

ORDINANCE GOVERNING MOBILE HOMES

An Ordinance enforcing MINIMUM STANDARDS for mobile homes and mobile home parks; establishing requirements for the design, construction, alteration, extension, and maintenance of mobile homes and mobile home parks and related utilities and facilities; authorizing the issuance of permits for construction, alteration, and extension of mobile home parks; for installation of mobile homes, and authorizing the inspection of mobile homes and mobile home parks; and fixing penalties for violation.

Be it, therefore ordained by the Baldwin Town Council as follows:

PART I (MOBILE HOME PARKS)

SECTION 1: DEFINITIONS

As used in this Ordinance:

- a. TOWN COUNCIL means the legally designated council or its authorized representative of the Town of Baldwin, Georgia.
- b. MOBILE HOME means a transportable, single-family dwelling unit, constructed to be towed on its own chassis and suitable for year-round occupancy and containing the same water supply, waste disposal and electrical conveniences as immobile housing. It can consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or two or more units separately towable but designed to be joined into one integral unit at the site with

fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home:

1. WATER RISER PIPE means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

SECTION 2: PERMITS

2.1.

It shall be unlawful for any person to construct, alter, or extend any mobile home park within the town limits of Baldwin, Georgia unless he holds a valid permit issued by the town council in the name of such person for the specific placement, construction, alteration, or extension proposed. Permits shall be issued and fees charged according to the provisions of the Town of Baldwin's Permit System.

2.2.

All applications for permits shall be made to the town council and shall contain the following:

- a) Name and address of applicant.
- b) Interest of the applicant in the mobile home park.
- c) Location and legal description of the mobile home park.
- d) Complete engineering plans and specifications of the proposed park showing:
 1. The area and dimensions of the tract of land;
 2. The number, location, and size of all mobile home lots;

3. The location and width of roadways and walkways;
4. The location of service buildings and any other proposed structures;
5. The location of water and sewer lines and riser pipes;
6. Plans and specifications of the water supply and refuse and sewage disposal facilities;
7. Plans and specifications of all buildings constructed or to be constructed within the mobile home park; and
8. The location and details of lighting and electrical systems.

2.3.

When, upon review of the application, the town council is satisfied that the proposed plan meets the requirements of this Ordinance and regulations issued hereunder, a permit shall be issued.

2.4.

Any person whose application for a permit under this Ordinance has been denied may request and shall be granted a hearing on the matter before the town council under the procedure provided by Section 5 of this Ordinance.

2.5.

Whenever, upon inspection of any mobile home park, the town council finds that conditions or practices exist which are in violation of any provision of this Ordinance or regulations issued hereunder, the town council shall give notice in writing in accord-

*Amended
1500*

3.2.

No two mobile home parks shall be permitted closer than ~~five~~ hundred feet to one another.

SECTION 4: INSPECTION OF MOBILE HOME PARKS

4.1.

The town council is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Ordinance and regulations issued hereunder.

4.2.

The town council shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance and regulations issued hereunder.

4.3.

The town council shall have the power to inspect the register containing a record of all residents of the mobile home park.

4.4.

It shall be the duty of the owner or occupants of mobile home parks, and mobile homes contained therein, or of the person in charge thereof, to give the town council free access to such grounds at reasonable times for the purpose of inspection.

4.5.

It shall be the duty of every occupant of a mobile home park to give the owner thereof or his agent or employee access to any part of such mobile home park or its grounds at reasonable times for the purpose of making such repairs or alterations as are

such person shall file in the office of the town mayor a written petition requesting such hearing and setting forth a brief statement of the grounds thereof within ten days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under Section 5.5. Upon receipt of such petition, the town council shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed: Provided: That upon application of the petitioner the town council may postpone the date of the hearing for a reasonable time beyond such ten-day period when in its judgment the petitioner has submitted good and sufficient reasons for such postponement.

5.3.

After such hearing the town council shall make findings as to compliance with the provisions of this Ordinance and regulations issued hereunder and shall issue an order in writing sustaining, modifying, or withdrawing the notice which shall be served as provided in Section 5.1.(d). Upon failure to comply with any order sustaining or modifying a notice, the permit of the mobile park affected by the order shall be revoked.

5.4.

The proceedings at such a hearing, including the findings

subject to unpredictable and/or sudden flooding or subsidence of erosion shall be used for any purpose which would expose persons or property to hazards.

6.2.

Soil and Ground Cover Requirements

Exposed ground surfaces in all parts of every mobile home park shall be paved, or covered with stone, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

6.3.

Site Drainage Requirements

The ground surface in all parts of every mobile home site shall be graded and equipped to drain all surface water in a safe, efficient manner.

6.4.

Park Areas for Nonresident Uses

- a) No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park.
- b) Nothing contained in this Section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.

6.7.

Required Setbacks, Buffer Strips and Screening

- a) All mobile homes shall be located at least 75 feet from any park property boundary line abutting upon a public street or highway and at least 50 feet from other park property boundary lines.
- b) There shall be a minimum distance of 35 feet between an individual mobile home and adjoining pavement of a park street or common parking area or other common areas.
- c) All mobile home parks located adjacent to industrial or commercial land uses shall be provided with screening of natural growth along the property boundary line separating the park and such adjacent nonresidential uses. Such screening shall consist of evergreen and/or hedge-type shrubs or trees and be at least 20 feet in width.

6.8.

Park Street System

- a) GENERAL REQUIREMENTS: All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography.
- b) ACCESS: Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent

streets. The entrance road connecting the park streets with a public street or road shall have a minimum road pavement width of 30 feet. Where the primary entrance road is more than 100 feet long and does not provide access to abutting mobile-home lots within such distance, the minimum road pavement width must be 30 feet.

- c) INTERNAL STREETS: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:
 - 1. All streets, except minor streets 30 feet
 - 2. Minor streets, no parking 24 feet
(Acceptable only if less than 500 feet long and serving less than 5 mobile homes or of any length if one-way and providing access to abutting mobile home lots on one side only.)
 - 3. Dead end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least 80 feet.

- d) REQUIRED ILLUMINATION OF PARK STREET SYSTEMS: All parks shall be furnished with lighting units so spaced and equipped with luminaires placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:
 - 1. All parts of the park street systems:
10.0 footcandle, with a minimum of 5.0 footcandle.

6.9.

Required Off-Street Parking Areas

- a) Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least two car spaces for each mobile home lot.
- b) Required car parking spaces shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of 200 feet from the mobile home that it is intended to serve.

6.10.

