



Memorandum

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Building & Zoning and Code Enforcement

DATE: October 22, 2024

TO: Upson County Board of Commissioners

FROM: Doug Currier II, Building & Zoning Director

RE: Summary of Proposed Text Amendments to Chapter 78 Subdivision Regulations and Appendix A Zoning

Attached is a copy of the proposed amendments to Articles 1, 3, and 4 of the Subdivision Ordinance and 2-10, 15, 25, and Appendix of the Zoning Ordinance for consideration at the September 9, 2024, Planning Commission meeting. The changes are numbered below, and corresponding numbers are shown next to each change in the attached ordinance text. Please feel free to contact me should you have any questions or if you would like to discuss the proposed amendments.

Chapter 78 – Subdivisions

Article 1

1. Add new sub-section 78-1 (6) – Revise to clarify that all plats and maps submitted must be consistent with Georgia code (p. 1).
2. Add new definition in 78-3– Clarifies flag lots with new language as follows (p. 2):

Flag lots means an irregularly shaped lot that has a very limited amount of street or road frontage. The portion of the lot nearest the street, the “flagpole,” is substantially narrower than the rest of the lot. The wider part of the lot, the “flag,” is back further from the road frontage.

3. Remove Sec. 78-3(2) – Revised the subdivision definition to remove ownership transfer of property by the owner to a member of the immediate family (p. 4).
4. Add new Sec. 78-3(5) – Revised the subdivision definition to outline subdivision review process to eliminate serial splitting of lots (p. 4).

Article 2

1. Revise Sec. 78-66 & 67 – Revise to make the Board of Commissioners the decision authority for subdivision ordinance variance and waiver requests, with Planning Commission providing recommendations.

Article 3

1. Add new “Section 78-102. Public Street Prescriptive Rights of Way (RoW)” with language as follows (p.

8):

Section 78-102. Public Street Prescriptive Rights of Way (RoW)

Where a subdivision is proposed with frontage on a prescriptive RoW, understood as a circumstance where the County does not own the RoW, such RoW must be dedicated to the County prior to subdivision plat approval. The standards and processes for RoW acceptance shall be as otherwise defined in the Upson County code of ordinances.

2. Revise Sec. 78-252(b) – Revise to clarify electronic filing requirements for recording approved plans and states that size requirements can be altered by the administrative official for efficiency, accuracy or convenience. This section also removes additional size requirements for paper plans.
3. Revise Sec. 78-253(15) – Revise to clarify that if a plat has no private/restrictive covenants or deed restrictions, the plat must include a statement stating that intent (p. 16).
4. Revise Sec. 78-254(a) – Revise to add language to state that all certificate signatures must be present before plat recording (p. 17).
5. Revise Sec. 78-254(a)(1) – Revise to add language to state that an engineer’s or surveyor’s certification must meet the requirements of Georgia rules and codes as they may be amended (p. 17)
6. Revise Sec. 78-254(a)(2) – Revise to add language to state that the owner’s certificate must be signed by at least 51% of the property ownership or by a legally appointed representative (p. 18).

Article 4

1. Revise Sec 78-308 – Require access to every new subdivision that includes road construction to be provided over a paved public street.
2. Add new Sec. 78-313 – Add new section titled “Conservation Subdivisions.” The purpose of conservation subdivisions is to provide residential subdivisions with permit flexibility to allow a clustering of houses on less environmentally sensitive areas to encourage the preservation and protection of environmentally sensitive lands. State that “Conservation subdivisions, as defined herein, are provided as a development option and allowed in accordance with the Zoning Ordinance...” This section also outlines minimum standards, application requirements, open space standards, and allowed uses of open space (p. 20-24).
3. Revise 78-373 – change to make the board of commissioners responsible for approving a variance for culs-de-sac or dead-end streets that do not meet the stated requirements (p. 26).
4. Revise Sec. 78-421 – Revise panhandle or flag lot size requirements; the street frontage 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 or a flag lot totaling greater than 24 acres in size. No two access strips shall be closer than 400 feet apart (p. 30).

