

ORDINANCE NO. 257

AN ORDINANCE OF UPSON COUNTY, GEORGIA TO CHANGE THE ZONING OF CERTAIN PROPERTY DESCRIBED AS 2020 HANNAH’S MILL ROAD (PARCEL NO. 042B 072C) FROM THAT OF R-5 (SINGLE FAMILY RESIDENTIAL–SMALL DWELLING) TO P-R (PLANNED DEVELOPMENT-RESIDENTIAL); TO AMEND THE OFFICIAL ZONING MAP OF UPSON COUNTY, GEORGIA, TO REFLECT SAID CHANGE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

\* \* \* \* \*

WHEREAS, pursuant to The Zoning Procedures Law, OCGA §36-66-1, the Upson County Board of Commissioners adopted the Official Zoning Map, dated December 30, 1994 and zoning regulations through Ordinance No. 79, February 15, 1995; and

WHEREAS, Section 410 of the Upson County Zoning Ordinance (UCZO) lists the procedures by which the Official Map may be amended; and

WHEREAS, Henry D. Phillips, the owner of 2020 Hannah’s Mill Road (12.406 acres MOL) filed an application for rezoning said property from R-5 to P-R; and

WHEREAS, the Planning Commission public hearing to consider the rezoning request was held February 13, March 13 and April 10, 2017; and

WHEREAS, the subject property was posted April 18, 2017 and published notice of the Board of Commissioners public hearing on the rezoning request appeared in the April 19, 2017 edition of the Upson Beacon; and

WHEREAS, the Upson County Board of Commissioners has determined that the rezoning of said property meets the required review standards and serves to enhance the public health, safety, morality or general welfare of Upson County, Georgia, therefore:

BE IT ORDAINED by the Board of Commissioners of Upson County, Georgia, and it is hereby ordained by the authority of same, as follows:

**SECTION ONE**

The herein described property, depicted on the attached zoning map, Development Plan Map and Development Plan text which is presently located in an R-5 – Single-Family Residential – Small Dwelling is hereby removed therefrom and placed in a P-R – Planned Development - Residential, which conditions shall be as follows.

Said property shall only be developed as follows:

1. Roads – The internal roadway network must be paved to a minimum of twenty-feet wide, meeting professional standards, prior to an eleventh manufactured home being permitted for location in the park
2. Turn-arounds – The development turn-arounds must be installed as required, meeting professional standards, prior to an eleventh manufactured home being permitted for location in the park. (Condition language revised verbally at May 9, 2017 Board of Commissioners meeting.)
3. Stormwater Management – A formal, engineered drainage plan for the entire park must be submitted and approved prior to a 20<sup>th</sup> manufactured home being permitted for location anywhere in the park, if not sooner.
4. Existing Home Setbacks – Upon relocation or replacement of the existing manufactured homes currently on Lots A and B, as shown on the Development Plan Map, the homes shall be placed so as to meet the zoning ordinance setback requirements existing at the time.
5. All other County ordinance standards must be met, including, but not limited to, all other P-R Zoning District standards, including the Planned Manufactured Home Community standards; address signage; sign ordinance; driveway and building permits; stormwater requirements; land disturbance, etc.

Said property is more legally described as:

All that certain tract or parcel of land, together with all improvements thereon, containing 12.406 acres, situate, lying and being in Land Lot 266 of the Tenth Land District of Upson County, Georgia, shown and designated as TRACT "C" on that certain plat of survey entitled "Plat for Henry Durell Phillips and Benjamin Matthew Phillips", prepared by Clayton L. Moore and David B. Millen, Registered Land Surveyors, dated January 24, 2004, and of record in Plat Book 27, page 206, in the Office of the Clerk of the Superior Court of Upson County, Georgia, which said plat, including the boundaries, metes, courses, and distances of said real estate as shown and delineated thereon, is by this reference incorporated herein in aid of this description just as though the same were set forth herein verbatim.

**SECTION TWO**

The Official Zoning Map of Upson County, Georgia is hereby amended by repealing pages 29 and 29C of 172 pages plus index and inserting in lieu thereof new pages 29 and 29C of 172 pages plus index as part of the Official Zoning Map of Upson County, Georgia, which said page is dated May 9, 2017 and is certified by the Chairman of the Board of Commissioners of Upson County, Georgia, as required by Section 2302 of the Upson County Zoning Ordinance, which said page is hereby adopted as a part of the Official Zoning Map of Upson County, Georgia, and the same shall remain on file in the office of the Zoning Administrative Officer of Upson County, Georgia, and shall be accessible to the public.

