

Chapter 44 - LAND USE

FOOTNOTE(S):

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**Cross reference**— Environment, ch. 30; floods, ch. 34; manufactured homes and trailers, ch. 46

ARTICLE I. - IN GENERAL

Secs. 44-1—44-30. - Reserved.

ARTICLE II. - PARKS FOR RECREATIONAL VEHICLES, MANUFACTURED HOMES, TINY HOMES, MOBILE HOMES AND ALTERNATIVE HABITABLE STRUCTURES, INCLUDING CAMPGROUNDS

DIVISION 1. - GENERALLY

Sec. 44-31. - Introduction.

The term "RV" shall be used in all instances to mean recreational vehicle. The term "AHS" shall be used in all instances to mean Alternative Habitable Structure. The term "park" shall be used to mean an RV park; manufactured home or mobile home park; park model RV park; AHS park; tiny home park or campground, unless stated otherwise. (See definitions in section 44-35)

(Ord. No. O—2004-001, Art. 1, 4-15-2004)

Sec. 44-32. - Purpose.

The purposes of this article are:

- (1) To promote the general health, welfare, and safety of the citizens of Union County;
- (2) To preserve, protect, and enhance the aesthetics of the county's natural resources and scenic beauty;
- (3) To minimize negative impacts of incompatible uses and higher density developments on neighboring properties;
- (4) To regulate development of RV parks; manufactured home and mobile home parks; park model RV parks; AHS parks; tiny home parks and campgrounds, (parks) in the county in order to provide suitable sites of well-planned and environmentally compatible developments consistent with the county's adopted comprehensive land use plan; and
- (5) To provide appropriate locations for RVs, manufactured homes and mobile homes, park model RVs, AHSs, tiny homes and campgrounds within the county.

(Ord. No. O-2004-001, Art. 1, Sec. 1, 4-15-2004)

Sec. 44-33. - Principles.

Parks shall possess the following characteristics:

- (1) Front on arterial roads of sufficient capacity to carry anticipated traffic.
- (2) Preserve existing topography and vegetation wherever possible.

(Ord. No. O-2004-001, Art. 1, Sec. 2, 4-15-2004)

Sec. 44-34. - Applicability.

- (a) The requirements of this article shall apply to the development of any land within Union County as a park, as defined herein.
- (b) All campgrounds and parks, which have three or more lots (see definition), whether the sites or lots are primitive, walk-in, transient only, or are offered for sale or rental, are subject to the requirements of this article, but development of specific campgrounds may be excluded from certain portions of the regulations when, in the opinion of the governing authority, application of the regulations would serve no reasonable purpose or not be in keeping with the intent of this article. Unrestricted residential sites are limited to one dwelling and one secondary dwelling per parcel. The dwellings may be any combination of house, garage apartment, RV, manufactured home, mobile home, AHS, tiny home or park model RV which meet specifications determined by the Department of Health and are not part of a common development, campground, park or similar type development that has covenants or restrictions regulating this.

(Ord. No. O-2004-001, Art. 1, Sec. 3, 4-15-2004)

Sec. 44-35. - Definitions.

Accessory building to a principal use means a structure intended for other than dwelling purposes located on the same parcel as a principal use. Such uses would include, but not be limited to shed, pavilion or carport, with or without a permanent foundation, and without water or septic hook-ups, located on the same parcel as a principal use.

Accessory building to development means a structure intended for a purpose other than dwelling intended to serve the entire development. Such a building would include, but not be limited to community storage areas, laundry facilities, recreation halls, and maintenance shops.

Alternative Habitable Structure(AHS) means structures that are used for transient or temporary occupancy; with or without utility connections; intended for sleeping purposes; not limited to size; that do not conform to standard dwelling structures and may include but not be limited to geodesic domes, yurts, glamping units and platforms associated with similar type camping shelters.

Buffer means the area immediately within the external property lines which is intended as an open transitional area between the development and adjacent land use. A buffer may be an area of natural vegetation or man-made construction, which is intended to provide a visual and dimensional separation adjacent to roads and adjoining properties. Natural existing vegetation shall be used for buffer requirements wherever possible.

- (1) Natural buffer. A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.
- (2) Structural buffer. A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be

supplemented with vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.

Campground means a parcel of land or multiple contiguous parcels, developed and designated for RVs, AHSs and other forms of camping and camping equipment, for short term, temporary, seasonal, permanent or transient occupancy by three or more lots in a density of 0.20 acres or greater per RV or tent lot and in a density of 0.33 acres or greater per AHS, tiny home or park model lot. The lot size does not include roads, common areas, or any other property designated as principal use. Only one camping dwelling is allowed per lot. The term shall include all associated services, facilities, utility hook ups and accessory structures.

Developer means a person, (or persons, including a corporation or any other entity,) who improves, subdivides, changes, or transforms land.

