

FILE

MINUTE BOOK COPY

O-091702

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AN ORDINANCE TO AMEND THE NEWTON COUNTY ZONING ORDINANCE; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR FURTHER PURPOSES;

BE IT ORDAINED by the Board of Commissioners of Newton County, Georgia, and it is hereby ordained by the authority of the Constitution of Georgia (1983), Art. IX, Sec. II, Par. I, II and IV, as follows:

SECTION 1

Article I of the Newton County Zoning Ordinance is hereby amended so as to add the following definition to Sec. 105-020:

Manufactured Home, Class C.

A manufactured home or mobile home that does not meet the criteria of Class A or Class B Manufactured Homes.

SECTION 2

Article I of the Newton County Zoning Ordinance is hereby amended by deleting the definitions of **Industrialized Home and Manufactured Home, Class A** in their entirety, and by inserting in lieu thereof the following definitions:

Industrialized Home

A dwelling unit manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. § 8-2-110 et seq.), and the Rules of the Commissioners of the Georgia Department of Community Affairs issued pursuant thereto, and meeting the following development standards:

1. A minimum width in excess of twenty-eight (28) feet.
2. A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
3. A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.
4. Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, stone, or 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 site dwellings.

5. A curtain wall, unpierced except for required ventilation and access, must be installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material as approved by the Zoning Administrator.
6. The dwelling must be placed on a permanent foundation, either slab or pier, which meets the requirement of the Standard Building Code. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials for the purpose of underpinning as approved by the Zoning Administrator.
7. Utility meters must be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus must be removed before occupancy.
8. A landing must be installed at each doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the Standard Building Code.
9. The dwelling must be installed in accordance with O.C.G.A. § 8-2-110 et seq. and the rules promulgated thereunder.

Manufactured Home, Class A

A dwelling unit, meeting the definition of "manufactured home" contained in O.C.G.A. § 8-2-160, 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 Construction and Safety Standards Act, 42 U.S.C. § 5401 et seq., and meeting the following development standards:

1. A minimum width in excess of twenty-eight (28) feet.
2. A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
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8. A landing must be installed at each doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the Standard Building Code.
9. The dwelling must be installed in accordance with O.C.G.A. § 8-2-160 et seq. and the rules promulgated thereunder.

SECTION 3

Article V of the Newton County Zoning Ordinance is hereby amended by deleting Section 510-335 in its entirety and by inserting in lieu thereof the following:

Sec. 510-335 Manufactured Home or Industrialized Home, Placement or Movement of

- A. Placement of an Industrialized Home, Class A Manufactured Home or Class B Manufactured Home requires a permit. Placement of a Class A Manufactured Home also requires the approval of the Planning Commission. Class C Manufactured Homes cannot be placed or moved in the County. Currently existing non-conforming manufactured homes are governed by Division 530 of the Ordinance.
- B. The application fee is \$100.00, which must be submitted with the application.
- C. Application. An applicant must submit an application in writing, signed by the owner of record of the lot, and containing the following information:
 1. A legal description of the property upon which placement of the manufactured or industrialized home is sought;
 2. The zoning map and parcel number of the property;
 3. A statement of the current zoning of the property;

