width:* 100 feet.
- D. *Minimum front yard:*
  - 1. *Arterial street/roads:* 100 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated

minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.

2. *Collector streets/roads:* The front of all buildings must be at least 35 feet from the front property line- or 100 feet from the road centerline, whichever is greater. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way.
  3. *Other streets/roads:* The front of all buildings must be at least 35 feet from the front property line- or 100 feet from the road centerline, whichever is greater. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way.
- E. *Minimum side yard:* 15 feet.
- F. *Minimum rear yard:* 35 feet.
- G. *Maximum bldg. height:* 35 feet; however, this height limit does not apply to projections not intended for human habitation except for satellite, television, and radio antennas, to which this limit does apply. For buildings and structures with such projections, the minimum required yards must be increased one foot for every two feet (or part of two feet) of height greater than 35 feet).
- H. ~~(Reserved)~~-Lot Width to Depth Ratio: Maximum lot width to depth ratio shall be 1:5 (e.g.: the lot depth may not be more than 5 times the lot width).
- I. *Sight distance:* In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the rights-of-way of streets or of streets and railroads.
- J. *Applicability to land, buildings, and open space:* No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- K. *Every use must be on a lot:* No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- L. *Only one principal building per lot:* Only one principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided.
- M. *Open space not to be encroached upon:* No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the ordinance. Shrubby, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- N. *Reduction of yards or lot area:* Except as otherwise provided in this ordinance, no lot existing at the time of passage of this ordinance may not [sic] be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- O. *Lots with multiple frontage:* In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
- P. *Landlocked lots:* In the case of a landlocked lot (a lot without direct access to a public street or road) lawfully existing as of the effective date of this ordinance, the property owner is entitled to one building permit, as long as all of the following requirements are met:

1. No other principal building exists or is being constructed on the property.
  2. No other valid building permit has been issued prior to the effective date of this ordinance and is currently valid.
  3. The property was and continues to be under single ownership since the effective date of this ordinance.
  4. The property owner has acquired a 30-foot easement to a city-, county-, or state-maintained street or road, and the easement has been duly recorded and made a part of the property deed.
  5. In the event the property is divided, no additional permits will be issued.
  6. -The parcel must otherwise meet all R-1 district dimensional and size requirements.
- Q.** *Street frontage:* No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least one public street.
- R.** Panhandle or flag lots: Panhandle or flag lots, of required width and area, will be allowable where terrain makes standard design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access shall not be less than 40 feet wide for a flag lot totaling less than 24 acres in size, or not less than 80 feet wide for a flag lot totaling greater than 24 acres in size, and the panhandle access shall not be more than 500 feet long. No two such panhandle access points shall abut each other, nor shall their access strips be closer than 400 feet apart. All such access points or combinations thereof shall be separated from each other by the frontage of a standard lot required under the other sections of this chapter.
- RS.** *Yards and other spaces:* No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- SI.** *Substandard lots:* Any lot existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, is subject to the following exceptions and modifications:
1. *Adjoining lots in same ownership:* When two or more adjoining and vacant lots within a nonapproved development with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots must be replatted or reparcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the district.
  2. *Single lot:* When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this ordinance are met.
- U.** *Encroachment on public rights-of-way:* No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- UV.** *Physical design standards:* Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult the administrative officer for specific requirements.
- W.** *Off-street parking and service requirements:* Minimum standards for off-street parking and service requirements are contained in the Upson County Standard for Off-Street Parking and Service Facilities ([appendixAppendix B](#) [to this [appendixAppendix](#)]).

~~WX.~~ *Other applicable development regulations:* Information concerning any other applicable development regulations may be obtained by consulting the administrative officer.

~~XY.~~ *Signs:* Minimum design and location standards are contained in the Upson County Sign Ordinance (~~appendix~~Appendix C) (~~where one exists~~). Consult that document for specific requirements.

## **ARTICLE 7. R-2 SINGLE-FAMILY RESIDENTIAL—MEDIUM DENSITY**

### **Section 701. Purpose.**

R-2 zoning districts are intended to establish and preserve quiet, relatively low-density neighborhoods of single-family residences as desired by large numbers of people, but at a higher density of development than that allowed in R-1 districts. These districts are free from other uses which are incompatible with single-family homes.

### **Section 702. Determining if an area is suitable for inclusion within an R-2 district.**

The factors contained in section 410 of this ordinance must be thoroughly considered by the planning commission as well as the board of commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation for land use patterns that provide healthful and safe living conditions for the residents of Upson County.

### **Section 703. Boundaries of R-2 districts.**

The official map (section 2301 of this ordinance) shows the boundaries of all R-2 districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

### **Section 704. Permitted uses.**

A. The following principal uses are permitted in R-2 districts:

1. Site-built single-family detached dwelling with a floor area of at least 1,008 square feet.
2. Industrialized home with a floor area of at least 1,008 square feet.
3. (Reserved.)
4. Local, state, or federal government building.
5. (Reserved.)
6. Publicly owned and operated park or recreation area.
7. Subdivision recreation area owned, operated, and maintained by a homeowner's association exclusively for the use of residents and their guests.
8. (Reserved).
9. Utility substation meeting the following development standards:
  - a. Structures must be placed at least 30 feet from all property lines.

- 
- b. Structures must be enclosed by a woven wire fence at least eight feet high with bottom of fence either flush with the ground or with masonry footing.
    - c. No vehicles or equipment may be stored on the lot.
    - d. A buffer (see definition in article 2) must be maintained along the side and rear property lines.
  - 10. Home occupation (excluding public garage or repair garage) provided said business is conducted in accordance with the standards set out in the definition of home occupation contained in this ordinance.
- B. The following principal uses are permitted as special exceptions in R-2 districts:
- 1. Church, synagogue, chapel or other place of religious worship or educational instruction meeting the following development standards:
    - a. It must be located on either an arterial or collector road.
    - b. The property must have a minimum of at least 200 feet of immediate frontage on a public road.
    - c. Notwithstanding any other provisions of this section, the lot on which the improvements are located must contain at least two acres.
    - d. All buildings must be located at least 50 feet from any property line.
    - e. A buffer (see definition in article 2) must be provided along all side and rear property lines.
- C. The following accessory uses are permitted in R-2 districts:
- 1. Private garage or carport not to exceed the storage capacity of three automobiles per dwelling unit, not over 35 feet high.
  - 2. Structure for the storage of equipment and supplies used in maintaining the principal dwelling and its grounds, not over 35 feet high.
  - 3. Structure for a children's playhouse and the storage of children's play equipment, not over 15 feet high.
  - 4. Private swimming pool and bathhouse or cabana meeting the following development standards:
    - a. All such swimming pools must meet the specifications of the Standard Swimming Pool Code (SBCCI).
  - 5. Private tennis court and/or basketball facilities; if lighted, lights must be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet high.
  - 6. Noncommercial garden, including a greenhouse and other customary garden structures not over ten feet high.
  - 7. Deck, patio, barbecue grill, or other such facility.
  - 8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.
  - 9. Antenna-satellite, television, radio, amateur radio antenna and support structure.
    - a. May be placed in side yard if attached to principal building.
    - b. Amateur radio antennas and support structures, combined 35 feet tall and less.
  - 10. Temporary building for storage of materials meeting the following development standards:
    - a. Permitted only in conjunction with construction of a building;
    - b. Allowed either on the same lot where construction is taking place or on adjacent lots;



- c. Such a use must be terminated upon completion of construction.
- 11. The parking of one unoccupied travel trailer, motorcoach, and pleasure boat.
- 12. Sign as permitted by the Upson County Sign Ordinance (~~appendix~~Appendix C) ~~(where one exists)~~.

13. Accessory Dwelling Unit provided that the following standards are met:

- a. No more than one is permitted on a lot with another dwelling.
- b. An ADU may be attached (included as part of the primary residential structure) or detached (a separate code-compliant structure).
- c. Such a use must not be used as rental property.
- d. A detached ADU is permitted only within a rear yard.
- d. A detached ADU must contain at least 400 square feet; structures identified as tiny houses per State of Georgia definition may qualify if of adequate size.
- e. A detached ADU must be located a minimum of 20 feet from the principal dwelling located on the lot.

and may be at maximum the lesser of 1,200 square feet or 40% of the primary structure size

D. The following accessory uses are permitted as special exceptions in R-2 districts:

- 1. Home occupation, excluding public garage and repair garage.
- 2. ~~Reserved. Manufactured home or travel trailer for temporary use at construction site meeting the following development standards:~~
  - a. ~~The procedure for applying for a special exception permit for a temporary manufactured home or travel trailer at a construction site is as follows:~~
    - a'. ~~Plans for a water/well and sewage[sewer]/septic system suitable for the principal building proposed to be constructed on the site must be submitted to the Upson County Health Department for its review and approval.~~
    - b'. ~~Upon securing concurrence of the Upson County Health Department of the proposed water and sewage [sewer] systems to serve the proposed principal building, the owner should present evidence of such approval to the administrative officer and apply for a building permit for the proposed principal building, including the water and sewage [sewer] systems.~~
    - c'. ~~Upon approval of the administrative officer and receipt of the building permit, the owner should proceed with construction of the proposed water and sewage [sewer] systems. The administrative officer will provide required inspections of these systems during and upon completion of construction.~~
    - d'. ~~Upon certification of the administrative officer that the water and sewage [sewer] systems have been properly installed according to approved plans, the owner will be eligible to apply for the special exception permit for temporary use of a manufactured home or travel trailer at the construction site until the principal building is complete.~~
    - e'. ~~Application should be made to the administrative officer for the special exception permit for temporary use of a manufactured home or travel trailer at a construction site.~~
    - f'. ~~The administrative officer will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the permit.~~

- ~~g'. The administrative officer will consider such applications, and upon determining that all requirements have been met for such a permit, will issue the permit.~~
  - ~~b. The following conditions apply to [a] special exception permit issued for temporary use of a manufactured home or travel trailer at a construction site:~~
    - ~~a'. It is allowed only in conjunction with a valid building permit which has been issued for the principal building to be placed on the lot.~~
    - ~~b'. It is temporary and valid only for a specified period of time. It is nontransferable from one owner to another.~~
    - ~~c'. The valid period of the permit will be set to expire at the same time that the building permit for the principal building on the site will expire.~~
    - ~~d'. A development plan must be submitted showing the proposed locations of the principal building, the water and sewage [sewer] systems, and the temporary manufactured home or travel trailer. That development plan must be approved by the planning commission before issuing the temporary special exception permit.~~
    - ~~e'. In the event that construction of the principal building on the lot has been well underway, but the building is not yet completed and approved for occupancy when the building permit and accompanying temporary special exception expire after 12 months, the permittee may apply to the administrative officer for an extension of the two permits. The administrative officer will assess the situation and, at his discretion, may extend both permits for a period of up to 12 months in addition to the original period for which the permits were valid. In no case will a temporary manufactured home or travel trailer be allowed to remain for a period in excess of 24 months.~~
  - ~~c. During its period of approval, the temporary manufactured home or travel trailer must be connected to the approved water and sewage [sewer] systems for the principal building. No other water or sewage [sewer] systems are permitted on the site.~~
  - ~~d. Upon approval of the principal building for occupancy, the temporary manufactured home or travel trailer must be disconnected from the water and sewage [sewer] systems and occupancy of the temporary manufactured home or travel trailer must cease.~~
  - ~~e. The temporary manufactured home or travel trailer must be removed within 30 days of either the issuance of the certificate of occupancy for the principal building or the expiration of the special exception permit for the temporary manufactured home or travel trailer—whichever is earlier.~~
  - ~~f. The temporary manufactured home or travel trailer must be either a class A or class B manufactured home or travel trailer.~~
  - ~~g. No more than one such unit is permitted per lot.~~
  - ~~h. The unit must be located entirely within the rear yard of the principal dwelling, as shown on the approved development plan.~~
- 3. Manufactured home or travel trailer for temporary use in case of certified hardship meeting the following development standards:
  - a. A person having a certified hardship shown according to the procedure contained in this section and meeting any one of the following conditions may apply to the planning commission for the special exception permit:

- a'. The applicant for the special exception is to be the owner and occupant of the temporary unit and is 65 years of age or older.
  - b'. The applicant for the special exception is to be the owner and occupant of the temporary unit; at least one member of his family who will reside in the unit is 65 years of age or older.
  - c'. The applicant for the special exception is to be the owner and occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical or physical care.
  - d'. The applicant for the special exception is to be the owner and occupant of the temporary unit and at least one member of his family is physically disabled and requires frequent attendance by others for medical or physical care.
  - e'. The applicant for the special exception is not to be the owner and occupant of the temporary unit but at least one of the residents of the unit is a member of the applicant's family and is 65 years of age or older.
  - f'. The applicant for the special exception is not to be the owner and occupant of the temporary unit but at least one of the residents of the unit is a member of the applicant/owner's family and is physically disabled and requires frequent attendance by others for medical or physical care.
- b. In order to determine if the need for the special exception permit presented by the applicant is a certified hardship, the planning commission will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be physically disabled and also attesting to the need for frequent attendance upon such a person by other people. The certificate will be requested by the planning commission directly from the doctor in attendance upon the person who is asserted to be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the planning commission prior to any action by the planning commission to obtain the certificate from the doctor and any possible subsequent issuance of the special exception permit.
- c. The procedure for applying for a special exception permit for a temporary manufactured home or travel trailer for certified hardship is as follows:
- a'. Application should be made to the planning commission for the special exception permit for a temporary manufactured home or travel trailer for certified hardship.
  - b'. The planning commission will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the special exception permit.
  - c'. The planning commission will consider such applications, and upon determining that all requirements have been met for such a permit, will issue the special exception permit.
- d. Upon being granted a special exception permit to allow a temporary manufactured home or travel trailer for certified hardship, the applicant must then apply to the administrative officer for a building permit for the installation of the temporary manufactured home or travel trailer. The procedure is as follows:
- a'. Plans for a water/well and sewage[sewer]/septic system suitable for the temporary manufactured home or travel trailer proposed to be installed on the site must be submitted to the Upson County Health Department for its review and approval.

- b'. Upon securing concurrence of the Upson County Health Department of the proposed water and sewage [sewer] systems to serve the proposed temporary manufactured home or travel trailer, the owner should present evidence of such approval to the administrative officer and apply for a building permit for installation of the proposed temporary manufactured home or travel trailer, including the water and sewage [sewer] systems.
    - c'. Upon approval of the administrative officer and receipt of the building permit, the owner should proceed with installation of the proposed temporary manufactured home or travel trailer, including water and sewage [sewer] systems. The administrative officer will provide required inspections of these systems during and upon completion of construction.
  - e. The following conditions apply to special exception permits issued for temporary use of a manufactured home or travel trailer for hardship:
    - a'. It is temporary and valid only for a specific period of time. Must be renewed every 12 months.
    - b'. A development plan must be submitted showing the proposed locations of the principal building, the water and sewage [sewer] systems, and the temporary manufactured home or travel trailer. That development plan must be approved by the planning commission before issuing the temporary special exception permit.
    - c'. During its period of approval, the temporary manufactured home or travel trailer must be connected to the approved water and sewage [sewer] systems.
    - d'. The temporary manufactured home or travel trailer must be removed within 30 days of either the expiration of the special exception permit for the temporary manufactured home or travel trailer or upon finding of the planning commission, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the special exception was granted no longer exist—whichever is earlier.
    - e'. The temporary manufactured home or travel trailer must be either a class A or class B manufactured home or travel trailer.
    - f'. No more than one such unit is permitted per lot.
    - g'. The unit must be located entirely within the rear yard of the principal dwelling, as shown on the approved development plan.
- 4. Amateur radio antenna and support structure exceeding 35 feet tall.
- E. All accessory uses must meet the following standards:
  - 1. They must be located in the rear yards.
  - 2. They may not be located closer than five feet from any property line.
  - 3. They may not be located in any front or side yard.
  - 4. Accessory buildings and structures not attached to the principal building must be located at least 12 feet from the principal building on the lot.

F. All uses not permitted within R-2 districts by this section are specifically prohibited.

(Ord. No. 148, §§ 5, 7, 8-23-2001; Ord. No. 190, § 1, 2-13-2007; Ord. No. 212, § 1, 12-22-2009; Ord. No. 266, § 1, 10-9-2018; Ord. No. 267, § 1, 2-12-2019; Ord. No. 273, § 1, 3-9-2021)

## Section 705. Development standards for R-2 districts.

In addition to the development standards contained in article 4 of this ordinance, the following standards are required within R-2 districts:

- A. *Minimum heated floor area per dwelling unit:* 1,008 square feet.
- B. *Minimum lot area:*
  - 1. *Unsewered areas:* As specified by the Upson County Health Department, but in no case less than one acre; however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one acre (nonconforming) may nevertheless be developed with a use which is permitted within an R-2 district if approved by the Upson County Health Department.
  - 2. *Sewered areas:* 21,780 square feet (one-half acre); however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one-half acre (nonconforming) may nevertheless be developed with a use which is permitted within an R-2 district.
- C. *Minimum lot width:* 100 feet.
- D. *Minimum front yard:*
  - 1. *Arterial streets/roads:* 100 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
  - 2. *Collector streets/roads:* The front of all buildings must be at least 35 feet from the front property line- or 100 feet from the road centerline, whichever is greater. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way.
  - 3. *Other streets/roads:* The front of all buildings must be at least 35 feet from the front property line- or 100 feet from the road centerline, whichever is greater. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way.
- E. *Minimum side yard:* 15 feet.
- F. *Minimum rear yard:* 35 feet.
- G. *Maximum bldg. height:* 35 feet. This height limit does not apply to projections not intended for human habitation—except for satellite, television, and radio antennas, to which this limit does apply. For buildings and structures with such projections, the minimum required yards must be increased one foot for every two feet (or part of two feet) of height greater than 35 feet.
- H. *(Reserved).* Maximum lot width to depth ratio shall be 1:5 (e.g.: the lot depth may not be more than 5 times the lot width).
- I. *Sight distance:* In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the rights-of way of streets or of streets and railroads.
- J. *Applicability to land, buildings, and open space:* No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.

- K. *Every use must be on a lot:* No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- L. *Only one principal building per lot:* Only one principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided.
- M. *Open space not to be encroached upon:* No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in this ordinance. Shrubbery, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- N. *Reduction of yards or lot area:* Except as otherwise provided in this ordinance, a lot existing at the time of passage of this ordinance may not be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- O. *Lots with multiple frontage:* In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
- P. *Landlocked lots:* In the case of a landlocked lot (a lot without direct access to a public street or road) lawfully existing as of the effective date of this ordinance, the property owner is entitled to one building permit, as long as all of the following requirements are met:
1. No other principal building exists or is being constructed on the property.
  2. No other valid building permit has been issued prior to the effective date of this ordinance and is currently valid.
  3. The property was and continues to be under single ownership since the effective date of this ordinance.
  4. The property owner has acquired a 30-foot easement to a city-, county-, or state-maintained street, and the easement has been duly recorded and made a part of the property deed.
  5. In the event the property is divided, no additional permits will be issued.
  6. The parcel must otherwise meet all R-2 district dimensional and size requirements.
- Q. Panhandle or flag lots: Panhandle or flag lots, of required width and area, will be allowable where terrain makes standard design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access shall not be less than 40 feet wide for a flag lot totaling less than 24 acres in size, or not less than 80 feet wide for a flag lot totaling greater than 24 acres in size, and the panhandle access shall not be more than 500 feet long. No two such panhandle access points shall abut each other, nor shall their access strips be closer than 400 feet apart. All such access points or combinations thereof shall be separated from each other by the frontage of a standard lot required under the other sections of this chapter.
- QR. *Street frontage:* No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least one public street.
- RS. *Yards and other spaces:* No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.

~~SI~~. *Substandard lots*: Any lot existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, is subject to the following exceptions and modifications:

1. *Adjoining lots in same ownership*: When two or more adjoining and vacant lots within a nonapproved development with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots must be replatted or reparcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the district.
2. *Single lot*: When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this ordinance, such a lot may be used for any use allowed in the zoning district in which it is located in as long as all other requirements of this ordinance are met.

~~TU~~. *Encroachment on public rights-of-way*: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.

~~UV~~. *Physical design standards*: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult those documents for specific requirements.

~~VW~~. *Off-street parking and service requirements*: Minimum standards for off-street parking and service requirements are contained in the Upson County Standard for Off-Street Parking and Service Facilities (~~appendix~~Appendix B [to this appendix]).

~~WX~~. *Other applicable development regulations*: Information concerning any other applicable development regulations may be obtained by consulting the administrative officer.

~~XY~~. *Signs*: Minimum design and location standards are contained in the Upson County Sign Ordinance (see ~~appendix~~Appendix C) ~~(where one exists)~~. Consult that document for specific requirements.

## ARTICLE 8. RURAL ESTATE

### Section 801. Purpose

The purpose of the Rural Estate (R-E) district is to accommodate low density developments in locations not currently served or planned for public sanitary sewer service. Development patterns in the R-E district are suburban and such developments are generally located at the periphery of municipal limits and within rural community areas. Residential development in this zoning district is supported in the Upson County Joint Comprehensive Plan 2023 Update within descriptions of Rural Residential and Rural Community character areas. Residents of such developments have proximity to semi-rural settings in which greenspace and small-scale agricultural operations may be present on nearby properties. The R-E district is also characterized by wide spacing of homes and streets/roadways that are not anticipated to accommodate pedestrians.

### Section 802. Determining if an area is suitable for inclusion within an R-E district.

The factors contained in section 410 of this ordinance must be thoroughly considered by the planning commission as well as the board of commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Upson County.

### Section 803. Boundaries of R-E districts.



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The official map (section 2301 of this ordinance) shows the boundaries of all R-E districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

Section 804. Permitted uses.

A. The following principal uses are permitted in R-E districts:

1. Site-built single-family detached dwelling with a floor area of at least 1,008 square feet.
2. Industrialized home with a floor area of at least 1,008 square feet.
3. Local, state, or federal government building.
4. Publicly owned and operated park or recreation area.
5. Subdivision recreation area owned, operated, and maintained by a homeowner's association exclusively for the use of residents and their guests.
6. Utility substations meeting the following development standards:
  - a. Structures must be placed at least 30 feet from all property lines.
  - b. Structures must be enclosed by a woven wire fence at least eight feet high with bottom of fence either flush with the ground or with a masonry footing.
  - c. No vehicles or equipment may be stored on the lot.
  - d. A buffer (see definition in article 2) must be maintained along the side and rear property lines.

B. The following principal uses are permitted as special exceptions in R-E districts:

1. Church, synagogue, chapel or other place of religious worship or educational instruction meeting the following development standards:
  - a. It must be located on either an arterial or collector road.
  - b. The property must have a minimum of at least 200 feet of immediate frontage on a public road.
  - c. Notwithstanding any other provisions of this section, the lot on which the improvements are located must contain at least 3 (three) acres.
  - d. All buildings must be located at least 50 feet from any property line, or greater as required by Section 805.
  - e. A buffer (see definition in article 2) must be provided along all side and rear property lines.
2. Cemeteries, only as accessory to a principal religious use to ensure maintenance.
3. Golf courses.
4. Golf driving ranges.

C. The following accessory uses are permitted in R-E districts:

1. Private detached garage or carport provided structures provided location in a rear yard only and not over 35 feet high.
2. Structure for the storage of equipment and supplies used in maintaining the principal dwelling and its grounds provided location in a rear yard only and not over 35 feet high.

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3. Structure for a children's playhouse and the storage of children's play equipment, not over 15 feet high.
4. Private swimming pool and bathhouse or cabana meeting the following development standards:
  - a. All such swimming pools must meet the specifications of the Standard Swimming Pool Code (ISPSC).
5. Private tennis court and/or basketball facilities; if lighted, lights must be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet high.
6. Noncommercial garden, including a greenhouse and other customary garden structures not over ten feet high.
7. Deck, patio, barbecue grill, or other such facility.
8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.
9. Antenna-satellite, television, radio, amateur radio antenna and support structure.
  - a. May be placed in a side yard if attached to principal building.
  - b. Amateur radio antennas and support structures, combined 35 feet tall and less.
10. Temporary building for storage of materials meeting the following development standards:
  - a. Permitted only in conjunction with construction of a building;
  - b. Allowed either on the same lot where construction is taking place or on adjacent lots;
  - c. Such a use must be terminated upon completion of construction.
11. The parking of one unoccupied travel trailer, motorcoach, and pleasure boat.
12. Sign as permitted by the Upson County Sign Ordinance ([Appendix C](#)).
13. Home occupation (excluding public garage or repair garage) provided said business is conducted in accordance with the standards set out in the definition of home occupation contained in this ordinance.
14. Accessory dwelling units (ADUs) subject to building standards applied to site-built residential structures, provided the following standards are met:
  - a. No more than one is permitted on a lot with another dwelling.
  - b. An ADU may be attached (included as part of the primary residential structure) or detached (a separate code-compliant structure).
  - c. Such a use must not be used as rental property.
  - d. A detached ADU is permitted only within a rear yard.
  - d. A detached ADU must contain at least 400 square feet; structures identified as tiny houses per State of Georgia definition may qualify if of adequate size.
  - e. A detached ADU must be located a minimum of 40 feet from the principal dwelling located on the lot.

and may be at maximum the lesser of 1,200 square feet or 40% of the primary structure size

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Section 805. Development standards for R-E districts.