Development means the improvement, subdividing, changing or transformation of land.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. (See section 34-32)

Governing authority means the county commissioner or his designee.

Light pollution, light trespass means light that spills over from one property to the next and invades the privacy or peacefulness of neighboring properties.

Lot means the individual space or piece of land with or without utility hookups where a single RV, manufactured home, mobile home, AHS, tiny home or park model RV is parked or located.

Manufactured home means a dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq., which first became effective on June 15, 1976. The term "manufactured home" includes a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width and 40 body feet or more in length, or when erected on site, is 399 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating and air conditioning and electrical systems contained therein; except that such term includes any structure which meets all the requirements of this definition except the size requirement and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the national Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401, et seq.

Manufactured home park means a parcel of land or a subdivided parcel having or being planned to have the placement of at least two manufactured homes or mobile homes to be used as dwelling units, operated under uniform rules and regulations in a minimum density of 0.75 acres for lots serviced by a public water source or 1.5 acres for lots serviced by private well. The lot size does not include roads, common areas, or any other property designated as principal use. The term shall include services, facilities, and structures associated with the park.

Mobile home means a dwelling manufactured prior to June 15, 1976, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 399 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities including the plumbing, heating, air-conditioning, and electrical systems contained therein.

Park is a general term used in this article for an RV park, manufactured home park, park model RV park, AHS park, tiny home park or campground. This development is intended for the construction of facilities for servicing the lots on which the RVs, manufactured homes, AHSs, tiny homes or park model RVs are to be affixed, including at a minimum, the installation of utilities and the construction of roads.

Park model RV means a standard term in the RV industry for an RV used for recreational, seasonal, or permanent occupancy built on a single chassis, mounted on wheels for transport to a permanent or semi-

permanent location, having a gross trailer area not exceeding 400 square feet in the set-up mode, with or without RV holding tanks, with 110-volt power only, and designed to be temporarily or permanently connected to utilities.

Permanent residency means occupying the dwelling on the same lot overnight for more than 180 consecutive nights.

RV park means a parcel of land, or multiple contiguous parcels, designated for RVs, and park model RVs, and tiny homes, for short term, temporary, seasonal, or transient occupancy by three or more RVs in a greater density than 0.75 acres per RV. The term shall include all associated services, facilities, utility hookups, and accessory structures.

Recreation area means space within a park having open area and/or recreational equipment to be used for the leisure activities of residents of the development.

Recreational vehicle means an RV; camper, camping trailer, fifth-wheel trailer, travel trailer, house car, motor home, trailer bus, trailer coach, truck camper, or similar vehicle, built on a single chassis, of 399 square feet or less, with sewer and waste water holding tanks, with or without automotive power, designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

Setback means the shortest straight-line distance between a street right-of-way or lot line and the nearest point of a structure or building or projection therefrom (excluding roof overhangs of 18 inches or less), measured at 90 degrees to the street or lot line.

Site means the place, land, or real property where development of a park or campground is located or proposed.

Stream buffer means the area of land immediately adjacent to the banks of state waters which in its natural state of vegetation facilitates the protection of water quality and aquatic habitat, defined for trout streams as 50 feet, and for other streams 25 feet, per the regulations of Chapter 30, Environment, and the Georgia Environmental Protection Division.

Tiny home means a dwelling unit that is 400 square feet or less in floor area excluding lofts, porches or decks. Tiny homes may be manufactured (mobile) homes, residential (modular) industrialized buildings or site-built dwellings. Tiny homes have a minimum room size of 70 square feet and are required to comply with the applicable International Residential Code (IRC), International Plumbing Code (IPC), International Energy Conservation Code (IECC), National Electrical Code (NEC), respective Georgia Amendments and any other applicable building codes

Underpinning means material built around or placed between the ground and the bottom of a manufactured home, which serves to screen the underside from view.

Viewshed means any land that derives all or part of its value from the scenic view provided by that property and shall include, but not be limited to, land with views that are impacted by development at higher or lower elevations.

(Ord. No. O-2004-001, Art. 1, Sec. 4, 4-15-2004)

Secs. 44-36—44-55. - Reserved.

## DIVISION 2. - SITE CONDITIONS AND SITE PLANNING

Sec. 44-56. - Site conditions.

A park shall not be located on land that is subject to public health and safety hazards, nor in any area prohibited under federal, state, or local law. The condition of the soil, ground water level, drainage, rock formations, and topography must be appropriate for the use intended.

(Ord. No. O-2004-001, Art. 2, Sec. 1, 4-15-2004)

Sec. 44-57. - Site planning.

(a) In general.