**SECTION THREE**

All ordinances or parts thereof in conflict with the terms and provisions of this Ordinance are, and the same hereby, are repealed

**SECTION FOUR**

Should any sentence, paragraph or section of this Ordinance be declared to be invalid, for any reason, such declaration shall not affect the validity of any other sentence, paragraph or section of this Ordinance and all such remaining sentences, paragraphs and sections hereof shall remain valid and of full force and effect, and the Board of Commissioners of Upson County, Georgia, hereby declares that such continuing validity of the remaining portions hereof is its intent as of the date of the enactment hereof.

The foregoing ordinance this day adopted by the Board of Commissioners of Upson County, Georgia, and effective, this 9th day of May, 2017.

**BOARD OF COMMISSIONERS  
OF UPSON COUNTY**

BY:   
NORMAN ALLEN, Chairman

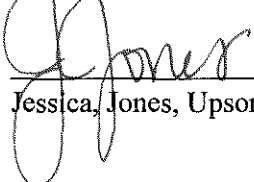
BY:   
RALPH ELLINGTON, Vice Chairman

BY:   
FRANK SPRAGGINS, Commissioner

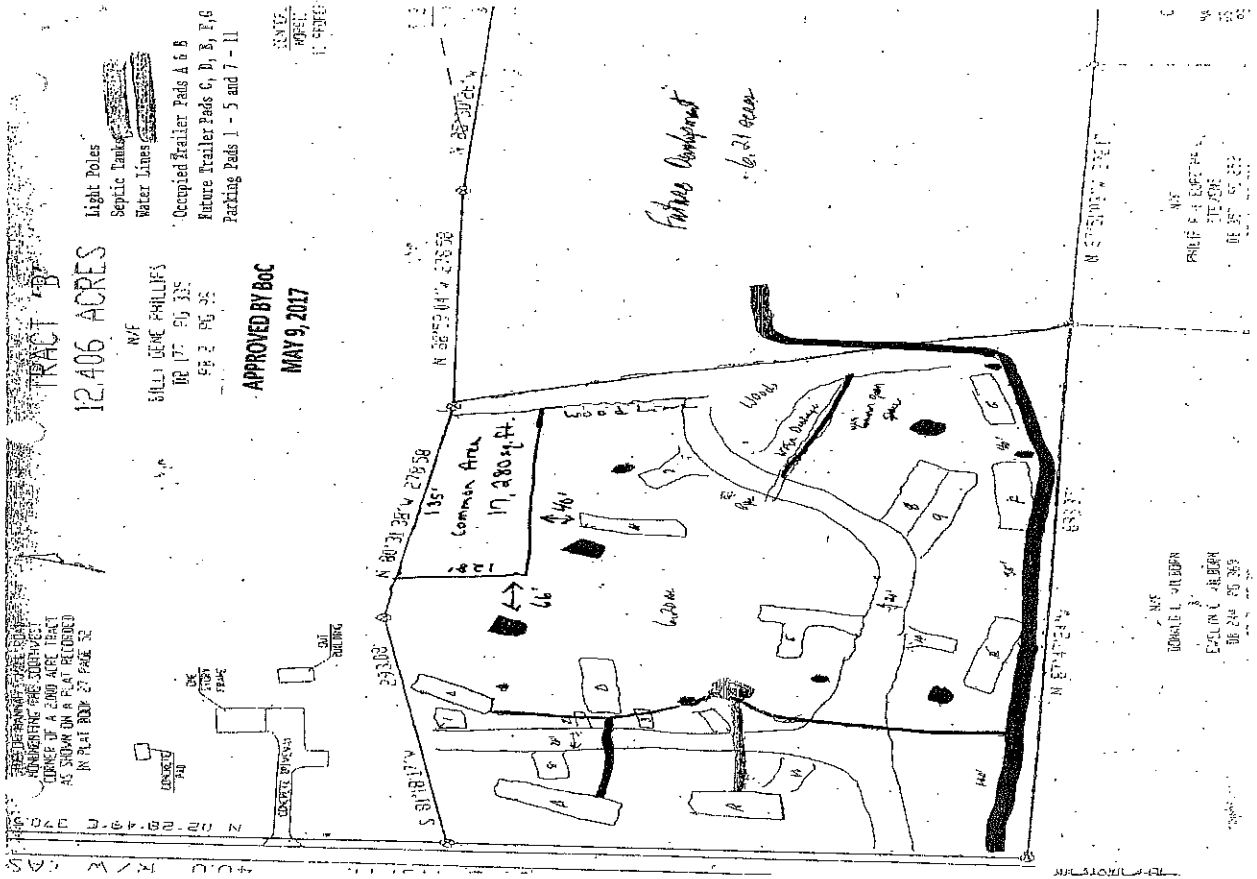
BY:   
LORENZO WILDER, Commissioner

BY:   
JAMES ELLINGTON, Commissioner

ATTEST:

  
Jessica Jones, Upson County Clerk





**AMENDED DEVELOPMENT PLAN FOR 12.406 ACRES OWNED BY HENRY DURELL PHILLIPS**

This document shall be considered as the amended development plan for the Planned Development - Residential located on the easterly side of Hannah's Mill Road in Land Lot No. 266 of the 10th Land District of Upson County, Georgia shown and designated as Tract "C" on that certain plat of survey of record in Plat Book 27, page 205, in the Office of the Clerk of Superior Court of Upson County, Georgia. This property will be used as a manufactured home community.

Please find attached to this plan the following documentation required by the Upson County Zoning Ordinance for Planned Developments - Residential;

- (1) Attached to this plan is a drawing showing the location of two occupied manufactured homes labeled A and B on the site plan and pads for 6 additional homes labeled C, D, E, F, G and H and the approximate location of all roadways, parking pads, proposed and existing security lights, septic tanks and water lines. The present zoning of the property is R-5 as is the bounding properties to subject tract.
- (2) A metes and bounds description of the subject property is attached hereto.
- (3) All areas to be rededicated or those reserved for public use are indicated on the attached drawing. A copy of a topographic map showing the elevation and contour of the property is attached.
- (4) There are no community facilities or public facilities such as schools and parks located on the site including the area reserved for future development.
- (5) A written statement of intent to develop.
- (6) The development standards existing or to be used for the proposed PR development are as follows:
  - (a) As can be seen from the attached contour map of subject property said tract is level but slopes gently to the center of the 6.2 acres and surface water run off drains down through the center of the property and runs under the road through a pipe which then drains the water away from the tract in a southeasterly direction into a wooded area southeast of said property. There is almost no slope to the property so no drainage hazards are created on the property. The site is not exposed to objectionable smoke, noise, odors, or other adverse conditions and no part is subject to flooding or erosion.
  - (b) The internal streets are paved and have a width of 20 feet. No on street parking is permitted in the development. The streets in the development come to a dead end and do not have a turn around with a paved diameter of 80 feet. The petitioner requests that the requirement for the 80 foot turn around be waived.
  - (c) Outdoor lighting which will provide the average lighting required by the Upson County Zoning Ordinance is now in place and existing light poles are shown on the location map attached to this plan as a yellow dot. Bulbs existing in

**APPROVED BY BoC  
 MAY 9, 2017**

said lights will satisfy the requirements of the Upson County Zoning Ordinance which requires 10 foot candle illumination in some areas and 20 foot candle illumination in other areas.

- (d) All streets within said development are currently paved with concrete. None of the streets have an existing grade which exceeds a minimum of 1%.
- (e) Paved off street parking is provided for the use of residents. There are at least two spaces for each lot unit which is furnished and the residents parking is located at the manufactured home space it serves. The parking pads are designated as number 1 thru 5 and 7 thru 10 on the attached site plan and the size of the pads are attached to the site plan.
- (f) Parking areas for guests are either in a separate off street lot or adjacent to the manufactured home they serve. There are at least 0.2 paved guest parking spaces per dwelling unit.
- (g) The development shall have safe, convenient, all season pedestrian access in adequate width for intended use. Walks must be durable and convenient to maintain. Sudden changes in alignment and gradient should be avoided. Common walks, where provided, should be at least 3 1/2 feet wide. All 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. Some of these walks presently exist in the park and others will be provided when additional homes are placed on the property.
- (h) Service buildings, recreational buildings and other such facilities of the development must meet the requirements of applicable codes and development regulations adopted by Upson County when they are constructed.
- (i) There should be 300 sq. feet of open space for each dwelling unit which can either be satisfied in one large area or several separate areas. Eight units require 24,000 sq. feet. The common area on the site drawing is 35,280 sq. feet and therefore satisfies the code requirement.
- (j) All requirements of Georgia Rules and Regulations for Manufactured Housing must be met by the Planned Manufactured Home Community. All manufactured homes in the development must be installed in accordance with Georgia Rules and Regulations for Manufactured Housing.
- (k) The maximum density for manufactured housing in the planned area should be seven units per acre where central sewage and water is provided. Where central sewage 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. The planned area has only 1.29 units per acre which meets the code requirement.
- (l) Minimum separation of dwelling units in the planned development shall be 25 feet.