Minor Changes

1. Revise ‘Comprehensive Plan’ definition in 78-3 – Clarifies that the Board of Commissioners adopts the comprehensive plan (p. 2)
2. Revise Sec. 78-161 – Revise to clarify that an application or in addition to a letter requesting review and approval for a subdivision preliminary plat is requested by the Planning Commission (p. 10)
3. Revise Sec. 78-165 - Revise to add ‘or administrative official’ to Planning Commission regarding taking action with preliminary plats (p. 11)
4. Revise Sec. 78-166 - Revise to add ‘or administrative official’ to Planning Commission regarding failure to take action with preliminary plats (p. 11)
5. Revise Sec. 78-221 - Revise to add “and/or application” to letter requesting review
6. Revise Sec. 78-225 to add ‘or administrative official’ to Planning Commission regarding taking action with

- final plats (p. 15)
7. Revise Sec. 78-226 – Revise to add 'or administrative official' to Planning Commission regarding failure to take action with final plats (p. 15)
 8. Revise Sec. 78-418 to clarify that individual lots in a subdivision shall not be internally divided by a city or county boundary lines (p. 30).

Appendix A – Zoning

Article 2

1. Revise Sec. 202(2) – Revise to remove the text from the agriculture definition that states that agricultural land must be at least three acres in size.
2. Revise Sec. 202(3) – Revise to remove the text from the 'agritourism' definition that states that it shall take place on a minimum lot size of five acres and removes the list of possible agritourism activities.
3. Revise Sec. 202(33) – Revise the 'farm' definition to not include a three-acre lot minimum (p. 6)
4. Revise Sec. 202(39) – Revise to include definition for 'food truck' which states "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" (p. 7).
5. Revise Sec. 202(44)(G) – Revise to clarify vehicles allowed for home occupation such as no heavy equipment (p. 8).
6. Revise Sec. 202(45) – Revise to add the definition for 'hospital' (p. 8).
7. Revise Sec. 202(87) – Revise to add the definition for 'wrecker service' (p. 12).
8. Revise Sec. 203(16) – Revise to add the definition for 'accessory dwelling unit' (p. 13).
9. Revise Sec. 203(17) – Revise to add the definition for 'tiny home' (p. 13).

Article 3

1. Revise Sec. 301(A) – Revises the table to clarify that agricultural residential is very low density and adds the new rural estate residential zoning district.

Article 4

1. Revise - Sec. 407(C) – Clarifies that use variances are not allowable and that a granted variance must be limited to the minimum extent required to accomplish the applicant's need to resolve a hardship (p. 23).
2. Revise - Sec. 408(H) – Removed text stating that a property owner must act within twelve months following the granting of conditional zoning for a parcel of property (p. 25).
3. Revise Sec. 410(K)(2) – Revise the text to state that conditions applying to reversion of rezoning approval may not be applied (p. 29).

Article 5

1. Revise Sec. 504(A)(13) – Revises the permissible uses of agritourism on a five-acre minimum to include a list of allowable activities (p. 32).
2. Removes Sec. 504(A)(16) regarding home occupations as a permitted principal use.
3. Adds Sec. 504(B)(15) – Revise to clarify cemeteries as a permitted special exception, only as accessory to a principal religious use to ensure maintenance (p. 25).
4. Revises Sec. 504(C)(14) – Revise to replace 'guest quarters' with 'accessory dwelling units' and adds additional text on allowances regarding attached and detached ADU's (p. 35-36).
5. Adds Sec. 504(C)(16) – Revise to include home occupations as permitted accessory uses (p. 34).
6. Adds Sec. 504(D)(5) - Revise to include Family Cemeteries as permitted special exceptions (p. 39).
7. Revise Sec. 505(B) – Revise to increase minimum lot area for unsewered areas to 12 acres (p. 40).