- (1) Planning for parks should be adapted to individual site conditions, the type of use planned, reflect advances in site planning techniques, and shall provide for facilities and amenities appropriate to the needs of the occupants.
- (2) Through the use of buffers and compliance with other requirements of this article, the proposed site (or future park expansion) shall have minimal adverse impact on the surrounding properties and the natural environment of the community.
- (3) Parks shall be developed to protect hillside and ridgelines and to minimize the effect of the project on the hillside terrain and natural viewsheds.

(b) Guidelines. The site design of the proposed development shall conform to the following:

- (1) Design the development to adapt to the natural hillside topographical terrain.
- (2) Concentrate development on areas of the site and lot with less than 25 percent grade to the greatest extent possible.
- (3) Avoid development that would primarily impact significant natural features and instead direct potential development to the least sensitive portions of the site.
- (4) Every effort shall be made in the design, layout, and construction of the development to incorporate and preserve existing vegetation.
- (5) RV parks and campgrounds may be developed to provide more than one type of camping site or lot in the same park. When uses are mixed, the highest, or strictest, standards shall apply to development of the entire park.

(Ord. No. O-2004-001, Art. 2, Sec. 2, 4-15-2004)

Sec. 44-58. - Expansions of and modifications to existing parks.

Any proposed expansion of or addition to an existing park shall require full compliance with the requirements of this article without a variance from the governing body.

(Ord. No. O-2004-001, Art. 2, Sec. 3, 4-15-2004)

Secs. 44-59—44-80. - Reserved.

DIVISION 3. - PERMITS

Sec. 44-81. - Permitting process.

(a) Application required. The applicant for a park shall submit an application on the forms as provided by the governing authority, including a site plan as outlined below, for approval of a permit prior to any construction or land disturbance. No permits will be issued until the governing authority shall have approved a site plan in conformity with all the provisions of this article. A pre-development conference is recommended to ensure that the proper steps will be followed. The application and preliminary plans shall include at least the following:

- (1) Name, address of developer and names of principal professional personnel involved in plan preparation.

- (2) Legal description of development site.
  - (3) Area of proposed development measured in acres and square feet.
  - (4) Percentage of the total area to be set aside for use in common or recreational areas.
  - (5) Number and sizes of spaces or lots intended for the development.
  - (6) Any intentions for phasing the project **with a projected timeline.**
- (b) Site plan requirements.
- (1) A drawing to scale of not less than one inch to 50 feet and a contour interval = five feet maximum, showing all land uses in the periphery of the development and all public and private roads within 300 feet of the development. Development area is to be distinctly shown on the site plan.
  - (2) The site plan must bear the seal of a Georgia licensed and registered professional engineer, surveyor, architect, or landscape architect.
  - (3) A proposed plan to protect the hillside and ridgelines and to minimize the effect of the project on the hillside terrain.
  - (4) Plans for all roads, bikeways and walkways, showing width and separation distances and their relationship to similar facilities outside the boundaries of the proposed development. Access and entrance plans must be shown.
  - (5) Location of all open space and recreational areas, if any.
  - (6) Location of all existing and proposed structures; location of all lots or spaces and location of major areas intended for use in common.
  - (7) A conceptual plan to scale of landscaping and buffer plans indicating type of vegetation and general extent of plantings and a statement regarding the proposed maintenance program.
  - (8) Location of all lake and stream buffers, floodways, flood zones A, flood zones AE and Mountain Protection areas must be indicated on site plan.**
- (c) Other plans; required. The following plans are required as part of the permit application:
- (1) Lighting plan;
  - (2) Drainage plan;
  - (3) Utility plan including sewage disposal plan; and
  - (4) Any other plans and submissions required to meet the provisions of this article.

(Ord. No. O-2004-001, Art. 3, Sec. 1, 4-15-2004)

Sec. 44-82. - Approvals; required.

- (a) Conformance with laws. No permit will be issued until compliance with all other local, state, and federal laws has been assured, including but not limited to: Soil erosion and sedimentation control ordinance, water supply watershed protection ordinance, mountain protection plan ordinance, wetland protection plan, river corridor protection plan ordinance, flood ordinance, the Georgia Planning Act, the E-911 system, manufactured homes and trailers ordinance, and all laws pertaining to highway access.
- (b) Sewage disposal and water supply. No permits will be issued until the necessary approval is obtained from the county and/or state health department or Georgia Environmental Protection Division for sewage disposal and water supply. All proposed and required water sources and sanitary facilities shall conform with the requirements of the state department of human resources, public health division; the state department of natural resources, water supply section; and the state environmental protection division; and any other regulatory agency having jurisdiction and control.
- (c) Flood regulations.