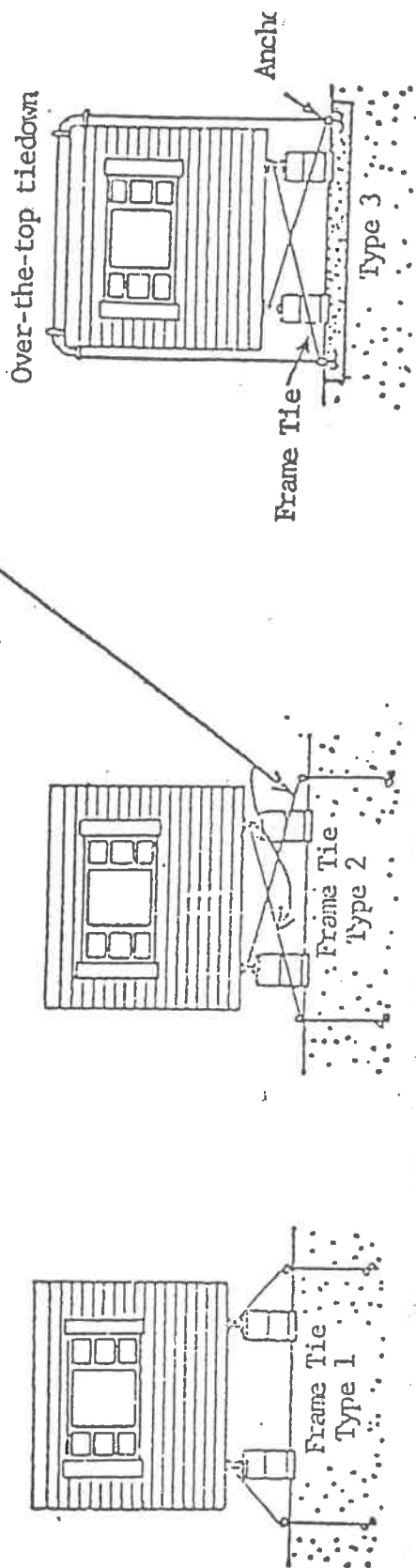
Mobile Home Stands

The area of the mobile home stand shall be improved to provide an adequate foundation for the placement and tiedown of the mobile home, thereby securing the superstructure against uplift, sliding, rotation, and overturning.

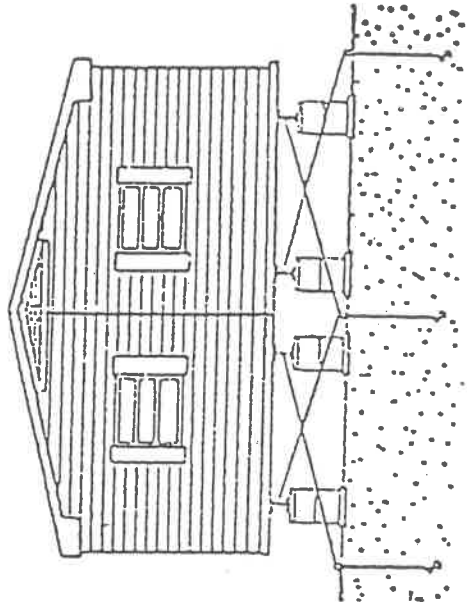
- a) The mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces acting on the superstructure.
- b) The mobile home stand shall be provided with anchors and tiedowns such as cast-in-place concrete "dead men", eyelets imbedded in concrete foundations or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home.
- c) Anchors and tiedowns shall be placed at least at each corner of the mobile home stand and each shall be able

Types of Tiedowns

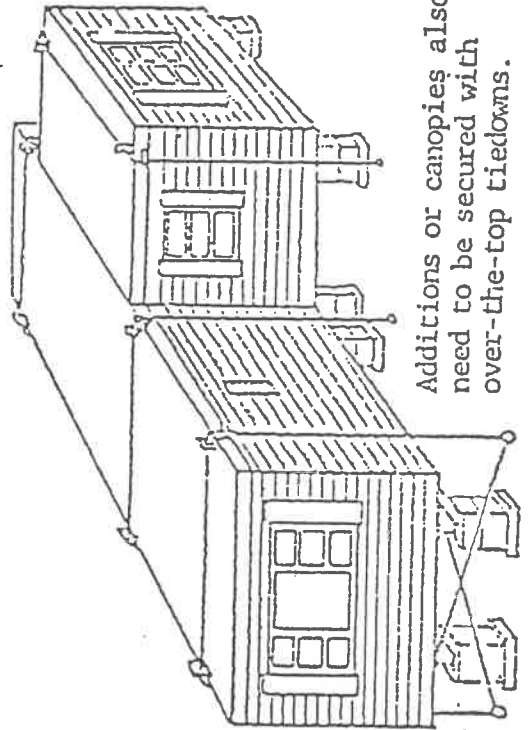
NOTE: Some people give mis-
understanding as to the intent
of the tie-down requirements
in regard to the number
required. This constitutes
one tie not two.



These sketches illustrate various methods for connecting frame ties to the mobile home frame. Type 2 system can resist greater horizontal forces than Type 1. Type 3 system involves placement of mobile home on concrete slab. Anchors embedded in concrete slab are connected to ties.



Double wides do not require over-the-top tiedowns but are subject to the same frame tie requirements.



Additions or canopies also need to be secured with over-the-top tiedowns.

7.2.

Source of Supply

- a) The water supply shall be capable of supplying a minimum of 150 gallons per day per mobile home.
- b) Every well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. The following minimum distances between wells and various sources of contamination shall be required:

<u>Contamination Source</u>	<u>Well or Suction Line (Distance in Feet)</u>
Building Sewer	50
Septic Tank	100
Disposal Field	100
Seepage Pit	100
Dry Well	50
Cesspool	150

- c) No well-casings, pumping machinery, or suction pipes shall be placed in any pit, room, or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground.
- d) The treatment of a private water supply shall be in

inch, under normal operating conditions at service buildings and other locations requiring potable water supply.

7.5.

Individual Water-Riser Pipes and Connections

- a) Individual water riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position.
- b) Water riser pipes shall extend at least four inches above ground elevation. The pipe shall be at least one-half inch. The water outlet shall be capped when a mobile home does not occupy the lot.
- c) Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- d) A shutoff valve at the meter shall be provided on each mobile home lot.

SECTION 8: SEWAGE DISPOSAL

8.1.

General Requirements

An adequate and safe sewerage system shall be provided in all mobile home parks for conveying and disposing of all sewage. Such system shall be designed, constructed, and maintained in

The inner surface shall be smooth.

- d) Provision shall be made by the owner of the mobile home park for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches above ground elevation.