APPROVED BY BoC  
MAY 9, 2017

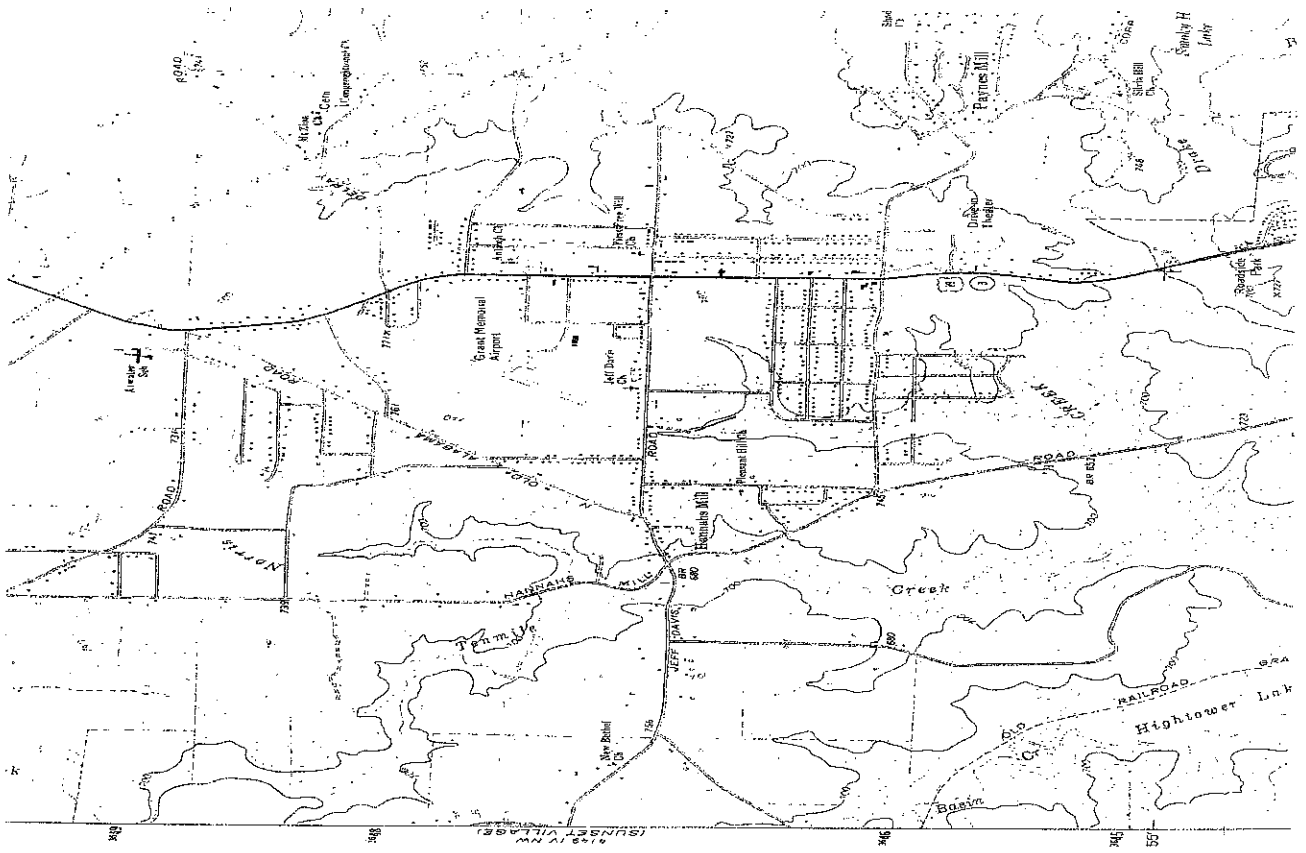
- (m) The minimum manufactured home space area shall be 6,000 sq. feet per home.
- (n) Prior to the additional six homes being added, owner will adopt and implement covenants and agreements which govern the use of the homes in the community and the use of parking areas and common space.
- (o) The maximum manufactured home space coverage is 50% and that is currently being met and will be met as proposed.
- (p) The minimum manufactured home space front yard is 20 feet and is being met and will be met as additional homes are added.