- (1) No RVs, manufactured homes, mobile homes, park model RVs, AHSs, tiny homes or any camping vehicles whatsoever may be located in a floodway. As provided herein, all parks are subject to the provisions of Chapter 34, Floods, and its provisions must be strictly adhered to, including but not limited to, all structures and utilities must be located outside of the flood zone or elevated to meet current flood elevation standards. Where required, a certified elevation certificate must be provided prior to a final inspection of any structure.
- (2) Stream buffer requirements must be provided for and adhered to in accordance with Union County Ordinances and Georgia law.
- (d) Electric power, construction, grading. No electric power may be connected to a proposed park, and no construction, grading or land clearing may take place until a building permit and a land-disturbing permit have been issued by the county.
- (e) Impact on surrounding properties. A site for a proposed park will be subject to disapproval and a permit will be denied if both of the first two conditions exist:
  - (1) There are 25 homes, farms, or platted sub-division residential parcels located within a one-half-mile radius of the proposed park. The one-half-mile radius shall be measured from the park's outer boundaries, and;
  - (2) Fifty percent of those dwellings or residential parcels would be adversely affected by the development of a park. To be adversely affected, a dwelling would not be sufficiently screened by the required buffer and would have a view of some or all of the planned structures in the park as it is designed and proposed.
  - (3) As part of the site plan, an applicant shall be required to provide the necessary information on surrounding properties to determine whether the provisions of subsections (1) and (2) above would apply. If these provisions apply, then the governing authority shall determine whether dwellings or residential parcels would be adversely affected, as described.
  - (4) In any case where the property proposed to be developed as a park has been owned continuously by the same family for 35 years or more, whether it was obtained by purchase or inheritance, without intervening transfers of ownership other than between grandparents, parents, and children, then the governing authority may modify the above requirement if it can be shown that there will be minimal impact on adjacent residential properties, and if the above described owner or family will be the sole developer without the involvement in any way of additional, silent, straw, or minority partners of any kind. Any abuse of this exemption shall constitute a violation of this article and will require that the park be brought into full compliance with all of the requirements of this article.

(Ord. No. O-2004-001, Art. 3, Sec. 2, 4-15-2004)

Sec. 44-83. - Residency.

- (a) Permanent residency in campgrounds and RV parks where lots are not individually owned shall not be allowed. It is the responsibility of the park to monitor residency in each park.
- (b) The presence on an RV lot of external propane or other fuel tanks other than those supplied by the manufacturer of the RV is prohibited.
- (c) The governing authority shall be authorized to investigate for evidence of full-time residency in RV parks and take such action as necessary to enforce this section.

(Ord. No. O-2004-001, Art. 3, Sec. 3, 4-15-2004)

Sec. 44-84. - Application and fees.

A development application fee and schedule of development permit, review, and inspection fees, which are hereby required under this article, shall be established by and promulgated by the governing authority.

(Ord. No. O-2004-001, Art. 3, Sec. 4, 4-15-2004)

Secs. 44-85—44-105. - Reserved.

#### DIVISION 4. - GENERAL DEVELOPMENT

Sec. 44-106. - Site plans.

Landscape, buffers, screening, and lighting plans, shall be submitted as a required part of a site plan when applying for a permit to develop a park. These plans, which must be approved by the governing authority, shall be designed to minimize all negative impacts of the proposed development on the adjacent properties, including light pollution, light trespass, and negative impact on the viewshed, in accordance with the requirements of this article. No changes may be made to these plans after the site plan is approved without prior written approval of the governing authority.

(Ord. No. O-2004-001, Art. 4, 4-15-2004)

Sec. 44-107. - Utilities.

All parks shall be served by approved public or community water and public sanitary sewer or community sewage or septic system, and electricity. All parks must be equipped with fire hydrants not exceeding every 1000 feet along roadways supplied by approved water source from Union County Fire Department.

(Ord. No. O-2004-001, Art. 4, Sec. 1, 4-15-2004)

Sec. 44-108. - Acreage, lot, and distance requirements.

- (a) Each park shall have a minimum of five contiguous acres with a maximum of twenty acres of total contiguous property that can be developed. Additional acreage, if any, shall remain as undisturbed open space and buffer. The governing authority may but is not required to consider granting a variance permitting development of additional acreage.
- (b) No permit shall be issued for any park within a one-mile radius of other proposed or existing parks without a variance from the governing body.
- (c) In any case where the property proposed to be developed as a park has been owned continuously by the same family for 35 years or more, whether it was obtained by purchase or inheritance, without intervening transfers of ownership other than between grandparents, parents, and children, then the above one-mile radius prohibition may be, but is not required to be, reduced if it can be shown that there will be minimal impact on adjacent residential properties, and if the above described owner or family will be the sole developer without the involvement in any way of additional, silent, straw, or minority partners of any kind. Any abuse of this exemption shall constitute a violation of this article and will require that the park be brought into full compliance with the one-mile radius requirement.
- (d) No more than one principal building (RV, manufactured home, trailer, AHS, tiny home or park model RV) shall occupy any individual lot. Once the site has been subdivided and a plat recorded, there shall be no further sub-division of the platted lots.