In addition to the development standards contained in article 4 of this ordinance, the following standards are required within R-E districts:

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- A. Minimum heated floor area per dwelling unit: ~~1,008~~ square feet.
- B. Minimum lot area:
  - 1. Unsewered areas: as specified by the Upson County Health Department, but in no case less than 3 (three) acres.
  - 2. Sewered areas: 2 (two) acres.
- C. Minimum lot width: 200 feet.
- D. Minimum front yard:
  - 1. Arterial street/roads: 100 feet from centerline of street/road. The front of all buildings must be at least 60 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
  - 2. Collector streets/roads: The front of all buildings must be at least 60 feet from the front property line.
  - 3. Other streets/roads: The front of all buildings must be at least 60 feet from the front property line.
- E. Minimum side yard: 30 feet.
- F. Minimum rear yard: 50 feet.
- G. Maximum bldg. height: 35 feet; however, this height limit does not apply to projections not intended for human habitation except for satellite, television, and radio antennas, to which this limit does apply. For buildings and structures with such projections, the minimum required yards must be increased one foot for every two feet (or part of two feet) of height greater than 35 feet.
- H. Sight distance: In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the rights-of-way of streets or of streets and railroads.
- I. Applicability to land, buildings, and open space: No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- J. Every use must be on a lot: No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- K. Only one principal building per lot: Only one principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided.
- L. Open space not to be encroached upon: No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the ordinance. Shrubby, driveways, retaining walls, fences,

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- curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- M. *Panhandle or flag lots:* Panhandle or flag lots, of required width and area, will be allowable where terrain makes standard design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access shall not be less than 40 feet wide for a flag lot totaling less than 24 acres in size, or not less than 80 feet wide for a flag lot totaling greater than 24 acres in size, and the panhandle access shall not be more than 500 feet long. No two such panhandle access points shall abut each other, nor shall their access strips be closer than 400 feet apart. All such access points or combinations thereof shall be separated from each other by the frontage of a standard lot required under the other sections of this chapter.
- N. *Lots with multiple frontage:* In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
- O. *Reserved.*
- P. *Street frontage:* No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least one public street.
- Q. *Yards and other spaces:* No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- R. *Reserved.*
- S. *Encroachment on public rights-of-way:* No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- T. *Physical design standards:* Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult the planning director for specific requirements.
- U. *Off-street parking and service requirements:* Minimum standards for off-street parking and service requirements shall be met where applicable.
- V. *Other applicable development regulations:* Information concerning any other applicable development regulations may be obtained by consulting the planning director.
- W. *Signs:* Minimum design and location standards are contained in the Upson County Sign Ordinance. Consult that document for specific requirements.
- X. *Building standards:* Building exterior finish materials shall consist of full-sized brick, natural wood, natural stone, cement composite stone, true hardcoat stucco, fiber cement siding (Hardie board) and vinyl siding. Vinyl siding shall have a minimum, nominal thickness of 0.04 inches and shall be installed according to the manufacturer's specifications. Synthetic finishes complying with "Dryvit" standards and acceptable to the County may be allowed. Other materials similar in appearance and composition to the above materials may be used, subject to approval by the building official. Metal siding, concrete block, synthetic stucco, plywood, T1-11 wood siding, Masonite, particle board, non-cement composite board and any siding materials found to lack durable characteristics shall be prohibited.
- Y. *Rural viewshed preservation standards:* The following requirements of this subsection shall only apply to subdivisions with more than three lots. The requirements of this subsection except for section 805

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(Y)(4) shall not apply to a single lot of record or to subdivisions with three or less lots where no individual lot abuts an exterior street.

1. Provide a 40-foot primary rural viewshed setback from all proposed rights-of-way along the exterior streets for buildings, accessory structures, and swimming pools for lots adjacent to exterior streets:
  - a. No disturbance within the 40-foot primary rural viewshed setback shall be allowed until a design review is completed and the design of the rural viewshed is approved.
  - b. Driveways accessing exterior streets shall be prohibited within the 40-foot primary rural viewshed setback, except where they cross the rural viewshed in a perpendicular manner.
  - c. Individual septic systems may be installed in the primary rural viewshed setback upon approval by the Upson County Health Department.
2. Provide a 20-foot secondary rural viewshed setback from the primary rural viewshed setback for buildings, accessory structures, and swimming pools for lots adjacent to exterior streets:
  - a. Individual septic systems may be installed in the secondary rural viewshed setback with approval by the Upson County Health Department.
  - b. Driveways accessing exterior streets shall be prohibited within the 20-foot secondary rural viewshed setback, except where they cross the rural viewshed in a perpendicular manner.
  - c. No disturbance within the 20-foot secondary rural viewshed setback shall be allowed until a design review is completed and the design of the rural viewshed is approved.
3. The intent of the rural viewshed is to preserve the bucolic views from the roads in rural Upson County. The views may contain natural vegetation as well as agricultural structures and uses. It is the intent to utilize the existing vegetation when possible as well as provide additional native plantings to enhance the existing viewshed when needed.
4. For structures located on lots subject to a rural viewshed, an architectural review is required. Such process will include a review of building elevations and landscape plans by the planning director.
5. After issuance of the necessary permits to disturb the property, the developer shall install a four-foot-high orange colored tree save fence at least at the combined primary rural viewshed and secondary rural viewshed setback measured from the proposed right-of-way. The fence shall be installed so as to protect specimen trees, protected trees or any other significant vegetation as determined by the Planning Director. Tree save fencing shall be removed at such time as issuance of certificate of occupancy for each lot abutting the viewshed.
6. Notwithstanding anything to the contrary in this subsection, agricultural operations may occur in the primary rural viewshed and secondary rural viewshed setbacks.

Z. *Permanent fencing:* Fencing along exterior streets shall comply with the following:

1. Allowed fencing shall be a ~~livestock~~ fence with wood, stone or masonry posts.
  - a. Opaque fences are prohibited.
  - b. Chain link fences are prohibited.

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- c. If the side, side corner or rear yard is adjacent to an exterior street, a livestock fence is required within the 60-foot rural viewshed. Outside the rural viewshed any type of fence including opaque may be installed as long as the opaque fence is not visible from the street at any time of the year.
- 2. Fencing for the lots along interior subdivision streets, including front, side corner, side and rear of platted subdivision lots shall comply with the following:
  - a. Allowed fencing material and type along the front is limited to an equestrian fence.
  - b. Along sides and rear of a lot fencing material can be of any type.
  - c. Fences shall not exceed eight feet in height but not including fencing in the front which shall not exceed five feet in height from finished grade.
- 3. Fencing along a side or rear of a non-subdivision lot:
  - a. Allowed fencing material and type is not limited to an equestrian fence outside the 60-foot rural viewshed.
  - b. Fences shall not exceed eight feet in height.
- 4. Barbed wire is prohibited on lots, except when part of a legitimate agricultural use.
- 5. Fences and walls shall be set back a minimum of three feet from a public right-of-way.

**ARTICLE 9. R-4 RESIDENTIAL—GENERAL**

**Section 901. Purpose.**

R-4 zoning districts are intended to establish and preserve quiet, medium-density neighborhoods with a variety of types of dwellings—as well as some nonresidential uses which are compatible if proper design controls are maintained. These districts are free from other uses which are incompatible with or would detract from permitted uses. When permitted uses are developed within an R-4 district, they are protected from the detrimental effects of intrusion by incompatible land uses. Diverse neighborhoods that are both stable and attractive may therefore be established and preserved.

**Section 902. Determining if an area is suitable for inclusion within an R-4 district.**

The factors contained in section 410 of this ordinance must be thoroughly considered by the planning commission as well as the board of commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Upson County.

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## Section 903. Boundaries of R-4 districts.

The official map (section 2301 of this ordinance) shows the boundaries of all R-4 districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

## Section 904. Permitted uses.

A. The following principal uses are permitted in R-4 districts:

1. Site-built single-family attached dwelling with a floor area of at least 1,008 square feet.
2. Garden apartment dwelling with a floor area per dwelling unit of at least 670 square feet.
3. Two-family dwelling with a floor area per dwelling unit of at least 1,008 square feet.
4. Cluster dwelling with a floor area of at least 1,008 square feet.
5. Patio dwelling with a floor area of at least 1,008 square feet.
6. (Reserved).
7. Industrialized home with a floor area of at least 1,008 square feet.
8. Class A manufactured home with a floor area of at least 1,008 square feet.
9. (Reserved).
10. Local, state, or federal government building.
11. (Reserved.)
12. (Reserved.)
13. (Reserved.)
14. Intermediate care home.
15. Club or lodge meeting the following development standards:
  - a. Must be located on an arterial street/road.
  - b. All buildings must be placed at least 50 feet from any property lines.
  - c. A buffer (see definition in article 2) must be maintained along the side and rear property lines.
16. Boarding or rooming house.
17. Nursery school or kindergarten meeting the following development standards:
  - a. Must have at least 150 square feet of outdoor play area for each child.
  - b. The outdoor play area must be enclosed by a woven wire fence at least four feet high, the bottom of which must be either flush with the ground or with a masonry footing.
18. Clinic.
19. Hospital meeting the following development standards:
  - a. Must be located on an arterial street/road.
  - b. All buildings must be placed at least 50 feet from any property lines.
  - c. A buffer (see definition in article 2) must be maintained along the side and rear property lines.

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20. Nursing home meeting the following development standards:
    - a. Must be located on an arterial or collector street/road.
    - b. All buildings must be placed at least 50 feet from any property lines.
    - c. A buffer (see definition in article 2) must be maintained along the side and rear property lines.
  21. School, public or private.
  22. Publicly owned and operated park or recreation area.
  23. Subdivision recreation area owned, operated, and maintained by a homeowner's association exclusively for the use of residents and their guests.
  24. Reserved.
  25. Utility substation meeting the following development standards:
    - a. Structures must be placed at least 30 feet from all property lines.
    - b. Structures must be enclosed by a woven wire fence at least eight feet high with bottom of the fence either flush with the ground or with a masonry footing.
    - c. No vehicle or equipment may be stored on the lot.
    - d. A buffer (see definition in article 2) must be maintained along the side and rear property lines.
  26. ~~Reserved. Home occupation (excluding public garage or repair garage) provided said business is conducted in accordance with the standards set out in the definition of home occupation contained in this ordinance.~~

B. The following principal uses are permitted as special exceptions in R-4 districts:

1. Church, synagogue, chapel or other place of religious worship or educational instruction meeting the following development standards:
  - a. It must be located on either an arterial or collector road.
  - b. The property must have a minimum of at least 200 feet of immediate frontage on a public road.
  - c. Notwithstanding any other provisions of this section, the lot on which the improvements are located must contain at least two acres.
  - d. All buildings must be located at least 50 feet from any property line.
  - e. A buffer (see definition in article 2) must be provided along all side and rear property lines.

C. The following accessory uses are permitted in R-4 districts:

1. Private garage or carport not to exceed the storage capacity of three automobiles per dwelling unit, not over 35 feet high.
2. Structure for the storage of equipment and supplies used in maintaining the principal dwelling and its grounds, not over 35 feet high.
3. Structure for a children's playhouse and the storage of children's play equipment, not over 15 feet high.
4. Private swimming pool and bathhouse or cabana meeting the following development standards:
  - a. All such swimming pools must meet the specifications of the Standard Swimming Pool Code (SBCCI).



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5. Private tennis court and/or basketball facilities; if lighted, lights must be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet in height.
  6. Noncommercial garden, including a greenhouse and other customary garden structures not over ten feet in height.
  7. Deck, patio, barbecue grill, or other such facility.
  8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.
  9. Antenna-satellite, television, radio, amateur radio antenna and support structure:
    - a. May be placed in side yard if attached to principal building.
    - b. Amateur radio antennas and support structures, combined 35 feet tall and less.
  10. Temporary building for storage of materials meeting the following development standards:
    - a. Permitted only in conjunction with construction of a building.
    - b. Allowed either on the same lot where construction is taking place or on an adjacent lot.
    - c. Such a use must be terminated upon completion of construction.
  11. The parking of one unoccupied travel trailer, motorcoach, and pleasure boat.
  12. Sign as permitted by the Upson County Sign Ordinance ([appendixAppendix C](#)) ~~(where one exists)~~.
- D. The following accessory uses are permitted as special exceptions in R-4 districts:
1. Home occupation, excluding public garage and repair garage, provided said business is conducted in accordance with the standards set out in the definition of home occupation contained in this ordinance.
  2. ~~Reserved. Manufactured home or travel trailer for temporary use at construction site meeting the following development standards:~~
    - a. ~~The procedure for applying for a special exception permit for a temporary manufactured home or travel trailer at a construction site is as follows:~~
      - a'. ~~Plans for a water/well and sewage[sewer]/septic system suitable for the principal building proposed to be constructed on the site must be submitted to the Upson County Health Department for its review and approval.~~
      - b'. ~~Upon securing concurrence of the Upson County Health Department of the proposed water and sewage [sewer] systems to serve the proposed principal building, the owner should present evidence of such approval to the administrative officer and apply for a building permit for the proposed principal building, including the water and sewage [sewer] systems.~~
      - c'. ~~Upon approval of the administrative officer and receipt of the building permit, the owner should proceed with construction of the proposed water and sewage [sewer] systems. The administrative officer will provide required inspections of these systems during and upon completion of construction.~~
      - d'. ~~Upon certification of the administrative officer that the water and sewage [sewer] systems have been properly installed according to approved plans, the owner will be eligible to apply for the special exception permit for temporary use of a manufactured home or travel trailer at the construction site until the principal building is complete.~~

- ~~e'. Application should be made to the administrative officer for the special exception permit for temporary use of a manufactured home or travel trailer at a construction site.~~
- ~~f'. The administrative officer will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the permit.~~
- ~~g'. The administrative officer will consider such applications, and upon determining that all requirements have been met for such a permit, will issue the permit.~~
- ~~b. The following conditions apply to special exception permits issued for temporary use of a manufactured home or travel trailer at a construction site:~~
  - ~~a'. It is allowed only in conjunction with a valid building permit which has been issued for the principal building to be placed on the lot.~~
  - ~~b'. It is temporary and valid only for a specified period of time. It is nontransferable from one owner to another.~~
  - ~~c'. The valid period of the permit will be set to expire at the same time that the building permit for the principal building on the site will expire.~~
  - ~~d'. A development plan must be submitted showing the proposed locations of the principal building, the water and sewage [sewer] systems, and the temporary manufactured home or travel trailer. That development plan must be approved by the planning commission before issuing the temporary special exception permit.~~
  - ~~e'. In the event that construction of the principal building on the lot has been well underway, but the building is not yet completed and approved for occupancy when the building permit and accompanying temporary special exception expire after 12 months, the permittee may apply to the administrative officer for an extension of the two permits. The administrative officer will assess the situation and, at his discretion, may extend both permits for a period of up to 12 months in addition to the original period for which the permits were valid. In no case will a temporary manufactured home or travel trailer be allowed to remain for a period in excess of 24 months.~~
- ~~c. During its period of approval, the temporary manufactured home or travel trailer must be connected to the approved water and sewage [sewer] systems for the principal building. No other water or sewage [sewer] systems are permitted on the site.~~
- ~~d. Upon approval of the principal building for occupancy, the temporary manufactured home or travel trailer must be disconnected from the water and sewage [sewer] systems and occupancy of the temporary manufactured home or travel trailer must cease.~~
- ~~e. The temporary manufactured home or travel trailer must be removed within 30 days of either the issuance of the certificate of occupancy for the principal building or the expiration of the special exception permit for the temporary manufactured home or travel trailer—whichever is earlier.~~
- ~~f. The temporary manufactured home or travel trailer must be either a class A or class B manufactured home or travel trailer.~~
- ~~g. No more than one such unit is permitted per lot.~~
- ~~h. The unit must be located entirely within the rear yard of the principal dwelling, as shown on the approved development plan.~~

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3. Manufactured home or travel trailer for temporary use in case of certified hardship meeting the following development standards:
    - a. A person having a certified hardship shown according to the procedure contained in this section and meeting any one of the following conditions may apply to the planning commission for the special exception permit:
      - a'. The applicant for the special exception is to be the owner and occupant of the temporary unit and is 65 years of age or older.
      - b'. The applicant for the special exception is to be the owner and occupant of the temporary unit; at least one member of his family who will reside in the unit is 65 years of age or older.
      - c'. The applicant for the special exception is to be the owner and occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical or physical care.
      - d'. The applicant for the special exception is to be the owner and occupant of the temporary unit and at least one member of his family is physically disabled and requires frequent attendance by others for medical or physical care.
      - e'. The applicant for the special exception is not to be the owner and occupant of the temporary unit but at least one of the residents of the unit is a member of the applicant's family and is 65 years of age or older.
      - f'. The applicant for the special exception is not to be the owner and occupant of the temporary unit but at least one of the residents of the unit is a member of the applicant/owner's family and is physically disabled and requires frequent attendance by others for medical or physical care.
    - b. In order to determine if the need for the special exception permit presented by the applicant is a certified hardship, the planning commission will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be physically disabled and also attesting to the need for frequent attendance upon such a person by other people. The certificate will be requested by the planning commission directly from the doctor in attendance upon the person who is asserted to be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the planning commission prior to any action by the planning commission to obtain the certificate from the doctor and any possible subsequent issuance of the special exception permit.
    - c. The procedure for applying for a special exception permit for a temporary manufactured home or travel trailer for certified hardship is as follows:
      - a'. Application should be made to the planning commission for the special exception permit for a temporary manufactured home or travel trailer for certified hardship.
      - b'. The planning commission will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the special exception permit.
      - c'. The planning commission will consider such applications, and upon determining that all requirements have been met for such a permit, will issue the special exception permit.
    - d. Upon being granted a special exception permit to allow a temporary manufactured home or travel trailer for certified hardship, the applicant must then apply to the administrative officer for

a building permit for the installation of the temporary manufactured home or travel trailer. The procedure is as follows:

- a'. Plans for a water/well and sewage/septic system suitable for the temporary manufactured home or travel trailer proposed to be installed on the site must be submitted to the Upson County Health Department for its review and approval.
- b'. Upon securing concurrence of the Upson County Health Department of the proposed water and sewage [sewer] systems to serve the proposed temporary manufactured home or travel trailer, the owner should present evidence of such approval to the administrative officer and apply for a building permit for installation of the proposed temporary manufactured home or travel trailer, including the water and sewage [sewer] systems.
- c'. Upon approval of the administrative officer and receipt of the building permit, the owner should proceed with installation of the proposed temporary manufactured home or travel trailer, including water and sewage [sewer] systems. The administrative officer will provide required inspections of these systems during and upon completion of construction.
- e. The following conditions apply to special exception permits issued for temporary use of a manufactured home or travel trailer for hardship:
  - a'. It is temporary and valid only for a specific period of time. Must be renewed every 12 months.
  - b'. A development plan must be submitted showing the proposed locations of the principal building, the water and sewage [sewer] systems, and the temporary manufactured home or travel trailer. That development plan must be approved by the planning commission before issuing the temporary special exception permit.
  - c'. During its period of approval, the temporary manufactured home or travel trailer must be connected to the approved water and sewage [sewer] systems.
  - d'. The temporary manufactured home or travel trailer must be removed within 30 days of either the expiration of the special exception permit for the temporary manufactured home or travel trailer or upon finding of the planning commission, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the special exception was granted no longer exist—whichever is earlier.
  - e'. The temporary manufactured home or travel trailer must be either a class A or class B manufactured home or travel trailer.
  - f'. No more than one such unit is permitted per lot.
  - g'. The unit must be located entirely within the rear yard of the principal dwelling, as shown on the approved development plan.
- 4. Amateur radio antenna and support structure exceeding 35 feet tall.
- E. All accessory uses must meet the following standards:
  - 1. They must be located in the rear yard.
  - 2. They may not be located closer than five feet to any property line.
  - 3. They may not be located in any front or side yard.
  - 4. Accessory buildings and structures not attached to the principal building must be located at least 12 feet from the principal building on the lot.

F. All uses not permitted within R-4 districts by this section are specifically prohibited.

(Ord. No. 148, §§ 5, 7, 8-23-2001; Ord. No. 190, § 1, 2-13-2007; Ord. No. 212, § 1, 12-22-2009; Ord. No. 266, § 1, 10-9-2018; Ord. No. 273, § 1, 3-9-2021)

## Section 905. Development standards for R-4 districts.

In addition to the development standards contained in article 4 of this ordinance, the following standards are required within R-4 districts:

- A. *Minimum heated floor area per dwelling unit (for residential) or for buildings (for nonresidential):*
  - 1. *Site-built single-family attached dwelling:* 1,008 square feet.
  - 2. *Two-family dwelling:* 1,008 square feet.
  - 3. *Cluster dwelling:* 1,008 square feet.
  - 4. *Industrialized home:* 1,008 square feet.
  - 5. *Class A manufactured home:* 1,008 square feet.
  - 6. *Garden apartment dwelling:* 700 square feet.
  - 7. *Patio dwelling:* 1,008 square feet.
- B. *Minimum lot area:*
  - 1. *Unsewered areas:*
    - a. *With jointly owned common areas:* as specified by the Upson County Health Department, but in no case less than one acre; however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one acre (nonconforming) may nevertheless be developed with a use which is permitted within an R-4 district if approved by the Upson County Health Department.
    - b. *Without jointly owned common areas:* as specified by the Upson County Health Department, but in no case less than one acre; however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one acre (nonconforming) may nevertheless be developed with a use which is permitted within an R-4 district if approved by the Upson County Health Department.
  - 2. *Sewered areas:*
    - a. *With jointly owned common areas:* 21,780 square feet (one-half acre); however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than (one-half acre) (nonconforming) may nevertheless be developed with a use which is permitted within an R-4 district if approved by the Upson County Health Department.
    - b. *Without jointly owned common areas:* 21,780 square feet (one-half acre); however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than (one-half acre) (nonconforming) may nevertheless be developed with a use which is permitted within an R-4 district if approved by the Upson County Health Department.
- C. *Minimum lot width:* 100 feet.
- D. *Minimum front yard:*
  - 1. *Arterial streets/roads:* 100 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated

minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.

2. *Collector streets/roads:* The front of all buildings must be at least 35 feet from the front property line or 100 feet from the road centerline, whichever is greater. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way.
  3. *Other streets/roads:* The front of all buildings must be at least 35 feet from the front property line or 100 feet from the road centerline, whichever is greater. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way.
- E. *Minimum side yard:* total for both side yards of 20 feet (for example, side yards of ten feet and ten feet, or side yards of five feet and 15 feet, or side yards of 20 feet and zero feet). A firewall is required for side yards of ten feet or less. If side lot line adjoins an R-1 or R-2 district, minimum required side yard is 30 feet, regardless of the type of wall.
- F. *Minimum rear yard:* none. A firewall is required for rear yards of ten feet or less. If rear lot line adjoins an R-1 or R-2 district, minimum required side yard is 40 feet, regardless of the type of dwelling unit on the lot.
- G. *Maximum bldg. height:* 35 feet; however, this height limit does not apply to projections not intended for human habitation—except for satellite, television, and radio antennas, to which this limit does apply. For buildings and structures with such projections, the minimum required yards must be increased one foot for every two feet (or part of two feet) of building height greater than 35 feet.
- H. *(Reserved).*
- I. *Sight distance:* In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the rights-of-way of streets or of streets and railroads.
- J. *Applicability to land, buildings, and open space:* No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- K. *Every use must be on a lot:* No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- L. *Only one principal building per lot:* Only one principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided.
- M. *Open space not to be encroached upon:* No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the [this] ordinance. Shrubby, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this resolution [ordinance] must be permanently maintained as open space in accordance with the requirements of this ordinance.
- N. *Reduction of yards or lot area:* Except as otherwise provided in this ordinance, no lot existing at the time of passage of this ordinance may not [sic] be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.

- O. *Lots with multiple frontage*: In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
- P. *Landlocked lots*: In the case of a landlocked lot (a lot without direct access to a public street or road) lawfully existing as of the effective date of this ordinance, the property owner is entitled to one building permit, as long as all of the following requirements are met:
1. No other principal building exists or is being constructed on the property.
  2. No other valid building permit has been issued prior to the effective date of this ordinance and is currently valid.
  3. The property was and continues to be under single ownership since the effective date of this ordinance.
  4. The property owner has acquired a 30-foot easement to a city-, county-, or state-maintained street or road, and the easement has been duly recorded and made a part of the property deed.
  5. In the event the property is divided, no additional permits will be issued.
  6. The parcel must otherwise meet all R-4 district dimensional and size requirements.
- Q. *Panhandle or flag lots*: Panhandle or flag lots, of required width and area, will be allowable where terrain makes standard design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access shall not be less than 40 feet wide for a flag lot totaling less than 24 acres in size, or not less than 80 feet wide for a flag lot totaling greater than 24 acres in size, and the panhandle access shall not be more than 500 feet long. No two such panhandle access points shall abut each other, nor shall their access strips be closer than 400 feet apart. All such access points or combinations thereof shall be separated from each other by the frontage of a standard lot required under the other sections of this chapter.
- QR. *Street frontage*: No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least one public street.
- RS. *Yards and other spaces*: No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- SI. *Substandard lots*: Any lot existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, is subject to the following exceptions and modifications:
1. *Adjoining lots in same ownership*: When two or more adjoining and vacant lots within a nonapproved development with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots must be replatted or reparcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the district.
  2. *Single lot*: When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this ordinance are met.
- TU. *Encroachment on public rights-of-way*: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.

- ~~UV.~~ *Physical design standards:* Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult those documents for specific requirements.
- ~~VW.~~ *Off-street parking and service requirements:* Minimum standards for off-street parking and service requirements are contained in the Upson County Standard for Off-Street Parking and Service Facilities (~~appendix~~[Appendix B](#) [to this ~~appendix~~[Appendix](#)]).
- ~~WX.~~ *Other applicable development regulations:* Information concerning any other applicable development regulations may be obtained by consulting the administrative officer.
- ~~XY.~~ *Signs:* Minimum design and location standards for signs are contained in the Upson County Sign Ordinance (~~appendix~~[Appendix C](#)) ~~(where one exists)~~. Consult that document for specific requirements.
- ~~YZ.~~ *Length of townhouse row:* More than four attached dwelling units must be arranged in adjacent sets of dwellings, each set having a front foundation line offset by at least ten feet from the foundation line of the adjacent set of dwelling units.
- ~~ZA.~~ *Firewalls:* All side and rear walls of attached dwelling units which are less than ten feet from the lot line must be firewalls. (See Georgia Building Code for construction standards.)

## ARTICLE 10. R-5 SINGLE-FAMILY RESIDENTIAL—SMALL DWELLING

### Section 1001. Purpose.

R-5 zoning districts are intended to establish and preserve quiet, relatively low-density neighborhoods of single-family residences as desired by large numbers of people, while permitting smaller dwellings than many other residential districts require. These districts are free from other uses which are incompatible with single-family homes.

### Section 1002. Determining if an area is suitable for inclusion within an R-5 district.

The factors contained in section 410 of this ordinance must be thoroughly considered by the planning commission as well as the board of commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation for land use patterns that provide healthful and safe living conditions for the residents of Upson County.