8.4.

Sewer Treatment and/or Discharge

Where the sewer lines of the mobile home park are not connected to a public sewer, all proposed sewage disposal facilities shall be approved by the health authority prior to construction. Effluents from sewage treatment facilities shall not be discharged into any waters of the State except with prior approval of the health authority.

SECTION 9: ELECTRICAL DISTRIBUTION SYSTEM

9.1.

General Requirements

Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

9.2.

Power Distribution Lines

- a) Main power lines shall be located underground.

There shall be a minimum horizontal clearance of

9.4.

Required Grounding

All exposed noncurrent carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

SECTION 10: SERVICE BUILDING AND OTHER COMMUNITY SERVICE FACILITIES

10.1.

General

The requirements of this Section shall apply to service buildings, recreation buildings, and other community service facilities such as:

- a) Management offices, repair shops, appropriate only to mobile home parks, and storage areas;
- b) sanitary facilities;
- c) laundry facilities;
- d) indoor recreation areas;
- e) commercial uses supplying only essential goods or services for the exclusive use of park occupants.

10.2.

Required Community Sanitary Facilities

Every park shall be provided with the following emergency sanitary facilities:

For each 50 mobile home lots, or fractional part thereof,

opened, or a mechanical device which will adequately ventilate the room.

- c) Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
- d) Illumination levels shall be maintained as follows:
 - 1) General seeing tasks - five footcandles;
 - 2) laundry room work area - 40 footcandles;
 - 3) toilet room, in front of mirrors - 40 footcandles.
- e) Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower, and laundry fixture, and cold water shall be furnished to every water closet and urinal.

10.4.

Barbecue Pits, Fireplaces, Stoves, and Incinerators

Cooking shelters, barbecue pits, fireplaces, wood-burning stoves, and incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

SECTION 11: REFUSE HANDLING

11.1.

All refuse shall be sorted in flytight, watertight,

conform with the requirements of the health authority.

12.2.

Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

12.3.

Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one foot above the ground.

12.4.

Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

12.5.

The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

SECTION 13. FUEL SUPPLY AND STORAGE

13.1.

Natural Gas System

- a) Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations

- f) No liquified petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure, unless such installations are approved by the town council.

13.3.

Fuel Oil Supply Systems

- a) All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
- b) All piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.
- c) All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than five feet from any mobile home exit.
- d) Storage tanks located in areas subject to traffic shall be protected against physical damage.

SECTION 14: FIRE PROTECTION

14.1.

The mobile home area shall be subject to the rules and regulations of the Baldwin fire prevention authority.

14.2.

Mobile home parks shall be kept free of litter, rubbish, and other inflammable materials.

applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance and regulations issued hereunder.

- c) The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.
- d) The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.
- e) The park management shall notify the local health authority immediately of any suspected communicable or contagious disease within the park.

15.2.

Responsibilities of Park Occupants

- a) The park occupant shall comply with all applicable requirements of this Ordinance and regulations issued hereunder and shall maintain his mobile home lot, its facilities, and equipment in good repair and in a clean and sanitary condition.
- b) The park occupant shall be responsible for proper placement of his mobile home on its mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- c) No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large or to commit

PART II

(MOBILE HOMES NOT LOCATED IN MOBILE HOME PARKS)

SECTION 1: STATEMENT OF APPLICABILITY

1.1.

Part II of this Ordinance applies to all mobile homes not located in mobile home parks which are used as residences, places of business, classrooms or other activities of a non-temporary nature. Mobile homes used temporarily at construction sites, mobile health units, or similar uses of temporary nature may be exempt from this Ordinance at the discretion of the town council.

SECTION 2: DEFINITIONS

2.1.

Definitions set out in Part I of this Ordinance also apply to Part II.

SECTION 3: PERMITS

3.1.

It shall be unlawful for any person to install or alter a mobile home within the town limits of Baldwin, Georgia, unless he holds a valid permit issued by the town council in the name of such person for the specific placement or alteration proposed. Permits shall be issued and fees charged according to the provisions of the Town of Baldwin Permit System.

3.2.

All applications for permits for the installation of a mobile home shall be made to the town council and contain the following:

site are corrected, may request and shall be granted a hearing on the matter before the town council, under the procedure provided by Part I, Section 5 of this Ordinance; provided that when no petition for such hearing shall have been filed within ten days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such ten-day period.

SECTION 4: REQUIRED SIZE OF MOBILE HOME LAND LOTS

4.1.

No mobile home shall be permitted on a site or land lot which contains less than one-fourth of one acre.

4.2.

If a mobile home is located on the same lot with another dwelling unit, commercial or industrial establishment, the mobile home site shall be clearly marked on the lot and designated on the application for permit.

SECTION 5: REQUIRED SETBACKS AND SIDE YARDS

5.1.

All mobile homes shall be located at least 15 feet from any boundary line of the mobile home site or lot.

5.2.

There shall be a minimum distance of 30 feet between the mobile home and any existing dwelling unit, commercial or industrial establishment located on the same lot.

7.3.

After such hearing, the town council shall make findings as to compliance with the provisions of this Ordinance and regulations issued hereunder and shall issue an order in writing sustaining, modifying, or withdrawing the notice which shall be served as provided in Part I, Section 5.1. (d). Upon failure to comply with any order sustaining or modifying a notice, the permit of the mobile home affected by the order shall be revoked.

7.4.

The same as Part I, Section 5.4.

7.5.

The same as Part I, Section 5.5.

SECTION 8: GENERAL ENVIRONMENTAL REQUIREMENTS

8.1.

Condition of soil, ground water level, drainage, and topography shall not create hazards to the mobile home or to the health or safety of its occupants. The site shall not be exposed to objectionable smoke, noise, odors, or other adverse influences and shall not be subject to unpredictable and/or sudden flooding or subsidence of erosion which would expose persons or property to hazards.

8.2.

Any mobile home site which is prepared by grading or other methods which expose ground surfaces shall be reseeded with a vegetative growth that is capable of preventing soil erosion and of

SECTION 11: INDIVIDUAL WATER-RISER PIPES AND CONNECTIONS

11.1.

The same as part I, Section 7.5.

SECTION 12: SEWAGE DISPOSAL

12.1.

An adequate and safe means of sewage disposal shall be provided for all mobile homes. Where no public system is available, private systems shall be allowed. Such private systems shall be designed, constructed, and maintained in accordance with state and local laws.

12.2.

Individual Sewer Connections - The same as Part I, Section 8.3.

SECTION 13: ELECTRICAL DISTRIBUTION SYSTEM

13.1.