- (e) No commercial or retail establishments will be allowed to operate on an RV lot, manufactured home or mobile home lot; park model RV lot, **AHS lot, tiny home lot** or on a campground lot, site, or space, ~~nor shall any time-share arrangements be allowed~~. This is excluding short-term rentals that have a valid license for short-term rental through the Union County Government.

(Ord. No. O-2004-001, Art. 4, Sec. 2, 4-15-2004)

Sec. 44-109. - Access.

(a) Entrance design.

- (1) One double-faced sign, of no greater dimensions than eight feet by eight feet, may be placed at the single park entrance road.
- (2) One light aimed at each side of an allowed sign at the entrance shall be allowed so long as all the other requirements of this article are met.
- (3) Access to the park must be from a public road that meets all county safety standards, including width, construction design standards and sight distance standards recommended and used by AASHTO (American Association of State and Highway Transportation Officials) based on the posted speed limits.
- (4) A developer shall be required to improve to county standards any county road accessing a park if the road is judged to be unsafe or inadequate for a park's proposed design and use. This may include widening or paving the county road, **relocating or adding utilities and adding deceleration lanes, acceleration lanes and turning lanes.**
- (5) **A Knox box is required to be located at any gated entrance to the park to allow for emergency access.**
- (6) The governing authority shall deny approval of any entrance plan determined to be a safety hazard or that does not meet these standards.

(b) Interior circulation.

- (1) All interior roads and driveways in all parks shall be connected to **at least** one main entrance road into the park **and one main exit**. Access to all lots shall be from within the park and in no case from any public road, street or highway.
- (2) All privately maintained roads within all parks must be sufficient in the judgment of the governing authority to allow proper access for emergency vehicles.
- (3) All road signs and lot identification numbers must be sufficient for and meet the requirements of the county's E-911 system.
- (4) **All interior roads shall be a minimum width of 19 feet with a 6 inch depth of base gravel. The maximum grade on roads shall be 16 percent, provided, however, that any grade in excess of 12 percent shall be paved. Road shoulders and slopes shall have a minimum 15 inch culvert installed set at a grade to prevent undue flooding.**
- (5) **All bridges must be designed and approved by a Georgia licensed engineer to meet 20 ton weight capacity.**

- (c) **Parking. All off-street parking areas shall have direct access to an interior road. All parking must be in designated parking spaces. No parking allowed on roads.**

(Ord. No. O-2004-001, Art. 4, Sec. 3, 4-15-2004)

Sec. 44-110. - Lot sizes parks for recreational vehicles, manufactured homes, tiny homes, mobile homes and alternative habitable structures, including campgrounds

Required buffers may be included in total acreage in computing number and sizes of lots. Community buildings or other structures requiring sewer/septic hookups shall require separate approval, and whatever minimum acreage required for any of those buildings shall not be included in the acreage used to calculate the number of lots per acre. **Only one dwelling permitted per lot.**

- (1) **Manufactured homes and mobile homes: At least 0.75 acre minimum lot size for each lot if connected to a public water source or 1.5 acres minimum lot size for each lot if connected to a well.**
- (2) **Park model RVs, AHSs and tiny homes: At least 0.33 acre minimum lot size for each lot.**
- (3) **RVs: At least 0.20 acre minimum lot size for each lot.**
- (4) **Lots must be a minimum of 35 feet wide at narrowest width to allow for proper fire separation. Each lot must have at least a 5 foot border of green space on both sides and the back side of the lot.**

(Ord. No. O-2004-001, Art. 4, Sec. 4, 4-15-2004)

Sec. 44-111. - Setbacks.

- (a) All permitted structures and **lots** within a park shall have a required minimum setback of 300 feet from the edge of U.S. Highways 19/129, **and State Highway 60, State Highway 180, State Highway 325, State Highway 348 and State Highway 515.**
- (b) **For U.S. Highways 19/129, and State Highway 60, State Highway 180, State Highway 325, State Highway 348 and State Highway 515, if unless it can be shown that a lesser setback would have a minimal impact on the viewshed and public safety** ~~In that event,~~ the governing authority may determine an allowable setback of less than 300 feet but no less than the 50 feet required in the following subsection.
- (c) All permitted structures **and lots** within a park shall have a required minimum setback of 50 feet from the edge of any other public road right-of-way and from any perimeter property line, except as otherwise provided in this article.
- (d) Campsites **or lots** in campgrounds, RV parks, **park model RV parks, tiny home parks and AHS parks** must be set back **a minimum of 100 feet from any existing residence. Lots must be set up so that all parking pads and structures, temporary or permanent, are at least five feet from all property lines including slide-outs on RVs.**
- (e) In any case where the property proposed to be developed as a campground or RV park has been owned continuously by the same family for 35 years or more, whether it was obtained by purchase or inheritance, without intervening transfers of ownership other than between grandparents, parents, and children, then the governing authority may reduce the width of the above 100-foot setback to 50 feet if it can be shown that there will be minimal impact on adjacent residential properties, and if the above described owner or family will be the sole developer without the involvement in any way of additional, silent, straw, or minority partners of any kind. Any abuse of this exemption shall constitute a violation of this article and will require that the park be brought into full compliance with all of the requirements of the preceding subsection.