LEGAL DESCRIPTION OF 12.406 ACRE TRACT

TRACT NO. 1 (Developed 6.20 Acres): All that tract or parcel of land, together with all improvements thereon, containing 6.20 acres, situate, lying and being on the easterly side of Hannah's Mill Road in Land Lot No. 266 of the 10th Land District of Upson County, Georgia, being more particularly described as follows, to-wit: Begin at an iron pin located at the northwest corner of Tract "C" as shown on that certain plat of survey of record in Plat Record 27, page 208, in the Office of the Clerk of the Superior Court of Upson County, Georgia, which said plat is by this reference incorporated herein in aid of this description and from said point run thence north 81 degrees 18 minutes 17 seconds east a distance of 293.08 feet to an iron pin; run thence south 80 degrees 31 minutes 38 seconds east a distance of 278.58 feet to an iron pin; run thence in a southeasterly direction to an iron pin located at the northeast corner of property now or formerly belonging to Donald L. Wilborn and Evelyn C. Wilborn (see Deed Book 244, page 389 and Plat Record 7, page 99, said Clerk's Office); run thence in a northwesterly direction along the northerly boundary of said Wilborn property north 87 degrees 47 minutes 24 seconds west a distance of 693.37 feet to an iron pin located on the easterly right of way line of Hannah's Mill Road; and run thence north 02 degrees 44 minutes 07 seconds east a distance of 390.57 feet to the point of beginning.

TRACT NO. 2 (Future Development 6.21 Acres): All that tract or parcel of land, together with all improvements thereon, containing 6.21 acres, situate, lying and being in Land Lot No. 266 of the 10th Land District of Upson County, Georgia, being more particularly described as follows, to-wit: Begin at an iron pin located at the northeast corner of property now or formerly belonging to Donald L. Wilborn and Evelyn C. Wilborn (see Deed Book 244, page 389 and Plat Record 7, page 99, in the Office of the Clerk of the Superior Court of Upson County, Georgia) and run thence south 87 degrees 51 minutes 03 seconds east a distance of 332.17 feet to an iron pin; run thence south 87 degrees 51 minutes 03 seconds east a distance of 332.17 feet to a point in the centerline of Norris Creek; run thence along the centerline of said creek the following courses and distances: north 23 degrees 26 minutes 37 seconds east 24.71 feet; north 27 degrees 01 minutes 53 seconds west 64.02 feet; north 77 degrees 33 minutes 06 seconds east 39.22 feet; north 31 degrees 06 minutes 43 seconds west a distance of 51.22 feet; north 37 degrees 38 minutes 20 seconds west 103.38 feet; north 15 degrees 16 minutes 30 seconds east 47.51 feet; north 14 degrees 45 minutes 53 seconds west 75.44 feet; north 38 degrees 18 minutes 17 seconds west 64.34 feet; and north 27 degrees 07 minutes 10 seconds west 26.41 feet; thence leaving said creek and run thence north 85 degrees 30 minutes 26 seconds west a distance of 385.12 feet to an iron pin; and run thence in a southeasterly direction to an iron pin located at the northeast corner of said Wilborn property and the point of beginning.

APPROVED BY BoC  
MAY 9, 2017



APPROVED BY BoC  
MAY 9, 2017

**INTENT TO DEVELOP**

The property to be rezoned is presently owned by Henry Durell Phillips, but he is in the process of selling said property to his sister. The property consists of 12.40 acres, 6.2 acres of which is currently developed and 6.21 acres of which is reserved for future development. The developed portion of said tract currently has two manufactured homes occupied on it with pads and utilities available for six additional manufactured homes. This property is surrounded by residential tracts zoned R-5 and if said six homes were placed on the property the density would be 1.29 units per acre which is far less than the seven units per acre allowed by the Upson County Zoning Ordinance. The additional six homes to be placed on said property will be owned by the owner of the manufactured home community and would be added over a period of five years. The residents targeted for this community would be older adults and retirees.

**ADDITIONAL AMENDMENT TO DEVELOPMENT PLAN FOR 12.406 ACRES OWNED BY HENRY DURELL PHILLIPS**

Paragraph (6) subparagraph (i) is hereby revised to read as follows, to-wit:

- (i) There should be 300 sq. feet of open space for each dwelling unit which can either be satisfied in one large area or several separate areas. Eight units require 2,400 sq. feet. The common area outlined in yellow on the site drawing is 17,280 sq. feet and therefore satisfies the code requirement.

