

CARROLL COUNTY ZONING ORDINANCE

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1.0 PREAMBLE AND ENACTMENT

In pursuance of authority conferred by the 1983 Georgia Constitution and Georgia Zoning Procedures Act, as amended, and for the purposes of promoting the health, safety, convenience, order, prosperity, or general welfare of Carroll County; lessening congestion in the streets, securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, sewerage, schools, parks and other public requirements; conserving the value of buildings; and encouraging the most appropriate use of land and buildings throughout the county; all in accordance with a comprehensive plan, the Commissioners of Carroll County, Georgia does hereby ordain that:

2.0 SHORT TITLE

This Resolution shall be known and may be cited as "The Zoning Regulations of Carroll County, Georgia, as amended"

3.0 NON-CONFORMING USES [Section 3.1 amended Ord. 09/25/00]

3.1 Nonconforming Uses and Structures.

1. Purpose and Intent. The purpose of a zoning ordinance is to have orderly use of property. Nonconforming uses that existed legally prior to June 1987 (hereinafter the "adoption") or change of a zoning ordinance create land uses that do not conform to the zoning ordinance. It is the purpose of this nonconforming use provision to allow legally existing nonconforming uses to be retained with certain limitations to protect adjacent property owners and the public from the inconsistencies created by nonconforming uses, but it is the intent that over time all nonconforming uses will be eliminated or brought to conform with this ordinance.

2. Single family Residential Exemption. A single family residential dwelling unit that is being continuously used for residential use may be rebuilt, enlarged, and improved to the extent that such rebuilding, enlarging, and improvement does not violate an existing fire, safety, or health standard or ordinance shall be exempted from the requirements of this section.

3. Continuance of nonconforming uses. A nonconforming use of a building, structure or land that was legal prior to the enactment of the adoption of the zoning ordinance shall be allowed to legally continue even though such use does not conform with the provisions of this ordinance, subject to the

following:

a. The nonconforming use cannot be expanded to occupy a greater area of land or building area.

b. The nonconforming use may continue only in the original building structure or land area that was originally occupied by the nonconforming use.

c. The nonconforming use of the building, structure or land cannot be intensified or escalated, for example, by increasing the number of deliveries, employees or customers coming to the nonconforming use, or noise, dust, fumes or other pollutants emanating from the nonconforming use.

d. A nonconforming use cannot be reinstated after it has been abandoned for a twelve month period of time. It shall be prima facie evidence of abandonment for the owner and/or operator of the nonconforming use to discontinue the nonconforming use for twelve months, to fail to obtain a new or renew an existing business license/occupational tax certificate, or like permit as required under the Code of Carroll County, Georgia for the operation of such nonconforming use, or to fail to declare and remit the sales tax required by state law for the nonconforming use.

e. Failure to follow any other state, federal or local administrative procedure or regulation that is required for the nonconforming use shall be prima facie evidence of abandonment.

f. A nonconforming use cannot be changed to another nonconforming use.

g. A nonconforming use must maintain any screening or buffering that existed prior to the use becoming a nonconforming use or that was later voluntarily added.

h. A use that constitutes a nuisance as defined by state law is not and cannot become a nonconforming use.

4. Continuance of nonconforming structure or building. A building or structure that is nonconforming or that contains a nonconforming use at the time of enactment of the ordinance from which this ordinance is derived or at the time of enactment of an amendment to this ordinance may be retained, except that it shall not be:

a. Enlarged, altered or rebuilt, except for repairs necessary to maintain the structure or building in a safe and sanitary condition.

b. Rebuilt, altered or repaired so as to expand the structure or building to occupy a greater area of land or building area.

c. A building or structure may be rebuilt, altered or repaired if done in compliance with subsection (b) above.

5. Nothing in this section shall be construed to allow a use that is dangerous to the general public to continue to exist. This section shall also not be construed to not require changes to buildings or structures to comply with any fire code, safety code, or other safety ordinance or regulation.

6. To protect the public from inconsistent zoning requirements and to make nonconforming uses as consistent with conforming uses as possible, nonconforming uses must comply to the extent feasible with zoning requirements such as parking, landscaping, setback, outside storage, screening or buffering requirements for the zoning district or use which may be enacted and do not substantially impact the nonconforming use or nonconforming structure.

7. Screening. Automobile wrecking and junk yards may continue when screened with a solid fence, wall, or natural screening having a height of at least six feet or that such height as will screen all junk or other materials or vehicles from the view of any adjacent property -owner or from any public road provided that such fence be at least ten (10) feet from any street right-of-way or any zone district boundary. Screening shall shield or obscure one abutting or nearby structure or use from another by opaque fencing, walls, berms, or densely planted vegetation. A fence shall be considered a structural barrier that encloses, screens or demarcates or presents a solid face among or between its constituent members; also, a wall separate from or extending from a building. Affected property owners shall be required to conform to the screening requirements of this section by December 31, 2000.