(Ord. No. O-2004-001, Art. 4, Sec. 5, 4-15-2004)

Sec. 44-112. - Structures.

- (a) Community buildings. As part of the overall development plan, community buildings, such as laundries, leasing offices, recreational facilities, and convenience retail sales space may be approved as part of the development. The following restrictions apply:

- (1) A manufactured home may not be used as an accessory building in a park.
  - (2) Convenience retail sales space may be provided within an accessory building in the park.
  - (3) All structures shall be located subject to the required setbacks and shall otherwise meet all codes and legal and health requirements.
  - (4) Building permits and inspections are required for all community buildings regardless of size.
- (b) Accessory structures. One accessory structure, which shall not be used for permanent or temporary habitation, shall be permitted per lot in accordance with the following schedule:
- (1) An accessory structure of no more than 300 square feet (measured using exterior measurements) for manufactured home, and mobile home, and trailer lots and;
  - (2) An accessory structure of no more than 150 square feet (measured using exterior measurements) for RV, park model RV, tiny home and AHS lots.
  - (3) Building permits and inspections are required for all accessory structures regardless of size.
- (c) Restrictions in park model RV parks, AHS parks and tiny home parks. In park model RV parks, AHS parks and tiny home parks, only new park model RVs, AHSs or tiny homes shall be allowed, as follows:
- (1) Each park model RV, AHS or tiny home coming into a park at any time must be titled to the original owner, or if titled as new in the name of the developer, dealer, or sales representative, may then be transferred one time to the ultimate owner; and;
  - (2) Each park model RV, AHS or tiny home coming into a park at any time may not have been previously occupied or lived in.
  - (3) Each park model RV, AHS or tiny home must be inspected or certified by an approved source as determined by the Union County Building & Development Department prior to being set on the property.

(Ord. No. O-2004-001, Art. 4, Sec. 6, 4-15-2004)

Sec. 44-113. - Lighting requirements.

- (a) Except as otherwise provided, all outdoor lighting shall be located at least ten feet from a property line and not within a perimeter buffer.
- (b) Lighting shall be located, aimed, and shielded so that it is focused away from adjoining properties and the right-of-way. Lighting should be focused downward in order to avoid light trespass, glare and light pollution. Levels of illumination should be appropriate for the security of the area without having an adverse impact on adjacent properties.
- (c) No flashing, moving, neon, or animated lights shall be allowed.
- (d) Lighting requirements shall apply to all individual lots as well as to the common areas, parking lots, community buildings, and recreation areas.

(Ord. No. O-2004-001, Art. 4, Sec. 7, 4-15-2004)

Sec. 44-114. - Landscaping.

- (a) At least ~~one evergreen~~ three separate 3 foot tall trees shall be planted and continuously maintained on each lot. One of the trees must be a 3 foot tall evergreen tree that shall be

planted and continuously maintained at 6 foot tall or higher within three growing seasons on each lot.

- (b) No more than 70 percent of the space on each lot shall be non-permeable (paved) area. Each lot must have at least a 5 foot border of green space on both sides and the back side of the lot.
- (c) All exposed ground surfaces in all parts of the park shall be paved, covered with crushed stone, or protected with grass or other vegetative cover that is capable of preventing soil erosion and of eliminating objectionable dust.

(Ord. No. O-2004-001, Art. 4, Sec. 8, 4-15-2004)

Sec. 44-115. - Perimeter buffers.