8. Revise Sec. 505(C) – Revise to increase minimum lot width to 225 feet (p. 40).
9. Revise Sec. 505(D)(1) – Revise to increase the distance from centerline of street/road to 120 feet and increase the distance from the front of the property line to 60 feet for arterial streets/roads (p. 40).
10. Revise Sec. 505(D)(2) - Revise to increase the distance from the front of all buildings to at least 60 feet from the front property line or 120 feet from the road centerline, whichever is greater for collector streets/roads. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way (p. 40).
11. Revise Sec. 505(D)(3) – Revise to increase the distance from the front of all buildings to at least 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 (p. 40).
12. Revise Sec. 505(D)(4) - Revise to clarify that for existing lots of record 2 acres or less, front yard minimum shall be 35 feet from the property line (p. 40).
13. Revise Sec. 505(F) – Revise to increase the minimum rear yard to 50 feet (p. 40).
14. Add new Sec. 505(H) – Revised to state that the maximum lot width to depth ratio shall be 1:10 (the lot depth may not be more than 10 times the lot width) (p. 41).
15. Removed Sec. 505(L)(6) – Revised to remove the allowance that a second single-family detached dwelling on a single lot may be occupied by a father, mother, son, daughter, brother or sister of the owner lot (p. 41).
16. Revise Sec. 505(L)(7) – Revise to increase the lot on which the second dwelling is to be placed to 12 acres (p. 41)
17. Revise Sec. 505(P)(4) – Revise to increase the distance the property owner of a land locked lot shall have acquired an easement to a city-, county-, or state-maintained street or road to 60 feet (p. 42).
18. Revise Sec. 505(P)(6) – Revise to clarify that a land locked parcel must otherwise meet all A-R district dimensional and size requirements.
19. Revise Sec. 505(Q) to add modified Panhandle or flag lot requirements.
20. Add new Sec. 505(Z) – Revise to list general exceptions for development standards for A-R districts with language as follows:
 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. Front yard requirements.
 2. 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.

Article 6

1. Remove Sec. 604(A)(10) – Revise to remove home occupations from permitted principal uses in R-1 districts (p. 44)
2. Add new Sec. 604(C)(13) – Revise to include accessory dwelling unit standards as permitted accessory uses in R-1 districts (p. 45).
3. Revise Sec. 604(D)(1) - Revise to include home occupation as accessory use requiring special exceptions in R-1 districts (p. 46).
4. Remove Sec. 604(D)(2) – Revise to remove allowance for manufactured home or travel trailer for temporary use at construction site (p. 46-47).
5. Revise Sec. 605(D)(2) – Revise to clarify the distance from the front of all buildings to at least 35 feet from the front property line or 100 feet from the road centerline, whichever is greater for collector streets/roads. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way (p. 50).
6. Revise Sec. 605(D)(3) – Revise to clarify the distance from the front of all buildings to at least 35 feet from the front property line or 100 feet from the road centerline, whichever is greater for other streets/roads. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way (p. 50).
7. Add new Sec. 605(H) - state that the maximum lot width to depth ratio shall be 1:5 (the lot depth may not be more than 5 times the lot width) (p. 50).
8. Revise Sec. 605(P)(6) – Revise to clarify that a land locked parcel must otherwise meet all R-1 district dimensional and size requirements.

Article 7

1. Add new Sec. 704(C)(13) - include accessory dwelling unit standards as permitted accessory uses in R-2 districts (p. 54).
2. Remove Sec. 704(D)(2) – Revise to remove allowance for manufactured home or travel trailer for temporary use at construction site (p. 54-55).
3. Revise Sec. 705(D)(2) – Revise to clarify the distance from the front of all buildings to at least 35 feet from the front property line or 100 feet from the road centerline, whichever is greater for collector streets/roads. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way (p. 58).
4. Revise Sec. 705(D)(3) – Revise to clarify the distance from the front of all buildings to at least 35 feet from the front property line or 100 feet from the road centerline, whichever is greater for other streets/roads. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way (p. 58).
5. Add new Sec. 705(H) – Revise to state that the maximum lot width to depth ratio shall be 1:5 (the lot depth may not be more than 5 times the lot width) (p. 58).
6. Revise Sec. 705(P)(6) – Revise to clarify that a land locked parcel must otherwise meet all R-2 district dimensional and size requirements (p. 59).

Article 8

1. Add new Article 8 for Rural Estate district to accommodate low density developments in locations not currently served or planned for public sanitary sewer service (p. 60-66).

Article 9

1. Remove Sec. 904(A)(26) - Revise to remove home occupations from permitted principal uses in R-4 districts (p. 68).
2. Revise Sec. 904(D) – Revise to clarify that home occupations are permitted as special exception accessory

- use in R-4 districts “provided said business is conducted in accordance with the standards set out in the definition of home occupation contained in this ordinance” (p. 69).
3. Remove Sec. 904(D)(2) – Revise to remove allowance for manufactured home or travel trailer for temporary use at construction site (p. 69-70).
 4. Revise Sec. 905(D)(2) – Revise to clarify the distance from the front of all buildings to at least 35 feet from the front property line or 100 feet from the road centerline, whichever is greater for collector streets/roads. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way (p. 74).
 5. Revise Sec. 905(D)(3) - Revise to clarify the distance from the front of all buildings to at least 35 feet from the front property line or 100 feet from the road centerline, whichever is greater for other streets/roads. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way (p. 74).
 6. Revise Sec. 905(P)(6) - Revise to clarify that a land locked parcel must otherwise meet all R-4 district dimensional and size requirements (p. 75).