### Section 1003. Boundaries of R-5 districts.

The official map (section 2301 of this ordinance) shows the boundaries of all R-5 districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

### Section 1004. Permitted uses.

A. The following principal uses are permitted in R-5 districts:

1. Site-built single-family detached dwelling with a floor area of at least 700 square feet.
2. Industrialized home with a floor area of at least 700 square feet.



3. Class A manufactured home with a floor area of at least 700 square feet.
- 4, 5. (Reserved.)
6. Local, state, or federal government building.
7. (Reserved.)
8. Publicly owned and operated park or recreation area.
9. Subdivision recreation area owned, operated, and maintained by a homeowner's association exclusively for the use of residents and their guests.
10. Reserved.
11. Utility substation meeting the following development standards:
  - a. Structures must be placed at least 30 feet from all property lines.
  - b. Structures must be enclosed by a woven wire fence at least eight feet high with bottom of fence either flush with the ground or with masonry footing.
  - c. No vehicles or equipment may be stored on the lot.
  - d. A buffer (see definition in article 2) must be maintained along the side and rear property lines.

~~12. Home occupation (excluding public garage or repair garage) provided said business is conducted in accordance with the standards set out in the definition of home occupation contained in this ordinance.~~

- B. The following principal uses are permitted as special exceptions in R-5 districts:
1. Church, synagogue, chapel or other place of religious worship or educational instruction meeting the following development standards:
    - a. It must be located on either an arterial or collector road.
    - b. The property must have a minimum of at least 200 feet of immediate frontage on a public road.
    - c. Notwithstanding any other provisions of this section, the lot on which the improvements are located must contain at least two acres.
    - d. All buildings must be located at least 50 feet from any property line.
    - e. A buffer (see definition in article 2) must be provided along all side and rear property lines.
- C. The following accessory uses are permitted in R-5 districts:
1. Private garage or carport not to exceed the storage capacity of three automobiles per dwelling unit, not over 35 feet high.
  2. Structure for the storage of equipment and supplies used in maintaining the principal dwelling and its grounds, not over 35 feet high.
  3. Structure for a children's playhouse and the storage of children's play equipment, not over 15 feet high.
  4. Private swimming pool and bathhouse or cabana meeting the following development standards:
    - a. All such swimming pools must meet the specifications of the Standard Swimming Pool Code (SBCCI).
  5. Private tennis court and/or basketball facilities; if lighted, lights must be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet high.

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6. Noncommercial garden, including a greenhouse and other customary garden structures not over ten feet high.
  7. Deck, patio, barbecue grill, or other such facility.
  8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.
  9. Antenna-satellite, television, radio, amateur radio antenna and support structure.
    - a. May be placed in side yard if attached to principal building.
    - b. Amateur radio antennas and support structures, combined 35 feet tall and less.
  10. Temporary building for storage of materials meeting the following development standards:
    - a. Permitted only in conjunction with construction of a building;
    - b. Allowed either on the same lot where construction is taking place or on adjacent lots;
    - c. Such a use must be terminated upon completion of construction.
  11. The parking of one unoccupied travel trailer, motorcoach, and pleasure boat.
  12. Sign as permitted by the Upson County Sign Ordinance ([appendixAppendix C](#)) ~~(where one exists).~~
- D. The following accessory uses are permitted as special exceptions in R-5 districts:
1. Home occupation, excluding public garage and repair garage, provided said business is conducted in accordance with the standards set out in the definition of home occupation contained in this ordinance.
  2. ~~Reserved. Manufactured home or travel trailer for temporary use at construction site meeting the following development standards:~~
    - a. ~~The procedure for applying for a special exception permit for a temporary manufactured home or travel trailer at a construction site is as follows:~~
      - a'. ~~Plans for a water/well and sewage[sewer]/septic system suitable for the principal building proposed to be constructed on the site must be submitted to the Upson County Health Department for its review and approval.~~
      - b'. ~~Upon securing concurrence of the Upson County Health Department of the proposed water and sewage [sewer] systems to serve the proposed principal building, the owner should present evidence of such approval to the administrative officer and apply for a building permit for the proposed principal building, including the water and sewage [sewer] systems.~~
      - c'. ~~Upon approval of the administrative officer and receipt of the building permit, the owner should proceed with construction of the proposed water and sewage [sewer] systems. The administrative officer will provide required inspections of these systems during and upon completion of construction.~~
      - d'. ~~Upon certification of the administrative officer that the water and sewage [sewer] systems have been properly installed according to approved plans, the owner will be eligible to apply for the special exception permit for temporary use of a manufactured home or travel trailer at the construction site until the principal building is complete.~~
      - e'. ~~Application should be made to the administrative officer for the special exception permit for temporary use of a manufactured home or travel trailer at a construction site.~~



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- a. A person having a certified hardship shown according to the procedure contained in this section and meeting any one of the following conditions may apply to the planning commission for the special exception permit:
    - a'. The applicant for the special exception is to be the owner and occupant of the temporary unit and is 65 years of age or older.
    - b'. The applicant for the special exception is to be the owner and occupant of the temporary unit; at least one member of his family who will reside in the unit is 65 years of age or older.
    - c'. The applicant for the special exception is to be the owner and occupant of the temporary unit and is physically disabled and requires frequent attendance by others for medical or physical care.
    - d'. The applicant for the special exception is to be the owner and occupant of the temporary unit and at least one member of his family is physically disabled and requires frequent attendance by others for medical or physical care.
    - e'. The applicant for the special exception is not to be the owner and occupant of the temporary unit but at least one of the residents of the unit is a member of the applicant's family and is 65 years of age or older.
    - f'. The applicant for the special exception is not to be the owner and occupant of the temporary unit but at least one of the residents of the unit is a member of the applicant/owner's family and is physically disabled and requires frequent attendance by others for medical or physical care.
  - b. In order to determine if the need for the special exception permit presented by the applicant is a certified hardship, the planning commission will require a doctor's certificate currently dated, attesting to the health of the person who is asserted to be physically disabled and also attesting to the need for frequent attendance upon such a person by other people. The certificate will be requested by the planning commission directly from the doctor in attendance upon the person who is asserted to be disabled. The applicant will be required to sign a release to the doctor for such information to be supplied to the planning commission prior to any action by the planning commission to obtain the certificate from the doctor and any possible subsequent issuance of the special exception permit.
  - c. The procedure for applying for a special exception permit for a temporary manufactured home or travel trailer for certified hardship is as follows:
    - a'. Application should be made to the planning commission for the special exception permit for a temporary manufactured home or travel trailer for certified hardship.
    - b'. The planning commission will explain to the applicant all conditions and limitations attached to such a permit and will secure the written certification of the applicant that he understands and will abide by those conditions if issued the special exception permit.
    - c'. The planning commission will consider such applications, and upon determining that all requirements have been met for such a permit, will issue the special exception permit.
  - d. Upon being granted a special exception permit to allow a temporary manufactured home or travel trailer for certified hardship, the applicant must then apply to the administrative officer for a building permit for the installation of the temporary manufactured home or travel trailer. The procedure is as follows:

- a'. Plans for a water/well and sewage[sewer]/septic system suitable for the temporary manufactured home or travel trailer proposed to be installed on the site must be submitted to the Upson County Health Department for its review and approval.
  - b'. Upon securing concurrence of the Upson County Health Department of the proposed water and sewage systems to serve the proposed temporary manufactured home or travel trailer, the owner should present evidence of such approval to the administrative officer and apply for a building permit for installation of the proposed temporary manufactured home or travel trailer, including the water and sewage [sewer] systems.
  - c'. Upon approval of the administrative officer and receipt of the building permit, the owner should proceed with installation of the proposed temporary manufactured home or travel trailer, including water and sewage [sewer] systems. The administrative officer will provide required inspections of these systems during and upon completion of construction.
- e. The following conditions apply to special exception permits issued for temporary use of a manufactured home or travel trailer for hardship:
  - a'. It is temporary and valid only for a specific period of time. Must be renewed every 12 months.
  - b'. A development plan must be submitted showing the proposed locations of the principal building, the water and sewage [sewer] systems, and the temporary manufactured home or travel trailer. That development plan must be approved by the planning commission before issuing the temporary special exception permit.
  - c'. During its period of approval, the temporary manufactured home or travel trailer must be connected to the approved water and sewage [sewer] systems.
  - d'. The temporary manufactured home or travel trailer must be removed within 30 days of either the expiration of the special exception permit for the temporary manufactured home or travel trailer or upon finding of the planning commission, upon its own application or that of any aggrieved party and after giving due notice to all concerned parties and granting full opportunity for a hearing, that the conditions for which the special exception was granted no longer exist—whichever is earlier.
  - e'. The temporary manufactured home or travel trailer must be either a class A or class B manufactured home or travel trailer.
  - f'. No more than one such unit is permitted per lot.
  - g'. The unit must be located entirely within the rear yard of the principal dwelling, as shown on the approved development plan.
- 4. Amateur radio antenna and support structure exceeding 35 feet tall.
- E. All accessory uses must meet the following standards:
  - 1. They must be located in the rear yards.
  - 2. They may not be located closer than five feet from any property line.
  - 3. They may not be located in any front or side yard.
  - 4. Accessory buildings and structures not attached to the principal building must be located at least 12 feet from the principal building on the lot.
- F. All uses not permitted within R-5 districts by this section are specifically prohibited.

(Ord. No. 148, §§ 5, 7, 8-23-2001; Ord. No. 190, § 1, 2-13-2007; Ord. No. 212, § 1, 12-22-2009; Ord. No. 266, § 1, 10-9-2018; Ord. No. 267, § 1, 2-12-2019; Ord. No. 273, § 1, 3-9-2021)

## Section 1005. Development standards for R-5 districts.

In addition to the development standards contained in article 4 of this ordinance, the following standards are required within R-5 districts:

- A. *Minimum heated floor area per dwelling unit:* 700 square feet.
- B. *Minimum lot area:*
  - 1. *Unsewered areas:* as specified by the Upson County Health Department, but in no case less than one acre; however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one acre (nonconforming) may nevertheless be developed with a use which is permitted within an R-5 district if approved by the Upson County Health Department.
  - 2. *Sewered areas:* one acre; however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one acre (nonconforming) may nevertheless be developed with a use which is permitted within an R-5 district.
- C. *Minimum lot width:* 100 feet.
- D. *Minimum front yard:*
  - 1. *Arterial streets/roads:* 100 feet from the centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
  - 2. *Collector streets/roads:* The front of all buildings must be at least 35 feet from the front property line or 100 feet from the road centerline, whichever is greater. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way.
  - 3. *Other streets roads:* The front of all buildings must be at least 35 feet from the front property line or 100 feet from the road centerline, whichever is greater. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way.
- E. *Minimum side yard:* 15 feet.
- F. *Minimum rear yard:* 35 feet.
- G. *Maximum bldg. height:* 35 feet. This height limit does not apply to projections not intended for human habitation—except for satellite, television, and radio antennas, to which this limit does apply. For buildings and structures with such projections, the minimum required yards must be increased one foot for every two feet (or part of two feet) of height greater than 35 feet.
- H. *(Reserved).*
- I. *Sight distance:* In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the rights-of-way of streets or of streets and railroads.
- J. *Applicability to land, buildings, and open space:* No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.

- K. *Every use must be on a lot:* No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- L. *Only one principal building per lot:* Only one principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided.
- M. *Open space not to be encroached upon:* No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in this ordinance. Shrubbery, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- N. *Reduction of yards or lot area:* Except as otherwise provided in this ordinance, a lot existing at the time of passage of this ordinance may not be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- O. *Lots with multiple frontage:* In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
- P. *Landlocked lots:* In the case of a landlocked lot (a lot without direct access to a public street or road) lawfully existing as of the effective date of this ordinance, the property owner is entitled to one building permit, as long as all of the following requirements are met:
1. No other principal building exists or is being constructed on the property.
  2. No other valid building permit has been issued prior to the effective date of this ordinance and is currently valid.
  3. The property was and continues to be under single ownership since the effective date of this ordinance.
  4. The property owner has acquired a 30-foot easement to a city-, county-, or state-maintained street, and the easement has been duly recorded and made a part of the property deed.
  5. In the event the property is divided, no additional permits will be issued.
  6. The parcel must otherwise meet all R-5 district dimensional and size requirements.
- Q. Panhandle or flag lots: Panhandle or flag lots, of required width and area, will be allowable where terrain makes standard design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access shall not be less than 40 feet wide for a flag lot totaling less than 24 acres in size, or not less than 80 feet wide for a flag lot totaling greater than 24 acres in size, and the panhandle access shall not be more than 500 feet long. No two such panhandle access points shall abut each other, nor shall their access strips be closer than 400 feet apart. All such access points or combinations thereof shall be separated from each other by the frontage of a standard lot required under the other sections of this chapter.
- ~~QR.~~ *Street frontage:* No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least one public street.
- ~~RS.~~ *Yards and other spaces:* No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.

~~SI~~. *Substandard lots*: Any lot existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, is subject to the following exceptions and modifications:

1. *Adjoining lots in same ownership*: When two or more adjoining and vacant lots within a nonapproved development with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots must be replatted or reparcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the district.
2. *Single lot*: When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this ordinance, such a lot may be used for any use allowed in the zoning district in which it is located in as long as all other requirements of this ordinance are met.

~~TI~~. *Encroachment on public rights-of-way*: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.

~~UV~~. *Physical design standards*: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult those documents for specific requirements.

~~VW~~. *Off-street parking and service requirements*: Minimum standards for off-street parking and service requirements are contained in the Upson County Standard for Off-Street Parking and Service Facilities (~~appendix~~[Appendix B](#) [to this appendix]).

~~WX~~. *Other applicable development regulations*: Information concerning any other applicable development regulations may be obtained by consulting the administrative officer.

~~XY~~. *Signs*: Minimum design and location standards are contained in the Upson County Sign Ordinance (see ~~appendix~~[Appendix C](#)) ~~(where one exists)~~. Consult that document for specific requirements.

## ARTICLE ~~12~~[11](#). P-M PLANNED DEVELOPMENT—MIXED USE<sup>2</sup>

### Section ~~1201~~[1101](#). Purpose.

- A. P-M zoning districts are intended to:
1. Encourage the development of large tracts of land as planned neighborhoods or communities.
  2. Encourage flexible and creative concepts in site planning.
  3. Preserve the natural amenities of the land by encouraging scenic and functional open areas within residential areas.
  4. Create a more desirable environment than would be possible through the strict application of minimum requirements of other sections of this ordinance.
  5. Provide for efficient use of land resulting in smaller networks of utilities and streets as well as lower development and housing costs.
  6. Provide an environment of stable character which is compatible with surrounding residential areas.

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<sup>2</sup>Cross reference(s)—Businesses, ch. 26.



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- B. Within the planned area, a variety of land uses may be permitted in an orderly relation to one another and to existing land uses. This may be accomplished through the application of sound comprehensive planning principles.

Section ~~1202~~1102. Determining if an area is suitable for inclusion within a P-M district.

The factors contained in section 410 of this ordinance, as well as data submitted with the development plan of the applicant for a planned development, must be thoroughly considered by the planning commission as well as the board of commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Upson County.

Section ~~1203~~1103. Boundaries of P-M districts.

The official map (section ~~2301~~2201 of this ordinance) shows the boundaries of all P-M districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

Section ~~1204~~1104. Permitted uses.

As shown in the approved development plan.

Section ~~1205~~1105. Plan review and approval procedures.

- A. *Preapplication conference*: Prior to filing a formal application for a P-M, the applicant is encouraged to confer with the administrative officer and the planning commission in order to review the general character of the plan (on the basis of tentative land use sketch if available), and to obtain information on development standards and ordinances affecting the proposed project.
- B. *Submission of application for P-M approval*:
1. The applicant must file a petition with the administrative officer for approval of the proposed P-M. This application must be supported by a development plan and a written summary of intent. The relationship between the proposed development and the surrounding area, both existing and proposed, must be shown. The following information must be presented with the application:
    - a. A general location map.
    - b. Existing topographic conditions, including contour intervals of no more than five feet based on field surveys or photogrammetric methods.
    - c. The existing and proposed land uses and the approximate location of all buildings and structures.
    - d. The approximate location of existing and proposed streets.
    - e. The approximate location of all existing and proposed utilities, including a preliminary utility and drainage plan.
    - f. The present zoning pattern in the area.
    - g. A legal description of the subject property.
    - h. The location and use of existing and proposed public, semipublic, and community facilities such as schools, parks, and open areas on the site. This includes areas proposed to be dedicated or reserved for community or public use.

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- i. Perspective drawings of representative building types; however, this is not required for single-family detached dwellings.
  2. If a proposed development creates special problems or involves unusual circumstances, additional information may be required in order to properly evaluate the proposal as follows:
    - a. An off-street parking and loading plan.
    - b. An economic feasibility report or market analysis.
    - c. A traffic study of the area, and a circulation plan within the proposed development as well as to and from existing streets adjacent to the site.
  3. The written summary of intent submitted with the development plan must include the following information:
    - a. A statement of the present ownership of all land within the proposed development.
    - b. An explanation of the character of the proposed development; this includes a summary of acres, number and types of dwelling units, and gross density by type of land use.
    - c. A general statement of the proposed development schedule.
    - d. Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open areas.
- C. *Review and approval of P-M application:*
1. An application for approval of a P-M is treated administratively as an application for an amendment to this ordinance (rezoning). This is because P-M districts are created only upon request of a developer, whose application materials demonstrate a firm commitment to construction of a well-designed P-M. Upon approval of the P-M, existing zoning must be changed to a P-M zone—which is an amendment to the ordinance. The amendment procedures contained in section 410, and 2302 must be followed in granting the amendment to permit the P-M.
  2. The administrative officer will turn over the application materials to the planning commission for its recommendations. The planning commission will thoroughly study the materials and make written recommendations to the board of commissioners, stating the reasons for its recommendations (according to procedures contained in sections 410 and 2302).
  3. The power to approve an amendment creating a P-M district rests with the board of commissioners. After conducting the public hearing and considering recommendations from the planning commission (section 410), the board of commissioners will then make an official decision on the proposed P-M. The board of commissioners may approve, disapprove, or conditionally approve the development plan.
  4. If the development plan is approved as submitted, the official map will be changed to indicate [the] P-M district (section ~~2302~~2202). If the plan is approved with modifications, the applicant must file with the administrative officer the following:
    - a. Written notice of consent to the modifications.
    - b. A properly revised site plan.
  5. The official map will then be changed (section ~~2302~~2202). The site plan and supporting information of any approved plan will be properly identified and permanently filed with the administrative officer.
  6. No building permits will be issued by the administrative officer until the development plan has been approved by the board of commissioners.

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- D. *Issuance of building permits:* The administrative officer will issue building permits for building and structure in the area covered by the approved development plan if the proposed buildings and structures are in conformity with the approved development plan, the development schedule, and all other applicable regulations. (See section 404.)
- E. *Revision of development plan after approval of plan:*
1. Minor extensions, alterations, or modifications of existing buildings or structure may be permitted after review and approval by the planning commission; such changes must be consistent with the purposes and intent of the development plan.
  2. Any major or substantial change in the approved development plan which affects the intent and character of the development, the density of land use pattern, the location or dimensions of streets, or similar substantial changes must be reviewed and approved by the board of commissioners after receipt of recommendations from the planning commission. A request for a revision of the development plan must be supported by a written statement indicating the nature of the revision and the reasons it is considered necessary or desirable to revise the development.
- F. *Approval of P-M revoked if construction not begun:* Construction of the planned development must begin within one year of the approval of the P-M. If no construction has begun by then, or if the applicant fails to maintain the approved development schedule, approval of the development plan will lapse. At its discretion and for good cause, the board of commissioners may extend the period for beginning construction of any phase of the project for one additional year. If approval of the development plan lapses under this provision, the subject P-M district will be removed from the official map (see section [23022202](#)) and the zoning districts and regulations which were in effect prior to the approval of the development plan will be reinstated. It is not necessary to follow section 410 amendatory procedures for this action, since its purpose is to correct an illegal situation caused by the failure of the applicant to fulfill the conditions upon which the approval of the P-M was granted.

## Section [12061106](#). Development standards for P-M districts.

In addition to the development standards contained in article 4 of this ordinance, the following standards are required within P-M districts:

- A. *Development plan:* Approved development plan must be carried out (see section [12051105](#)).
- B. *Density controls:* The maximum number of dwelling units per acre in residential areas of a planned development must not exceed 5.5 dwelling units per net acre of residential development within the P-M. (Net residential acreage refers only to land devoted primarily to residential purposes—exclusive of other uses, such as common open space, streets, and lakes. Gross acreage of residential development refers to land devoted primarily to residential purposes as well as open spaces, including private lakes within the P-M held under individual, common, or collective ownership for the use of residents of the residential development. Gross acreage for residential development does not include areas reserved or dedicated for street rights-of-way.)
- C. *Deviation from required densities:*
1. The board of commissioners may allow higher net or gross residential densities, as well as a higher density of a particular residential use, as long as the applicant can show that such a higher density will not be detrimental to the surrounding neighborhood.
  2. The board of commissioners will consider a deviation from the specified maximum density only upon a favorable recommendation from the planning commission.

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- D. *Dimensional and bulk regulations:* The location of all proposed buildings and structures must be shown on the approved development plan; minimum lot sizes, setback lines, lot coverages, and floor areas shown on the development plan must be adhered to. The proposed location and arrangement of structures must not be detrimental to existing or proposed adjacent dwellings or to the development of neighborhood.
- E. *Perimeter requirements:* The board of commissioners, upon recommendation of the planning commission, may impose the following requirements to protect the privacy of existing adjoining uses:
1. Structures or buildings located at the perimeter of the P-M must be set back a distance of 50 feet from the boundary of the P-M.
- F. *Control of area after completion:* After completion of a planned development, the use of land and the construction, modification, or alteration of any buildings or structures within the P-M must conform to the approved development plan. If community needs are found to be changing in the future and a revision of the approved development plan is thought to be needed, procedures contained in paragraph E of section 1205 must be followed.
- G. *(Reserved).*
- H. *(Reserved).*
- I. *Sight distance:* In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the right-of-way of streets or of streets and railroads.
- J. *Applicability to land, buildings, and open space:* No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- K. *Every use must be on a lot:* No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- L. *(Reserved).*
- M. *Open space not to be encroached upon:* No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the ordinance. Shrubby, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- N. *Reduction of yards or lot area:* Except as otherwise provided in this ordinance, a lot existing at the time of passage of this ordinance may not be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- O. *Lots with multiple frontage:* In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
- P. *Landlocked lots:* Landlocked lots are not eligible for placement within a P-M zoning district.
- Q. *(Reserved).*

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- R. *Yards and other spaces*: No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- S. *Substandard lots*: Substandard lots are not eligible for placement within a P-M zoning district.
- T. *Encroachment on public rights-of-way*: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- U. *Physical design standards*: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult the administrative officer for specific requirements.
- V. *Off-street parking and service requirements*: Minimum standards for off-street parking and service requirements are contained in the Upson County Standard for Off-Street Parking and Service Facilities (~~appendix~~[Appendix B](#) [to this appendix]).
- W. *Other applicable development regulations*: Information concerning any other applicable development regulations may be obtained from the administrative officer.
- X. *Signs*: Minimum design and location standards for signs are contained in the Upson County Sign Ordinance (~~appendix~~[Appendix C](#)) (~~where one exists~~). Consult that document for specific requirements.
- Y. *Development standards shown in approved development plan*: Other development standards shown in an approved development plan apply only to the development shown on the specific development plan. Such development standards must be maintained. (See section 1205 for related details.)
- Z. *Design standards for all P-M developments*:
1. *General*: Condition of soil, ground water level, drainage, and ground slope must not create hazards to the property, or to the health or safety of residents. The site must not be exposed to objectionable smoke, noise, odors, or other adverse conditions; and no part subject to flooding or erosion can be used for any purpose that would expose people or property to danger.
  2. *Soil and ground cover*: Exposed ground surfaces throughout the development must be protected with a vegetative growth that prevents soil erosion, standing puddles, and dust. If this is not possible, such areas may be covered with a solid material such as stone, or may be paved.
  3. *Site drainage*: The ground surfaces throughout the development must be equipped to drain all surface water in a safe, efficient manner, either through grading or installation of drains.
  4. *Required buffer*: A buffer (see definition in article 2) is required along all lot lines of the development. This is in addition to common open space.
- AA. *Antenna-satellite, television, radio, amateur radio antenna and support structure*. As indicated in the approved development plan. Absent any guidelines in the approved development plan:
1. May be placed in side yard if attached to principal building.
  2. Amateur radio antenna and support structure exceeding 35 feet tall combined shall be approved by special exception.

(Ord. No. 273 , § 1, 3-9-2021)

## *ARTICLE ~~13~~12. P-R PLANNED DEVELOPMENT—RESIDENTIAL<sup>3</sup>*

### Section ~~1301~~1201. Purpose.

- A. P-R zoning districts are intended to:
1. Encourage the development of land as planned neighborhoods or communities.
  2. Preserve the natural amenities of the land by encouraging scenic and functional open areas within residential areas.
  3. Provide for efficient use of land resulting in smaller networks of utilities and streets as well as lower development and housing costs.
  4. Provide an environment of stable character which is compatible with surrounding residential areas.

### Section ~~1302~~1202. Determining if an area is suitable for inclusion within a P-R district.

The factors contained in section 410 of this ordinance as well as data submitted with the development plan of the applicant for a planned development, must be thoroughly considered by the planning commission as well as the board of commissioners when determining whether or not the provision of a P-R district is appropriate. This will assure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Upson County.

### Section ~~1303~~1203. Boundaries of P-R districts.

The official map (section 2301 of this ordinance) shows the boundaries of all P-R districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

### Section ~~1304~~1204. Permitted uses.

- A. The following are permitted as principal uses in P-R districts:
1. Planned apartment home community.
  2. Planned manufactured home community containing class A and/or class B manufactured homes only.
  3. Recreation area owned, operated, and maintained by the owner(s) of the permitted use, exclusively for the use of residents and their guests.
  4. Utility substation meeting the following development standards:
    - a. Structures must be placed at least 30 feet from all property lines.

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<sup>3</sup>Cross reference(s)—Businesses, ch. 26.