Individual Electrical Connections - The same as Part I, Sections 9.3. and 9.4.

SECTION 14: FUEL SUPPLY AND STORAGE

14.1.

The same as Part I, Section 13.1.

14.2.

The same as Part I, Section 13.2.

14.3.

The same as Part I, Section 13.3

of the health and safety of the people shall prevail. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance or code of the Town of Baldwin existing on the effective date of this Ordinance which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Ordinance shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Ordinance.

18.2.

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance should be declared invalid for any reason whatsoever; such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

SECTION 19: EFFECTIVE DATE

This Ordinance shall be effective on and after the 3rd day of Nov., 1980.

Emile L. Smith
Mayor, Town of Baldwin, Georgia

ATTESTED BY:

Capitula Harlan

AN ORDINANCE AMENDMENT TO RESCIND THE PRESENT ZONING REGULATIONS. - (ARTICLE XII, SECTION 1203, TABLE 2) IN ORDER THAT THE MINIMUM STANDARDS MAY BE REDUCED.

WHEREAS, the City of Baldwin present Zoning Regulations are too restrictive, and do not coincide with present day Zoning Regulations; and

WHEREAS, Council has reviewed the Zoning Regulations and feels compelled to amend the present Zoning Ordinance to be implemented as follows:

MINIMUM STANDARDS FOR RESIDENTIAL LOT WIDTH, AND DENSITY ON SLOPES OF TEN PERCENT OR LESS

AMEND MAXIMUM UNITS PER ACRE AS FOLLOWS:

<u>RESIDENTIAL:</u>		<u>PRESENT</u>	<u>PROPOSED</u>
SINGLE FAMILY	(R-1)	2.9	3.0
TWO-FAMILY	(R-2)	5.8	6.0
MULTI-FAMILY	(R-3)	8.7	12.0
MOBILE HOME PARKS		8.0	8.0
 <u>COMMERCIAL</u>			
CENTRAL BUSINESS DISTRICT	(CBD)	9.7	10.0
INDUSTRIAL	(I)	2.0	2.0
AGRICULTURAL	(A)	1.0	1.0

WHEREAS, the City of Baldwin Planning Commission reviewed the above proposals and approved these changes being implemented at the November 23rd, 1992 Commission Meeting. The recommendation by the Planning Commission was presented for Council approval at the December 14th, 1992 Council Meeting. After careful review into the recommendation, the Mayor and Council from the City of Baldwin feel compelled to amend the present Ordinance and implement the above proposal; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council from the City of Baldwin, Georgia, that the above proposal is hereby approved and shall be the governing Zoning Regulations for the City of Baldwin. All other Ordinances or Ordinance Amendments regarding this matter are hereby repealed.

This 4th day of January, 1993. (First Reading)
This 11th day of January, 1993. (Second and Final Reading)

ATTEST:

PAULA DELUCA

MAYOR WAYNE KELSEY

MAYOR PRO TEM ROBERT BOHANNON

In the Supreme Court of Georgia

MAR 14 1990

Decided:

MAR 13 1990

S89A0302. CANNON v. COWETA COUNTY, GEORGIA et al.

BELL, Justice.

This appeal involves questions of the constitutionality of a zoning ordinance that restricts the placement of manufactured homes to manufactured-home parks, and an additional question of the standing of the appellant, T. G. Cannon, to attack the constitutionality of the ordinance. The trial court held that Cannon did not have standing and that the ordinance is constitutional. We reverse both holdings.

On December 16, 1986, Coweta County adopted an amendment (the Amendment) of the Coweta County Zoning Ordinance, to delete manufactured homes as a permitted use in all residential zones. The effect of the Amendment was to restrict the placement of manufactured homes to manufactured-home parks. After this amendment, Cannon, a manufactured-home dealer and developer with dealerships in Georgia and North Carolina, purchased a one-acre tract of land in a residential zone in Coweta County. Cannon subsequently applied to Coweta County for a permit to place a manufactured home on his property. The county denied Cannon's request, on the ground such a placement violated the Amendment.

Cannon subsequently brought this action, contending, inter

[Gradous v. Bd. of Comms., Etc., 256 Ga. 469, 471 (349 SE2d 707) (1986).]

In the absence of a proper exercise of police power, zoning legislation is arbitrary and capricious, violates due process, and will be held unconstitutional. *Id.* at 470-471.

Although we are bound by the trial court's findings of fact unless clearly erroneous, we owe no deference to the trial court regarding the law. City of Roswell v. Heavy Machines Co., 256 Ga. 472, 474 (349 SE2d 743) (1986); Dougherty County v. Webb, 256 Ga. 474, 477, fn. 3, (350 SE2d 457).

a. Cannon presented evidence that numerous other residents of Coweta County could not afford site-built housing, but could afford to place a manufactured home on an individual lot. He also presented evidence that modern manufactured homes, including the one he desired to put on his lot, are as safe and attractive as site-built housing, do not devalue neighboring site-built residences, and should not, if valued properly, constitute a drain on the county's tax base.

b. The county then presented evidence, seeking to justify the zoning on two grounds: first, that manufactured homes adversely impact the county's tax base; and second, that manufactured homes devalue nearby site-built homes.

3. The trial court found as facts that manufactured homes adversely affect the market value of nearby site-built homes. The trial court also recited as facts statistics presented by the county regarding the percentage of manufactured housing in the

manufactured homes do not devalue nearby site-built homes; and manufactured homes should not, if valued properly, adversely affect the county's tax base.

5. Having decided that Cannon did satisfy his burden, we must now consider the county's justification of the zoning and determine, using this court's balancing test, whether the zoning is constitutional.

a. First, we find that the county's tax-base justification has no merit. The trial court made no finding of fact that manufactured housing would adversely impact the county's ability to provide services to its citizens. Moreover, the county presented only generalized statements of concern that manufactured housing would impact on its ability to provide services, and county officials acknowledged that at the time of the Amendment and at the time of trial the county was not having any difficulty providing services.

b. We next consider the justification of the protection of the property values of site-built homes located near manufactured homes. In this regard, the trial court found as fact that manufactured homes did adversely affect the value of nearby site-built homes, and we cannot conclude that the court's finding is clearly erroneous. However, considering the improvement of modern manufactured homes; the fact that appropriate steps¹ can be taken to minimize the negative impact of the placement of

¹ Such steps could include regulations requiring attachment to a permanent foundation, appropriate lot size and location, and certain aesthetic standards.