3.2. [repealed Ord. 09/25/00]

3.3. **Discontinuance of Junk Yards.** All existing non-conforming junk yards shall be made to conform with the provisions of the Ordinance with regard to screening or be discontinued.

3.4. **Restoration to a Safe Condition.** Nothing in this Ordinance shall be construed to prevent the Codes Enforcement Officer of Carroll County from requiring the restoration of any building to a safe or sanitary condition pursuant to any applicable Federal, State or local law.

4.0 **DEFINITIONS.** Except as specifically defined herein, all words used in this Resolution have their customary dictionary definitions. For the purpose of this Resolution, certain words or terms are hereby defined. Words used in the present tense include the future tense. Words used in the singular include the plural, and words used in the plural include the singular. The word "shall" is mandatory. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged or designated to be used or occupied."

Abutting - Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.

Accessory Building or Accessory Structure - A subordinate structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

Accessory Use - (1) A use customarily incidental and subordinate to the principal use of a lot and located on the same lot as such principal use; such as an off-street parking place, a garden or a tool shed. (2) A use that: a) is clearly incidental to and customarily found in connection with a principal use or structure; b) is subordinate in area, extent, or purpose to the principal use or structure served; c) is located on the same lot as the principal use or structure served.

Accessory Apartment. An accessory apartment is a second residential unit that is detached from the primary single-family residence on a lot or parcel. As an example, an accessory apartment may be a garage apartment or carriage house. An accessory apartment is usually required to be a complete housekeeping unit that can function independently with separate access, kitchen, bedroom, and sanitary facilities. [Added Ord. 08/06/02]

Acre - For the purpose of this Ordinance the term "acre," in addition to its customary and ordinary meaning, shall include any lot, tract, or parcel of land or portion thereof which is 43,560 square feet in size. A half-acre shall include any lot, tract, or parcel of land or portion thereof which is 21,780 square feet in size. [Amended Ord. 10/17/01]

Alley - A public or private way permanently reserved as a secondary means of access to abutting property.

Alteration - The enlargement of a building or changes made in a building to convert it from one use to another, such as from a single family dwelling to a duplex or store.

Buffer - A strip of land, identified on a site plan or by a zoning ordinance, established to protect one type of land use from another land use that is incompatible. Normally the buffer is landscaped or kept as natural, undisturbed open space.

Building, Principal - A building in which is conducted the main or principal use of the lot on which said building is situated. A building is further defined as any structure with a roof intended for shelter or closure.

Building Height - The vertical distance to the highest point of the roof for flat, hip, gable and gambrel roofs and to the deck line of mansard roofs, measured from the street level if the building is not more than 10 feet from the front lot line or from the grade in all other cases.

Building Setback Line - A line establishing the minimum allowable distance between the nearest portion of any building, excluding steps, gutters and similar fixtures, and the centerline of the abutting street on which the building faces.

Centerline of Street - That line surveyed and monumented by Carroll County shall be the centerline of the street, or if such a centerline has not been surveyed, it shall be that line running midway between the outside curbs, or if no curbs measured from the inside ditch embankment off the street, or the middle of the traveled roadway of the street. On all streets that have multiple lanes of travel divided by a median, the centerline of the street shall be measured from the centerline of the lanes of travel going in one direction closest to the property or building in question.

Church or Place of Religious Worship - An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall not carry a secular connotation and shall include structures in which the religious services of any denomination are held.

Club- Buildings or facilities owned ;by or operated by a corporation, association, or persons for a social, educational, or recreational purpose but not operated for profit, excluding churches and other religious places of worship.

Conditional Use - A use for a particular piece of property that may be allowed by the Governing Authority when specifically listed in and provided for by this ordinance. A conditional use is subject to such restrictive requirements as in the opinion of the Governing Authority would be necessary to insure that the use is not detrimental to surrounding property. [Amended Ord. 10/13/98]

Conventional Home means a dwelling unit constructed from building materials such as lumber, brick, or stone delivered to the site, where the building is intended to be situated. For the purposes of this definition, conventional homes shall include industrialized dwellings and moved homes but exclude manufactured and mobile homes. [Amended Ord. 08/06/02]

DCA means the Georgia Department of Community Affairs of the State of Georgia. [Added Ord. 08/06/02]

Department means the Carroll County Department of Community Development. The Department of Community Development administers the zoning and development regulations. [Added Ord. 08/06/02]

Development - The division of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

District - A portion of the territory of the county, exclusive of streets, alleys, and other public ways, within

which certain uses of land, premises, and buildings are permitted and within which a uniform set of regulations applies.

Dump- A waste disposal site that does not employ environmental protection measures such as covering and compaction.

Dwelling - A building or portion thereof designed, arranged or used for residential occupancy.

Dwelling Unit - A dwelling or a portion thereof providing separate facilities for one or more persons living as a non-profit single housekeeping unit.