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- b. Structures must be enclosed by a woven-wire fence at least eight feet high with bottom of fence either flush with the ground or with a masonry footing.
    - c. No vehicles or equipment may be stored on the lot.
    - d. A buffer (see definition in article 2) must be maintained along the side and rear property lines.
  - B. The following principal uses are permitted as special exceptions in P-R districts:
    - 1. Church, synagogue, chapel or other place of religious worship or educational instruction meeting the following development standards:
      - a. It must be located on either an arterial or collector road.
      - b. The property must have a minimum of at least 200 feet of immediate frontage on a public road.
      - c. Notwithstanding any other provisions of this section, the lot on which the improvements are located must contain at least two acres.
      - d. All buildings must be located at least 50 feet from any property line.
      - e. A buffer (see definition in article 2) must be provided along all side and rear property lines.
  - C. The following are permitted as accessory uses in P-R districts:
    - 1. Private garage or carport not to exceed the storage capacity of three automobiles per dwelling unit, not over 35 feet high.
    - 2. Structure for the storage of equipment and supplies used in maintaining the principal dwelling and its grounds, not over 35 feet high.
    - 3. Structure for a children's playhouse and the storage of children's play equipment, not over 15 feet high.
    - 4. Private swimming pool and bathhouse or cabana meeting the following standards:
      - a. All such swimming pools must meet the specifications of the Standard Swimming Pool Code (SBCCI).
    - 5. Private tennis court and/or basketball facilities; if lighted, lights must be designed so that they do not intrude upon adjacent lots. Such a court may be surrounded by a fence up to ten feet high.
    - 6. Noncommercial garden, including a greenhouse and other customary garden structures not over ten feet high.
    - 7. Deck, patio, barbecue grill, or other such facility.
    - 8. Fence, wall, exterior lighting fixture, or other general landscaping and site development facility.
    - 9. Antenna-satellite, television, radio, amateur radio antenna and support structure.
      - a. May be placed in side yard if attached to principal building.
      - b. Amateur radio antennas and support structures, combined 35 feet tall and less.
    - 10. Temporary building or storage of materials meeting the following development standards:
      - a. Permitted only in conjunction with construction of a building.
      - b. Allowed either on the same lot where construction is taking place or on adjacent lot.
      - c. Such a use must be terminated upon completion of construction.
    - 11. The parking of one unoccupied travel trailer, motorcoach, and pleasure boat per dwelling unit.

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12. Signs as permitted by the Upson County Sign Ordinance (~~appendix~~Appendix C) (~~where one exists~~).
- D. The following accessory uses are permitted as special exceptions in P-R districts:
1. Amateur radio antenna and support structure exceeding 35 feet tall.
- E. All accessory uses must meet the following standards:
1. They may not be located closer than five feet to any property line.
  2. Accessory buildings not attached to the principal building must be located at least 12 feet from the principal building on the lot.
- F. All uses not permitted within P-R districts by this section are specifically prohibited.
- (Ord. No. 148, § 5, 8-23-2001; Ord. No. 190, § 1, 2-13-2007; Ord. No. 267, § 1, 2-12-2019; Ord. No. 273, § 1, 3-9-2021)

### Section ~~1305~~1205. Plan review and approval procedures.

- A. *Preapplication conference:* Prior to filing a formal application for a P-R, the applicant is encouraged to confer with the administrative officer and the planning commission in order to review the general character of the plan (on the basis of tentative land use sketch if available), and to obtain information on development standards and ordinances affecting the proposed project.
- B. *Submission of application for P-R approval:*
1. The applicant must file a petition with the administrative officer for approval of the proposed P-R. This application must be supported by a development plan and a written summary of intent. The relationship between the proposed development and the surrounding area, both existing and proposed, must be shown. The following information must be presented with the application:
    - a. A general location map.
    - b. Existing topographic conditions, including contour intervals of no more than five feet based on field surveys or photogrammetric methods.
    - c. The existing and proposed land uses and the approximate location of all buildings and structures.
    - d. The approximate location of existing and proposed streets.
    - e. The approximate location of all existing and proposed utilities, including a preliminary utility and drainage plan.
    - f. The present zoning pattern in the area.
    - g. A legal description of the subject property.
    - h. The location and use of existing and proposed public, semipublic, and community facilities such as schools, parks, and open areas on the site. This includes areas proposed to be dedicated or reserved for community or public use.
    - i. Perspective drawings of representative building types; however, this is not required for single-family detached dwellings.
  2. If a proposed development creates special problems or involves unusual circumstances, additional information may be required in order to properly evaluate the proposal as follows:
    - a. An off-street parking and loading plan.
    - b. An economic feasibility report or market analysis.



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- c. A traffic study of the area, and a circulation plan within the proposed development as well as to and from existing streets adjacent to the site.
  3. The written summary of intent submitted with the development plan must include the following information:
    - a. A statement of the present ownership of all land within the proposed development.
    - b. An explanation of the character of the proposed development; this includes a summary of acres, number and types of dwelling units, and gross density by type of land use.
    - c. A general statement of the proposed development schedule.
    - d. Agreements, provisions, and covenants which govern the use, maintenance, and protection of the development and any common or open areas.
  - C. *Review and approval of P-R application:*
    1. An application for approval of a P-R is treated administratively as an application for an amendment to this ordinance (rezoning). This is because P-R districts are created only upon request of a developer, whose application materials demonstrate a firm commitment to construction of a well-designed P-R. Upon approval of the P-R, existing zoning must be changed to a P-R zone which is an amendment to the [this] ordinance. The amendment procedures contained in section 410 and 2302 must be followed in granting the amendment to permit the P-R.
    2. The administrative officer will turn over the application materials to the planning commission for its recommendations. The planning commission will thoroughly study the materials and make written recommendations to the board of commissioners, stating the reasons for its recommendations (according to procedures contained in sections 410 and 2302).
    3. The power to approve an amendment creating a P-R district rests with the board of commissioners. After conducting the public hearing and considering recommendations from the planning commission (section 410), the board of commissioners will then make an official decision on the proposed P-R. The board of commissioners may approve, disapprove, or conditionally approve the development plan.
    4. If the development plan is approved as submitted, the official map will be changed to indicate the P-R district (section 2302). If the plan is approved with modifications, the applicant must file with the administrative officer the following:
      - a. Written notice of consent to the modifications.
      - b. A properly revised site plan.
    5. The official map will then be changed (section 2302). The site plan and supporting information of any approved plan will be properly identified and permanently filed with the administrative officer.
    6. No building permits will be issued by the building official until the development plan has been approved by the board of commissioners.
  - D. *Issuance of building permits:* The administrative officer will issue building permits for buildings and structures in the area covered by the approved development plan if the proposed buildings and structures are in conformity with the approved development plan, the development schedule, and all other applicable regulations. (See section 404.)
  - E. *Revision of development plan after approval of plan:*
    1. Minor extensions, alterations, or modifications of existing buildings or structures may be permitted after review and approval by the planning commission; such changes must be consistent with the purposes and intent of the development plan.

2. Any major or substantial change in the approved development plan which affects the intent and character of the development, the density of land use pattern, the location or dimensions of streets, or similar substantial changes must be reviewed and approved by the board of commissioners after receipt of recommendations from the planning commission. A request for a revision of the development plan must be supported by a written statement indicating the nature of the revision and the reasons it is considered necessary or desirable to revise the development.
- F. *Approval of P-R revoked if construction not begun:* Construction of the planned development must begin within one year of the approval of the P-R. If no construction has begun by then, or if the applicant fails to maintain the approved development schedule, approval of the development plan will lapse. At its discretion and for good cause, the board of commissioners may extend the period for beginning construction of any phase of the project for one additional year. If approval of the development plan lapses under this provision, the subject P-R district will be removed from the official map (see section 2302) and the zoning districts and regulations which were in effect prior to the approval of the development plan will be reinstated. It is not necessary to follow section 410 amendatory procedures for this action, since its purpose is to correct an illegal situation caused by the failure of the applicant to fulfill the conditions upon which the approval of the P-R was granted.

## Section ~~1306~~1206. Development standards for P-R districts.

In addition to the development standards contained in article 4 of this ordinance, the following standards are required within P-R districts:

- A. *Minimum heated floor area per dwelling unit:* 700 square feet.
- B. *Minimum lot area:*
  1. *Unsewered areas:*
    - a. *Planned apartment home communities:* as specified by the Upson County Health Department, but in no case less than three acres.
    - b. *Planned manufactured home communities:* as specified by the Upson County Health Department, but in no case less than ten acres.
  2. *Sewered areas:*
    - a. *Planned apartment home communities:* three acres.
    - b. *Planned manufactured home communities:* ten acres.
- C. *Minimum lot width:* 150 feet for entire depth of lot.
- D. *Minimum front yard:*
  1. *Arterial streets/roads:* 75 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
  2. *Collector streets/roads:* 50 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
  3. *Other streets/roads:* 50 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
- E. *Minimum side yard:* 20 feet.

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- F. *Minimum rear yard*: 30 feet.
- G. *Maximum building height*: 35 feet. This height limit does not apply to projections not intended for human habitation—except for satellite, television, and radio antennas, to which this limit does apply. For buildings and structures with such projections, the minimum required yards must be increased one foot for every two feet (or part of two feet) of height greater than 35 feet.
- H. *(Reserved)*.
- I. *Sight distance*: In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstructions to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the rights-of-way of streets or of streets and railroads.
- J. *Applicability to land, buildings, and open space*: No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- K. *Every use must be on a lot*: No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- L. *(Reserved)*.
- M. *Open space not to be encroached upon*: No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, or off-street parking spaces, and other such required development standards contained in this ordinance. Shrubby, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- N. *Reduction of yards or lot area*: Except as otherwise provided in this ordinance, a lot existing at the time of passage of this ordinance may not be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- O. *Lots with multiple frontage*: In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
- P. *Landlocked lots*: Landlocked lots are not eligible for placement within a P-R zoning district.
- Q. *Street frontage*: No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least one public street.
- R. *Yards and other spaces*: No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- S. *Substandard lots*: Substandard lots are not eligible for placement within a P-R zoning district.
- T. *Encroachment on public rights-of-way*: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- U. *Physical design standards*: Minimum design standards for driveways, loading area, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult those documents for specific requirements.

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- V. *Off-street parking and service requirements:* Minimum standards for off-street parking and service requirements are contained in the Upson County Standard for Off-Street Parking and Service Facilities (~~appendix~~Appendix B [to this appendix]). See also additional requirements in paragraph Z-7 of this section.
- W. *Other applicable development regulations:* Information concerning any other applicable development regulations may be obtained from the administrative officer.
- X. *Signs:* Minimum design and location standards for signs are contained in the Upson County Sign Ordinance (~~appendix~~Appendix C) (~~where one exists~~). Consult that document for specific requirements.
- Y. *Development standards shown in approved development plan:* Other development standards shown in an approved development plan apply only to the development shown on the specific development plan. Such development standards must be maintained. (See section 1305 for related details.)
- Z. *Design standards for all P-R developments:*
1. *General:* Condition of soil, ground water level, drainage, and ground slope must not create hazards to the property, or to the health or safety of residents. The site must not be exposed to objectionable smoke, noise, odors, or other adverse conditions; and no part subject to flooding or erosion can be used for any purpose that would expose people or property to danger.
  2. *Soil and ground cover:* Exposed ground surfaces throughout the development must be protected with a vegetative growth that prevents soil erosion, standing puddles, and dust. If this is not possible, such areas may be covered with a solid material such as stone, or may be paved.
  3. *Site drainage:* The ground surfaces throughout the development must be equipped to drain all surface water in a safe, efficient manner, either through grading or installation of drains.
  4. *Street width:*
    - a. *Internal streets:* All internal streets must be paved. Minimum required pavement width is as follows:
      - a'. No on-street parking: 20 feet.
      - b'. Parking one side: 28 feet.
      - c'. Parking both sides: 36 feet.
    - b. *Dead-end streets:* All dead-end streets must have a turnaround at the closed end, with an outside paved diameter of at least 80 feet.
  5. *Street lighting:* Outdoor lighting is required which will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
    - a. All parts of the street system of the development: ten footcandles.
    - b. Potentially hazardous locations, such as major street intersections, steps, and stepped ramps: individually lighted, with a minimum of 20 footcandles.
  6. *Street construction and design:*
    - a. *Pavement:* All streets must be paved with a material and thickness which meets the standards specified in Upson County Road Ordinance.
    - b. *Grades:* Minimum permitted grade for streets is one percent. Short runs with a maximum grade of 14 percent may be permitted upon specific approval of the administrative officer, if traffic safety is assured by adequate leveling areas, and avoidance of lateral curves.

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- c. *Offset intersecting streets (street jogs) and reverse curves:* Offset intersecting streets must be offset at the centerlines at least 150 feet. Reverse curves must be connected by a straight section that is at least 150 feet long.
7. *Paved parking areas:*
- a. Paved off-street parking areas must be provided for the use of residents. At least two spaces for each dwelling unit must be furnished. In a planned manufactured home community, resident parking must be furnished at the manufactured home space which it serves.
  - b. Paved parking areas for guests may be either on-street, in a separate off-street lot, or a combination of both. At least least 0.2 paved guest parking spaces per dwelling unit must be furnished.
  - c. See ~~appendix~~Appendix B [to this appendix] for required parking space design standards.
8. *Walks:*
- a. *General requirements:* All developments must have safe, convenient, all-season pedestrian access of adequate width for intended use. Walks must be durable and convenient to maintain. Sudden changes in alignment and gradient should be avoided.
  - b. *Common walk system:* Common walks, where provided, should be at least 3½ feet wide.
  - c. *Individual walks:* All apartment dwellings and manufactured home spaces must be connected either to common walks, paved streets, paved driveways, or parking spaces adjacent to paved streets. Such individual walks must have a minimum width of two feet.
9. *Service buildings and other such facilities:* Service buildings, recreation buildings and other such facilities of the development must meet the requirements of applicable codes and development regulations adopted by Upson County.
10. *Minimum common open space:* 300 square feet for each dwelling unit—may be either one large area, or several separate areas.
- AA. *[Planned apartment communities:]* The following required development standards apply only to planned apartment communities:
- 1. *Maximum density:* ten units per acre, where central sewage [sewerage] and water is provided. Where central sewage [sewerage] and water is not provided densities must meet the requirements of the Upson County Health Department, but may not be greater than ten dwelling units per net acre.
  - 2. *Maximum lot coverage by building:* 30 percent.
- BB. *[Planned manufactured home communities:]* The following required development standards apply only to planned manufactured home communities:
- 1. *Georgia Rules and Regulations for Manufactured Housing (as amended):* All requirements of Georgia Rules and Regulations for Manufactured Housing (as amended) must be met by the planned manufactured home community. All manufactured homes must be installed in accordance with Georgia Rules and Regulations for Manufactured Housing (as amended).
  - 2. *Maximum density:* seven units per net acre, where central sewage [sewerage] and water is provided. Where central sewage [sewerage] and water is not provided, densities must meet the requirements of the Upson County Health Department, but may not be greater than seven dwelling units per net acre.
  - 3. *Minimum development size:* three acres.
  - 4. *Minimum separation of dwelling units:* 25 feet.

5. *Minimum manufactured home space area: 6,000 square feet.*
6. *Maximum manufactured home space coverage: 50 percent.*
7. *Minimum manufactured home space front yard: 20 feet.*

## *ARTICLE ~~44~~13. O-1 OFFICE RESIDENTIAL<sup>4</sup>*

### Section ~~1401~~1301. Purpose.

O-1 zoning districts are intended to establish and preserve districts for lower density office activities, with a mix of certain compatible residential activities also permitted. In many cases this district may be appropriate to provide a transition from residential uses where it is elected not to use a buffer (see definition in article 2) for such purposes and where adequate space exists for such a transition area. O-1 development standards require adequate yard space and off-street parking and service facilities. Permitted uses are restricted and protected from encroachment by uses capable of adversely affecting the limited character of the district.

### Section ~~1402~~1302. Determining if an area is suitable for inclusion within an O-1 district.

The factors contained in section 410 of this ordinance must be thoroughly considered by the planning commission as well as the board of commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Upson County.

### Section ~~1403~~1303. Boundaries of O-1 districts.

The official map (section 2301 of this ordinance) shows the boundaries of all O-1 districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

### Section ~~1404~~1304. Permitted uses.

- A. The following principal uses are permitted in O-1 districts:
1. Site-built single-family detached dwelling with a floor area of at least 1,008 square feet.
  2. Two-family dwelling with a floor area of at least 1,008 square feet.
  3. Industrialized home with a floor area of at least 1,008 square feet.
  4. (Reserved.)
  5. (Reserved.)
  6. (Reserved.)
  7. Intermediate care home.
  8. Clinic.

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<sup>4</sup>Cross reference(s)—Businesses, ch. 26.

9. Nursing home.
10. Hospital.
11. Professional or business office meeting the following development standards:
  - a. No wholesale or retail merchandise may be offered for sale.
12. Club or lodge.
13. School, public or private.
14. College or university.
15. Business or commercial school.
16. Retail uses in conjunction with and normally appurtenant to office/institutional uses—including florist shop, cafeteria, snack shop, pharmacy, or gift shop when located within an office or medical building.
17. Publicly owned and operated park or recreation area.
18. Cemetery.
19. Church, synagogue, chapel, or other place of religious worship or education.
20. Utility substation meeting the following development standards:
  - a. Structures must be placed at least 30 feet from all property lines.
  - b. Structures must be enclosed by a woven-wire fence at least eight feet high with bottom of fence either flush with the ground or with a masonry footing.
  - c. No vehicles or equipment may be stored on the lot.
  - d. A buffer (see definition in article 2) must be maintained along the side and rear property lines.
21. Mini storage warehouses which meet the following requirements:
  - a. Buildings must be aesthetically (including lighting, landscaping and colors) compatible with the surrounding neighborhood.
  - b. There shall be no lighting from poles or spot lights. All lighting must be affixed to the buildings themselves.
  - c. The complex must be fenced and a landscaping buffer of at least ten feet shall surround the complex.

B. The following principal uses are permitted as special exceptions in O-1 districts:

1. Family personal care home as defined in section 202.7764(A1) that meets the following criteria:
  - a. Minimum lot size: One acre;
  - b. Minimum house size:
    - a'. "Resident" includes each personal care home client, caregiver and other adult or child that is domiciled in the dwelling.
    - b'. For no more than three residents: 1,500 heated square feet, with at least one (1) bathroom;
    - c'. For no more than six (6) residents: 2,000 heated square heat, with at least two (2) bathrooms.
  - c. Compliance with the requirements of the American with Disabilities Act, 42 U.S.C. § 126, et seq.;

- d. Compliance with the requirements of any and all regulations of the Georgia Department of Human Resources governing the operation of a personal care home;
  - e. Certification of inspection and approval by the fire marshal and building inspector;
  - f. Occupancy requirements:
    - a'. The licensee authorized by the Georgia Department of Human Resources to operate the family personal care home must maintain their domicile at the address at which the family personal care home is permitted; in the event the licensee is a corporation or partnership, at least one officer, director or partner must maintain their domicile at the address at which the family personal care home is located; and
    - b'. No more than three residents may occupy a single bedroom; and
    - c'. No two residents not related by blood or marriage shall be allowed to reside within a family personal care home if having been convicted of a felony.
  - C. The following accessory uses are permitted in O-1 districts:
    - 1. Those determined by the administrative officer to be customarily appurtenant to those uses permitted in this district.
    - 2. Satellite dish antennas and television antennas. Amateur radio antennas and support structures.
      - a. May be placed in side yard if attached to principal building.
      - b. Amateur radio antennas and support structures, combined 35 feet tall and less.
  - D. The following accessory uses are permitted as special exceptions in O-1 districts:
    - 1. Home occupation, excluding public garage and repair garage.
    - 2. Intermediate and large scale ground mounted SESs.
    - 3. Amateur radio antenna and support structure exceeding 35 feet tall.
  - E. All accessory uses must meet the following standards:
    - 1. They must be located in the rear yards.
    - 2. They must be located at least five feet from any property line.
    - 3. They may not be located in any front or side yard.
    - 4. Accessory buildings and structures not attached to the principal building must be located at least 12 feet from the principal building on the lot.
  - F. All uses not permitted within O-1 districts by this section are specifically prohibited.
- ( Ord. No. 212 , §§ 1, 3, 12-22-2009; Ord. No. 219, § 1, 9-13-2011; Ord. No. 269 , § 1, 11-26-2019; Ord. No. 273 , § 1, 3-9-2021)

## Section ~~1405~~1305. Development standards for O-1 districts.

In addition to the development standards contained in article 4 of this ordinance, the following standards are required within O-1 districts:

- A. *Minimum heated floor area for buildings:* 1,008 square feet.
- B. *Minimum lot area:*



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1. *Unsewered areas:* As specified by the Upson County Health Department, but in no case less than one acre; however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one acre (nonconforming) may nevertheless be developed with a use which is permitted within an O-1 district if approved by the Upson County Health Department.
  2. *Sewered areas:* 21,780 square feet (one-half acre); however, a lot of record lawfully existing at the time of passage of this ordinance and having less than one-half acre (nonconforming) may nevertheless be developed with a use which is permitted within an O-1 district.
- C. *Minimum lot width:* 100 feet.
- D. *Minimum front yard:*
1. *Arterial streets/roads:* 100 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
  2. *Collector streets/roads:* The front of all buildings must be at least 35 feet from the front property line.
  3. *Other streets/roads:* The front of all buildings must be at least 35 feet from the front property line.
- E. *Minimum side yard:* 15 feet.
- F. *Minimum rear yard:* 35 feet.
- G. *Maximum building height:* 35 feet. This height limit does not apply to projections not intended for human habitation—except for satellite, television, and radio antennas, to which this limit does apply. For buildings and structures with such projections, the minimum required yards must be increased one foot for every two feet (or part of two feet) of height greater than 35 feet.
- H. *(Reserved).*
- I. *Sight distance:* In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the rights-of-way of streets or of streets and railroads.
- J. *Applicability to land, buildings, and open space:* No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- K. *Every use must be on a lot:* No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- L. *Only one principal building per lot:* Only one principal building and its accessory building may be erected on any lot, except for planned developments or as otherwise provided.
- M. *Open space not to be encroached upon:* No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in this ordinance. Shrubby, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.

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- N. *Reduction of yards or lot area:* Except as otherwise provided in this ordinance, no lot existing at the time of passage of this ordinance may not [sic] be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- O. *Lots with multiple frontage:* In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
- P. *Landlocked lots:* In the case of a landlocked lot (a lot without direct access to a public street or road) lawfully existing as of the effective date of this ordinance, the property owner is entitled to one building permit, as long as all of the following requirements are met:
1. No other principal building exists or is being constructed on the property.
  2. No other valid building permit has been issued prior to the effective date of this ordinance and is currently valid.
  3. The property was and continues to be under single ownership since the effective date of this ordinance.
  4. The property owner has acquired a 30-foot easement to a city-, county- or state-maintained street, or roads and the easement has been duly recorded and made a part of the property deed.
  5. In the event the property is divided, no additional permits will be issued.
- Q. *Street frontage:* No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least one public street.
- R. *Yards and other spaces:* No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- S. *Substandard lots:* Any lot existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, is subject to the following exceptions and modifications:
1. *Adjoining lots in same ownership:* When two or more adjoining and vacant lots within a nonapproved development with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots must be replatted or reparcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the district.
  2. *Single lot:* When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this ordinance are met.
- T. *Encroachment on public rights-of-way:* No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- U. *Physical design standards:* Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult the administrative officer for specific requirements.
- V. *Off-street parking and service requirements:* Minimum standards for off-street parking and service requirements are contained in the Upson County Standard for Off-Street Parking and Service Facilities (~~appendix~~[Appendix B](#) [to this appendix]).

- W. *Other applicable development regulations*: Information concerning any other applicable development regulations may be obtained by consulting the administrative officer.
- X. *Signs*: Minimum design and location standards are contained in the Upson County Sign Ordinance (~~appendix~~Appendix C) ~~(where one exists)~~. Consult that document for specific requirements.
- Y. *Yards abutting railroads*: Side yards and rear yards are not required adjacent to railroad rights-of-way.

## ARTICLE ~~4514~~. C-1 NEIGHBORHOOD COMMERCIAL<sup>5</sup>

### Section ~~1501~~1401. Purpose.

C-1 zoning districts are intended to establish and preserve small business areas of a limited nature that serve primarily the residential neighborhood in which they are located. Development standards for C-1 districts are designed to promote compatibility with the surrounding residential neighborhood.

### Section ~~1502~~1402. Determining if an area is suitable for inclusion within a C-1 district.

The factors contained in section 410 of this ordinance must be thoroughly considered by the planning commission as well as the board of commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Upson County.

### Section ~~1503~~1403. Boundaries of C-1 districts.

The official map (section 2301 of this ordinance) shows the boundaries of all C-1 districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

### Section ~~1504~~1404. Permitted uses.

- A. The following principal uses are permitted in C-1 districts:
  - 1. Any retail business or service customarily serving residential neighborhoods.
  - 2. Gasoline service station that meets the following development standards:
    - a. All structures, including underground storage tanks, must be placed at least 30 feet from any property line.
    - b. Must be located on a corner lot or on a tract which includes a corner lot.
    - c. Curb cuts must be located at least 15 feet from the intersection of street lines.
  - 3. Local, state, or federal government building.
  - 4. Utility substation meeting the following development standards:
    - a. Structures must be placed at least 30 feet from all property lines.

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<sup>5</sup>Cross reference(s)—Businesses, ch. 26.