4. A site plan showing the proposed location of the home;
 5. A detailed description of the exterior appearance of the home, including exterior dimensions, square footage, exterior siding material, roofing material, roof pitch and all other information required to demonstrate the home meets the compatibility requirements of the applicable definition in Division 105. The applicant shall also supply one or more of the following: photographs, sketches, line drawings, or elevations, plus any plans and specification or promotional materials provided by the manufacturer; and
 6. A recent dated photograph of the property upon which placement of the home is sought. Said photograph shall be taken from the road;
 7. Such other information as the Zoning Administrator may require.
 8. Applicants who seek a permit to place or move a Class B Manufactured Home need not submit items listed in paragraph C.5 above.
- D. Application deadline. Completed applications for the placement of Class A Manufactured Homes must be received by the first Friday of the month to be heard by the Planning Commission the following month.
- E. Staff Review. Once the Zoning Administrator determines that a completed application has been submitted, the staff shall review the application to determine whether the home complies with the compatibility standards of the applicable definition in Division 105.
- If the application is for the placement of a Class A Manufactured Home, the staff shall visit the proposed location as a part of its review. The staff shall forward its report discussing the surrounding area and the compatibility standards to the Planning Commission prior to its hearing, and shall include a map identifying the zoning and land uses on all adjacent and surrounding property. The report shall also identify the adjacent property owners who shall receive notice (providing name, address, and phone number). The report shall be provided to the Planning Commission members at least one week before the scheduled hearing, and shall make a recommendation for action.
- F. Notice and Hearing. The Planning Commission shall hold a public hearing on an application for the placement of a Class A Manufactured Home within sixty days of each month's application deadline.
1. The Zoning Administrator shall cause written notice to be mailed to all adjoining property owners by first class mail, at least two weeks prior to the Planning Commission Hearing. The Zoning Administrator shall rely on the property tax records of the County to determine owners and mailing addresses. Owners not reflected in the property tax records are not entitled to mailed notice.

2. The Zoning Administrator shall cause one sign to be posted on each street on which the subject property has frontage in a conspicuous location within ten feet of the right of way. Signs shall be double faced and posted so that the face of the sign is at a right angle to the street. The lettering on the sign shall be at least one inch. The sign shall state the nature of the request, the application number, and the date, time and place of the hearing where the request will be considered. The sign shall be erected at least 15 days prior to the date of the Planning Commission hearing.
3. Notice of the request, the application number, and the date, time and place of the hearing shall be published in the newspaper in the county that carries zoning notices, and shall be published at least 15 days prior to the Planning Commission hearing.
4. The Planning Commission hearing shall be conducted in accordance with Section 620-030. All Planning Commissioners shall visit the site prior to the hearing.

G. Standards for Decision. In considering an application for a Class A Manufactured Home under this section, the Planning Commission shall apply the following standards:

1. Whether the proposed home is aesthetically compatible with the surrounding properties, considering the criteria contained in the applicable definition in Division 105;
2. Whether the proposed home would have a negative effect on the public health, safety or general welfare;
3. Whether the proposed home complies with all other applicable requirements of the Zoning Ordinance; and
4. Whether the proposed home would impair the purposes and intent of the Zoning Ordinance.

H. Decision. The Planning Commission shall take one of the following actions on an application for a Class A Manufactured Home at the public hearing: approval of the application; approval of the application with conditions; tabling the application for further information or study; allowing withdrawal of the application; or denial of the application. In the event the application is denied, the Planning Commission shall provide written reasons to the applicant within two weeks of the vote, describing the basis for the decision with reference to the standards in subsection G, above.

- I. Appeal. Any decision of the Planning Commission to deny or approve the application for a Class A Manufactured Home may be appealed by the applicant, any person owning property within 500 feet of the subject property, or by any member of the zoning staff, Planning Commission, or Board of Commissioners. The appeal shall be heard by the Board of Commissioners. Appeal shall be initiated by filing a written notice of appeal with the Planning Commission within thirty days of the vote. The Planning Commission shall forward its file to the Board, and the Board shall review the decision de novo in accordance with the notice and procedure used in a rezoning hearing, within sixty days of the filing of the notice of appeal.

SECTION 4

All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.

SECTION 5

This Ordinance shall be in force and take effect on September 18, 2002.

Adopted and approved by the Board of Commissioners on the 17th day of September, 2002, after a public hearing on the 6th day of August, 2002.

NEWTON COUNTY BOARD OF COMMISSIONERS

By: Aaron Varner
Aaron Varner, Chairman

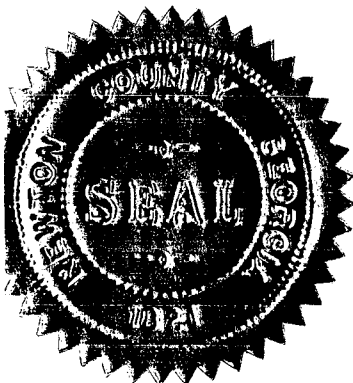
Attest: Susan Nolley
Susan Nolley, Acting Clerk

Recommended for approval and adopted by the Newton County Planning Commission on the 30th day of July, 2002, after a public hearing on said date.