FIRST READING Nov 26, 2001

PUBLISHED Nov 27, 2001

PUBLIC HEARING Jan 14, 2002

PASSED Jan 14, 2002

AN ORDINANCE NO. 140102

AN ORDINANCE TO AMEND THE ZONING AND MOBILE HOME ORDINANCE OF THE CITY OF BALDWIN, GEORGIA; TO PROVIDE WITHIN THE ZONING ORDINANCE AND MOBILE HOME ORDINANCE THAT NO MOBILE HOME PARK SHALL BE PERMITTED TO HAVE AN OVERALL DENSITY GREATER THAN 4.0 UNITS PER ACRE; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Baldwin, Georgia, pursuant to the police powers granted to it, as a municipality within the State of Georgia, and being a body politic and corporate, has enacted a zoning ordinance and mobile home ordinance which regulates the uses of land within the incorporated limits of the City of Baldwin, Georgia; and

WHEREAS, certain provisions of the zoning ordinance and the mobile home ordinance are in conflict as to the maximum density allowed for a mobile home park within the City of Baldwin, Georgia; and

WHEREAS, the City Council of the City of Baldwin, Georgia desires to clarify the zoning ordinance and the mobile home ordinance in order to make said ordinances consistent with one another, and to provide that no mobile home park shall be permitted to have an overall density greater than 4.0 units per acre;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Baldwin, Georgia, by the authority of its City Charter, and as provided by general Georgia law, as follows:

SECTION 1. LOT REQUIREMENTS.

Table 2 of Section 1203 concerning lot requirements of the zoning ordinance of the City of Baldwin, Georgia, as adopted on November 3, 1980, as amended, is hereby further amended by striking in its entirety the provisions dealing with mobile home parks and substituting in lieu thereof the following (for the purposes of clarity, the captions of Table 2 are included although

they are unchanged, and this ordinance only changes the provisions regarding mobile home parks):

Table 2

MINIMUM STANDARDS FOR RESIDENTIAL LOT WIDTHS, AREA,
AND DENSITY ON SLOPES OF TEN PERCENT OR LESS

District	Minimum Lot Width in Feet	Minimum Area in Sq. Ft.		Maximum Units Per Acre
		Per Lot	Per Dwelling Unit	

Residential:

Mobile home parks	None	10,000	10,000	4.0
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SECTION 2. EFFECTIVE DATE.

This ordinance amendment shall be effective upon the date of passage by the City Council of the City of Baldwin, Georgia.

SECTION 3. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Baldwin, Georgia, to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SO ORDAINED this 14 day of January, 2001?


BALDWIN CITY COUNCIL

By: Mike Rod
Mayor

M.K. Rod
Councilperson



Councilperson


Councilperson


Councilperson


Councilperson

Attest:


Stacy Jacobs, City Clerk

20-2-261. Common minimum facility requirements.

(a) The State Board of Education shall establish common minimum facility requirements which each public school facility must meet in order to be certified for use in any component of the educational or recreational program of that school. Such minimum requirements shall include those provisions of law or state board policy on matters that relate to fire and physical safety; sanitation and health, including temperature and ventilation; minimum space, size, and configuration for the various components of the instructional program; and construction stability, quality, and suitability for intended uses.

(b) The State Board of Education shall adopt policies and procedures to ensure that each school facility meets minimum standards as determined by state board policy.

(c) A proposed plan of action which includes a list and description of each deficiency and time limits within which such deficiencies are to be corrected must be submitted to the State Board of Education for review and approval. Further, the state board shall have the authority, in accordance with Code Section 20-2-243, to withhold all or part of the state funds in support of this part from any local unit of administration refusing or failing to implement the plan of action for deficiency remediation approved by the state board.

(d) A local board of education shall be exempt from county and municipal assessments and fees for county and municipal building permits and inspections and exempt from county and municipal impact fees.

(Code 1981, § 20-2-261, enacted by Ga. L. 1985, p. 1657, § 1; Ga. L. 1987, p. 1169, § 1; Ga. L. 1993, p. 541, § 1; Ga. L. 1995, p. 915, § 1.)

The 1995 amendment, effective July 1, 1995, deleted the second sentence in subsection (d), which read "This subsection shall be automatically repealed December 31, 1995."

Exempts Board of Education from
municipal building permit fees,

FIRST READING 8/11/03

PUBLISHED 8/19/03

ZONING HEARING 9/22/03

PASSED 9/22/03

AN ORDINANCE NO. 0029-45 A

AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND MOBILE HOME ORDINANCE OF THE CITY OF BALDWIN, GEORGIA; TO REGULATE THE USES OF ANIMALS IN THE RESIDENTIAL DISTRICTS OF THE CITY OF BALDWIN, GEORGIA; TO STATE THE PURPOSE OF THE ORDINANCE; TO DECLARE PERMITTED USES REGARDING THE KEEPING OF LIMITED NUMBERS OF ANIMALS OR PETS WITHIN THE RESIDENTIAL DISTRICTS OF THE CITY OF BALDWIN, GEORGIA; TO PROHIBIT USES REGARDING THE KEEPING OF ANIMALS WITHIN THE RESIDENTIAL DISTRICTS OF THE CITY OF BALDWIN, GEORGIA; TO PROVIDE FOR A PENALTY AS TO VIOLATIONS OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to the City Charter of the City of Baldwin, Georgia, as amended, and O. C. G. A. § 36-66-1, the City of Baldwin, Georgia, through its duly elected City Council, has enacted a zoning ordinance to regulate land uses within the City and to protect the public health, safety and welfare within the City;

WHEREAS, the City Council desires to amend its zoning ordinance in order to regulate certain uses within the residential districts of the City involving the keeping of animals;

THEREFORE, BE IT ORDAINED, by the City Council of the City of Baldwin, and it is hereby ordained by the above-referenced authority, as follows:

SECTION 1. NEW ARTICLE TO THE BALDWIN ZONING ORDINANCE.

The Zoning Ordinance and Mobile Home Ordinance of the City of Baldwin, Georgia, which was duly passed on November 3, 1980, is hereby amended by adding a new article, being Article XIX, and entitled, "Animals in Residential Districts", and which shall read as follows:

Article XIX

Animals in Residential Districts

SECTION 19-1. PURPOSE.

It is the intent of this ordinance to permit certain uses in residential districts which involve the keeping of limited numbers of domestic animals or pets where it is recognized that such areas are changing from agricultural to suburban residential in character. This ordinance is further intended to minimize problems which may arise from such animal uses and to provide suitable standards for protection of health, safety, welfare and preservation of residential districts from indiscriminate raising of animals. These restrictions apply to districts R-I, R-II, R-III, PUD, Mobile Home Parks (MHP) and A and shall be subject to all state and local health codes.