On May 9, 2017, by official action of the Board of Commissioners of Upson County, Ordinance No. 257, the following change was made in the Official Zoning Map, Upson County, Georgia. 12.4 acres were rezoned for Henry D. Phillips from R-5 to P-R at 2020 Hannah's Mill Road. The property is more referred to as being found on Tax Map 042B Parcel 072C, also found on pages 29 & 29C of 172 (Maps 49 & 52) of the Official Zoning Map of Upson County.

Chairman



Upson County Board of Commissioners

**AMENDED DEVELOPMENT PLAN FOR 12.406 ACRES OWNED  
BY HENRY DURELL PHILLIPS**

This document shall be considered as the amended development plan for the Planned Development - Residential located on the easterly side of Hannah's Mill Road in Land Lot No. 266 of the 10th Land District of Upson County, Georgia shown and designated as Tract "C" on that certain plat of survey of record in Plat Book 27, page 206, in the Office of the Clerk of Superior Court of Upson County, Georgia. This property will be used as a manufactured home community.

Please find attached to this plan the following documentation required by the Upson County Zoning Ordinance for Planned Developments - Residential;

(1) Attached to this plan is a drawing showing the location of two occupied manufactured homes labeled A and B on the site plan and pads for 6 additional homes labeled C, D, E, F, G and H and the approximate location of all roadways, parking pads, proposed and existing security lights, septic tanks and water lines. The present zoning of the property is R-5 as is the bounding properties to subject tract.

(2) A metes and bounds description of the subject property is attached hereto.

(3) All areas to be rededicated or those reserved for public use are indicated on the attached drawing. A copy of a topographic map showing the elevation and contour of the property is attached.

(4) There are no community facilities or public facilities such as schools and parks located on the site including the area reserved for future development.

(5) A written statement of intent to develop.

(6) The development standards existing or to be used for the proposed PR development are as follows:

(a) As can be seen from the attached contour map of subject property said tract is level but slopes gently to the center of the 6.2 acres and surface water run off drains down through the center of the property and runs under the road through a pipe which then drains the water away from the tract in a southeasterly direction into a wooded area southeast of said property. There is almost no slope to the property so no drainage hazards are created on the property. The site is not exposed to objectionable smoke, noise, odors, or other adverse conditions and no part is subject to flooding or erosion.

(b) The internal streets are paved and have a width of 20 feet. No on street parking is permitted in the development. The streets in the development come to a dead end and do not have a turn around with a paved diameter of 80 feet. The petitioner requests that the requirement for the 80 foot turn around be waived.

(c) Outdoor lighting which will provide the average lighting required by the Upson County Zoning Ordinance is now in place and existing light poles are shown on the location map attached to this plan as a yellow dot. Bulbs placed in

said lights will satisfy the requirements of the Upson County Zoning Ordinance which requires 10 foot candle illumination in some areas and 20 foot candle illumination in other areas.

