

# ORDINANCE NO. 267

AN ORDINANCE OF UPSON COUNTY, GEORGIA AMENDING THE UPSON COUNTY ZONING ORDINANCE OF THE CODE OF UPSON COUNTY; AMENDING THE DEFINITIONS OF CLASS A AND CLASS B MANUFACTURED HOMES; ESTABLISHING OTHER DEFINITIONS; ESTABLISHING MINIMUM CONDITION AND INSPECTION STANDARDS FOR PREVIOUSLY-INHABITED MANUFACTURED HOMES; ELIMINATING MANUFACTURED HOMES FROM THE R-1 AND R-2 ZONING DISTRICTS; ELIMINATING CLASS B MANUFACTURED HOMES FROM THE A-R AND R-5 ZONING DISTRICTS; ELIMINATING CLASS C MANUFACTURED HOMES FROM THE R-5 AND P-R ZONING DISTRICTS; PROVIDING FOR REPEAL/CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

\* \* \* \* \*

WHEREAS, OCGA §36-1-20, empowers County governments to protect and preserve the public health, safety and welfare, through the adoption of ordinances, and

WHEREAS, OCGA Chapter 36-66, The Zoning Procedures Law, recognizes and confirms the authority of local governments to exercise the zoning power and establishes minimum procedures for such; and

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

WHEREAS, such procedures and due notice and due process requirements have been met through public hearings and published and posted notices; and

WHEREAS, manufactured homes have been regulated minimally by Upson County since the adoption of the County Zoning Ordinance in 1995, by Ordinance No 79; and

WHEREAS, it is the purpose and intent of this ordinance to establish certain standards for manufactured homes installed in Upson County which exceed and supplement the minimum construction standards of Georgia's Rules and Regulations for Manufactured Homes (Chapter 120-3-7, as amended) and the current International Residential Code, as amended; and

WHEREAS, the Upson County Board of Commissioners has determined that the proposed ordinance additions meet the required review standards and serve to enhance the public health, safety, morality and/or general welfare of Upson County, Georgia, therefore:

BE IT ORDAINED by the Board of Commissioners of Upson County, Georgia, as follows:

## SECTION ONE

That the Zoning Ordinance of the Code of Upson County, Georgia, is hereby amended to read as follows:

### 1) Section 203. - Housing definitions.

#### S. *Manufactured home, class A:*

1. 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:

- a. The home has a minimum length not exceeding four times its width of sixteen (16) feet.
- b. The pitch of the home's roof ~~has is~~ a minimum 4/12 vertical rise of one foot for each five of to horizontal run, and the roof is finished with a ~~type of shingle that is commonly used in conventional residential construction~~ code compliant materials and construction methods.

c. 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.

d. A curtain wall (skirting)—unpierced except for required ventilation and access, and constructed of ~~either masonry, or a simulated rock, or brick or natural or manufactured stone products other material manufactured for such a purpose~~—is 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 twenty-four inch (24") tall, minimum, crawl space shall be maintained under the home, measured from the lowest structural member.

e. The home shall have permanent landings installed at each doorway. Such landings shall have a minimum area of forty-eight square feet (48 sf). 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.

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

2. 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.

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

T. *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.

a. The home has a minimum width of fourteen (14) feet.

b. The pitch of the home's roof is a minimum 3/12 vertical rise ~~of one foot for each five of~~ to horizontal run, and the roof is finished with a type of shingle that is commonly used in conventional residential construction code compliant materials and construction methods.

c. 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.

d. 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 twenty-four inch (24") tall, minimum, crawl space shall be maintained under the home, measured from the lowest structural member.

e. The home shall have permanent landings installed at each doorway. Such landings shall have a minimum area of forty-eight square feet (48 sf). 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.

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

*Add the following new housing definitions and re-letter accordingly:*

JJ. Skirting: A durable, non-load bearing material which shall enclose the space from the bottom of a manufactured home to grade.

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

Add:

**2) 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:

- (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.

**3) ARTICLE 5. A-R AGRICULTURAL-RESIDENTIAL**

**Section 504. - Permitted uses.**

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

*Delete, renumber accordingly:*

~~3a. Class B manufactured home with a floor area of at least 1,008 square feet.~~

**4) ARTICLE 6. R-1 SINGLE-FAMILY RESIDENTIAL-LOW DENSITY**

**Section 604. - Permitted uses.**

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

*Delete, renumber accordingly:*

~~3. Class A manufactured home with a floor area of at least 2,200 square feet.~~

**5) ARTICLE 7. R-2 SINGLE-FAMILY RESIDENTIAL-MEDIUM DENSITY**

**Section 704. - Permitted uses.**

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

*Delete, renumber accordingly:*

~~3. Class A manufactured home with a floor area of at least 1,008 square feet.~~

**6) ARTICLE 7. R-5 SINGLE-FAMILY RESIDENTIAL-SMALL DWELLING**

**Section 1004. - Permitted uses.**

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

*Delete, renumber accordingly:*

~~4. Class B manufactured home with a floor area of at least 700 square feet.~~

~~5. Class C manufactured home with a floor area of at least 700 square feet may not be moved within Upson County, and must not be brought in from outside of Upson County.~~

**7) ARTICLE 13. - P-R PLANNED DEVELOPMENT—RESIDENTIAL**

**Section 1304. - 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.

**SECTION TWO**

The Zoning Ordinance of Upson County, Georgia is hereby amended by changing the aforementioned established sections and adding new language and sections, and such shall be made 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**

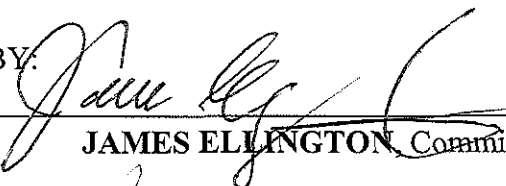
Should any sentence, paragraph or section of this Ordinance be declared to be invalid, for any reason, such declaration shall not affect the validity of any other sentence, paragraph or section of this Ordinance and all such remaining sentences, paragraphs and sections hereof shall remain valid and of 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 12th day of February, 2019.

**BOARD OF COMMISSIONERS  
OF UPSON COUNTY**

BY:   
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NORMAN ALLEN, Chairman

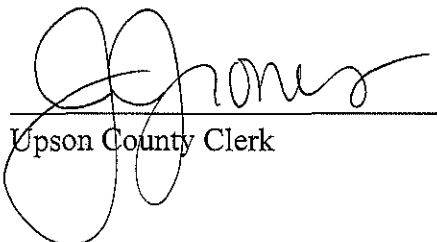
BY:   
\_\_\_\_\_  
LORENZO WILDER, Vice Chairman

BY:   
\_\_\_\_\_  
JAMES ELLINGTON, Commissioner

BY:   
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PAUL JONES, Commissioner

BY:   
\_\_\_\_\_  
BENJAMIN WATSON, Commissioner

ATTEST:

  
\_\_\_\_\_  
Upson County Clerk