- (a) Buffers; when required. Buffers are required to be initially created at the time of construction of any new development.
- (b) Width of buffers.
  - (1) A 100 foot buffer shall be required along the entire perimeter of the park unless a variance has been granted by the governing body. Under no circumstances will a variance be less than 50 feet. Except for the entrance road and exit road, the undisturbed buffer shall be planted with evergreen trees, vegetation, and shrubs, sufficient to screen the park from and to mitigate the negative effects of the park on the surrounding properties.
  - (2) In those instances where a pre-existing single-family or farm dwelling is adjacent to the park development and the dwelling is within 100 feet of the property line, the required buffer shall be 100 feet along all adjacent property lines within 100 feet of the dwelling unless a variance is granted by the governing body. Under no circumstances will a variance be less than 50 feet.
  - (3) Where the site of a proposed park already has a natural buffer, and a developer utilizes and preserves that existing buffer, then the width of the required buffer may be reduced in whole or in part, so long as it is at least 50 feet in width and is of sufficient width and density to provide the required screening.
- (c) General.
  - (1) Buffer areas shall contain no driveways (except the main entrance and the main exit from the park); parking areas, patios, storm-water detention facilities, or any other structures or accessory uses except for a fence, wall, or earthen berm constructed to provide visual screening required to meet the standards of this article. Underground utilities may be permitted to cross a buffer if the screening standards of this article will be subsequently achieved.
  - (2) Perimeter buffers shall not include any portion of an existing or proposed public or private street, road, or right-of-way.
  - (3) All buffer areas shall be maintained as permitted in their mature planted condition, or restored to that condition if necessary.
- (d) Minimum required screening. Minimum required screening shall consist of a natural buffer utilizing existing vegetation, supplemental vegetation or a structural buffer, whichever provides an opaque visual screen to a height of six feet, or any combination of existing, supplemental or replanted vegetation of a minimum of 3 feet which can reasonably be expected to create an opaque visual screen six feet high within three growing seasons.
  - (1) Subject to approval, composition of the buffer may include a wall, fence, landscaped earthen berm, planted vegetation, existing vegetation, or any appropriate combination of these elements, and should provide a visual screen around the park sufficient to prevent most visual contact from the perimeter of the property and create the impression of total separation.

- (2) The landscape plan shall prohibit clear cutting, and provide for minimal land disturbing, along with protection of the natural terrain.
- (3) Utilization of existing vegetation is always preferred.
- (4) Within the buffer, existing or planted deciduous or evergreen trees shall be spaced no more than 30 feet apart, and evergreen shrubs shall be planted with a spacing of between five to eight feet on center. Shrubs and trees shall be native species or those locally adapted to the area. The natural buffer shall provide an opaque visual screen during all growing seasons of the year.
- (5) New plantings comprising the buffer may be spread across the entire span of the buffer rather than planted in a row, so long as the screening objective is met. Every effort must be made to ensure sufficient maturity within three years to meet the screening requirements.
- (6) Fences and freestanding walls shall present a finished and decorative appearance to the abutting property.

(Ord. No. O-2004-001, Art. 4, Sec. 9, 4-15-2004)

Sec. 44-116. - Requirements for manufactured homes.

In addition to the other requirements of this article, all manufactured and mobile homes in a park shall comply with the following:

- (1) Movement and installation of manufactured homes and mobile homes. The requirements of Chapter 46 of this Code shall apply and be complied with.
- (2) Manufactured home development standards.
  - a. All homes must have a patio, deck, or porch at all entrances to the home of at least four feet by four feet.
  - b. The structure shall be attached to a permanent foundation constructed in accordance with state or federal regulations as applicable.
  - c. Upon placement, all means of transportation, such as towing devices, wheels, axles, and hitches, must be removed, except that if the tongue is part of the main structure and cannot be removed, then it must be covered or camouflaged and hidden from view.
  - d. The ground floor of the structure shall either be a slab foundation or shall be enclosed around the exterior of the structure with a foundation wall or a non-load bearing curtain wall constructed of masonry (stone or brick), cast in place concrete or concrete textured block finished with stucco, or other material designed for this purpose, extending from a properly constructed footing to the bottom of the home, and penetrated by openings only for installed vents and access doors. There may be no more than one access door per side, of at least 30 inches by 30 inches, to access the crawl area.
  - e. The underfloor area must have adequate ventilation of no less than one square foot per 150 square feet of enclosed area.
  - f. All vegetation must be kept removed under the home.
  - g. Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home and shall be installed in accordance with the requirements of the installation of manufactured homes and mobile homes rules and regulations established and published by Georgia Safety Fire Commission. (O.C.G.A. 8-2-169 et seq.)

(Ord. No. O-2004-001, Art. 6, 4-15-2004)

Secs. 44-117—44-135. - Reserved.