- b. Structures must be enclosed by a woven-wire fence at least eight feet high with bottom of fence either flush with the ground or with a masonry footing.
    - c. No vehicles or equipment may be stored on the lot.
    - d. A buffer (see definition in article 2) must be maintained along the side and rear property lines.
  - B. The following principal uses are permitted as special exceptions in C-1 districts:
    - 1. Church, synagogue, chapel or other place of religious worship or educational instruction meeting the following development standards:
      - a. It must be located on either an arterial or collector road.
      - b. The property must have a minimum of at least 200 feet of immediate frontage on a public road.
      - c. Notwithstanding any other provisions of this section, the lot on which the improvements are located must contain at least two acres.
      - d. All buildings must be located at least 50 feet from any property line.
      - e. A buffer (see definition in article 2) must be provided along all side and rear property lines.
  - C. The following accessory uses are permitted in C-1 districts:
    - 1. Those determined by the administrative officer to be customarily appurtenant to those uses permitted in this district.
  - D. The following accessory uses are permitted as special exceptions in C-1 districts:
    - 1. None.
  - E. All accessory uses must meet the following standards:
    - 1. They must be located in the rear yard.
    - 2. They must be located at least five feet from any property line.
    - 3. They may not be located in any front or side yard.
    - 4. Accessory buildings not attached to the principal building must be located at least 12 feet from the principal building on the lot.
  - F. All uses not permitted within C-1 districts by this section are specifically prohibited.
- (Ord. No. 190, § 1, 2-13-2007)

## Section ~~1505~~1405. Development standards for C-1 districts.

In addition to the development standards contained in article 4 of this ordinance, the following standards are required within C-1 districts:

- A. *Minimum heated floor area for buildings:* 1,008 square feet.
- B. *Minimum lot area:*
  - 1. *Unsewered areas:* As specified by the Upson County Health Department, but in no case less than one acre; a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one acre (nonconforming) may be developed with a use which is permitted within a C-1 district if approved by the Upson County Health Department.

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2. *Sewered areas*: 21,780 [square feet] (one-half acre); a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one-half acre (nonconforming) may be developed with a use which is permitted within a C-1 district.
- C. *Minimum lot width*: 100 feet.
- D. *Minimum front yard*:
1. *Arterial streets/roads*: 100 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
  2. *Collector streets/roads*: The front of all buildings must be at least 35 feet from the property line.
  3. *Other streets/roads*: The front of all buildings must be at least 35 feet from the property line.
- E. *Minimum side yard*: 15 feet.
- F. *Minimum rear yard*: 35 feet.
- G. *Maximum bldg. height*: 35 feet. This height limit does not apply to projections not intended for human habitation—except for satellite, television, and radio antennas, to which this limit does apply. For buildings and structures with such projections, the minimum required yard must be increased one foot for every two feet (or part of two feet) of height greater than 35 feet.
- H. *(Reserved)*.
- I. *Sight distance*: In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the rights-of-way of streets or of streets and railroads.
- J. *Applicability to land, buildings, and open space*: No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- K. *Every use must be on a lot*: No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- L. *Only one principal building per lot*: Only one principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided.
- M. *Open space not to be encroached upon*: No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the ordinance. Shrubby, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- N. *Reduction of yards or lot area*: Except as otherwise provided in this ordinance, a lot existing at the time of passage of this ordinance may not be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- O. *Lots with multiple frontage*: In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.

- P. *Landlocked lots*: In the case of a landlocked lot (lot without direct access to a public street or road) lawfully existing as of the effective date of this ordinance, the property owner is entitled to one building permit, as long as all of the following requirements are met:
1. No other principal building exists or is being constructed on the property.
  2. No other valid building permit has been issued prior to the effective date of this ordinance and is currently valid.
  3. The property was and continues to be under single ownership since the effective date of this ordinance.
  4. The property owner has acquired a 30-foot easement to a city-, county-, or state-maintained street or road, and the easement has been duly recorded and made a part of the property deed.
  5. In the event the property is divided, no additional building permits will be issued.
- Q. *Street frontage*: No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least one public street.
- R. *Yards and other spaces*: No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- S. *Substandard lots*: Any lot existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, is subject to the following exceptions and modifications:
1. *Adjoining lots in same ownership*: When two or more adjoining and vacant lots within a nonapproved development with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots must be replatted or reparcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the district.
  2. *Single lot*: When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this ordinance are met.
- T. *Encroachment on public rights-of-way*: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- U. *Physical design standards*: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult the administrative officer for specific requirements.
- V. *Off-street parking and service requirements*: Minimum standards for off-street parking and service requirements are contained in the Upson County Standard for Off-Street Parking and Service Facilities ([appendixAppendix B](#) [to this [appendixAppendix](#)]).
- W. *Other applicable development regulations*: Information concerning any other applicable development regulations may be obtained from the administrative officer.
- X. *Signs*: Minimum design and location standards are contained in the Upson County Sign Ordinance ([appendixAppendix C](#)) ~~(where one exists)~~. Consult that document for specific requirements.
- Y. *(Reserved)*.

*ARTICLE ~~16~~15. C-2 COMMERCIAL—GENERAL/HIGHWAY<sup>6</sup>*

Section ~~1601~~1501. Purpose.

C-2 zoning districts are intended to establish and preserve business areas that are motor vehicle oriented, rather than pedestrian oriented. C-2 districts provide areas that are convenient and attractive for retail activities, business transactions, and services to the public designed primarily to meet the day-to-day shopping and service needs not only of residents of Upson County, but of surrounding communities as well. Off-street parking and minimum yards are required. These areas are more suburban in nature than of a "downtown" character.

Section ~~1602~~1502. Determining if an area is suitable for inclusion within a C-2 district.

The factors contained in section 410 of this ordinance must be thoroughly considered by the planning commission as well as the board of commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles are the bases upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Upson County.

Section ~~1603~~1503. Boundaries of C-2 districts.

The official map (section 2301 of this ordinance) shows the boundaries of all C-2 districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

Section ~~1604~~1504. Permitted uses.

A. The following principal uses are permitted in C-2 districts:

1. Any consumer retail business or service.
2. Gasoline service station that meets the following development standards:
  - a. All structures, including underground storage tanks, must be placed at least 30 feet from any property line.
  - b. Must be located on a corner lot or on a tract which includes a corner lot.
  - c. Curb cuts must be located at least 15 feet from the intersection of street lines.
3. Hotel.
4. Office.
5. Bank.
6. Radio station.

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<sup>6</sup>Cross reference(s)—Businesses, ch. 26.

7. Printing, copying, publishing establishment.
8. Off-street parking lot or parking garage.
9. Education or training facility.
10. Lodge or club.
11. Local, state, or federal government building.
12. Utility substation meeting the following development standards:
  - a. Structures must be placed at least 30 feet from all property lines.
  - b. Structures must be enclosed by a woven-wire fence at least eight feet high with bottom of fence either flush with the ground or with a masonry footing.
  - c. No vehicles or equipment may be stored on the lot.
  - d. A buffer (see definition in article 2) must be maintained along the side and rear property lines.
13. Outdoor flea markets.

14. Church, synagogue, chapel or other place of religious worship or educational instruction meeting the following development standards:

- a. It must be located on either an arterial or collector road.
- b. The property must have a minimum of at least 200 feet of immediate frontage on a public road.
- c. Notwithstanding any other provisions of this section, the lot on which the improvements are located must contain at least two acres.
- d. All buildings must be located at least 50 feet from any property line.
- e. A buffer (see definition in article 2) must be provided along all side and rear property lines.

**15. Electric vehicle charging stations**

B. The following principal uses are permitted as special exceptions in C-2 districts:

- ~~1. Reserved Church, synagogue, chapel or other place of religious worship or educational instruction meeting the following development standards:~~
  - ~~a. It must be located on either an arterial or collector road.~~
  - ~~b. The property must have a minimum of at least 200 feet of immediate frontage on a public road.~~
  - ~~c. Notwithstanding any other provisions of this section, the lot on which the improvements are located must contain at least two acres.~~
  - ~~d. All buildings must be located at least 50 feet from any property line.~~
  - ~~e. A buffer (see definition in article 2) must be provided along all side and rear property lines.~~

2. Public garage.
3. Repair garage.
4. Mini warehouse storage facilities.

C. The following accessory uses are permitted in C-2 districts:

1. Those determined by the administrative officer to be customarily appurtenant to those uses permitted in this district.



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2. Manufacturing in connection with the principal retail business or service on the lot meeting the following standards:
    - a. Occupies less than 40 percent of the floor area.
    - b. Employs no more than five persons. (The intent here is to assure that activities which are primarily manufacturing in nature are directed away from commercial areas and into manufacturing areas. Establishments with five or fewer manufacturing employees in connection with a commercial activity are considered to be primarily commercial and compatible with a commercial district. Manufacturing activities with more than five employees would be considered large enough to belong in a manufacturing district with other such uses rather than in a commercial district.)
  - D. The following accessory uses are permitted as special exceptions in C-2 districts:
    1. Intermediate and large scale ground mounted SESs.
  - E. All accessory uses must meet the following standards:
    1. They may not be located closer than five feet to any property line.
    2. Accessory buildings not attached to the principal building must be located at least 12 feet from the principal building on the lot.
  - F. All uses not permitted within C-2 districts by this section are specifically prohibited.
- (Ord. No. 190, § 1, 2-13-2007; Ord. No. 193, § 1, 5-22-2007; Ord. No. 269, § 1, 11-26-2019; Ord. No. 258, § 1, 10-10-2017)

## Section ~~1605~~1505. Development standards for C-2 districts.

In addition to the development standards contained in article 14 [article 4] of this ordinance, the following standards are required within C-2 districts:

- A. *Minimum heated floor area for buildings:* 600 square feet.
- B. *Minimum lot area:*
  1. *Unsewered areas:* as specified by the Upson County Health Department, but in no case less than one acre; a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one acre (nonconforming) may be developed with a use which is permitted within a C-1 district if approved by the Upson County Health Department.
  2. *Sewered areas:* one acre; a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one acre (nonconforming) may be developed with a use which is permitted within a C-2 district.
- C. *Minimum lot width:* 100 feet.
- D. *Minimum front yard:*
  1. *Arterial streets/roads:* 100 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
  2. *Collector streets/roads:* The front of all buildings must be at least 35 feet from the front property line.

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3. *Other streets/roads:* The front of all buildings must be at least 35 feet from the front property line.
- E. *Minimum side yard:* 15 feet.
- F. *Minimum rear yard:* 35 feet.
- G. *Maximum bldg. height:* 35 feet. This height limit does not apply to projections not intended for human habitation. For buildings and structures with such projections, the minimum required yards must be increased one foot for every two feet (or part of two feet) of height greater than 35 feet.
- H. *(Reserved).*
- I. *Sight distance:* In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the rights-of-way of streets or of streets and railroads.
- J. *Applicability to land, buildings, and open space:* No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- K. *Every use must be on a lot:* No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- L. *Only one principal building per lot:* Only one principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided.
- M. *Open space not to be encroached upon:* No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the ordinance. Shrubby, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- N. *Reduction of yards or lot area:* Except as otherwise provided in this ordinance, no lot existing at the time of passage of this ordinance may not [sic] be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- O. *Lots with multiple frontage:* In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
- P. *Landlocked lots:* In the case of a landlocked lot (lot without direct access to a public street or road) lawfully existing as of the effective date of this ordinance, the property owner is entitled to one building permit, as long as all of the following requirements are met:
1. No other principal building exists or is being constructed on the property.
  2. No other valid building permit has been issued prior to the effective date of this ordinance and is currently valid.
  3. The property was and continues to be under single ownership since the effective date of this ordinance.
  4. The property owner has acquired a 30-foot easement to a city-, county-, or state-maintained street or road, and the easement has been duly recorded and made a part of the property deed.

5. In the event the property is divided, no additional permits will be issued.
- Q. *Street frontage*: No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least one public street.
- R. *Yards and other spaces*: No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- S. *Substandard lots*: Any lot existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, is subject to the following exceptions and modifications:
1. *Adjoining lots in same ownership*: When two or more adjoining and vacant lots within a nonapproved development with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots must be replatted or reparcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the district.
  2. *Single lot*: When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this ordinance are met.
- T. *Encroachment on public rights-of-way*: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- U. *Physical design standards*: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult the administrative officer for specific requirements.
- V. *Off-street parking and service requirements*: Minimum standards for off-street parking and service requirements are contained in the Upson County Standard for Off-Street Parking and Service Facilities (~~appendix~~Appendix B [to this appendix]).
- W. *Other applicable development regulations*: Information concerning any other applicable development regulations may be obtained from the administrative officer.
- X. *Signs*: Minimum design and location standards for signs are contained in the Upson County Sign Ordinance (~~appendix~~Appendix C) (~~where one exists~~). Consult that document for specific requirements.
- Y. (*Reserved*).
- (Ord. No. 148, § 2, 8-23-2001)

## ARTICLE ~~47~~16. C-3 COMMERCIAL—INTENSIVE/CBD<sup>7</sup>

### Section ~~1701~~1601. Purpose.

C-3 zoning districts are intended to establish and preserve a prominent central business district that is convenient and attractive for retail activities, business transactions, and services to the public designed primarily to meet the day-to-day shopping and service needs, not only of residents of Upson County, but of surrounding

<sup>7</sup>Cross reference(s)—Businesses, ch. 26.

communities as well. The intensive development permitted allows the pedestrian mode of travel to assume primary importance within this district. C-3 districts are permitted only where public water and sewage [sewerage] are provided.

#### Section ~~1702~~1602. Determining if an area is suitable for inclusion within a C-3 district.

The factors contained in section 410 of this ordinance must be thoroughly considered by the planning commission as well as the board of commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Upson County.

#### Section ~~1703~~1603. Boundaries of C-3 districts.

The official map (section 2301 of this ordinance) shows the boundaries of all C-3 districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

#### Section ~~1704~~1604. Permitted uses.

A. The following principal uses are permitted in C-3 districts:

1. Any retail business or service.
2. Gasoline service station that meets the following development standards:
  - a. All structures, including underground storage tanks, must be placed at least 30 feet from any property line.
  - b. Must be located on a corner lot or on a tract which includes a corner lot.
  - c. Curb cuts must be located at least 15 feet from the intersection of street lines.
3. Hotel.
4. Office.
5. Bank.
6. Radio station.
7. Printing, copying, publishing establishment.
8. Off-street parking lot or parking garage.
9. Education or training facility.
10. Lodge or club.
11. Apartment dwelling located at second story level or above.
12. Condominium dwelling located at second story level or above.
13. Local, state, or federal government building.
14. Utility substation meeting the following development standards:
  - a. Structures must be placed at least 30 feet from all property lines.

- b. Structures must be enclosed by a woven-wire fence at least eight feet high with bottom of fence either flush with the ground or with a masonry footing.
  - c. No vehicles or equipment may be stored on the lot.
  - d. A buffer (see definition in article 2) must be maintained along the side and rear property lines.
- B. The following principal uses are permitted as special exceptions in C-3 districts:
  - 1. Church, synagogue, chapel or other place of religious worship or educational instruction meeting the following development standards:
    - a. It must be located on either an arterial or collector road.
    - b. The property must have a minimum of at least 200 feet of immediate frontage on a public road.
    - c. Notwithstanding any other provisions of this section, the lot on which the improvements are located must contain at least two acres.
    - d. All buildings must be located at least 50 feet from any property line.
    - e. A buffer (see definition in article 2) must be provided along all side and rear property lines.
- C. The following accessory uses are permitted in C-3 districts:
  - 1. Those determined by the administrative officer to be customarily appurtenant to those uses permitted in this district.
  - 2. Manufacturing in connection with the principal retail business or service on the lot meeting the following standards:
    - a. Occupies less than 40 percent of the floor area.
    - b. Employs no more than five persons. (The intent here is to assure that activities which are primarily manufacturing in nature are directed away from commercial areas and into manufacturing areas. Establishments with five or fewer manufacturing employees in connection with a commercial activity are considered to be primarily commercial and compatible with a commercial district. Manufacturing activities with more than five employees would be considered large enough to belong in a manufacturing district with other such uses rather than in a commercial district.[])
- D. The following accessory uses are permitted as special exceptions in C-3 districts:
  - 1. None.
- E. All accessory uses must meet the following standards:
  - 1. No special development standards apply to accessory uses in C-3 districts.
- F. All uses not permitted within C-3 districts by this section are specifically prohibited.

(Ord. No. 190, § 1, 2-13-2007)

## Section ~~1705~~1605. Development standards for C-3 districts.

In addition to the development standards contained in article 4 of this ordinance, the following standards are required within C-3 districts:

- A. *Minimum heated floor area for buildings:*
  - 1. *Residential uses:* 700 square feet per dwelling unit.

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2. *Other uses*: no minimum requirement.
- B. *Minimum lot area*: none; a lot of record lawfully existing at the time of passage of this ordinance (nonconforming) may be developed with a use which is permitted within a C-3 district.
  - C. *Minimum lot width*: none.
  - D. *Minimum front yard*:
    1. *Arterial streets/roads*: none.
    2. *Collector streets/roads*: none.
    3. *Other streets/roads*: none.
  - E. *Minimum side yard*: none.
  - F. *Minimum rear yard*: 15 feet.
  - G. *Maximum bldg. height*: 35 feet. This height limit does not apply to projections not intended for human habitation.
  - H. *(Reserved)*.
  - I. *(Reserved)*.
  - J. *Applicability to land, buildings, and open space*: No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
  - K. *Every use must be on a lot*: No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
  - L. *Only one principal building per lot*: Only one principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided.
  - M. *Open space not to be encroached upon*: No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the [this] ordinance. Shrubbery, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
  - N. *Reduction of yards or lot area*: Except as otherwise provided in this ordinance, a lot existing at the time of passage of this ordinance may not be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
  - O. *Lots with multiple frontage*: In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
  - P. *Landlocked lots*: In the case of a landlocked lot (lot without direct access to a public street or road) lawfully existing as of the effective date of this ordinance, the property owner is entitled to one building permit, as long as all of the following requirements are met:
    1. No other principal building exists or is being constructed on the property.
    2. No other valid building permit has been issued prior to the effective date of this resolution [ordinance] and is currently valid.

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3. The property was and continues to be under single ownership since the effective date of this ordinance.
  4. The property owner has acquired a 30-foot easement to a city-, county- or state-maintained street or road, and the easement has been duly recorded and made a part of the property deed.
  5. In the event the property is divided, no additional permits will be issued.
- Q. *(Reserved)*.
- R. *Yards and other spaces*: No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- S. *Substandard lots*: Any lot existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, is subject to the following exceptions and modifications:
1. *Adjoining lots in same ownership*: When two or more adjoining and vacant lots within a nonapproved development with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots must be replatted or reparcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the district.
  2. *Single lot*: When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this ordinance are met.
- T. *Encroachment on public rights-of-way*: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- U. *Physical design standards*: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult the administrative officer for specific requirements.
- V. *Off-street parking and service requirements*: Minimum standards for off-street parking and service requirements are contained in the Upson County Standard for Off-Street Parking and Service Facilities (~~appendix~~[Appendix B](#) [to this appendix]).
- W. *Other applicable development regulations*: Information concerning any other applicable development regulations may be obtained from the administrative officer.
- X. *Signs*: Minimum design and location standards for signs are contained in the Upson County Sign Ordinance (~~appendix~~[Appendix C](#)) ~~(where one exists)~~. Consult that document for specific requirements.
- Y. *(Reserved)*.
- Z. *Public water and sewage [sewerage] required*: All buildings within C-3 districts must be served by public water and sewage [sewerage] lines. Where such lines do not already exist, the developer is responsible for installation of them. (Consult the administrator's [administrative] officer for other applicable development regulations of Upson County that affect utility installation.)

ARTICLE ~~18~~17. ~~M-1 MANUFACTURING—LIGHT~~<sup>8</sup>

I/M-1 INDUSTRIAL/MANUFACTURING - LIGHT

Section ~~1801~~1701. Purpose.

M-1 zoning districts are intended to establish and preserve physically and aesthetically desirable areas in which clean, low-intensity manufacturing activities may locate and be protected from the intrusion of incompatible land uses. By having such areas available, both new and existing industries may operate and undertake expansion of facilities with the least possible adverse effect on other types of activities which might be incompatible with manufacturing. The elimination of nonmanufacturing activities from M-1 districts benefits manufacturing activities by removing some possible obstacles to their smooth operation and expansion.

Section ~~1802~~1702. Determining if an area is suitable for inclusion within an M-1 district.

The factors contained in section 410 of this ordinance must be thoroughly considered by the planning commission as well as the board of commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Upson County.

Section ~~1803~~1703. Boundaries of M-1 districts.

The official map (section 2301 of this ordinance) shows the boundaries of all M-1 districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

Section ~~1804~~1704. Permitted uses.


- A. The following principal uses are permitted in M-1 districts:
1. Manufacturing activity which does not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions.
  2. Wholesale and warehousing operation.
  3. Building material yard which is entirely enclosed by a fence that is at least six feet high and screens the yard from view.
  4. Public garage.
  5. Repair garage.
  6. Newspaper or printing plant.
  7. Off-street parking lot or parking garage.

<sup>8</sup>Cross reference(s)—Businesses, ch. 26.



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8. Armory.
  9. Bottling plant.
  10. Cabinet shop.
  11. Cold storage, ice plant, or freezer locker.
  12. Cosmetic and pharmaceuticals manufacturing.
  13. Dairy plant, ice cream manufacturing.
  14. Distribution of products or merchandise.
  15. Dry cleaning or laundering establishment.
  16. Education or training facility.
  17. Electrical appliance and equipment sales and repair.
  18. Electronic manufacturing and assembly.
  19. Fabricating shop such as woodworking, upholstery, or sheet metal shop.
  20. Machine shop.
  21. Plumbing shop, other contractor—including open storage of materials when located in rear yard.
  22. Printing, publishing, reproducing establishment.
  23. Sign painting and fabricating shop.
  24. Textile manufacturing plant.
  25. Local, state, or federal government building.
  26. Agriculture, excluding commercial poultry and swine operations (see section 1804.B.4, of this ordinance).
  27. Utility substation meeting the following development standards:
    - a. Structures must be placed at least 30 feet from all property lines.
    - b. Structures must be enclosed by a woven-wire fence at least eight feet high with bottom of fence either flush with the ground or with a masonry footing.
    - c. No vehicles or equipment may be stored on the lot.
    - d. A buffer (see definition in article 2) must be maintained along the side and rear property lines.
  28. Outdoor flea markets.
  29. Wired and wireless telecommunication products and services — including telecommunications towers 35 feet tall and shorter.

**30. Electric  
vehicle  
charging  
stations**



- B. The following principal uses are permitted as special exceptions in M-1 districts:
1. Airport, heliport.
  2. Radio or television transmission tower over 35 feet high.
  3. Noncommercial temporary lodging units for use by customers, company guests and employees, which said units may be stand-alone units or attached to a manufactured [manufacturing] facility, and may include conference rooms, dining and recreational facilities. The term "temporary" shall include periods of time not in excess of six months.

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4. Commercial poultry and swine operations required to meet all of the standards of article 27, commercial poultry and swine operations — standards for operation, structures and appurtenances, of this ordinance.
  5. Small, intermediate and large scale ground mounted SESs.
- C. The following accessory uses are permitted in M-1 districts:
1. Those determined by the administrative officer to be customarily appurtenant to those uses permitted in this district.
  2. Satellite dish antennas, television antennas, amateur radio antennas and support structures.
- D. The following accessory uses are permitted as special exceptions in M-1 districts:
1. Temporary lodging, recreational vehicle spaces, for use by customers, company guests and employees bringing in their own recreational vehicles for no more than six months in a 12-month period. Such recreational vehicle spaces must be shown on a site or development plan that must be approved by the board of commissioners as a part of the special exception application.
  2. Small, intermediate and large scale ground mounted SESs.
- E. All accessory uses must meet the following standards:
1. They may not be located closer than five feet to any property line.
  2. Accessory buildings and structures not attached to the principal building must be located at least 12 feet from the principal building on the lot.
- F. All uses not permitted within M-1 districts by this section are specifically prohibited.

(Ord. No. 137, § 1, 9-14-2000; Ord. No. 258, § 1, 10-10-2017; Ord. No. 262, § 1(D), (E), 5-8-2018; Ord. No. 266, § 1, 10-9-2018; Ord. No. 269, § 1, 11-26-2019; Ord. No. 270, § 1 12-10-2019; Ord. No. 273, § 1, 3-9-2021)

## Section ~~1805~~1705. Development standards for M-1 districts.

In addition to the development standards contained in article 4 of this ordinance, the following standards are required within M-1 districts:

- A. *Minimum heated floor area for buildings:* none.
- B. *Minimum lot area:*
  1. *Unsewered areas:* As specified by the Upson County Health Department, but in no case less than one acre; however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one acre (nonconforming) may nevertheless be developed with a use which is permitted within an M-1 district if approved by the Upson County Health Department.
  2. *Sewered areas:* one acre; however, a lot of record lawfully existing at the time of passage of this ordinance and having less than one acre (nonconforming) may nevertheless be developed with a use which is permitted within an M-1 district.
- C. *Minimum lot width:* 100 feet.
- D. *Minimum front yard:*
  1. *Arterial streets/roads:* 100 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.

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2. *Collector streets/roads*: 100 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
  3. *Other streets/roads*: 100 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
- E. *Minimum side yard*: 30 feet.
- F. *Minimum rear yard*: 35 feet.
- G. *Maximum bldg. height*: 35 feet. This height limit does not apply to projections not intended for human habitation. For buildings and structures with such projections, the minimum required yards must be increased one foot for every two feet (or part of two feet) of height greater than 35 feet.
- H. *(Reserved)*.
- I. *Sight distance*: In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the rights-of-way of streets or of streets and railroads.
- J. *Applicability to land, buildings, and open space*: No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- K. *Every use must be on a lot*: No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- L. *Only one principal building per lot*: Only one principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided.
- M. *Open space not to be encroached upon*: No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the [this] ordinance. Shrubby, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- N. *Reduction of yards or lot area*: Except as otherwise provided in this ordinance, a lot existing at the time of passage of this ordinance may not be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- O. *Lots with multiple frontage*: In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
- P. *Landlocked lots*: In the case of a landlocked lot (lot without direct access to a public street or road) lawfully existing as of the effective date of this ordinance, the property owner is entitled to one building permit, as long as all of the following requirements are met:
1. No other principal building exists or is being constructed on the property.