NEWTON COUNTY PLANNING COMMISSION

By: Dick Schultz
Dick Schultz, Chairman

Attest: Bobbie Parham
Bobbie Parham, Secretary



AN ORDINANCE TO AMEND THE NEWTON COUNTY ZONING ORDINANCE; TO REPEAL CONFLICTING PROVISIONS; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR FURTHER PURPOSES;

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SECTION 1

Article I of the Newton County Zoning Ordinance is hereby amended so as to add the following definition to Sec. 105-020:

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SECTION 2

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Industrialized Home

A dwelling unit manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. § 8-2-110 et seq.), and the Rules of the Commissioners of the Georgia Department of Community Affairs issued pursuant thereto, and meeting the following development standards:

1. A minimum width in excess of twenty-eight (28) feet.
2. A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
3. A minimum roof overhang of 12 inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials.
4. Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, stone, or 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 site dwellings.
5. A curtain wall, unpierced except for required ventilation and access, must be installed so

that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material as approved by the Zoning Administrator.

6. The dwelling must be placed on a permanent foundation, either slab or pier, which meets the requirement of the Standard Building Code. In addition, the dwelling shall be completely underpinned with masonry, stone, or other similar materials for the purpose of underpinning as approved by the Zoning Administrator.
7. Utility meters must be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus must be removed before occupancy.
8. A landing must be installed at each doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the Standard Building Code.
9. The dwelling must be installed in accordance with O.C.G.A. § 8-2-110 et seq. and the rules promulgated thereunder.

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2. A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
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- B. The application fee is \$100.00, which must be submitted with the application.
- C. Application. An applicant must submit an application in writing, signed by the owner of record of the lot, and containing the following information:
 1. A legal description of the property upon which placement of the manufactured or industrialized home is sought;
 2. The zoning map and parcel number of the property;
 3. A statement of the current zoning of the property;
 4. A site plan showing the proposed location of the home;

5. A detailed description of the exterior appearance of the home, including exterior dimensions, square footage, exterior siding material, roofing material, roof pitch and all other information required to demonstrate the home meets the compatibility requirements of the applicable definition in Division 105. The applicant shall also supply one or more of the following: photographs, sketches, line drawings, or elevations, plus any plans and specification or promotional materials provided by the manufacturer; and
 6. A recent dated photograph of the property upon which placement of the home is sought. Said photograph shall be taken from the road;
 7. Such other information as the Zoning Administrator may require.
 8. Applicants who seek a permit to place or move a Class B Manufactured Home need not submit items listed in paragraph C.5 above.
- D. Application deadline. Completed applications for the placement of Class A Manufactured Homes must be received by the first Friday of the month to be heard by the Planning Commission the following month.
- E. Staff Review. Once the Zoning Administrator determines that a completed application has been submitted, the staff shall review the application to determine whether the home complies with the compatibility standards of the applicable definition in Division 105.
- If the application is for the placement of a Class A Manufactured Home, the staff shall visit the proposed location as a part of its review. The staff shall forward its report discussing the surrounding area and the compatibility standards to the Planning Commission prior to its hearing, and shall include a map identifying the zoning and land uses on all adjacent and surrounding property. The report shall also identify the adjacent property owners who shall receive notice (providing name, address, and phone number). The report shall be provided to the Planning Commission members at least one week before the scheduled hearing, and shall make a recommendation for action.
- F. Notice and Hearing. The Planning Commission shall hold a public hearing on an application for the placement of a Class A Manufactured Home within sixty days of each month's application deadline.
1. The Zoning Administrator shall cause written notice to be mailed to all adjoining property owners by first class mail, at least two weeks prior to the Planning Commission Hearing. The Zoning Administrator shall rely on the property tax records of the County to determine owners and mailing addresses. Owners not reflected in the property tax records are not entitled to mailed notice.
 2. The Zoning Administrator shall cause one sign to be posted on each street on which the subject property has frontage in a conspicuous location within ten feet of the right of way. Signs shall be double faced and posted so that the face of the

sign is at a right angle to the street. The lettering on the sign shall be at least one inch. The sign shall state the nature of the request, the application number, and the date, time and place of the hearing where the request will be considered. The sign shall be erected at least 15 days prior to the date of the Planning Commission hearing.