## DIVISION 5. - MISCELLANEOUS PROVISIONS

### Sec. 44-136. - Homeowners association.

- (a) Proposed restrictive covenants and by-laws for a homeowners association shall be submitted for approval by the governing authority as a required part of each application for a permit to develop a park where individual lots are intended to be sold rather than retained by the developer or park owner.
- (b) Such associations must include homeowner's declaration and bylaws, including covenants, conditions and regulations applicable to each property in the development.
- (c) The homeowners association shall be formed under the provisions of Article 6 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, which is known as the "Georgia Property Owners' Association Act" (Code 1981, § 44-3-220, et seq. enacted by Ga. L. 1994, p. 1879, § 1).
- (d) The association shall, at a minimum, provide for proper maintenance and management of the parks, and shall prohibit all commercial and retail establishments on any lot within a park. All privately maintained interior streets, roads, drives and utilities, buildings, water system, septic systems, and any other systems or items used by the residents shall be constructed and maintained solely by the owners and/or residents, without cost to the county.
- (e) The association shall provide for or enforce the maintenance of all common areas, recreation areas, landscaping, and buffers, even if privately owned.
- (f) The association shall provide specifically that all park model RVs, AHSs and tiny homes be new and not previously owned in accordance with the provisions of this article.
- (g) The by-laws shall provide that in the event that the homeowners association does not have sufficient funds on hand to cover the costs of necessary repairs and maintenance, and if the county finds it necessary to perform such repairs and maintenance for the health and safety of the residents, the county may then levy an assessment against all owners to cover these costs, and that these assessments shall constitute a lien against the real property, to be recorded in the public records.
- (h) Each deed or other conveyance for any land within a park shall be recorded in the public records of Union County and shall be subject to recorded restrictive covenants that shall be binding on each owner and occupant, and further contain a notice that all privately maintained interior streets, roads, drives and utilities, buildings, water system, septic systems, and any other systems or items used by the residents shall be constructed and maintained solely by the owners and/or residents, without cost to the county.

(Ord. No. O-2004-001, Art. 5, 4-15-2004)

### Sec. 44-137. - Inspection and enforcement.

- (a) Inspections. The governing authority shall be authorized to demand and receive reports from any person or agency and order or conduct such inspections as it deems appropriate at any time in order to ensure compliance with all provisions of this article.
- (b) Enforcement.
  - (1) The governing authority shall be authorized to enforce this article. Such methods of enforcement may include, but not be limited to, the denial of permits, stop-work orders, notices of violation, compliance orders, imposition of fines, civil and criminal actions, actions for injunctive relief, and any other reasonable means necessary to ensure compliance.
  - (2) Violation of any provision of this article shall subject the violator to a fine not to exceed \$500.00. Each day the violation continues shall constitute a separate offense.

- (3) Any park developer, owner, resident, or lot owner found in violation of this article may, in addition to any fine imposed, be required to forthwith remove, repair, remedy, or correct the violation and, if feasible, to bring it into compliance with all provisions of this article.
- (4) If, following a court appearance, a park developer, owner, resident, or lot owner subsequently remains in violation of this article for a period of 30 days, upon issuance of a second citation, the violator shall be deemed guilty of a misdemeanor, and upon conviction, the violator shall be ordered to remove, repair, remedy, or correct the violation, and shall be subject to a fine not to exceed \$1,000.00 per citation and imprisonment for a period not to exceed one year.
- (5) In the event correction of the violation is ordered, and the violation is not corrected within 30 days, the county is authorized to remove, repair, remedy, or correct the violation. The owner shall then be liable for repayment to the county for the complete cost of removal, repair, and restoration of site. Until repayment is made, a lien against the real property shall be recorded in the public records of Union County.
- (6) In the event Union County is required to bring a civil action for injunctive relief, fines, and other remedies, the county shall be entitled to its reasonable attorney's fees and costs in any action where relief is granted or a fine assessed.

(Ord. No. O-2004-001, Art. 7, 4-15-2004)

Sec. 44-138. - Variances.

The mere existence of a pre-existing non-conforming use or structure shall not constitute a valid reason to grant a variance. Upon written request sent by certified mail to the governing authority, a variance may but is not required to be granted at the discretion of the governing authority if the governing authority determines that all of the following conditions exist:

- (1) There are extraordinary and exceptional conditions pertaining to the site resulting from the size, shape, or topography which are not applicable to other lands in the area.
- (2) Granting the variance would not adversely affect the viewshed of the surrounding single-family homes and farms in the community.
- (3) A literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other similar park owners under this article.
- (4) Granting the variance will not confer upon the property or the applicant any significant privileges which are denied to other properties.
- (5) The requested variance will be in harmony with the purpose and intent of this article and will not be injurious to the community or to the general welfare.
- (6) The special circumstances are not the result of actions of the applicant.
- (7) The variance would be a minimum variance which will make possible the logical use of the land or structure.
- (8) If the requested variance is granted, the park will in all other aspects be in full compliance with this article.

(Ord. No. O-2004-001, Art. 8, 4-15-2004)

Sec. 44-139. - Non-conforming uses.

Any existing park which does not meet the standards of this article shall be considered a non-conforming use. A non-conforming use may continue to operate without change or expansion unless the use is terminated for a period of one year or more, after which any use of or expansion of such a non-

conforming park shall require that the entire park meet all of the standards of this article. Any substantial expansion or modification of a continuing non-conforming use shall be subject to all of the requirements of this article.

(Ord. No. O-2004-001, Art. 9, 4-15-2004)

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