2. No other valid building permit has been issued prior to the effective date of this ordinance and is currently valid.
  3. The property was and continues to be under single ownership since the effective date of this ordinance.
  4. The property owner has acquired a 30-foot easement to a city-, county-, or state-maintained street, and the easement has been duly recorded and made a part of the property deed.
  5. In the event the property is divided, no additional permits will be issued.
- Q. *Street frontage*: No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least one public street.
- R. *Yards and other spaces*: No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- S. *Substandard lots*: Any lot existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, is subject to the following exceptions and modifications:
1. *Adjoining lots in same ownership*: When two or more adjoining and vacant lots within a nonapproved development with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots must be replatted or reparcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the district.
  2. *Single lot*: When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this ordinance are met.
- T. *Encroachment on public rights-of-way*: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- U. *Physical design standards*: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult the administrative officer for specific requirements.
- V. *Off-street parking and service requirements*: Minimum standards for off-street parking and service requirements are contained in the Upson County Standard for Off-Street Parking and Service Facilities (~~appendix~~Appendix B [to this appendix]).
- W. *Other applicable development regulations*: Information concerning any other applicable development regulations may be obtained from the administrative officer.
- X. *Signs*: Minimum design and location standards are contained in the Upson County Sign Ordinance (~~appendix~~Appendix C) (~~where one exists~~). Consult that document for specific requirements.
- Y. *Yards abutting railroads*: Side yards and rear yards are not required adjacent to railroad rights-of-way.

## ARTICLE ~~1918~~. ~~M-2 MANUFACTURING—GENERAL~~<sup>9</sup>

### I/M-2 INDUSTRIAL/MANUFACTURING GENERAL

<sup>9</sup>Cross reference(s)—Businesses, ch. 26.

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## Section ~~1901~~1801. Purpose.

M-2 zoning districts are intended to establish and preserve physically and aesthetically desirable areas in which clean, higher intensity manufacturing activities may locate and be protected from the intrusion of incompatible land uses. By having such areas available, both new and existing industries may operate and undertake expansion of facilities with the least possible adverse effect on other types of activities which might be incompatible with manufacturing. The elimination of nonmanufacturing activities from M-2 district benefits manufacturing activities by removing some possible obstacles to their smooth operation and expansion.

## Section ~~1902~~1802. Determining if an area is suitable for inclusion within an M-2 district.

The factors contained in section 410 of this ordinance must be thoroughly considered by the planning commission as well as the board of commissioners when determining in which zoning district an area of land is to be placed. This will assure that rational comprehensive planning principles are the basis upon which the decision is made. Land use decisions which are based on sound planning principles encourage the development and preservation of land use patterns that provide healthful and safe living conditions for the residents of Upson County.

## Section ~~1903~~1803. Boundaries of M-2 districts.

The official map (section 2301 of this ordinance) shows the boundaries of all M-2 districts within Upson County. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.

## Section ~~1904~~1804. Permitted uses.

A. The following principal uses are permitted in M-2 districts:

1. Manufacturing activity which does not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions.
2. Manufacturing activity which may cause noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions, and which meets the following development standards:
  - a. It shows to the satisfaction of the board of commissioners that the location, construction, and operation of the activity will not injure present or prospective manufacturing development in the district.
3. Wholesale and warehousing operation.
4. Building material yard.
5. Public garage.
6. Repair garage.
7. Newspaper or printing plant.
8. Off-street parking lot or parking garage.
9. Armory.
10. Bottling plant.
11. Cabinet shop.

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12. Cold storage, ice plant, or freezer locker.
  13. Cosmetic and pharmaceuticals manufacturing.
  14. Dairy plant, ice cream manufacturing.
  15. Distribution of products or merchandise.
  16. Dry cleaning or laundering establishment.
  17. Education or training facility.
  18. Electrical appliance and equipment sales and repair.
  19. Electronic manufacturing and assembly.
  20. Fabricating shop such as woodworking, upholstery, or sheet metal shop.
  21. Machine shop.
  22. Plumbing shop, other contractor—including open storage of materials when located in rear yard.
  23. Printing, publishing, reproducing establishment.
  24. Sign painting and fabricating shop.
  25. Textile manufacturing plant.
  26. Baking establishment.
  27. Heavy agricultural equipment sales and repair.
  28. Truck terminal.
  29. Gasoline storage terminal.
  30. Junkyard which is entirely enclosed by a fence that is at least six feet high and screens the yard from view.
  31. Wired and wireless telecommunication products and services — including telecommunications towers 35 feet tall and shorter.
  32. Acid manufacture and storage.
  33. Bulk petroleum plant.
  34. Cement, lime, gypsum, or plaster of Paris manufacture.
  35. Ceramic products manufacture, limited to use of electric kilns.
  36. Commercial livestock processing.
  37. Concrete, cement products, or clay products manufacture.
  38. Feed, grain, or fertilizer manufacture or storage.
  39. Food processing plant.
  40. Foundry or forging plant.
  41. Grain elevator.
  42. Ice manufacture, including dry ice plant.
  43. Planing or sawmill.
  44. Poultry processing plant.

**53. Electric vehicle charging stations**

45. Railroad yard.
  46. Recycling center.
  47. Rock, sand, or gravel distribution or storage.
  48. Tinsmith operation.
  49. Roofing operation.
  50. Local, state, or federal government building.
  51. Agriculture, excluding commercial poultry and swine operations (see section 1904.B.7 of this ordinance).
  52. Utility substation meeting the following development standards:
    - a. Structures must be enclosed by a woven-wire fence at least eight feet high with bottom of fence either flush with the ground or with a masonry footing.
- B. The following principal uses are permitted as special exceptions in M-2 districts:
1. Airport, heliport.
  2. Radio, wireless communication and transmission tower over 35 feet high.
  3. Central mixing plant for cement, mortar, plaster, or housing materials.
  4. Development of natural resources—including the removal of minerals and natural materials. This includes appurtenant buildings and machinery. Such activity must meet the following development standards:
    - a. Any extension of quarrying operations beyond the property lines actually being quarried at the effective date of this ordinance is considered to be a new operation and is subject to requirements of this ordinance.
    - b. Quarry areas being excavated must be entirely enclosed by a fence located at least ten feet back from the edge of any excavation. Such a fence must be of such construction and height as to be demonstrably able to exclude children and livestock.
    - c. At the time of application for the building permit, the owners or operators of the quarry must present to the administrative officer comprehensive plans for the future rehabilitation and reuse of the property when the quarrying operation is ended.
  5. Junkyard, meeting the following development standards:
    - a. It must be surrounded by a buffer (see definition in article 2) which is set back 50 feet from all property lines.
  6. Sanitary landfill or incinerator that meets all applicable federal and state requirements.
  7. Commercial poultry and swine operations required to meet all of the standards of article 27, commercial poultry and swine operations — standards for operation, structures and appurtenances, of this ordinance.
  8. Small, intermediate and large scale ground mounted SESs.
- C. The following accessory uses are permitted in M-2 districts:
1. Those determined by the administrative officer to be customarily appurtenant to those uses permitted in this district.
  2. Satellite dish antennas, television antennas, amateur radio antennas and support structures.

- D. The following accessory uses are permitted as special exceptions in M-2 districts:
1. Temporary lodging, recreational vehicle spaces, for use by customers, company guests and employees bringing in their own recreational vehicles for no more than six months in a 12-month period. Such recreational vehicle spaces must be shown on a site or development plan that must be approved by the board of commissioners as a part of the special exception application.
  2. Small, intermediate and large scale ground mounted SEs.
- E. All accessory uses must meet the following standards:
1. They may not be located closer than five feet to any property line.
  2. Accessory buildings not attached to the principal building must be located at least 12 feet from the principal building on the lot.
- F. All uses not permitted within M-2 districts by this section are specifically prohibited.
- ( Ord. No. 262 , § 1(F), (G), 5-8-2018; Ord. No. 266 , § 1, 10-9-2018; Ord. No. 269 , § 1, 11-26-2019; Ord. No. 270 , § 1 12-10-2019; Ord. No. 273 , § 1, 3-9-2021)

## Section ~~1905~~ 1805. Development standards for M-2 districts.

In addition to the development standards contained in article 4 of this ordinance, the following standards are required within M-2 districts:

- A. *Minimum heated floor area for buildings:* none.
- B. *Minimum lot area:*
1. *Unsewered areas:* as specified by the Upson County Health Department, but in no case less than one acre; however, a lot of record lawfully existing at the time of passage of this ordinance and having an area of less than one acre (nonconforming) may nevertheless be developed with a use which is permitted within an M-2 district if approved by the Upson County Health Department.
  2. *Sewered areas:* one acre; however, a lot of record lawfully existing at the time of passage of this ordinance and having less than one acre (nonconforming) may nevertheless be developed with a use which is permitted within an M-2 district.
- C. *Minimum lot width:* 150 feet.
- D. *Minimum front yard:*
1. *Arterial streets/roads:* 100 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property lines. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
  2. *Collector streets/roads:* 100 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.
  3. *Other streets/roads:* 100 feet from centerline of street/road. The front of all buildings must be at least 35 feet from the front property line. If additional front yard space above the stated minimum yard requirement would be needed to accomplish this, then the needed extra yard space must be provided.



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- E. *Minimum side yard*: 30 feet if side lot line adjoins M-1 or M-2 district; however, if side lot line adjoins any other district, minimum required side yard is 100 feet.
- F. *Minimum rear yard*: 35 feet if rear lot line adjoins M-1 or M-2 district; however, if rear lot line adjoins any other district, minimum required rear yard is 100 feet.
- G. *Maximum bldg. height*: 35 feet. This height limit does not apply to projections not intended for human habitation. For buildings and structures with such projections, the minimum required yards must be increased one foot for every two feet (or part of two feet) of height greater than 35 feet.
- H. *(Reserved)*.
- I. *Sight distance*: In order to assure maintenance of adequate sight distances at intersections, no fence, wall, shrubbery, or other obstruction to vision between the heights of three feet and 15 feet above the ground is permitted within 20 feet of the intersection of the rights-of-way of streets or of streets and railroads.
- J. *Applicability to land, buildings, and open space*: No building, structure, land, or open space may be used or occupied—and no building or structure or part of a building or structure may be erected, constructed, reconstructed, moved, or structurally altered—unless in conformity with all of the regulations specified for the district in which it is located.
- K. *Every use must be on a lot*: No building or structure may be erected or use established unless upon a lot as defined by this ordinance.
- L. *Only one principal building per lot*: Only one principal building and its accessory buildings may be erected on any lot, except for planned developments or as otherwise provided.
- M. *Open space not to be encroached upon*: No open space may be encroached upon or reduced in any manner except in conformity with the yard, setback, off-street parking spaces, and other such required development standards contained in the [this] ordinance. Shrubby, driveways, retaining walls, fences, curbs, and buffers (see definition in article 2) are not considered to be encroachments of yards. Open space areas as required by this ordinance must be permanently maintained as open space in accordance with the requirements of this ordinance.
- N. *Reduction of yards or lot area*: Except as otherwise provided in this ordinance, a lot existing at the time of passage of this ordinance may not be reduced, divided, or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless that reduction or division is necessary to provide land which is needed and accepted for public use.
- O. *Lots with multiple frontage*: In case of a corner lot or double frontage lot, front yard setback requirements apply to all lot lines abutting a street.
- P. *Landlocked lots*: In the case of a landlocked lot (lot without direct access to a public street or road) lawfully existing as of the effective date of this ordinance, the property owner is entitled to one building permit, as long as all of the following requirements are met:
1. No other principal building exists or is being constructed on the property.
  2. No other valid building permit has been issued prior to the effective date of this ordinance and is currently valid.
  3. The property was and continues to be under single ownership since the effective date of this ordinance.
  4. The property owner has acquired a 30-foot easement to city-, county-, or state-maintained street, and the easement has been duly recorded and made a part of the property deed.

5. In the event the property is divided, no additional permits will be issued.
- Q. *Street frontage*: No principal building may be erected on any lot which has less than 30 feet of immediate frontage on at least one public street.
- R. *Yards and other spaces*: No part of a yard, other open space, off-street parking, or loading space required for one building may be included as a part of the yard, off-street parking, or loading space required for another building, except as specifically provided for in this ordinance.
- S. *Substandard lots*: Any lot existing at the time of the adoption of this ordinance, which has an area or a width which is less than required by this ordinance, is subject to the following exceptions and modifications:
1. *Adjoining lots in same ownership*: When two or more adjoining and vacant lots within a nonapproved development with continuous frontage are in a single ownership at the time of application and such lots have a frontage or lot area less than is required by the district in which they are located, such lots must be replatted or reparcelled so as to create one or more lots which conform to the minimum frontage and area requirements of the district.
  2. *Single lot*: When a lot has an area or frontage which does not conform with the requirements of the district in which it is located, but was a lot at the effective date of this ordinance, such a lot may be used for any use allowed in the zoning district in which it is located as long as all other requirements of this ordinance are met.
- T. *Encroachment on public rights-of-way*: No building, structure, service area, required off-street parking, or loading/unloading facility is permitted to encroach on public rights-of-way.
- U. *Physical design standards*: Minimum design standards for driveways, loading areas, and other such physical site improvements are contained in applicable development regulations of Upson County. Consult the administrative officer for specific requirements.
- V. *Off-street parking and service requirements*: Minimum standards for off-street parking and service requirements are contained in the Upson County Standard for Off-street Parking and Service Facilities ([appendixAppendix B](#) [to this appendix]).
- W. *Other applicable development regulations*: Information concerning any other applicable development regulations may be obtained from the administrative officer.
- X. *Signs*: Minimum design and location standards are contained in the Upson County Sign Ordinance (see [appendixAppendix C](#)) ~~(where one exists)~~. Consult that document for specific requirements.
- Y. *Yards abutting railroads*: Side yards and rear yards are not required adjacent to railroad right-of-way.

## ARTICLE ~~2019~~. S-1 SENSITIVE LAND—FLOOD HAZARD<sup>10</sup>

### Section ~~20011901~~. Purpose.

- A. S-1 is an "overlay district," which applies additional standards of specific areas which may lie within any of the districts referred to in articles 5 through 19. In each zoning district located within the boundaries of the S-1 district, both the regulations of that district and the regulations of the S-1 district apply. If required development standards are specified for the same item in both district articles, the more stringent governs.

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<sup>10</sup>Cross reference(s)—Floods, ch. 42.

- B. Within the land area covered by this ordinance, there exists land which is subject to periodic flooding and inundation. Within these areas, development standards are intended to reduce the proliferation of unsuitable development and minimize destruction of life and property due to flood.

Section ~~2002~~1902. Features which make land suitable for inclusion within the S-1 district.

Areas subject to periodic flooding are included within the S-1 district. Such areas are indicated on the Federal Emergency Management Agency (FEMA) Flood Insurance Program Flood Hazard Boundary Maps (FHBMs) for Upson County.

Section ~~2003~~1903. Boundaries of S-1 districts.

The flood hazard boundary maps (FHBMs) and the flood insurance rate maps (FIRM) for Upson County are hereby made a part of this ordinance by reference, and are used to determine the location and extent of floodprone areas and the boundaries of the S-1 district.

Section ~~2004~~1904. Development standards for S-1 districts.

- A. As already stated S-1 is an "overlay district", which applies additional standards to specific areas which may lie within any of the districts referred to in articles 5 through 19. In each zoning district located within the boundaries of the S-1 district, both the regulations of the S-1 district [and the other district] apply. If required development standards are specified for the same item in both district articles, the more stringent governs.
- B. The development standards and other requirements for the S-1 district are contained in the Upson County Flood Damage Prevention Ordinance [chapter 42, article II of the Code of Upson County, Georgia]. That ordinance must be consulted for complete details of development standards associated with the S-1 overlay district.

## ARTICLE ~~2220~~220. HISTORIC (H) DISTRICTS<sup>11</sup>

Section ~~2201~~2001. Purpose.

- A. The historic district is an "overlay district," which applies additional standards to specific areas which may lie within any of the districts referred to in articles 5 through 19. In each zoning district located within the boundaries of the H district, both the regulations of that district and the regulations of the H district apply.
- B. The purpose of the historic district is to promote the education, cultural, economic, and general welfare of Upson County as authorized by the Georgia Historic Preservation Act No. 1402 (1980 Ga. Laws, page 1723 et seq.; O.C.G.A. chs. 23 through 26A, A Uniform Procedure for the Preservation of Historical Sites and Structures, and for the Repeal of All Ordinances in Conflict), which empowers counties and municipalities to enact and create ordinances concerning historic sites and structures.
- C. The regulations set forth for the H district are intended to protect and preserve the historic and architecturally worthy buildings, sites, structures, monuments, streetscapes, and neighborhoods within the H district.

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<sup>11</sup>Cross reference(s)—Historical preservation, ch. 50.

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Section ~~2202~~2002. Features which make land suitable for inclusion within the historic (H) district.

Areas containing structures, sites, or buildings that are significant in American history, architecture, archaeology, and culture are desirable for inclusion within the boundaries of the H district.

Section ~~2203~~2003. Boundaries of the historic (H) district.

- A. The official map (section 2301 of this ordinance) shows the boundaries of the historic district. Article 23 also contains additional information concerning interpreting district boundaries, amending boundaries, etc.
- B. The boundaries of the historic district are established by the historic preservation commission under procedures contained in the ordinance establishing the Upson County Historic Preservation Commission as amended [chapter 50, article II of the Code of Upson County, Georgia]. Research documenting the history of area buildings is used to identify historically significant buildings which are suitable for inclusion within the boundaries of the historic district.

Section ~~2204~~2004. Development standards for historic (H) districts.

- A. As stated in section 2201, the historic district applies additional development standards to specific areas which may lie within several of the districts referred to in articles 5 through 19. In each zoning district located within the boundaries of the historic district, both the development standards for that district and the standards of the historic district apply.
- B. The development standards and other requirements for the historic district are contained in the ordinance establishing the Upson County Historic Preservation Commission as amended [chapter 50, article II of the Code of Upson County, Georgia]. That ordinance must be consulted for complete details of development standards for the historic district.

## *ARTICLE ~~23~~21. OFFICIAL ZONING MAP UPSON COUNTY, GEORGIA (OFFICIAL MAP)<sup>12</sup>*

Section ~~2301~~2101. Official zoning map, Upson County, Georgia (official map).

### *Section 1.*

- (a) The official zoning map of Upson County, Georgia, shall consist of an index and 172 aerial photographs of Upson County containing a certification signed by the commission chairman, bearing the seal of the county under the following words: "This certifies that this is page \_\_\_\_ of \_\_\_\_ pages plus index which taken together is the Official Zoning Map of Upson County, Georgia, referred to in Article 23 of the zoning ordinance of Upson County, Georgia," together with the date of adoption of the maps.

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<sup>12</sup>Editor's note(s)—The official zoning map reference is by the terms of Ordinance Number 80 to be designated as § 2301, however, §§ 1, 2, and 3 of Ordinance Number 80 include provisions of § 2302. Therefore, by implication, § 2302 is superseded so it can be omitted. I have marked it as reserved.

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- (b) The official zoning map of Upson County, Georgia, is hereby designated to be section 2301 of the Upson County Zoning Ordinance and any reference to the "official map" in said ordinance refers to this official zoning map adopted by this ordinance.

*Section two.*

- (a) The official zoning map may be altered only if the proposed alterations are in conformance with the Upson County Land Use Plan (where one exists), (this does not necessarily mean a one-to-one correspondence) and sound comprehensive planning principals [principles]. Any alteration of the official zoning map is an amendment to this ordinance. The procedure by which amendments are proposed and approved is contained in section 410 of the Upson County Zoning Ordinance. Any amendment involving changes in zoning district boundaries must be entered on the official zoning map as soon as the amendment has been approved by the board of commissioners. The entry must be as follows: "On (date) by official action of the Board of Commissioners of Upson County the following change (or changes) were made in the Official Zoning Map of Upson County, Georgia: (brief description of change)." It must be signed by the commission chairman and bear the seal of the county. No amendment to portions of the Upson County Zoning Ordinance that are to be illustrated on the official zoning map become effective until after the change has been entered as described above on the official zoning map.
- (b) Alterations to the official zoning map may be made only by the procedures contained in sections 410 and 2302 of the Upson County Zoning Ordinance. Any unauthorized alteration of the official zoning map by any person is a violation of this ordinance.
- (c) If the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the board of commissioners may adopt a new official zoning map which will replace [the] previous official map. The new official map is identified as such in the same manner as described hereinabove in section one. When the new official map is adopted, a notation must be made on the previous official map that it is no longer valid, indicating the date that the new official map was adopted, as a reference aid. Previous official maps should be preserved, if it has not been lost or destroyed, for possible future reference.

*Section three.*

The official zoning map shall be kept on display for reference by the public in the office of the administrative officer and said map is the final authority as to the current status of zoning district boundaries.

(Ord. No. 80, §§ 1—3, 12-30-1994)

Section ~~2302~~2102. (Reserved).

Section ~~2303~~2103. (Reserved).

Section ~~2304~~2104. (Reserved).

Section ~~2305~~2105. Zoning district boundaries.

Where uncertainty exists with respect to the exact location of the boundary of a zoning district shown on the official map, the following guidelines will be used in establishing the exact location of the boundary:

- A. Where a zoning district boundary line as appearing on the official map divides a single lot that was a single lot at the time of the enactment of this ordinance, the requirements for the zoning district in

which the greater portion of the lot lies must be extended to the balance of the lot without recourse or amendment procedure.

- B. Where a zoning district boundary is indicated as approximately following a municipal/county boundary such municipal/county line shall be construed to be the boundary.
- C. Where a zoning district boundary is indicated as approximately following a property line or such line extended, the line or lines extended is the boundary.
- D. Where a zoning district boundary is indicated as approximately following the centerline of a stream bed, such a centerline is the boundary.
- E. Where a zoning district boundary is indicated as approximately parallel to the centerline of a street, road, railroad, or the right-of-way of such a facility, the zoning district boundary is parallel to the centerline and at a distance from it as indicated by scale on the official map.
- F. Where a public way, street, alley or other right-of-way is officially vacated or abandoned, the zoning district applicable to the properties to which it reverted shall apply to such vacated or abandoned public street, alley, or right-of-way.
- G. In the case where the exact location of a district boundary cannot be determined by the foregoing methods, the planning commission shall, upon application by the property owner, determine the location of the district boundary.

Section ~~2306~~2106. Relationship between official map and Upson County ~~Land~~  
~~Use~~Comprehensive Plan ~~(where one exists)~~.

- A. The Upson County ~~Land~~Use~~Comprehensive~~ Plan ~~(where one exists)~~ was ~~prepared by the planning commission and~~ adopted by the board of commissioners of Upson County. It should provide the best possible indication of desirable land use patterns that will meet projected future demand for land uses of various types. The Upson County ~~Land~~Comprehensive ~~Use~~ Plan ~~(where one exists)~~ supplies a body of information on which decisions on future development may be made that are guided by sound planning principles. The plan does not legally regulate land uses. It contains a land use map, which shows suitable areas for various types of land uses. Actual land uses may not necessarily conform to the land use map.
- B. The zoning districts contained on the official map carry standards which must be met by all new development and construction in the county. The arrangements of zoning districts is based on land use information contained in the Upson County ~~Land~~Comprehensive ~~Use~~ Plan ~~(where one exists)~~. Establishment and amendment of zoning district boundaries must be in conformance with the Upson County ~~Land~~Comprehensive ~~Use~~ Plan ~~(where one exists)~~. (This does not necessarily mean a one-to-one correspondence.) This assures that such amendments to the official map are based on defensible findings of fact as well as sound comprehensive planning principles.

**ARTICLE ~~2422~~2422. POWERS AND DUTIES OF VARIOUS OFFICIALS CONCERNING THIS  
ORDINANCE**

Section ~~2404~~2201. Purpose.

This article formalizes the powers and duties of the administrative officer, the planning commission, the board of commissioners, and other officials as may be appropriate where this ordinance is concerned. It should also provide a convenient list of services provided by each official to aid in complying with the requirements of this ordinance.

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Section ~~2402~~2202. (Reserved).

Section ~~2403~~2203. Powers and duties of the administrative officer.

The administrative officer has the power and duty to provide the following services related to this ordinance:

- A. Provide initial information about this ordinance upon request.
- B. Advise how to contact members of the planning commission, the board of commissioners, or other officials as may be appropriate for services provided by those bodies or officials.
- C. Maintain official map on public display.
- D. Determine in which zoning district a parcel of land lies.
- E. Issue building permits under procedures outlined in section 404 of this ordinance.
- F. Issue certificates of occupancy under procedures outlined in section 405 of this ordinance.
- G. Offer practical suggestions on how to comply with the requirements of this ordinance.
- H. Maintain complete records concerning this ordinance and related matters, and make such records available to the public upon request.
- I. Supervise all professional and clerical personnel employed in connection with the performance of the functions of the administrative officer.
- J. Serve as administrative secretary to the planning commission and the board of appeals.
- K. Issue certificates of zoning compliance for all permitted uses as well as for variances or other applicable procedures which are granted by the planning commission.
- L. Collect data and keep informed as to the best zoning practices, in order that he may be qualified to make recommendations to the planning commission and the board of commissioners concerning amendments to this ordinance.
- M. Research and make reference to the zoning ordinance in connection with each and every application received for variance or other applicable procedures and to make written recommendations to the planning commission on each such application as to whether:
  - 1. The granting of such variance or other applicable procedures would result in an encroachment on existing land uses or zoning districts already established on adjoining or nearby neighborhood properties protected by the zoning ordinance from such adverse impact.
  - 2. Sufficient authority exists in the zoning ordinance to allow the planning commission to grant the variance or other applicable procedures.
- N. Maintain all written recommendations to other officials of the county in the application file to which each pertains.
- O. Set off-street parking requirements for certain land uses as necessary, according to procedures contained in the Upson County Standard for Off-Street Parking and Service Facilities (~~appendix~~Appendix B [to this ~~appendix~~Appendix]).

Section ~~2404~~2204. Powers and duties of the planning commission.

The planning commission has the power and duty to provide the following services related to this ordinance:



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- A. Advise the board of commissioners on applications for amendment to this ordinance by examining amendment applications and providing written recommendations with reasons for the recommendations to the board of commissioners as specified in section 410.
  - B. Dispense general information about this ordinance to the public upon request.
  - C. Propose amendments to this ordinance.
  - D. Maintain and update the Upson County Land Use Plan (where one exists) so that it may provide a current database with which decisions on proposed amendments to this ordinance may be made that utilize sound planning principles.
  - E. Carry out an ongoing comprehensive planning program which, like the land use plan (where one exists), will provide current data on which decisions regarding this ordinance may be based that utilize sound planning principles.
  - F. Advise the board of commissioners on matters of zoning and annexation, as appropriate.
  - G. Authorize variances according to procedures specified in section 407.
  - H. Accept applications for appeal of an action of the administrative officer and render official decisions on them according to procedures specified in section 406.
  - I. Authorize special exceptions under procedures contained in section 409.
  - J. Accept applications for appeal of an action of the historic preservation commission and render official decisions on them.