3. Notice of the request, the application number, and the date, time and place of the hearing shall be published in the newspaper in the county that carries zoning notices, and shall be published at least 15 days prior to the Planning Commission hearing.
4. The Planning Commission hearing shall be conducted in accordance with Section 620-030. All Planning Commissioners shall visit the site prior to the hearing.

G. Standards for Decision. In considering an application for a Class A Manufactured Home under this section, the Planning Commission shall apply the following standards:

1. Whether the proposed home is aesthetically compatible with the surrounding properties, considering the criteria contained in the applicable definition in Division 105;
2. Whether the proposed home would have a negative effect on the public health, safety or general welfare;
3. Whether the proposed home complies with all other applicable requirements of the Zoning Ordinance; and
4. Whether the proposed home would impair the purposes and intent of the Zoning Ordinance.

H. Decision. The Planning Commission shall take one of the following actions on an application for a Class A Manufactured Home at the public hearing: approval of the application; approval of the application with conditions; tabling the application for further information or study; allowing withdrawal of the application; or denial of the application. In the event the application is denied, the Planning Commission shall provide written reasons to the applicant within two weeks of the vote, describing the basis for the decision with reference to the standards in subsection G, above.

I. Appeal. Any decision of the Planning Commission to deny or approve the application for a Class A Manufactured Home may be appealed by any person owning property within 500 feet of the subject property, or by any member of the zoning staff, Planning Commission, or Board of Commissioners. The appeal shall be heard by the Board of Commissioners. Appeal shall be initiated by filing a written notice of appeal with the Planning Commission within thirty days of the vote. The Planning Commission shall forward its file to the Board, and the Board shall review the decision de novo in accordance with the notice and procedure used in a rezoning hearing, within sixty days of

BOC Meeting September 17, 2002

ORDINANCE 0-091702 MANUFACTURED HOME

Jenny Carter reported:

On August 6, 2002 at the Board of Commissioners meeting, approval of this ordinance was tabled for further discussion. The current moratorium was extended, and is scheduled to expire tomorrow, September 18, 2002. All Board members were provided copies of the Ordinance with the changes. There was discussion about changes in the definition of Industrialized Homes.

Commissioner Fleming questioned the wording on Page 49, the section addressing Appeal Process. Jenny Carter agreed to make correction as necessary with wording.

Motion to approve with additional wording.

Proposed by: Commissioner Dimsdale

Second: Commissioner Ewing

Vote 4-1 (Commissioner Fleming Opposed)

APPROVAL OF COUNTY CHECKS

Motion to approve checks as presented

Proposed by: Commissioner Ewing

Second: Commissioner Henderson

Motion Carried

Citizen Comments/Commissioner Comments

Motion to go into Executive Session

Time: 8:50 P.M.

Proposed by: Commissioner Henderson

Second: Commissioner Ewing

Motion: Regular Session to Adjourn

Time: 9:50 P.M.

Proposed by: Commissioner Dimsdale

Second: Commissioner Fleming

Motion Carried

Submitted by.

Susan G. Nolley, Acting Clerk

LAW OFFICES
WM. THOMAS CRAIG
1144 COLLEGE AVENUE
POST OFFICE BOX 1587
COVINGTON, GEORGIA 30015

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770 786-1320
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Memo

To: Chairman and Board of Commissioners of Newton County, Georgia
From: Jenny S. Carter, County Attorney's Office
Re: Manufactured Home Ordinance
Date: September 10, 2002

As you recall, at the August 6, 2002 Board of Commissioner's meeting, a public hearing was held on the proposed amendments to the Manufactured Home portion of the Zoning Ordinance. At that hearing, the following issues were raised: (1) the advisability of including Industrialized Homes in the compatibility process and (2) the length of time required for the permitting process. The Board requested our office conduct further research on these issues and meet with the attorney for the Georgia Manufactured Housing Association (GMHA), Dick Wilson.