SECTION 19-2. PERMITTED USES.

A. Livestock. Horses, goats, cows, pigs, ponies, donkeys and other domestic livestock may be kept, raised or bred for home use and enjoyment provided that only one such animal shall be permitted for each 15,000 square feet of land area [except not including the Agricultural (A) District] and shall be adequately contained within that property.

B. Domestic pets. Cats, dogs, rabbits or other generally recognized domestic pets may be kept or bred by persons residing on the property for their use and enjoyment.

C. Fowl. Ducks, quail, chickens, turkeys, squabs, pheasants, etc., may be raised for home use, provided such fowl are adequately contained within that property.

D. These permitted use provisions for animals in residential districts are meant to apply only outside of the residence on an individual lot and are not intended to restrict the type or number of animals within a residence.

E. Notwithstanding any provision in this ordinance to the contrary, buildings or other structures which are located in residential districts and are used to accommodate or restrain animals noted in subsections A, B and C of this section shall meet the setback requirements of the applicable district.

SECTION 19-3. PROHIBITED USES.

A. The keeping, breeding, or training of any animals or fowl for monetary gain or profit shall be deemed a commercial business and is expressly prohibited in all residential districts except the Agricultural (A) District, or R-I, R-II, R-III, PUD, or MHP where such operations may qualify as a home occupation, or where said business is a legal non-conforming use but subject to the limitations hereinafter provided.

(1) Any commercial business involving animals which is a legal non-conforming use shall only be continued with the following limitations. It shall not be:

- (a) Changed to another non-conforming use;
- (b) Re-established after discontinuance of that use for one year;
- (c) Enlarged beyond its size at the time the use became non-conforming.

This includes, but is not limited to, the size of the business, the number of employees, operation during other hours of the day or night, the use of additional land, and additional or more powerful equipment;

(d) Rebuilt, altered, repaired or replaced after damage exceeding 75% of the fair sale value of the commercial business immediately prior to damage.

(2) The City Council of the City of Baldwin may grant the change, re-establishment or enlargement of a non-conforming use of a commercial business involving animals, or the enlargement, rebuilding, alteration, repair or replacement of a structure involving said non-conforming use upon the following findings:

(a) The change, re-establishment, enlargement, rebuilding, alteration, repair or replacement would be no more detrimental to the surrounding area than the existing or previous use.

(b) The structure cannot economically be modified so as to be suitable for uses permitted in the district.

(c) The structure would have to be removed to permit development of the property for conforming uses.

(d) The structure has such value that removal to permit development of conforming uses would cause economic hardship to the owner.

(e) The proposed change, re-establishment, enlargement, rebuilding, alteration, repair or replacement would not cause substantial detriment to the public good or impair the purposes and intent of this ordinance.

(f) The requirements of the zoning ordinance for City of Baldwin for rezoning would prevent the current zoning from being changed to a classification that would allow the proposed change, re-establishment, enlargement, rebuilding, alteration, repair or replacement.

(3) Application submitted to the City Council of the City of Baldwin requesting a change, re-establishment, enlargement, rebuilding, alteration, repair or replacement of a

non-conforming use or structure of a commercial business involving animals shall include the following information:

(a) The applicant shall bear the burden of providing conclusive evidence to the City Council that the use or structure is legally non-conforming. This evidence may include, but is not limited to, business licenses, tax receipts, or utility bills.

(b) The applicant shall submit a plat or an accurate site plan, drawn to scale, showing the dimensions of the lot, size and location of all structures and their distance from all property lines, the names of all streets upon which the property is located, and parking spaces.

(c) If the request is for a commercial use or structure, a written description shall be submitted to describe the business. This description shall include hours of operation, numbers of employees, equipment used, products made, and/or sold, type of signs, and other information as needed for the City Council to reach a decision.

(d) The applicant shall provide evidence to the City Council of how the proposed change, re-establishment, enlargement, rebuilding, alteration, repair or replacement will comply with the current zoning, health and building requirements.

(4) If the requested change, re-establishment, enlargement, rebuilding, alteration, repair or replacement is approved, the City Council may place conditions on the approval to insure protection of the surrounding area. The applicant is responsible for conformance with these conditions.

(5) In cases where the request is to re-establish a discontinued use, the City Council may not approve the re-establishment of any use which has been discontinued for more than one year.

B. Notwithstanding any provision in this ordinance to the contrary, the killing, slaughtering and/or butchering of livestock, including but not limited to pigs, goats and calves, fowl or other wild, domestic or farm animals, whether for personal consumption or for resale or gift, is expressly prohibited in all residential districts, R-I, R-II, R-III, PUD, or MHP, and shall include A districts where the subject parcel is three acres or less and the principal use is residential and not a bona fide "agricultural" use as is otherwise defined in Section 301 of the Baldwin Zoning Ordinance.

SECTION 19-4. PENALTY.

Any person, firm, corporation, association or partnership violating any provision of this ordinance shall, upon conviction, be punished as provided by the maximum penalties allowed under the City Charter, or under general state law.

SECTION 2. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance should be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this ordinance is applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Baldwin to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 3. REPEAL OF CONFLICTING PROVISIONS.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict.

SECTION 4. EFFECTIVE DATE.

The effective date of this ordinance shall be the date of final passage of the ordinance.

This 22 day of September, 2003.

BALDWIN CITY COUNCIL

By: Mark Reed
Mayor

Ronald Bohannon
Councilperson

Beverly J. Holcomb
Councilperson

Jeff Bohannon
Councilperson

Ray Holcomb
Councilperson

Councilperson

Attest:

Betty Harper
Betty Harper, City Clerk

FIRST READING Dec. 13, 2010

PUBLISHED _____

PASSED Dec. 28, 2010

AN ORDINANCE NO. 0029-202

AN ORDINANCE TO AMEND THE CODE OF ORDINANCE OF THE CITY OF BALDWIN, GEORGIA IN ORDER TO PROVIDE FOR AND ESTABLISH MINIMUM HEALTH AND SAFETY STANDARDS FOR PRE-OWNED MANUFACTURED HOMES DESIRING TO BE LOCATED OR RELOCATED WITHIN THE CITY LIMITS OF THE CITY OF BALDWIN, GEORGIA.

WHEREAS, the General Assembly of the State of Georgia has declared that no county shall impose any health or safety standards or conditions based upon the age of a manufactured home;

WHEREAS, under authority of the Constitution of the State of Georgia and O.C.G.A. § 8-2-170 *et seq.*, a county may establish standards, conditions, and an inspection program for pre-owned manufactured homes which are relocated; and

WHEREAS, promotion and maintenance of property values within the jurisdiction and the health and general welfare of the citizens of the City of Baldwin are furthered when standards for the condition of structures, including pre-owned manufactured homes, are established and enforced.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Baldwin that all manufactured homes relocated to or within the jurisdiction, shall comply with the provisions of this Ordinance.