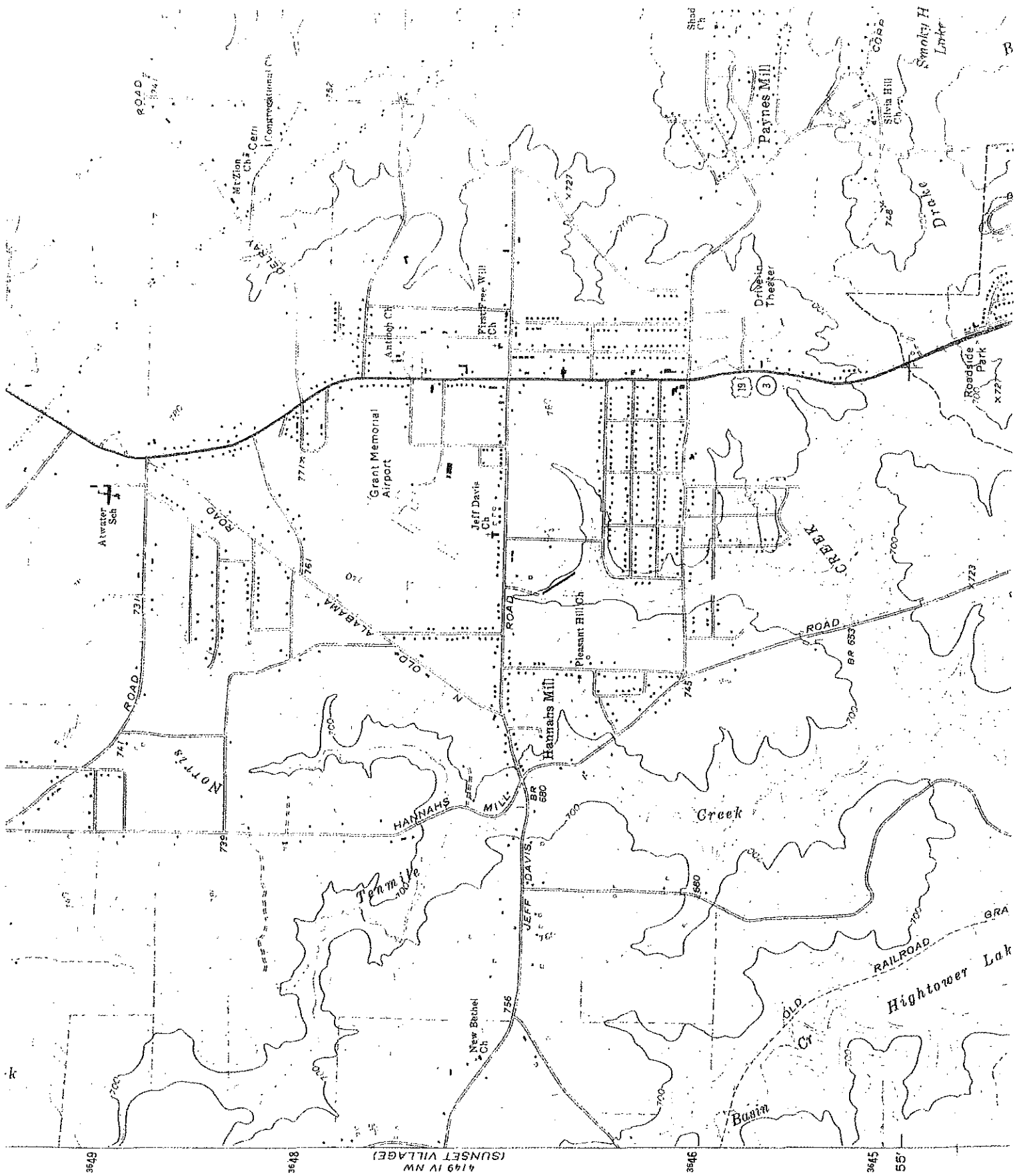
- (d) All streets within said development are currently paved with concrete. None of the streets have an existing grade which exceeds a minimum of 1%.
- (e) Paved off street parking is provided for the use of residents. There are at least two spaces for each lot unit which is furnished and the residents parking is located at the manufactured home space it serves. The parking pads are designated as number 1 thru 5 and 7 thru 10 on the attached site plan and the size of the pads are attached to the site plan.
- (f) Parking areas for guests are either in a separate off street lot or adjacent to the manufactured home they serve. There are at least 0.2 paved guest parking spaces per dwelling unit.
- (g) The development shall have safe, convenient, all season pedestrian access in adequate width for intended use. Walks must be durable and convenient to maintain. Sudden changes in alignment and gradient should be avoided. Common walks, where provided, should be at least 3½ feet wide. All 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. Some of these walks presently exist in the park and others will be provided when additional homes are placed on the property.
- (h) Service buildings, recreational buildings and other such facilities of the development must meet the requirements of applicable codes and development regulations adopted by Upson County when they are constructed.
- (i) There should be 300 sq. feet of open space for each dwelling unit which can either be satisfied in one large area or several separate areas. Eight units require 24,000 sq. feet. The common area on the site drawing is 35,280 sq. feet and therefore satisfies the code requirement.
- (j) All requirements of Georgia Rules and Regulations for Manufactured Housing must be met by the Planned Manufactured Home Community. All manufactured homes in the development must be installed in accordance with Georgia Rules and Regulations for Manufactured Housing.
- (k) The maximum density for manufactured housing in the planned area should be seven units per acre where central sewage and water is provided. Where central sewage 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. The planned area has only 1.29 units per acre which meets the code requirement.
- (l) Minimum separation of dwelling units in the planned development shall be 25 feet.

- (m) The minimum manufactured home space area shall be 6,000 sq. feet per home.
- (n) Prior to the additional six homes being added, owner will adopt and implement covenants and agreements which govern the use of the homes in the community and the use of parking areas and common space.
- (o) The maximum manufactured home space coverage is 50% and that is currently being met and will be met as proposed.
- (p) The minimum manufactured home space front yard is 20 feet and is being met and will be met as additional homes are added.