We met with Dick Wilson and Charlotte Gattis, GMHA, on August 20, 2002. Enclosed please find a letter from Mr. Wilson discussing the issues raised at that meeting.

As a result of our research and meeting with GMHA, we recommend excluding industrialized homes from the compatibility process. With respect to the timing of the permitting process, the additional time is necessary to comply with the Open Meetings Act. If Manufactured Home applications are decided by the Planning Commission or a Compatibility Committee, the proposed time frame is necessary. The time frame could only be reduced if the final decisions on the application were made by staff.

Enclosed please find a proposed ordinance amendment which reflects the above. The proposed amendment is summarized as follows:

1. Industrialized Homes, Class A Manufactured Homes and Class B Manufactured Homes continue to require a permit. This is compatible with the current Zoning Ordinance.
2. Class A Manufactured Homes also require the approval of the Planning Commission and the process is contained in the proposed ordinance.

This Ordinance will be discussed at the September 17, 2002 Board meeting and the moratorium is scheduled to expire the following day, September 18, 2002. Please contact me with any questions or comments you may have.

cc: John Middleton
Jackie Smith
Tina Ayers

WILSON BROCK & IRBY, L.L.C.

AUG 26 2002

ATTORNEYS AT LAW

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(404) 853-5050

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(404) 853-1812

August 26, 2002

William Thomas Craig, Esq.
Newton County Attorney
Post Office Box 1587
Covington, Georgia 30209-1587

Re: Proposed Amendments to the Newton County Zoning Ordinance

Dear Tommy:

This letter is a follow-up to our meeting on Tuesday, August 20, 2002. I sincerely appreciate your taking the time to meet with Charlotte Gattis and me to discuss the Georgia Manufactured Housing Association's concerns with the amendments which are proposed and with the processes which are followed as they pertain to manufactured homes and to industrialized buildings.

Industrialized buildings and manufactured homes are two (2) separate topics, and I would like to address the industrialized buildings issue first. As we discussed, I do not understand why industrialized buildings are being added to the compatibility provisions of Section 510-335 or are being defined by Newton County differently than by the State of Georgia. Additionally, I do not understand why Newton County is going to require a permit and approval of the Planning Commission prior to the placement of an industrialized building.

As we discussed, I do not understand why industrialized buildings which are built to the same code as site built buildings are subjected to criteria, definitions and requirements not imposed upon site built homes. Specifically, Newton County has seen fit to create a defined term known as "Industrialized Homes" which definition is contrary to the definition of "Industrialized Buildings" established by the State of Georgia. As you know, industrialized buildings are regulated pursuant to the provisions of Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia (O.C.G.A. §8-2-1). I don't think there can be any doubt but that the State's regulation of industrialized buildings preempts any effort in that regard by Newton County. See *Clayton County v. Otis Pruitt Homes, Inc.* 250 Ga. 505, 299 S.E.2d 721 (1983). Further, the definition of "Industrialized Home" requires installation in accordance with the Rules and Regulations for Manufactured Homes - - -." Newton County cannot impose manufactured home regulations upon industrialized buildings for the same reasons noted above.

WILSON BROCK & IRBY, L.L.C.

William Thomas Craig, Esq.

August 26, 2002

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It appears that Newton County's effort to redefine an industrialized building by calling it an "Industrialized Home" is nothing more than an effort to impose additional construction standards upon the industry that builds industrialized buildings. The provisions of paragraphs 1, 2, 3, and 4 clearly impose construction requirements upon industrialized buildings and as such violate State law. See *Otis v. Pruitt* Supra and O.C.G.A. §8-2-112(b)(1). Furthermore, requiring a permit and a hearing before the Planning Commission for a building which is constructed under code requirements identical to those for site built homes is blatantly discriminatory.

For the above stated reasons, the industry sincerely requests that the Board of Commissioners of Newton County reconsider imposing any such requirements on industrialized buildings.