Section ~~2405~~2205. (Reserved.)

Section ~~2406~~2206. Powers and duties of the board of commissioners.

The board of commissioners have the power and duty to provide the following services related to this ordinance:

- A. Accept applications for amendment of this ordinance and render official decisions on them after referring them to the planning commission for review and recommendations as specified in section 410.
- B. Propose amendments to this ordinance.

Section ~~2407~~2207. Powers and duties of the historic preservation commission.

The activities of the historic preservation commission are limited to areas lying within the historic district. See article 22, which details the establishment of the historic preservation commission, for details on the powers and duties of the historic preservation commission.

## *ARTICLE ~~25~~23. LEGAL STATUS PROVISIONS*

Section ~~2501~~2301. Conflict with other ordinances.

Portions of other ordinances that conflict with portions of this ordinance are repealed. Nonconflicting parts of those ordinances remain in effect.



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Section ~~2502~~2302. Validity.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, that declaration will not affect the validity of the ordinance as a whole nor any part of it other than the part that was declared to be unconstitutional or invalid.

Section ~~2503~~2303. Effective date.

This ordinance takes effect on February 15, 1995, the date of its adoption.

*ARTICLE ~~26~~24. YARD SALES, ESTATE SALES AND FLEA MARKETS*

Section ~~2601~~2401. Purpose and intent.

It is the purpose and intent of this article to allow individuals and organizations the opportunity to have regulated yard and/or estate sales for the purpose of selling personal property, while generally maintaining the expected peace, tranquility and safety of the county's residential neighborhoods. Further, it is the intent of this ordinance to set standards for outdoor flea markets as may be allowed in accordance with zoning districts of this ordinance.

( Ord. No. 258 , § 1, 10-10-2017)

Section ~~2602~~2402. Applicability of regulations.

Yard sales, estate sales and outdoor flea markets shall be permitted as defined and as described in the following sections, except as may be limited or prohibited by other Upson County code regulations. Indoor flea markets shall be regulated as other indoor, retail commercial businesses.

( Ord. No. 258 , § 1, 10-10-2017)

Section ~~2603~~2403. Outdoor flea markets.

- A. An outdoor flea market may not be considered a home occupation. Outdoor flea markets shall be strictly prohibited in any and all agricultural (A-R) and residential districts (P-M, O-1, P-R, R-1, R-2, R-4, R-5, etc.) and are prohibited from the C-1 and C-3 commercial districts. Outdoor flea markets are only permitted in the C-2, M-1 and M-2 zoning districts. Approved outdoor flea markets and their independent flea market vendors/booth operators are subject to the Upson County occupation tax. Any structures associated with the flea market, built for the purposes of public sales and access, shall be properly permitted and inspected, in accordance with all appropriate building codes.
- B. The minimum size of an outdoor flea market shall be one acre.
- C. Outdoor flea market booths shall be located on individual stands and shall contain no more than 100 square feet of area, separated from each other and from other buildings by at least ten feet of open space.
- D. Setbacks, screening.
  - 1. All outdoor flea market structures and booths shall be located at least 25 feet from all property lines.
  - 2. All outdoor flea markets adjacent to residential uses and/or residential zoning districts, including A-R, shall be provided with screening of a well-maintained opaque, six foot tall, minimum, fence or wall

along the boundary line separating the market and such residential uses and residential zoning districts.

E. Off street parking areas will be provided in all outdoor flea markets. Such areas will be furnished at the rate of five and one-half spaces per 1,000 square feet of gross floor area.

F. Each booth shall be numbered in a uniform, clear, legible, orderly manner.

( Ord. No. 258 , § 1, 10-10-2017)

## Section ~~2604~~2404. Yard and estate sales.

A. Yard sales, as defined in article 2, section 202, shall be subject to the following restrictions:

1. No yard sale shall be conducted for more than 72 consecutive hours over three days.
2. Yard sales shall be open for business during daylight hours only, opening no earlier than sunrise and closing by sunset.
3. A maximum of four yard sales is allowed during any one calendar year on any property or parcel.
4. Items offered for sale and associated signage shall not be displayed within any public rights-of-way.
5. Yard sales shall not create a nuisance to neighbors, shall not block driveways, sidewalks or other access ways and shall not create dangerous traffic conditions on adjacent and/or nearby roads.
6. Open outdoor storage of yard sale items and display tables, except during the specified times of the sale, is strictly prohibited. The storage of yard sale items before and after the specified time of the sale shall be accordance with the Code of Ordinance for Upson County. Tarps, blankets, or other similar coverings shall not be considered adequate enclosures for outdoor storage of yard sale items.
7. All signage related to yard and estate sale events and flea markets shall be in accordance with the Upson County Sign Ordinance. Signage associated with yard and estate sales shall be removed within 24 hours of the end of the yard sale.
8. Yard sales, including joint yard sales, may be allowed on other properties not owned by the primary organizer of the joint yard sale; provided that written permission is obtained from the property owner and that the other established restrictions set forth in this ordinance are observed.

B. Professional estate sales, as defined in article 2, section 202 of this ordinance, shall be subject to the restrictions in [subsections] A.1—A.8 above, except that true professional estates sales are exempt from the sales duration restrictions in [subsections] A.1, A.2 above for the purposes of achieving a more efficient liquidation of personal property.

C. Yard sales, including joint yard sales, conducted by government-recognized tax-exempt, organizations, are exempted from the frequency restrictions established in [subsection] A.3 and the zoning district restrictions, as long as they are held on the not-for-profit organization's property. Proof of not-for-profit status must be available on-site for enforcement staff inspection.

( Ord. No. 258 , § 1, 10-10-2017)

## Section ~~2605~~2405. Parking.

No parking related to yard sales, estate sales or flea markets shall occur within any public right-of-way. The person responsible for holding the yard sale, estate sale or flea market and the owner of the property hosting such sale shall be responsible for and shall control the parking of vehicles of vendors and patrons/customers of the sale

so as to avoid traffic congestion and hazardous conditions. Failure to foster and create the safe parking of vehicles shall be sufficient cause for the yard sale to be immediately shut down by the sponsor, property owner and/or the proper governmental authorities.

( Ord. No. 258 , § 1, 10-10-2017)

### Section ~~2606~~2406. Enforcement and penalty.

Any person(s) in violation of this article may be issued a cease and desist order and/or a citation and shall be subject to prosecution and upon conviction, may be fined up to \$50.00 daily for each day a violation occurs.

( Ord. No. 258 , § 1, 10-10-2017)

### Section ~~2607~~2407. Severability.

Any portion of this ordinance that may be deemed void, invalid or otherwise unconstitutional and/or illegal shall be severed from the ordinance without invalidating the remaining provisions of this ordinance.

( Ord. No. 258 , § 1, 10-10-2017)

## *ARTICLE ~~2725~~2425. COMMERCIAL POULTRY AND SWINE OPERATIONS—STANDARDS FOR OPERATION, STRUCTURES AND APPURTENANCES*

### Section ~~2701~~2501. Setbacks.

- A. All commercial poultry houses, swine barns and structures; enclosed, concentrated feedlot areas and the like; long-term, concentrated holding areas; stockpiles of manure, stack houses, lagoons and other structures or locations for the storage or disposal of waste and/or deceased animals, shall be placed no closer than:
  - 1. Two hundred feet from all property lines;
  - 2. One thousand feet from all existing residential homes, except those of the owner;
  - 3. Two thousand six hundred feet (one-half mile) from any city or county residential zoning district.
  - 4. Accessory structures, such as equipment repair shops, offices and well houses, must only meet the accessory structure setback requirements of the zoning district in which they are constructed.
- B. All structure to structure and appurtenance to structure setback distances shall be measured in a straight line from the nearest corner of any principle permitted structure or appurtenance for commercial poultry and swine operations to the nearest corner of a structure to which setback requirements apply.
- C. The planning commission may recommend and the board of commissioners may require additional setback and/or protective distances and buffers.

( Ord. No. 262 , § 1(H), 5-8-2018)

### Section ~~2702~~2502. Minimum acreage.

All new commercial poultry and swine operation construction of one or two houses, barns or other principal structures, enclosed/confined areas and their associated structures and appurtenances, shall be constructed on lots of a minimum size of ~~ten twenty five twelve~~ (1225) contiguous acres. An additional five acres minimum is

required to be added to such parcel, for every one house, structure or enclosed/confined area to be constructed over two.

( Ord. No. 262 , § 1(H), 5-8-2018)

### Section ~~2703~~2503. Established, non-conforming, poultry and swine operations.

Where a non-conforming poultry or swine operation structure or appurtenance is constructed and in operation, prior to the initial adoption date of these standards, such houses, structures and appurtenances may be reconstructed within their previous footprint, if significantly damaged or destroyed, regardless of any new Upson County construction and development standards, if:

- A. The significantly damaged/destroyed structures have been in production within the 48 months prior to the date of significant damage/destruction;
- B. The replacement structures are permitted for reconstruction within 48 months of the date of significant damage or destruction; and
- C. The replacement structures are in production within the 72 months following the date of the significant damage/destruction.

( Ord. No. 262 , § 1(H), 5-8-2018)

### Section ~~2704~~2504. Stack houses required.

Storage of all poultry manure shall be by dry stack house only.

( Ord. No. 262 , § 1(H), 5-8-2018)

### Section ~~2705~~2505. Agriculture and nuisance considerations.

No commercial poultry or swine operation or any of its structures or appurtenances shall be or become a nuisance, private or public, if such operations, structures and appurtenances are maintained and/or conducted in accordance with the current industry best management practices (BMPs) and comply with existing laws and regulations of Upson County, the State of Georgia or the federal government. An agricultural use may be found to be a nuisance when it is determined that negligent or improper operation has occurred or BMPs have not been used or maintained for a significant amount of time or structures have not been reasonably maintained.

( Ord. No. 262 , § 1(H), 5-8-2018)

## ARTICLE ~~28~~26. RECREATIONAL VEHICLE REGULATIONS

### DIVISION 1. IN GENERAL

#### Section ~~2801~~2601. Purpose and intent.

It is the intent of this section to more fully detail Upson County's recreational vehicle/travel trailer/motor home regulations as described elsewhere in the zoning ordinance and in certain zoning districts. It is Upson County policy that recreational vehicles shall not be considered equivalent to nor be permitted as permanent residential structures. Permanent residential structures are built to meet either State of Georgia/International Code Council

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(ICC) Building Codes or U.S. Department of Housing and Urban Development (HUD) standards. Recreational vehicles are intended for short-term vacation stays, itinerant travel, temporary emergency shelter, special circumstances housing and the like.

Specific, existing, recreational vehicles and recreational vehicle facilities are designated as legal non-conforming uses (grandfathered-in) for certain specified portions of these standards.

( Ord. No. 266 , § 1, 10-9-2018)

## Section ~~2802~~2602. Permitted locations and requirements.

Each zoning district contains language that indicates the level and type of recreational vehicle use that may be employed in that district. Special overarching land use provisions may also be developed to address the appropriate use, placement and density of recreational vehicles.

- A. Recreational vehicles stored outdoors or in accessory structures on residential lots must be stored in conformance with the accessory structure requirements of the respective zoning district. In those instances where the rear yard is not accessible by means of a driveway, alley or has insufficient side yard clearance for the passage of a recreational vehicle, the recreational vehicle may be parked in the front yard. Recreational vehicles shall not be required to be towed or placed over any in-service septic tank or drain field. In those instances where a recreational vehicle is to be parked or stored in the front yard, the recreational vehicle shall be parked proximate to the side property lines, but no closer than five feet from the property line. Such recreational vehicles must remain unoccupied, except as indicated in other parts of the Upson County Zoning Ordinance.
- B. Recreational vehicles must be currently registered and tagged, having the official, current license plate mounted in the appropriate location on the vehicle.

( Ord. No. 266 , § 1, 10-9-2018)

## Section ~~2803~~2603. Prohibitions.

Recreational vehicles are not permitted as permanent residences in any zoning district. Legally stored recreational vehicles shall not be used for living, sleeping or housekeeping purposes. Recreational vehicles shall not be used as storage sheds.

( Ord. No. 266 , § 1, 10-9-2018)

## Section ~~2804~~2604. Special circumstances.

Pursuant to language found in each zoning district's requirements, recreational vehicles may be permitted as temporary residences for limited periods of time in those zoning districts under special circumstances. Those special circumstances primarily include temporary accommodation for medical issues, emergency circumstances and temporary housing during residential construction. Language found in the zoning district sections of the zoning ordinance provides more details on approval processes and conditions of approval for such temporary arrangements.

( Ord. No. 266 , § 1, 10-9-2018)

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## Section ~~2805~~2605. Recreational vehicles as short-term guest housing.

As described in this section, recreational vehicles are permitted as short-term guest quarters in zoning districts permitting single-family-residential units. Recreational vehicles that are owned by non-Upson County residents, guests or visitors and are registered and tagged from outside the county, may be parked or occupied by such guests or visitors on property on which a permanent, occupied dwelling unit is located for a total cumulative period not to exceed 30 days per calendar year while visiting the resident of such property. Any individual or family remaining for 16—30 days shall register with the Upson County Building and Zoning Department. This cumulative total period may include visits by a single guest or multiple guests over the period, but no more than one recreational vehicle at a time. The recreational vehicles shall have self-contained sanitary facilities.

Such recreational vehicles may be parked in the front yard. No portion of a recreational vehicle may extend over, or interfere with, the use of any sidewalk or right-of-way intended for pedestrian or vehicular traffic.

( Ord. No. 266 , § 1, 10-9-2018)

## Section ~~2806~~2606. Short-term recreational vehicle residence.

In addition to emergency and special exception situations, short-term residence is permitted in recreational vehicles in recreational vehicle parks. Such short-term residence may not exceed 12 months in a 24-month period anywhere in Upson County and must be solely for short-term work or business purposes, as verified, in writing, by a local business or employer.

( Ord. No. 266 , § 1, 10-9-2018)

## Section ~~2807~~2607. Short-term recreational vehicle residence permit.

Such short-term residential recreational vehicles and their occupants must obtain a short-term recreational vehicle residence permit, which shall not be valid for more than six months, but may be renewed for not more than one additional six-month period. The short-term recreational vehicle residence permit application must be accompanied by a letter from the employer, naming the employee and explaining the short-term job/employment. Fees may be assessed as set by the board of commissioners. All short-term residential recreational vehicles must be legally registered and tagged. They may only be parked in a space where there is a direct sanitary disposal connection. The recreational vehicles must be maintained in good aesthetic appearance and function and be kept road-worthy. No structures such as porches, storage space, additional rooms, permanent stairs or the like, may be attached to the recreational vehicles.

( Ord. No. 266 , § 1, 10-9-2018)

## Section ~~2808~~2608. Recreational vehicles as emergency shelter.

Recreational vehicles may be used as short-term residences during governmentally-declared natural and man-made disasters. The 12-month maximum duration for short-term recreational vehicle residence may be waived for specified amounts of time by the Upson County Board of Commissioners. All recreational vehicles used for bona fide emergency shelter, due to natural or man-made disasters, shall register with Upson County and pay any approved fees. All short-term, emergency-related residential recreational vehicles must be legally registered and tagged.

( Ord. No. 266 , § 1, 10-9-2018)

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Sections ~~28092609~~—~~28202620~~. Reserved.

## *DIVISION 2. RECREATIONAL VEHICLE PARKS*

### Section ~~28212621~~. Purpose.

The purpose for these recreational vehicle park regulations is to:

- A. Using minimum standards, allow for the establishment of adequate sites for temporary parking and use of recreational vehicles whose occupants are visiting, vacationing in or passing through, Upson County;
- B. Minimize the conflicts between recreational vehicle parks and surrounding land uses;
- C. Provide minimum health and safety standards to protect both the users of the parks and the larger Upson County community.

( Ord. No. 266 , § 1, 10-9-2018)

### Section ~~28222622~~. Site development plan.

As part of the special exception application for approval of a recreational vehicle park or through provisions of the zoning ordinance or some other ordinance procedure, a proposed site plan (map), meeting or exceeding Upson County's minimum recreational vehicle park design standards, must be prepared and submitted to the board of commissioners for its review and approval. A written development plan, describing the RV park design primarily in text, may also be submitted for review and approval.

( Ord. No. 266 , § 1, 10-9-2018)

### Section ~~28232623~~. Recreational vehicle parks as part of a manufactured home park.

Recreational vehicle parks, approved as sections of a manufactured home park, shall be located along the external boundary of the manufactured home park, where it shall have at least one separate ingress/egress point onto an external public or private street, separate from ingress/egress points for the rest of the mobile home park. The recreational park may have interconnected streets with the manufactured home park.

( Ord. No. 266 , § 1, 10-9-2018)

### Section ~~28242624~~. Permitted uses.

Recreational vehicle parks may include the following principal and accessory uses and structures, which shall be built to Georgia Building Codes, where applicable, unless otherwise indicated. The accessory uses and structures shall only be permitted in the presence of one or more principal uses or structures.

- A. *Permitted principal uses and structures.*
  - 1. Recreational vehicles and improved (utilities, pads) or unimproved spaces.
  - 2. Tent/primitive camping spaces.
  - 3. Recreational vehicle parking and storage areas.

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4. Recreation open space with recreational amenities.
- B. *Permitted accessory uses and structures.*
1. Park office.
  2. Park manager residence.
  5. Recreation hall.
  6. A single park/camp store to supply retail goods for tenants and staff.
  7. Sanitation-related structures, fixtures and amenities.
  8. Recreational vehicle park-related maintenance uses and structures.
  9. A limited, joint use structure and/or area for storage of tenant possessions.
  10. Other customary accessory uses and structures as approved by the Zoning Administrator.
- C. All principal and accessory uses and structures not permitted here are specifically prohibited, unless permitted through special exception conditions of approval.
- ( Ord. No. 266 , § 1, 10-9-2018)

#### Section ~~2825~~2625. Occupancy.

- A. Occupancy of each individual recreational vehicle site/space is limited to one recreational vehicle and not more than two passenger automobiles or trucks, accommodating one camping party. The length of stay in a recreational vehicle park for each owner-occupied recreational vehicle (only) and/or its occupants is limited to a maximum of 180 days in any 12-month period. The length of stay in a recreational vehicle park for each non-owner occupied recreational vehicle and/or its occupants is limited to a maximum of 30 days in any 12-month period. Moving to another space in the same recreational vehicle park is not legal and does not reset the 180- or 30-day clocks.
- B. No buildings or storage sheds are permitted on the recreational vehicle sites.
- ( Ord. No. 266 , § 1, 10-9-2018)

#### Section ~~2826~~2626. Recreational parks design standards.

- A. *Minimum park size:* Two acres. The park must be on a single lot of record.
- B. *Minimum park frontage/width:* 100 feet.
- C. *Park minimum setbacks:*
1. Front yard: 35 feet.
  2. Side yard: 30 feet.
  3. Rear yard: 35 feet.
- D. *Buffer.* As a part of the approved site plan and any written development plans, the board of commissioners may require buffer walls, fences and/or natural or planted buffers along the property lines of a proposed recreational vehicle park. RV park applicants are encouraged to propose through draft site plans and development plans, buffers which create separation between their proposed parks and neighboring property and uses. Existing natural buffers may be deemed appropriate by the board of commissioners. Fences and walls shall be a minimum of six feet tall and a maximum of eight feet tall. All buffers shall be maintained and



kept in good repair by the property owner. Vegetation shall be maintained and replaced as necessary to preserve the buffer's integrity.

- E. *Visitor parking.* One visitor parking space, minimum, shall be provided for every four recreational vehicle sites/spaces or fraction thereof. Grouped parking spaces shall be within 150 feet of the recreational vehicle spaces served. Such parking shall be delineated on the approved site development plan.

F. *Facilities.*

1. *Recreation.* An open space, recreation area of at least 5,000 square feet shall be provided in each recreational vehicle park containing 20 or fewer spaces. For every recreational vehicle space over 20, 150 square feet of open space minimum shall be added to the 5,000 square feet. Recreation equipment and uses such as pools, spas, playgrounds, dog parks, picnic tables, pavilions, barbecues and a service building, including toilets, showers and laundry, may be located within the recreation area.
2. *Sanitation.*
  - a. A minimum of one toilet and one lavatory for each gender shall be provided for the exclusive use of the park occupants. An additional toilet and lavatory for each gender shall be provided for each 15 sites or fraction thereof which is not provided with a water connection and a three-inch drain inlet for connection to a vehicle equipped with a toilet.
  - b. A minimum of one shower for each gender and one washer and dryer is required.
  - c. Trailer sanitation/dump stations, built to code and designed to receive the discharge of sewage holding tanks of self-contained vehicles shall be installed in an accessible location in every recreational vehicle park in which there are any recreational vehicle sites not provided with drain inlets designed to receive the discharge of toilets. Trailer sanitation stations shall be provided on the basis of one station for each 100 sites or fraction thereof. Sanitary dump stations shall be screened from other activities by visual barriers such as fences, walls or natural growth and shall be separated from any recreational vehicle space by a minimum distance of 50 feet.
  - d. Trash dumpsters shall be located within 300 feet of every recreational vehicle site, but no closer than 200 feet and enclosed on all sides with a gated, solid wood or masonry enclosure, a minimum of six feet in height. Individual RV site trash cans, having regularly scheduled pickups, may substitute for this requirement.
3. *Recreational vehicle site/space design standards.*
  - a. Minimum site/space size: 500 square feet. A mix of sizes is suggested. No occupied recreational vehicle shall be located anywhere but in a recreational vehicle space and only one recreational vehicle shall be located within a single recreational vehicle space.
  - b. Separation: Sites/spaces shall be designed so as to maintain a minimum of 20 feet between recreational vehicles.
  - c. Parking: Each site/space shall include one parking space for one automobile.
  - d. Fires shall not be permitted except where pits or bases are constructed of non-combustible material.
  - e. Picnic tables and barbecues for each site are permitted.
  - f. No accessory structures may be placed or constructed on a recreational vehicle site/space.
  - g. Each space shall be clearly marked, consecutively numbered or lettered with reflective three-inch or four-inch white numbers/letters on a blue sign.

4. *Utilities and lighting.*

- a. All utilities, including electrical power and telephone lines shall be installed underground.
- b. All roads, walkways, grouped parking and service areas shall be provided with lighting adequate to ensure the safety of vehicular and pedestrian traffic.
- c. All lighting shall be arranged and designed to minimize illuminating individual recreational vehicle spaces.

5. *Access and roads.*

- a. Each site/space shall have direct, unobstructed access to an internal recreational vehicle park road, designed so as to permit the movement of recreational vehicles.
- b. All interior recreational vehicle park roads shall be private roads, owned and maintained by the owner or operator of the recreational vehicle park. All roads shall be open for access at all times to the sheriff's department, other emergency and code enforcement personnel.
- c. Recreational vehicle park roads shall be surfaced with suitable, dustless material such as crushed rock or asphalt and meet the following minimum width requirements.
- d. Road width:

	On-Street Parking
No On Street Parking	One Side Only
One-Way Streets: 12 feet	One-Way Streets: 22 feet
Two-Way Streets: 22 feet	Two-Way Streets: 32 feet

;adv=6;( Ord. No. 266 , § 1, 10-9-2018)

Section ~~2827~~2627. Miscellaneous provisions.

- A. No home occupation or business shall be operated from an recreational vehicle park.
- B. No structural additions may be built onto or attached to the RV except as may be required for certified handicapped or medically-necessary access or as permitted by the county's variance procedure. Building permits shall be required in those instances where they would normally be required.

( Ord. No. 266 , § 1, 10-9-2018)

Section ~~2828~~2628. Current non-conforming recreational vehicle (RV) use by owner-occupants as permanent residences.

*Intent:* It is the intent of this section to greatly reduce and over time phase-out the current, widespread, illegal use of recreational vehicles (RV) in Upson County as non-camping, permanent residences. Upson County recognizes the existence of this activity in the community and wishes to ease the hardship that eliminating the permanent residential use of RVS by owner-occupants may create in certain circumstances. It is intended that this ordinance section create a mechanism that will enable, under prescribed circumstances, granting temporary, legal, non-conforming status (grandfathering) to recreational vehicles and owner-occupants currently involved in this activity.

- A. There is hereby created an "Upson County Transitional Residential RV Registration Program" to be administered by the county manager or his designee.

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- B. The program shall include, as a minimum, the following elements:
1. *Eligibility.* Only owner-occupied RVs and the owners themselves may be registered in the program. The program is not for RV renters or renter-occupied RVs.
  2. *Registration and registration application.* Program registration is required to participate in the program and shall be initiated by Upson County within 60 days of approval of this ordinance through an application process, whereby existing recreational vehicles being used as permanent residences shall be listed on a registration application by their owner-occupants who are also subjects of the application. Applications must be submitted by the RV owner-occupants. The owner-occupants who register at program startup are the only occupants who may be part of the program and they must remain in the same RV on the same property to remain in the program. The program registration window shall last for 90 calendar days. Unoccupied recreational vehicles are not eligible for registration. Initiation of the program may be extended by the board of commissioners.
  3. *Minimum information provided.* Program registration shall include, as a minimum, the make, model, year made and size of the recreational vehicle, copy of the title and/or registration, the land and recreational vehicle owners' name(s), photo ID and contact information, any other recreational vehicle occupants' names and contact information, address and tax ID number of the property where the recreational vehicle is located. Applications must be deemed complete before the program deadline to be considered for the program.
  4. *Required inspection.* Each recreational vehicle to be considered for program registration must pass a life safety, sanitation and utility inspection by the Upson County Building Official, his successor or designee, following submittal and approval of a complete application. Each RV must have a permitted, operational septic tank and permitted, operational well or county water service. The registration application file shall include inspection results reports and photographs of the RV. RVs may be determined to be ineligible for the program if they fail the inspection, any follow up inspections and/or any other inspections resulting from a complaint or other actions resulting in a finding of unacceptable living conditions.
  5. *Additional requirements.* In addition to meeting minimum life safety, sanitation and utility inspections, each RV must have its proper 911 address signage and county solid waste service to be accepted into and remain in the program.
  6. *Registration decal.* Successfully registered RVs shall display the annually-provided registration decal on the rear of the RV.
- C. *Registration application fee and annual registration.* The initial application process and annual RV registration thereafter shall include a \$25.00 fee to offset administrative costs. Annual renewal registration fee and penalty delinquency of more than 60 calendar days shall mean that the RV is no longer a part of the program. Penalties are set at \$10.00 for each 30 days of delinquency or portion thereof after the 30th day of delinquency.
- D. *State tag and registration.* Registered RVs shall not be inspected or fined by Upson County Code Enforcement for expired tags or state registration, as long as the RVs are part of the program.
- E. *Change of status.* Registered RVs shall lose their legal, non-conforming status, and shall no longer be a part of this program, if registered ownership is transferred or sold, if the RV is moved from its registered location, if the registered occupants leave the registered RV and/or if the RV is completely destroyed or damaged beyond 50 percent of its resale value at the time of damage.
- F. *Additions prohibition.* No structural additions may be built onto or attached to the RV except as may be required for certified handicapped or medically-necessary access or as permitted by the County's variance procedure. Building permits shall be required.

