

**RESOLUTION TO ENACT A
MORATORIUM ON THE ISSUANCE OF PERMITS TO LOCATE ADDITIONAL
MANUFACTURED HOMES WITHIN A NON-CONFORMING MANUFACTURED
HOME PARK IN SPALDING COUNTY**

WHEREAS, the Board of Commissioners of Spalding County, Georgia (“Board of Commissioners”) under the Constitution and Laws of the State of Georgia is empowered by virtue of its police power to regulate the health, safety and welfare of the citizens of Spalding County to provide for and enact zoning and developmental regulations;

WHEREAS, the Board of Commissioners is empowered to consider and enact zoning and development regulations governing the development of property within Spalding County, Georgia;

WHEREAS, the Board of Commissioners exercised its authority to enact zoning and development regulations by adopting the Zoning Ordinance of Spalding County, Georgia and the Official Zoning Map of Spalding County on January 4, 1994, and various other ordinances governing development thereunder (generally attached as Appendices) to such ordinance;

WHEREAS, the Board of Commissioners is also empowered with the authority and obligation to develop and prepare comprehensive land use planning within the boundaries of Spalding County, Georgia, and has recently prepared and adopted a new comprehensive land use map for such development;

WHEREAS, the Unified Development Ordinance (“UDO” or “Zoning Ordinance”) allows the location and development of a Planned Manufactured Home Community (“PMHC”), as defined in UDO, Section 203(DD) in the Multiple Family (“R-3”) District, the provisions of which establish the criteria and development requirements for a Planned Apartment Home Community and PMHCs (UDO, Article 9 Multiple Family);

WHEREAS, on information and belief, the Board of Commissioners is aware of only one PMHC located in Spalding County, Georgia which is zoned R-3;

WHEREAS, the remaining manufactured home developments or parks (“MHP”) do not meet the definition of a PMHC and are located in areas of Spalding County, Georgia that lie within the Agricultural and Residential - 1 (“AR-1”) zoning district (UDO, Article 5 Agricultural and Residential-1);

WHEREAS, the term MHP is not defined in the UDO;

WHEREAS, neither a PMHC or a MHP is a permitted use within the AR-1 zoning district;

WHEREAS, such MHPs constitute non-conforming uses in the AR-1 zoning district and are governed by UDO, Section 403 which provides in subparts (B) and (C), respectively that:

B. A non-conforming use shall not be extended or altered unless the extension or alteration is in conformance with the requirements of [the UDO]; and

C. A non-conforming use which is altered or extended shall meet applicable Spalding County building codes and development regulations. When an applicant seeks a building permit for the extension or alteration of a nonconforming use, the building official and the administrative officer will inspect the unit and determine what (if anything) is needed to bring the unit into conformance with applicable building codes and development regulations. Upon determining that the unit meets applicable building codes and development regulations, he will issue the building permit for the non-conforming use.

WHEREAS, owners of non-conforming MHPs have expressed the desire to expand the number of manufactured homes located therein, thereby altering or extending the non-conformity of the MHP in the AR-1 zoning district;

WHEREAS, the criteria for the expansion of the number of manufactured homes located in non-conforming MHPs are unclear, given the requirements of UDO, Section 403 which require compliance with the development requirements set forth in the underlying AR-1 zoning district; and

WHEREAS, the Board of Commissioners is aware of complaints from residents in certain non-conforming MHPs regarding the reliability of private water systems which serve them;

WHEREAS, the Board of Commissioners is aware that residents in certain non-conforming MHPs have previously from time to time raised issues regarding private sewage disposal systems which serve them;

WHEREAS, based on these concerns, the Board of Commissioners has determined that it is in the best interests of the citizens of Spalding County, Georgia to provide for a brief period of time to review the policies and procedures of Spalding County, Georgia regarding permitting the location of additional manufactured homes within the MHPs located in AR-1 zoning districts;

WHEREAS, the Board of Commissioners desires to implement policies which encourage the rezoning of such non-conforming MHPs to the R-3 zoning district; and

WHEREAS, the Board of Commissioners desires to briefly control and prohibit the permitting of such additional manufactured homes in such MHPs until appropriate policies and procedures can be reviewed, considered and implemented after consultation with interested parties and the required amendments to the UDO, if any, can be developed and approved;

NOW THEREFORE, IT SHALL BE AND IS HEREBY RESOLVED by the Board of Commissioners of Spalding County, Georgia, and the following Resolution shall be and is hereby enacted, as follows:

Section 1: Definition of Manufactured Home. Any Manufactured Home, Class A (as defined in UDO, Section 203(S)), Manufactured Home, Class B (as defined in UDO, Section 203(T)) and Manufactured Home, Class C (as defined in UDO, Section 203(U)).

Section 2: Definition of “Non-Conforming Manufactured Home Park.” Any lot (as defined in UDO, Section 202(UU)) which is currently zoned AR-1 as designated and shown on the Spalding County Zoning Map (UDO, Article 23) on which three (3) or more manufactured homes (defined in UDO, Section 203(S), (T) and (U)) are located as of the effective date of this Moratorium.

Section 3: Enactment of a Moratorium on the issuance of additional permits for the location of a Manufactured Home in a Non-Conforming Manufactured Home Park. The Board of Commissioners hereby enacts and directs any and all applicable personnel and agencies of Spalding County, Georgia to enforce a moratorium on the receipt, acceptance, consideration and approval of any permit of whatsoever kind or nature seeking authority to locate a Manufactured Home in a Non-Conforming Manufactured Home Park.

Section 4: Exclusions from Moratorium. This Moratorium shall not apply to the receipt, acceptance, consideration and approval of an application for a permit to replace a Manufactured Home at a location in a Non-Conforming Manufactured Home Park on which a Manufactured Home was previously located as of the date of the commencement of this Moratorium or to replace a Manufactured Home which was been damaged or destroyed after April 1, 2022.

Section 5: Duration. The moratorium period shall commence beginning Tuesday, April 4, 2023 at 12:00 a.m. and shall conclude on Friday, June 30, 2023 at 11:59 p.m., unless further extended by the Board of Commissioners.

Approved by the Spalding County Board of Commissioners at their Regular Meeting on April 3, 2023.