The manufacturing housing industry is also concerned about certain provisions of the proposed ordinance, as amended which pertain to manufactured homes. First, it does not seem necessary or appropriate to have a public hearing before the Planning Commission prior to the placement of a manufactured home. As I indicated, there are several concerns which the industry has. Perhaps the most significant is the time delays that will be associated with the provisions proposed in the Amended Ordinance. If you examine the provisions of Section 2 of Article 5 (Section 510-335), you will note that the requirement for a hearing before the Planning Commission is going to delay the location of any home for a period of approximately (60) days, perhaps more if the applicants have problems complying with the requirements for the application. Secondly, Paragraph I of Section 2 allows an appeal from a decision of the Planning Commission by any person owning property within five hundred (500) feet of the subject property or by any member of the Zoning Staff, Planning Commission or Board of Commissioners. Any person desiring to file such an appeal has (45) days within which to file that appeal. Thereafter, the Board of Commissioners has (60) days within which to hear the appeal. Therefore, it is not at all unrealistic to expect that there could be a period of almost (6) months from the date of the application to locate a manufactured home until a final decision is made. The experience of the industry is that such a delay will be devastating in that prospective purchasers will not wait for such a protracted period. Consequently, and based upon experience of the industry, this Ordinance will cause unnecessary loss in sales. I say "unnecessary" because it does not seem appropriate or necessary to conduct a hearing on the placement of manufactured homes.

The definition of Manufactured Home, Class A, is very specific and has very specific criteria set forth in it. The Ordinance itself identifies specific zoning classifications within which Class A manufactured homes may be located. If a proposed buyer of a Class A manufactured home states that he wishes to place that home in a zoning district which has been designated by the County as an appropriate district, then there is no point in his having to go through a public hearing to determine whether or not the listed criteria in the definition of Manufactured Home, Class A, have been met. It is an easy exercise for the person taking the application to determine whether or not the criteria set forth in the definition of a Class A manufactured home have been met. The industry is

WILSON BROCK & IRBY, L.L.C.

William Thomas Craig, Esq.

August 26, 2002

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also concerned about the existing compatibility committee process. Unless that process is governed by clearly ascertainable standards, there will be abuse. As noted, there is no need for such a time delaying process. If the manufactured home meets the criteria set out in the definition of Manufactured Home, Class A, then it should be permitted within the allowed district. That determination can be made by the person taking the application without the need for a hearing. If Newton County insists upon some review, then that review by a Compatibility Committee, should be pursuant to clear standards so as to avoid abuse and confusion and shorten the process.

I want to again note that it is not the purpose of the industry to try and impose manufactured homes on Newton County which clearly do not fit within the housing of certain areas. If a manufactured home, using your example, is proposed to be located between a pair of two story colonial brick buildings with twin fireplaces, it is doubtful that it would be deemed compatible. However, if it is proposed for location in an area where the housing is of similar size and appearance, then the manufactured home is clearly compatible, and it does not take a public hearing before a planning commission to make that determination.

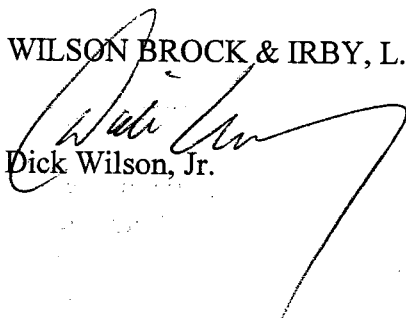
While the industry desires to work with Newton County in arriving at a fair and reasonable ordinance, the ordinance which is proposed is a serious concern for all the reasons set forth above. Additionally, the industry is still of the opinion that roof pitch requirements and overhang requirements are setting forth construction standards, and the County's ability to do that is preempted by the provisions of the Manufactured Home Construction and Safety Standards Act, 42 U.S.C. § 5401.

On behalf of the industry in the State of Georgia, the many Georgians who own and would like to own manufactured homes, and those people that make a living in that industry, this letter is to sincerely request that the Board of Commissioners reconsider the amendments which are proposed. Newton County has nothing significant to gain from requiring the application and hearing process which it is proposing, but the industry has a huge potential for loss. Again, Newton County can accomplish everything it desires by the standards imposed in the definition of a manufactured home.

Thank you again for your time and sincerely appreciate your passing this request on to the Board of Commissioners.

Very truly yours,

WILSON BROCK & IRBY, L.L.C.


Dick Wilson, Jr.

DW/gch

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