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- G. Recreational vehicles being used as permanent, owner-occupied residences, but not registered as a part of this program before the registration deadline, are illegal non-conforming uses and are therefore subject to code enforcement action and immediate cessation of all illegal activities.

( Ord. No. 266 , § 1, 10-9-2018)

Section ~~2829~~2629. Current non-conforming recreational vehicle (RV) parks—Design standards.

Existing recreational vehicle parks that do not meet the design standards of the county's RV park requirements shall be registered by their owner(s) with the county manager or his designee during the designated registration period. The registration form shall list all of the design standards that the park does not meet and those that it does meet. These RV parks are deemed legal nonconforming uses, based upon their current configuration, and will continue as such until such time as any new or additional RV spaces are added in excess of those existing at the time of adoption of this ordinance. These legal nonconforming RV parks are not required to meet Upson County's minimum RV park design standards unless new or additional RV spaces are added to the park. No additional RV spaces may be added to the RV park without meeting the missing design standards. Any further deviation from the design standards shall require a variance from the planning commission,

( Ord. No. 266 , § 1, 10-9-2018)

Section ~~2830~~2630. Administration and enforcement.

- A. Consistent with article 4 of this ordinance, this ordinance section shall be administered and enforced by the county manager or his/her designee(s). The authority shall include the ability to order, in writing, the remedy of any condition found in violation of this ordinance and the ability to institute legal action to insure compliance with the provisions, including injunction, abatement or other appropriate action or proceeding.
- B. The county manager or his/her designees are hereby authorized to make inspections as are necessary to determine compliance with these requirements.
- C. Any person whether owner, lessee, principal agent, employee or otherwise, who violates any provisions of this ordinance section, or permits any such violation, or fails to comply with any of the requirements hereof, or who establishes or uses any park in violation of any detailed statement of plans submitted by him and approved under the provisions of this ordinance section, shall be guilty of a misdemeanor and, upon conviction shall be subject to punishment as provided by article 4 of this zoning ordinance.
- D. Any park established, expanded or improved contrary to any of the provisions of this ordinance and any use of any park in terms of operation and maintenance contrary to any of the provisions of this ordinance, related permits or Upson County-approved plans shall be and is declared unlawful. The county manager or his/her designee(s) are authorized to bring actions by any appropriate means to prevent the violation of this ordinance and enforce its provisions.

( Ord. No. 266 , § 1, 10-9-2018)

*ARTICLE ~~2927~~27. SOLAR ENERGY SYSTEMS*

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## Section ~~2901~~2701. Purpose and intent.

It is the intent of this article to establish general regulations facilitating the siting, construction, installation and decommissioning of solar energy systems (SESs) in Upson County, in a manner that encourages local economic development and protects the health, safety and welfare of the citizens of Upson County. At the same time the county seeks to mitigate any adverse impacts to wildlife, agricultural lands, forest and other natural landscapes and, when possible, enhance the natural environment.

The footprint of a ground mounted SES shall be calculated by drawing a perimeter around the outermost SES panels and any equipment necessary for the functioning of the SES, such as transformers and inverters. The SES footprint does not include any visual buffer or perimeter fencing. Transmission lines (or portions thereof) required to connect the SES to a utility or consumer outside the SES perimeter shall not be included in calculating the footprint. Lots with two or more SES separated from one another shall have the SES added together for purposes of determining a cumulative, total size of the SES on an individual lot.

( Ord. No. 269 , § 1, 11-26-2019)

## Section ~~2902~~2702. Solar energy-related definitions.

- A. *Ground mounted solar energy system*: An SES that is structurally mounted to the ground and does not qualify as an Integrated SES. For purposes of the Upson County Zoning Ordinance, any solar canopy that does not qualify as an Integrated SES shall be considered a Ground Mounted SES, regardless of where it is mounted.
- B. *Integrated solar energy system*: An SES where solar materials are incorporated into building materials, such that the two are reasonably indistinguishable, or where solar materials are used in place of traditional building components, such that the SES is structurally an integral part of a house, building or other structure. An integrated SES may be incorporated into, among other things, a building facade, skylight, shingles, canopy, light or parking meter.
- C. *Intermediate scale GMSES*: A ground mounted SES with a cumulative, total footprint between five to 20 acres.
- D. *Large scale GMSES*: A ground mounted SES with a cumulative, total footprint over 20 acres.
- E. *Roof or building mounted SES*: Solar energy system (panels) that are mounted to the roof or building using brackets, stands or other apparatus.
- F. *Solar access*. The ability to receive direct sunlight, onto any surface point on a solar panel, unobscured by any vegetation, building or object located on the parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 a.m. and 3:00 p.m. standard time on any day of the year.
- G. *Solar energy system*: A device or structural design feature that provides for the collection of solar energy for electricity generation, consumption, or transmission, or for thermal applications.

For purposes of the Upson County Zoning Ordinance, SES refers only to: (1) photovoltaic SESs that convert solar energy directly into electricity through a semiconductor device, or (2) solar thermal systems that use collectors to convert the sun's rays into useful forms of energy for water heating, space heating or space cooling.

SES as used in the Upson County Zoning Ordinance excludes concentrated solar power, which uses mirrors to focus the energy from the sun to produce electricity.

- H. *Small scale GMSES*: A ground mounted SES with a cumulative, total footprint less than five acres.

( Ord. No. 269 , § 1, 11-26-2019)

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## Section ~~2903~~2703. SES permitting and submittal requirements.

- A. Construction of all solar energy systems must be permitted through Upson County's regular building permit system. Ground mounted SESs requiring a special exception shall first complete the special exception process and be approved, prior to submittal of a complete building permit application. All roof-mounted SES are permitted in all zoning districts, subject to the county's building permit process, as accessory structures to the permitted principal use and other permitted accessory uses that have roofs which can support such SES. Roof-mounted SES may not extend above the highest pitched-roof peak of the structure and may not extend beyond any portion of the roof edge.
- B. In addition to completing the regular building permit application, the following information shall also be supplied, as a minimum, at the time of building permit application submittal unless the following information was submitted and approved with any required special exception application submittal:
1. A site plan of the property that depicts the locations of all existing and proposed structures (including solar arrays, inverters, transformers, electrical substations, total, cumulative footprint acreage and total parcel acreage, fencing and buildings), property lines, rights-of-way, roads, access roads, access points, required setbacks and visual buffers;
  2. A landscape plan that shows what the groundcover will be onsite, which must include at least 50 percent of the site being planted with officially-recognized Georgia-native, pollinator-friendly plants;
  3. A topographic map that depicts vegetative cover, watersheds, or wetlands on the property;
  4. A visual buffer plan that demonstrates that any visual buffer: (a) minimizes impacts of the SES on adjacent residential dwelling units, as required by this ordinance, (b) preserves the natural tree growth and natural land forms along the SES perimeter, as required by this ordinance, and (c) adheres to any visual buffer requirements of Upson County that may further minimize impacts of the SES on the community character;
  5. A list that identifies: (a) federal or state endangered, threatened, or candidate species that may be present on the property or within 100 feet of the property, and (b) critical habitat on the property or within 1,000 feet of the property;
  6. A statement documenting how emergency services' access has been coordinated and planned for and what that plan is; and
  7. A decommissioning plan, which, when approved by the Upson County Board of Commissioners, shall be recorded with the Clerk of the Upson County Superior Court. As a minimum, the decommissioning plan shall contain the following:
    - a. The name, address, telephone number and email address of the person(s) or entity(ies) responsible for implementing the decommissioning plan, which shall minimally include the land owner;
    - b. The name, address, telephone number and email address of the person(s) or entity (ies) responsible for implementing the decommissioning plan;
    - c. A statement of conditions that require the decommissioning plan to be implemented;
    - d. As part of the decommissioning, a removal plan that identifies all structures, components and non-utility owned equipment that shall be removed;
    - e. As part of the decommissioning, a plan for recycling or otherwise reusing all materials to the extent reasonably practicable;

- f. As part of the decommissioning, a restoration plan to return the property to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use after the SES is removed;
  - g. A timeline to complete the decommissioning;
  - h. A copy of the property lease agreement which must include a copy of the Upson County-approved decommissioning plan or a notarized statement that the county-approved decommissioning plan is included as part of the lease.
- 8. Certifications. The applicant shall submit an affidavit that provides, to the best of the applicant's knowledge:
  - a. That construction and operation of the SES will comply with all applicable federal and state laws;
  - b. That construction and operation of the SES will comply with all local laws, including the requirements of the Upson County Zoning Ordinance, unless waived by the appropriate authority; and
  - c. That commercial general liability insurance will be maintained throughout the siting, construction, installation, operation and decommissioning of the SES.

( Ord. No. 269 , § 1, 11-26-2019)

#### Section ~~2994~~2704. Permitted locations and requirements.

- A. Solar energy systems are permitted or prohibited as indicated in each zoning district of the Upson County Zoning Ordinance and this article.
- B. Ground mounted systems are prohibited in the R-1, R-2, R-4, R-5, P-R, C-1 and C-3 zoning districts. Roof mounted systems in these districts may not extend above the highest peak of the roof of the principal or accessory building upon which the system is mounted.
- C. Intermediate and large scale ground mounted SESs are permitted in the P-M zoning district as accessory uses by special exception.
- D. Commercial and industrial roof systems shall be placed on the roof so as to limit visibility from the public right-of-way or to blend into the roof design, provided that minimizing visibility still allows the SES owner to reasonably capture solar energy.

( Ord. No. 269 , § 1, 11-26-2019)

#### Section ~~2995~~2705. General requirements for all ground mounted solar energy systems.

The following requirements apply to all ground mounted SESs, in addition to the specific requirements in the zoning ordinance that apply to intermediate and large scale SESs respectively.

- A. *Setbacks*. All intermediate and large scale ground mounted SES shall meet the following setbacks:
  - 1. Panels — 100 feet from the property line.
  - 2. Inverters — 200 feet from the property line.
  - 3. All other accessory components, buildings, etc. — 50 feet from the property line.
- B. *Fencing*. Perimeter chain linked fencing having a minimum height of six feet shall be installed, maintained and secured around the boundary of the SES. The fence shall hold the required signage.

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- C. *Ground cover.* At least 50 percent of ground mounted SES areas shall be planted and maintained with professionally-recognized, Georgia-native pollinator-friendly plants. Owners are encouraged to plant the remainder of the ground mounted SES property with native grasses and plants.
- D. *Outdoor storage.* Only the outdoor storage of materials, vehicles and equipment that directly support the operation and maintenance of the SES is permitted, except for outdoor storage otherwise expressly permitted for commercial uses in the zoning district.
- E. *Lighting.* All large scale, ground mounted SES shall have security lighting at each entrance gate. Where lighting is installed, it shall be shielded and downcast so that the light does not spill onto adjacent properties.
- F. *Tree removal.* The removal of trees or natural vegetation for a ground mounted SES shall be avoided to the extent reasonable practicable. Site plans submitted with building permits shall illustrate all tree and natural vegetation removal and landscape plantings.
- G. *Solar access easements.* Consistent with O.C.G.A. § 44-9-20 et seq., a property owner may obtain a solar easement from another property owner for the purpose of ensuring rooftop SES and ground Mounted SES, adequate exposure to sunlight/solar access.
- H. *Decommissioning and Abandonment.* Unless otherwise approved by the Upson County Board of Commissioners, decommissioning shall begin no later than 12 months after a ground mounted SES has ceased to generate electricity or thermal energy:
1. For a ground mounted SES permitted without a decommissioning plan, within six months of the beginning of decommissioning, the SES and all structures associated with it shall be removed, all materials shall be recycled or otherwise reused to the extent reasonably practicable, and the property shall be returned to its condition prior to the installation of the SES or to some other condition reasonably appropriate for the designated land use, and
  2. For a ground mounted SES allowed with a permit and decommissioning plan, the SES shall be decommissioned in accordance with the most recent decommissioning plan approved with the building permit and/or special exception.
- I. *Signage.* All ground mounted SES:
1. Shall display, at every entrance and every 150 feet, minimum, along the fence line, signs: (a) stating the risks that may result from contact with a ground mounted SES, (b) stating the SES address, in the format of "The address of this facility is (street number and street name)", (c) identifying the owner or operator of the ground mounted SES, and (d) providing a 24-hour emergency contact phone number.
  2. Shall display at every entrance an up-to-date sign indicting the names of the individual(s) and/or company(ies) responsible for maintenance of the facilities, their phone number(s) and mailing address(es).
  3. Shall comply with the requirements of the applicable zoning district for signage.
  4. May have signs that contain educational information about the ground mounted SES.
- J. *Maintenance.* All SES must be maintained in their appearance and in good working order. The ground cover, fencing, signage and equipment of all grounded mounted SES shall be maintained in function and appearance. Damaged and broken equipment shall be replaced and removed from the site in a timely manner. Vegetative cover shall be maintained at the appropriate height, no taller than what will minimally allow for the functioning of the solar panels. Vegetative debris such as tree trimmings, limbs, pulled stumps, brush, leaves, and the like, shall be removed from site and disposed of appropriately



through burning or at an approved landfill site. Soil erosion will be prevented and repaired where it has occurred.

- K. *Inspections.* The building official or his/her representative shall have the right at any reasonable time, to enter, in the company of the owner, operator or his agent, the premises on which the SES has been constructed to inspect all parts of the SES installation and require that repairs or alterations be made within 30 days, if, in his/her judgement, there exists a deficiency in the structural stability of the SES.

(Ord. No. 269 , § 1, 11-26-2019)

## ~~APPENDIX~~ APPENDIX A COMPARISON OF DEVELOPMENT STANDARDS BY DISTRICT

A. *Minimum heated floor area per dwelling unit:*

A-R	1,008 square feet
<del>R-E</del>	<del>2,200 square feet</del>
R-1	2,200 square feet
R-2	1,008 square feet
R-4	1,008/700 square feet
R-5	700 square feet
P-M	As shown on approved development plan
P-R	700 square feet
O-1	1,008 square feet
C-1	1,008 square feet
C-2	1,008 square feet
C-3	700/0 square feet
M-1	0 square feet
M-2	0 square feet

B. *Minimum lot area (unsewered):*

A-R	<del>2.25</del> 12 acres
<del>R-E</del>	<del>3 acres</del>
R-1	1 acre
R-2	1 acre
R-4	1 acre
R-5	1 acre
P-M	As shown on approved development plan
P-R	3/10 acres
O-1	1 acre
C-1	1 acre
C-2	1 acre
C-3	N/A
M-1	1 acre
M-2	1 acre

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C. Minimum lot area (sewered):

A-R	2 acres
<u>R-E</u>	<u>2 acres</u>
R-1	1 acre
R-2	½ acre
R-4	½ acre
R-5	1 acre
P-M	As shown on approved development plan
P-R	3/10 acres
O-1	½ acre
C-1	½ acre
C-2	1 acre
C-3	0 acres
M-1	1 acre
M-2	1 acre

D. Minimum lot width:

A-R	<del>150-300 feet</del> 225 feet
<u>R-E</u>	<u>200 feet</u>
R-1	100 feet
R-2	100 feet
R-4	100 feet
R-5	100 feet
O-1	100 feet
P-M	As shown on approved development plan
P-R	150 feet
C-1	100 feet
C-2	100 feet
C-3	0 feet
M-1	100 feet
M-2	150 feet

E. Minimum front yard:

A-R	<del>100/120/35/35/60</del> feet
<u>R-E</u>	<u>100/60 feet</u>
R-1	100/35/35 feet
R-2	100/35/35 feet
R-4	100/35/35 feet
R-5	100/35/35 feet
P-M	As shown on approved development plan
P-R	75/50/50 feet
O-1	100/35/35 feet

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C-1	100/35/35 feet
C-2	100/35/35 feet
C-3	0/0/0 feet
M-1	100/100/100 feet
M-2	100/100/100 feet

F. *Minimum side yard:*

A-R	30 feet
<u>R-E</u>	<u>30 feet</u>
R-1	15 feet
R-2	15 feet
R-4	20 feet total of both side yards
R-5	15 feet
P-M	As shown on approved development plan
P-R	20 feet
O-1	15 feet
C-1	15 feet
C-2	15 feet
C-3	0 feet
M-1	30 feet
M-2	30/100 feet

G. *Minimum rear yard:*

A-R	<u>35-50</u> feet
<u>R-E</u>	<u>50 feet</u>
R-1	35 feet
R-2	35 feet
R-4	0 [feet]
R-5	35 feet
P-M	As shown on approved development plan
P-R	30 feet
O-1	35 feet
C-1	35 feet
C-2	35 feet
C-3	15 feet
M-1	35 feet
M-2	35/100 feet

H. *Maximum building height:*

A-R	35 feet
<u>R-E</u>	<u>35 feet</u>

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R-1	35 feet
R-2	35 feet
R-4	35 feet
R-5	35 feet
P-M	As shown on approved development plan
P-R	35 feet
O-1	35 feet
C-1	35 feet
C-2	35 feet
C-3	35 feet
M-1	35 feet
M-2	35 feet

~~APPENDIX~~APPENDIX B STANDARD FOR OFF-STREET PARKING AND SERVICE  
FACILITIES<sup>13</sup>

Section 101. Scope.

This standard covers specifications for off-street parking and service facilities in Upson County. Requirements for such facilities are specified by zoning district in the Upson County Zoning Resolution [Ordinance]. That ordinance refers the reader to this standard for specifications of required facilities.

Section 102. General standards for parking space design.

- A. *Parking spaces must not be reduced:* Off-street parking spaces must not be reduced below the minimum required number for the use or facility to which they are assigned.
- B. *Drainage, construction, and maintenance:* All off-street parking, loading, and service areas must be drained so as to prevent damage to abutting properties and/or public streets, and must be constructed of materials which will assure a surface resistant to erosion. All such areas must be at all times maintained at the expense of the owners in a clean, orderly, and dust-free condition to the extent that it does not create a nuisance.
- C. *Separation from walkways, sidewalks, and streets:* All off-street parking, loading, and service areas must be separated from walkways, sidewalks, and streets by curbing or other suitable protective device.
- D. *Parking area design:* Parking stalls must have a minimum width of 9½ feet and length of 18 feet. There must be provided adequate interior driveways to connect each parking space with a public right-of-way. Interior driveways must be at least 24 feet wide where used with 90-degree angle parking, at least 18 feet wide where used with 60-degree angle parking, at least 12 feet wide where used with 45-degree angle parking, and at least 12 feet wide where used with parallel parking. Where there is no parking, interior driveways

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<sup>13</sup>Cross reference(s)—Traffic and vehicles, ch. 86.

must be at least 12 feet wide for one-way traffic movement and at least 24 feet wide for two-way traffic movement.

- E. *Joint parking facilities:* Two or more neighboring uses of the same or different types may provide joint parking facilities as long as the number of off-street parking spaces are not less than the sum of the individual requirements.
- F. *Pavement markings and signs:* Each off-street parking space must be clearly marked, and directional arrows or signs must be provided wherever necessary. Markers, directional arrows, and signs must be properly maintained so as to ensure their maximum efficiency.

### Section 103. Number of parking spaces required.

Off-street parking space must be provided and maintained as specified in the following schedule. For uses not specifically listed here, the parking requirements for the listed use most similar to the unlisted use in question, as determined by the administrative officer, will apply. Parking requirements by use are as follows:

- A. *Apartment or other multifamily dwelling:* two spaces for each dwelling unit.
- B. *Auditorium, stadium, assembly hall, gymnasium, theater, community recreation center, or church:* whichever of the following three standards is the greatest:
  - 1. One space per four fixed seats in largest assembly room or area; or
  - 2. One space for each 40 square feet of floor area available for the accommodation of moveable seats, or combination of fixed and moveable seats, in the largest assembly room; or
  - 3. One space per each 150 square feet of gross floor area.
- C. *Automobile fueling station:* two spaces (in addition to service area) for each pump and grease rack, but not less than four spaces.
- D. *Automobile sales and repair, service station, carwash:* two spaces (in addition to service area) for each pump and grease rack, but not less than four spaces—plus—one space for each 500 square feet of gross floor area of the shop or carwash.
- E. *Bowling alley:* four spaces per alley—plus—requirements for any other use associated with the establishment such as a restaurant, etc.
- F. *Club or lodge:* one space for each two employees plus one space for each 200 square feet of gross floor area within the main assembly area—plus—additional spaces for other uses permitted within the premises.
- G. *Combined uses:* Parking spaces must be the total of the spaces required for each separate use established by this schedule.
- H. *Commercial recreation area (indoor or outdoor) such as YMCA or similar use:* whichever of the following two standards is the greatest:
  - 1. One space for each 150 square feet of gross floor, building, or ground area; or
  - 2. One space for each four seats or facilities available for patron use.
- I. *Dance school:* one space for each employee plus one space per 150 square feet of gross floor area—plus—adequate area for safe and convenient loading and unloading of students.
- J. *Dwelling—single-family or two-family:* two spaces for each dwelling unit. Residential driveways will satisfy this need.

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- K. *Fraternity, sorority, college dormitory*: one space for each two residents plus one space for each two employees.
  - L. *Golf course*: two spaces for each hole and one space for each two employees—plus—requirements for any other use associated with the golf course.
  - M. *Hospital, personal care home, intermediate care home, nursing home*: one space for each three beds plus one space for each two employees (nurses, attendants, etc.) plus one space for each staff or visiting doctor.
  - N. *Hotel*: one space for each three guest rooms, suites, or units plus one space for each two employees.
  - O. *Kindergarten, nursery school*: one space for each employee—plus—adequate area for safe and convenient loading and unloading of students.
  - P. *Manufacturing activity, industry, warehouse*: two spaces for each three employees on shift of greatest employment, plus one space for each vehicle used directly in the conduct of the business.
  - Q. *Motel*: one space for each unit plus one space for each two employees—plus—requirements for any other use associated with the establishment such as a restaurant, etc.
  - R. *Office, professional building, or similar use*: one space for each 300 square feet of gross floor area, plus one space for each two employees.
  - S. *Personal service establishment*: one space for each 200 square feet of gross floor area—but not less than two spaces for each employee.
  - T. *Restaurant, or place dispensing food, drink, or refreshment*: one space for each three seats plus one space for each two employees on shift of greatest employment.
  - U. *Retail store of any type not otherwise specified in this schedule*: one space per 200 square feet of gross floor area.
  - V. *School—elementary*: one space for each teacher, plus one space for each two employees and administrative personnel, plus one space for each classroom—plus—adequate area for safe and convenient loading and unloading of students.
  - W. *School—high, trade*: one space for each two teachers, employees, administrative personnel, and student—plus—adequate area for safe and convenient loading and unloading of students.
  - X. *Shopping center*: one space for every 200 square feet of gross floor area.
  - Y. *Swimming pool, public*: one space for every 200 square feet of water surface—plus—requirements for any other use associated with the establishment such as a restaurant, etc.
  - Z. *Wholesale establishment*: one space for each employee plus sufficient space, plus one space for each vehicle used directly in the conduct of the business.

#### Section 104. Number of loading spaces required.

Manufacturing, industrial, wholesale, and retail operations must provide loading space as follows:

- A. *Spaces appropriate to functions*: Off-street loading spaces must be provided as appropriate to the functions and scope of operation or individual or groups of buildings and uses.
- B. *Design of loading spaces*: Off-street loading spaces must be designed and constructed so that all maneuvering to park vehicles for loading can take place entirely within the property lines of the premises. Loading spaces must be provided so as not to interfere with the free, normal movement of vehicles and pedestrians on public rights-of-way.

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- C. *Ingress and egress*: Ingress and egress to off-street loading spaces must conform to curb cut requirements specified in this standard.

## Section 105. Curb cut requirements.

In any case in which provision for ingress and egress involves the lowering or cutting away of curbs, such a curb cut is subject to the following provisions:

- A. Only one combined entrance and exit is allowed for any parcel of property with a frontage on any one street of less than 50 feet. No more than two combined entrances and exits are allowed for any parcel of property with a frontage on any one street of between 50 feet and 200 feet. For parcels of property having frontage on any one street of more than 200 feet, additional entrances or exits are permitted only after the developer demonstrates to the satisfaction of the planning commission that more curb cuts are needed for safety reasons, and such additional curb cuts are approved by the planning commission.
- B. At street intersections, curb cuts must be located at least 25 feet from the intersections of the two curblines (or such lines extended) or at least 15 feet from the intersection of the two intersecting property lines (or such lines extended), whichever is less.
- C. The distance between any two curb cuts on the same side of the street and located on one property must be at least ten feet. That distance is measured between the points at which the two curb cuts begin to deviate from the established curbline of the abutting street (in other words, between the intersections of the curb return radii and the established curbline of the abutting street).
- D. The minimum setback from all property lines for any driveway is two feet.
- E. The maximum permitted width of any driveway at the right-of-way line of the abutting street is 35 feet.
- F. The maximum permitted width of any curb cut, including the points at which the curb cut begins to deviate from the established curbline of the abutting street at either end of the curb cut (in other words, including the curb returns) is 50 feet. However, the administrative officer may approve a specified larger width for a truck stop, if he determines that a larger curb cut is needed for safety reasons.
- G. The sum of the two curb return radii for any one curb cut must not exceed 15 feet.