## LEGAL DESCRIPTION OF 12.406 ACRE TRACT

TRACT NO. 1 (Developed 6.20 Acres): All that tract or parcel of land, together with all improvements thereon, containing 6.20 acres, situate, lying and being on the easterly side of Hannah's Mill Road in Land Lot No. 266 of the 10th Land District of Upson County, Georgia, being more particularly described as follows, to-wit: Begin at an iron pin located at the northwest corner of Tract "C" as shown on that certain plat of survey of record in Plat Record 27, page 206, in the Office of the Clerk of the Superior Court of Upson County, Georgia, which said plat is by this reference incorporated herein in aid of this description and from said point run thence north 81 degrees 18 minutes 17 seconds east a distance of 293.08 feet to an iron pin; run thence south 80 degrees 31 minutes 38 seconds east a distance of 278.58 feet to an iron pin; run thence in a southeasterly direction to an iron pin located at the northeast corner of property now or formerly belonging to Donald L. Wilborn and Evelyn C. Wilborn (see Deed Book 244, page 369 and Plat Record 7, page 99, said Clerk's Office); run thence in a northwesterly direction along the northerly boundary of said Wilborn property north 87 degrees 47 minutes 24 seconds west a distance of 693.37 feet to an iron pin located on the easterly right of way line of Hannah's Mill Road; and run thence north 02 degrees 44 minutes 07 seconds east a distance of 390.57 feet to the point of beginning.

TRACT NO. 2 (Future Development 6.21 Acres): All that tract or parcel of land, together with all improvements thereon, containing 6.21 acres, situate, lying and being in Land Lot No. 266 of the 10th Land District of Upson County, Georgia, being more particularly described as follows, to-wit: Begin at an iron pin located at the northeast corner of property now or formerly belonging to Donald L. Wilborn and Evelyn C. Wilborn (see Deed Book 244, page 369 and Plat Record 7, page 99, in the Office of the Clerk of the Superior Court of Upson County, Georgia) and run thence south 87 degrees 51 minutes 03 seconds east a distance of 332.17 feet to an iron pin; run thence south 87 degrees 51 minutes 03 seconds east a distance of 332.17 feet to a point in the centerline of Norris Creek; run thence along the centerline of said creek the following courses and distances: north 23 degrees 26 minutes 37 seconds east 24.71 feet; north 27 degrees 01 minutes 53 seconds west 64.02 feet; north 77 degrees 33 minutes 06 seconds east 39.22 feet; north 31 degrees 06 minutes 43 seconds west a distance of 51.22 feet; north 37 degrees 38 minutes 20 seconds west 103.38 feet; north 15 degrees 16 minutes 30 seconds east 47.51 feet; north 14 degrees 46 minutes 53 seconds west 75.44 feet; north 38 degrees 18 minutes 17 seconds west 64.34 feet; and north 27 degrees 07 minutes 10 seconds west 26.41 feet; thence leaving said creek and run thence north 85 degrees 30 minutes 26 seconds west a distance of 365.12 feet to an iron pin; run thence north 88 degrees 59 minutes 04 seconds west a distance of 278.58 feet to an iron pin; and run thence in a southeasterly direction to an iron pin located at the northeast corner of said Wilborn property and the point of beginning.



APPROVED BY BoC  
MAY 9, 2017

## **INTENT TO DEVELOP**

The property to be rezoned is presently owned by Henry Durell Phillips, but he is in the process of selling said property to his sister. The property consists of 12.40 acres, 6.2 acres of which is currently developed and 6.21 acres of which is reserved for future development. The developed portion of said tract currently has two manufactured homes occupied on it with pads and utilities available for six additional manufactured homes. This property is surrounded by residential tracts zoned R-5 and if said six homes were placed on the property the density would be 1.29 units per acre which is far less than the seven units per acre allowed by the Upson County Zoning Ordinance. The additional six homes to be placed on said property will be owned by the owner of the manufactured home community and would be added over a period of five years. The residents targeted for this community would be older adults and retirees.

**ADDITIONAL AMENDMENT TO DEVELOPMENT PLAN FOR 12.406 ACRES OWNED  
BY HENRY DURELL PHILLIPS**

Paragraph (6) subparagraph (i) is hereby revised to read as follows, to-wit:

- (i) There should be 300 sq. feet of open space for each dwelling unit which can either be satisfied in one large area or several separate areas. Eight units require 2,400 sq. feet. The common area outlined in yellow on the site drawing is 17,280 sq. feet and therefore satisfies the code requirement.