Article 10

1. Revise Sec. 1004(A)(12) - Revise to remove home occupations from permitted principal uses in R-5 districts (p. 77).
2. Revise Sec. 1004(D)(1) - Revise to clarify that home occupations are permitted as special exception accessory use in R-5 districts “provided said business is conducted in accordance with the standards set out in the definition of home occupation contained in this ordinance” (p. 78).
3. Remove Sec. 1004(D)(2) - Revise to remove allowance for manufactured home or travel trailer for temporary use at construction site (p. 78-79).
4. Revise Sec. 1005(D)(2) - Revise to clarify the distance from the front of all buildings to at least 35 feet from the front property line or 100 feet from the road centerline, whichever is greater for collector streets/roads. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way (p. 82).
5. Revise Sec. 1005(D)(3) – Revise to clarify the distance from the front of all buildings to at least 35 feet from the front property line or 100 feet from the road centerline, whichever is greater for other streets/roads. This standard applies to prescriptive right-of-way circumstances as well as dedicated rights-of-way (p. 82).
6. Revise Sec. 1005(P)(6) – Revise to clarify that a land locked parcel must otherwise meet all R-5 district dimensional and size requirements (p. 75).

Article 15

1. Add new Sec. 1504(A)(14) to state that churches, synagogues, chapels, or other places of religious worship or educational instruction are permitted principal uses in C-2 districts with the following development standards (p. 108):
 - 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. Revise Sec. 1504(B)(1) - remove churches, synagogues, chapels, or other places of religious worship or educational instruction as permitted special exceptions in C-2 districts (p. 108).

Article 25

1. Revise Sec. 2502 - increase the minimum lot size for new commercial poultry and wine operation construction to 12 contiguous acres (p. 136).

Appendix A

1. Revise Table A: Revise to include the minimum heated floor area per dwelling unit for the new R-E district of 2,200 square feet (p. 149).
2. Revise Table B: Revise to include the minimum lot area (unsewered) for the new R-E district of 3 acres (p. 149).
3. Revise Table B: Revise to increase the minimum lot area (unsewered) for the A-R district of 12 acres (p. 149).
4. Revise Table C: Revise to include the minimum lot area (sewered) for the new R-E district of 2 acres (p. 150).
5. Revise Table D: Revise to increase the minimum lot width for the A-R district of 225 feet (p. 150).
6. Revise Table D: Revise to include the minimum lot width for the new R-E district of 200 feet (p. 150).
7. Revise Table E: Revise to increase the minimum front yard for the A-R district to 120/60 feet (p. 150).
8. Revise Table E: Revise to include the minimum front yard for the new R-E district to 100/60 feet (p. 150).
9. Revise Table F: Revise to include the minimum side yard for the new R-E district of 30 feet (p. 151).
10. Revise Table G: Revise to increase the minimum rear yard for the A-R district of 50 feet (p. 151).
11. Revise Table G: Revise to include the minimum rear yard for the new R-E district of 50 feet (p. 151).
12. Revise Table H: Revise to include the maximum building height for the new R-E district of 35 feet (p. 151).

Minor Changes

1. Renames the 'Land Use Plan' with the 'Comprehensive Plan' and removes the phrase '(where one exists)' (p. 1-132).
2. Capitalize 'Appendix' throughout the ordinance (not a substantive revision) (p. 1-152).
3. Section 106 B.3. Related uniform development ordinances - Delete "(Not included as an appendix, a copy may be reviewed in the office of the board of commissioners.)" regarding the Sign Ordinance.
4. Change Sec. 202 definitions to a numerical list (not a substantive revision) (p. 4-12).
5. Revises Sec. 202(15) – Revise to define 'building, accessory' to include text to describe where to find the accessory dwelling unit definition (p. 5)
6. Sec. 501 – Revise to clarify that the purpose of the agricultural-residential zoning district is to preserve rural areas and that residences of a very low-density nature are permissible (p. 30).
7. Add new Sec. 505(R), Sec. 605(R), Sec. 705(Q), Sec. 805(M), Sec. 905(Q), and Sec. 1005(Q) to define panhandle or flag lots with language as follows (p. 42, 51, 59, 64, 75, 83):

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.