SECTION 1. DEFINITIONS.

The following words, terms, or phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section.

- (a) *Applicant* means any person seeking to install a pre-owned manufactured home in the incorporated area of the City of Baldwin.
- (b) *Building Inspector* means the person appointed, employed, or otherwise designated as the director of planning, permits and inspections; the City building official or any of his or her assistants.

- (c) *Certificate of occupancy* means a document issued by the building inspector certifying that a pre-owned manufactured home is in compliance with applicable requirements set forth by this Ordinance, and indicating it to be in a condition suitable for residential occupancy.
- (d) *Guarantee of Condition Bond* means a surety bond to guarantee that the affidavit and photographs required by paragraphs (1) and (2) of subsection (a) of Section 3 of this ordinance reasonably portray or represents the existing condition of the pre-owned manufactured home proposed for relocation. In lieu of the bond, a cash deposit may be deposited with the City.
- (e) *Install* means to construct a foundation system and to place or erect a manufactured home on such foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured home and connecting multiple or expandable sections of such manufactured home.
- (f) *Jurisdiction* means the incorporated areas of the City of Baldwin, Baldwin Georgia.
- (g) *Manufactured home* means a structure, 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 320 or more square feet 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, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements 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. Section 5401, *et seq.*
- (h) *Pre-owned manufactured home* means any manufactured home that has been previously used as a residential dwelling and has been titled.

SECTION 2. CONDITIONS.

All pre-owned manufactured homes located in the jurisdiction shall bear a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq.* (the HUD Code) and shall be installed in accordance with O.C.G.A. § 8-2-160, *et seq.*

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 pre-owned 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 pre-owned 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 pre-owned 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.
- (f) 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. Each pre-owned manufactured home shall contain a water heater in safe and working order.
- (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.

SECTION 3. PERMITTING, INSPECTION, CERTIFICATE OF OCCUPANCY AND FEES.

A permit shall be required to locate a pre-owned manufactured home in the jurisdiction.

- (a) Permit. To obtain a permit, Applicants shall provide to the building inspector:
- (1) An affidavit signed by the applicant that the pre-owned manufactured home meets health and safety standards required by this Act;
 - (2) Photographs of the interior and exterior of the pre-owned manufactured home providing evidence that home meets the minimum health and safety standards of Section 4 of this ordinance;
 - (3) A \$ 100.00 refundable guarantee of condition bond or \$ 100.00 refundable cash deposit; and
 - (4) The permit and inspection fee required by subsection (d) of this Section.
- (b) Inspection. Upon receipt of a permit, Applicants may relocate the manufactured home on a residential site for the purposes of inspection. Applicant shall arrange for an inspection to be held once the installation of the manufactured home is complete.
- (c) Certificate of Occupancy. A certificate of occupancy shall be issued to the Applicant at such time that the building inspector certifies that the requirements of this ordinance have been met.
- (d) Fee. A permit and inspection fee of ^{125.00}~~\$100.00~~ shall be charged to the applicant to cover the cost to the City to process the permit application and inspect the pre-owned manufactured home. Such fee shall cover the initial inspection and one follow-up inspection. The applicant shall be charged \$50.00 for each additional follow-up inspection that may be necessary.
- (e) Alternative Inspection. At the request of the Applicant, the building inspector may, at his or her discretion, inspect a pre-owned manufactured home prior to its being relocated if the home is then located at another site within the county.

SECTION 4. MINIMUM HEALTH AND SAFETY STANDARDS.

All pre-owned manufactured homes shall comply with the following before being issued a certificate of occupancy by the building inspector:

- (a) HUD Code: Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety

- (i) Ventilation. The kitchen in the home shall have at least one operating window or other ventilation device.
- (j) Smoke Detectors. Each pre-owned 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.

SECTION 5. ENFORCEMENT.

- (a) Permanent connection to utilities shall not be approved until the building inspector has issued a certificate of occupancy.
- (b) Owners of pre-owned manufactured homes that are not in compliance upon a third inspection shall have their permit revoked and shall be required to remove the home from the jurisdiction at their own expense.
- (c) The guarantee of condition bond or cash deposit will be forfeited after 90 days from the date of inspection, unless all conditions and standards are met prior to the end of the 90 days or an extension has been issued in writing by the building inspector.

SECTION 6. PENALTIES.

Failure to remove a pre-owned manufactured home from the jurisdiction upon failure to receive a certificate of occupancy shall be punishable by a fine of \$ 50.00. Each day any violation under this ordinance continues shall be considered a separate offense.

SECTION 7. REPEALER.

All ordinances or parts of ordinances in conflict with this ordinance are repealed.

SECTION 4. SEVERABILITY.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this ordinance, should be declared invalid or unconstitutional by any Court of competent jurisdiction or if the provisions of any part of this ordinance as applied to any particular situation or set of circumstances should be declared invalid or unconstitutional, such invalidity shall not be construed or affect the portions of this ordinance not so held to be invalid, or the application of this ordinance to other circumstances not so held to be

invalid. It is hereby declared to be the intent of the City Council of the City of Baldwin to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 5. EFFECTIVE DATE.

This ordinance shall be effective upon passage.

This 28 day of December, 2010.

BALDWIN CITY COUNCIL

By: Jerry Heall
Mayor

[Signature]
Councilperson

[Signature]
Councilperson

Robert Bohannon
Councilperson

Sandi Rudeseal
Councilperson

Beverly Holcomb
Councilperson

Attest:

[Signature]
Jerry R. Presley, City Clerk

FIRST READING July 12, 2004

ADVERTIZED August 24, 2004

PASSED August 30, 2004

AN ORDINANCE NO. 0029-79

AN ORDINANCE TO AMEND THE ZONING ORDINANCE AND MOBILE HOME ORDINANCE OF THE CITY OF BALDWIN, GEORGIA, WHICH WAS DULY PASSED ON NOVEMBER 3, 1980; TO PROVIDE FOR CONDITIONAL USES IN EACH OF THE ZONING DISTRICTS PROVIDED FOR, UNDER THE ZONING ORDINANCE; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF THE CONFLICT; TO PROVIDE FOR SEVERABILITY OF PARAGRAPHS; TO PROVIDE THAT THIS ORDINANCE IS AN AMENDMENT TO THE ZONING ORDINANCE AND MOBILE HOME ORDINANCE OF THE CITY OF BALDWIN AS PROVIDED HEREIN; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Baldwin, Georgia is authorized by O. C. G. A. § 36-66-1, et seq. and the City Charter, to exercise its police power to enact and amend a zoning ordinance for land use regulations as to the property within the City of Baldwin, Georgia; and

WHEREAS, pursuant to said authority, the City of Baldwin, Georgia, adopted a zoning ordinance and mobile home ordinance, and which was duly passed on November 3, 1980; and

WHEREAS, in order to give the City Council the flexibility to consider uses that are consistent with each zoning district, but which are not specifically named as inherent uses within the zoning district, the City Council finds it appropriate to amend said zoning ordinance to provide for conditional uses in each zoning district pursuant to certain criteria as set out within this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Baldwin, Georgia, and it is hereby ordained by authority of same, as follows:

Section 1. RECITALS.

The foregoing recitals shall be a part of this ordinance, and included within the record and as a basis for the zoning text amendment, and shall be included in the official public minutes of the City Council of the City of Baldwin, Georgia.

Section 2. CONDITIONAL USES WITHIN EACH ZONING DISTRICT.

The zoning ordinance and mobile home ordinance of the City of Baldwin, Georgia, which was duly passed on November 3, 1980, as amended, is hereby further amended to provide for conditional uses as follows:

(a) Section 701 of said zoning ordinance is hereby amended by adding the following subsection:

701.3 Conditional Uses.

1. Such other uses, being conditional uses, determined to be appropriate for this zoning classification, considering the purpose and intent of the district, the comprehensive plan of the City of Baldwin (as a guideline only) and considering the criteria of section 18-8 and 18-7, and applying any conditions upon the use in accordance with section 18-11.

(b) Section 702 of said zoning ordinance is hereby amended by adding the following subsection:

702.1 Conditional Uses.

1. Such other uses, being conditional uses, determined to be appropriate for this zoning classification, considering the purpose and intent of the district, the comprehensive plan of the City of Baldwin (as a guideline only) and considering the criteria of section 18-8

and 18-7, and applying any conditions upon the use in accordance with section 18-11.

(c) Section 703 of said zoning ordinance is hereby amended by adding the following subsection:

703.1 Conditional Uses.

1. Such other uses, being conditional uses, determined to be appropriate for this zoning classification, considering the purpose and intent of the district, the comprehensive plan of the City of Baldwin (as a guideline only) and considering the criteria of section 18-8 and 18-7, and applying any conditions upon the use in accordance with section 18-11.

(d) Section 704 of said zoning ordinance is hereby amended by adding the following subsection:

704.1 Conditional Uses.

1. Such other uses, being conditional uses, determined to be appropriate for this zoning classification, considering the purpose and intent of the district, the comprehensive plan of the City of Baldwin (as a guideline only) and considering the criteria of section 18-8 and 18-7, and applying any conditions upon the use in accordance with section 18-11.

(e) Section 801 of said zoning ordinance is hereby amended by adding the following subsection:

801.3 Conditional Uses.

1. Such other uses, being conditional uses, determined to be appropriate for this zoning classification, considering the purpose and intent of the district, the comprehensive plan of the City of Baldwin (as a guideline only) and considering the criteria of section 18-8 and 18-7, and applying any conditions upon the use in accordance with section 18-11.

(f) Section 802 of said zoning ordinance is hereby amended by adding the following subsection:

802.3 Conditional Uses.

1. Such other uses, being conditional uses, determined to be appropriate for this zoning classification, considering the purpose and intent of the district, the comprehensive plan of the City of Baldwin (as a guideline only) and considering the criteria of section 18-8 and 18-7, and applying any conditions upon the use in accordance with section 18-11.

(g) Section 803 of said zoning ordinance is hereby amended by adding the following subsection:

803.3 Conditional Uses.

1. Such other uses, being conditional uses, determined to be appropriate for this zoning classification, considering the purpose and intent of the district, the comprehensive plan of the City of Baldwin (as a guideline only) and considering the criteria of section 18-8 and 18-7, and applying any conditions upon the use in accordance with section 18-11.

(h) Section 901 of said zoning ordinance is hereby amended by adding the following subsection:

901.5 Conditional Uses.

1. Such other uses, being conditional uses, determined to be appropriate for this zoning classification, considering the purpose and intent of the district, the comprehensive plan of the City of Baldwin (as a guideline only) and considering the criteria of section 18-8 and 18-7, and applying any conditions upon the use in accordance with section 18-11.

(i) Section 1001 of said zoning ordinance is hereby amended by adding the following subsection:

1001.4 Conditional Uses.

1. Such other uses, being conditional uses, determined to be appropriate for this zoning classification, considering the purpose and intent of the district, the comprehensive plan of the City of Baldwin (as a guideline only) and considering the criteria of section 18-8 and 18-7, and applying any conditions upon the use in accordance with section 18-11.

(k) Section 1101 of said zoning ordinance is hereby amended by adding the following subsection:

1101.1 Conditional Uses.

1. Such other uses, being conditional uses, determined to be appropriate for this zoning classification, considering the purpose and intent of the district, the comprehensive plan of the City of Baldwin (as a guideline only) and considering the criteria of section 18-8 and 18-7, and applying any conditions upon the use in accordance with section 18-11.

Section 3. REPEAL OF CONFLICTING ORDINANCES.

All ordinances and parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 4. SEVERABILITY OF PARAGRAPHS.

If any portion of this ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remaining portions unless it clearly appears that other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

This ordinance shall also be construed to the extent possible to be consistent with the prior Zoning Ordinance and Mobile Home Ordinance, but in the event of a conflict the provisions of this ordinance shall control.

Section 5.

**AMENDMENT TO THE PLANNING AND ZONING
ORDINANCE AND THE MOBILE HOME ORDINANCE.**


This ordinance is enacted as an amendment to the Zoning Ordinance and the Mobile Home Ordinance of the City of Baldwin as provided herein.

SECTION 6. EFFECTIVE DATE.

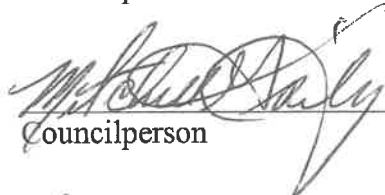
The effective date of this ordinance shall be upon approval by the City Council of the City of Baldwin.

This 30 day of August, 2004.

BALDWIN CITY COUNCIL

By: 
Mayor


Councilperson


Councilperson


Councilperson


Councilperson


Councilperson

Attest:


Betty Harper
City Clerk