Easement - The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Family - One or more persons related by blood, law, or marriage and living together.

Family Burial Plot means a private non-commercial cemetery dedicated to and used, or intended to be used, for permanent interment of human remains. Such term shall not include governmentally owned cemeteries, commercial cemeteries, fraternal cemeteries, cemeteries owned and operated by churches, synagogues, or communities. [Added Ord. 03/05/02]

Family Child Care Home - A private residence where care, protection, and supervision are provided at least twice a week for a fee to no more than six children at one time, including children of the adult provider.

Garage, Repair - Any structure, premises, or land used for the care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.

Group Child Care Center, Class A - A building or structure where care, protection, and supervision are provided at least twice a week, on a regular schedule, to at least seven and no more than 12 children, including children of the adult provider.

Group Child Care Center, Class B - A building or structure where care, protection, and supervision are provided at least twice a week, on a regular schedule, to more than 12 children, including children of the adult provider.

Impervious Surface - Any material or combination of materials that substantially reduces or prevents the infiltration of storm water into the earth. It includes surfaces such as compacted sand, limerock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Industrial Park - A planned, coordinated development of a tract of land with two or more separate industrial buildings. Such development is designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space. It has an enforceable master plan with covenants, conditions, and restrictions.

Industrialized Dwelling - Any dwelling structure or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized homes are regulated by the Georgia Department of Community Affairs and does not include manufactured homes.

Junkyard - The use of any space outside a building involved in the storage, keeping, abandonment, demolition, baling or disassembling of wrecked autos, trucks or other vehicles; storage or otherwise

dealing in, but not excluding sale or exchange of ferrous and non-ferrous metals, used paper, cloths, plumbing fixtures and household appliances; provided that this definition shall not apply to any such uses conducted solely as an accessory use to the premises. Any site containing three or more automobiles not having current license plates or not being restored to operation shall be classified as a junkyard.

Landfill - A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

Light Industry - A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Living Space means heated square footage area within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing, and sanitation purposes. [Added Ord. 08/06/02]

Lot - An unsubdivided parcel or portion of land occupied or intended to be occupied by a common use or occupied or intended to be occupied by a building or group of buildings devoted to a common use together with the customary accessory buildings and uses and open spaces belonging to the same; which has both lot area and lot dimensions equal to or greater than the lot width and lot area requirements established by this Ordinance for the zoning district in which such tract of land is located and for the use proposed for the tract of land, and having its principal frontage upon a county road, street, thoroughfare, state highway or a dedicated easement for ingress and egress on record in the Office of the Clerk of the Superior Court of Carroll County, Georgia; includes the terms "plot" and "parcel".

Lot Coverage - Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot.

Lot Width - The shortest distance between the side line of a lot, measured along the building setback line.

Manufactured Home A structure, used or intended to be used as a dwelling unit, transportable in one or more sections, which in the traveling mode is eight feet or more in width, or 40 feet or more in length, or, when erected on site, encloses 320 or more square feet of floor area; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein. "Manufactured home" includes any structure that meets all of the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401, et seq. For purposes of this definition, a "manufactured home" does not include a structure which otherwise complies with this subsection, but which was built prior to June 15, 1976, which units shall be classified as "mobile homes." [Amended Ord. 08/06/02]

Manufactured Home Park means any area, lot, parcel or tract held in common ownership, or for common operation, and on which individual portions of said area, lot, parcel or tract are leased for the placement of manufactured homes as a primary residence. A manufactured home park shall be synonymous with a mobile home park, trailer park, and other like living communities. [Added Ord. 08/06/02]

Mobile Home means a structure, transportable in one or more sections, which, in the traveling mode, is eight feet or more in width or 40 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 and manufactured prior to June 15, 1976. [Added

Ord. 08/06/02]

Moved Home. A dwelling unit, building, or other permanent structure that is intended to be transported, moved, or relocated within or into the County over the roads or streets to a temporary or permanent location. For the purposes of this definition, a moved home is a conventional home. [Added Ord. 08/06/02]

Non-conforming Use - [amended Ord. 08/08/00; see section 3.1]

Outside Storage - The keeping of, in an unroofed area, any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

Principal Use - The primary use and chief purpose of a lot or structure as distinguished from an accessory or secondary use.

Property Owners Association (also Homeowners Association) - A formally constituted non-profit association or corporation made up of the property owners and/or residents of a fixed area that may take permanent responsibility for costs and upkeep of semi-private or common community facilities.

Restaurant, Drive-In - An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

Right-of-Way - An area or strip of land occupied or intended to be occupied by a street, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or other special use.

Secondary detached residential dwelling - A single family dwelling unit.

Setback - The required minimum horizontal distance between the building line and the related front, side, or rear property line.

Signs, Outdoor - [deleted 02/20/02]

Signs, Principal Use - [deleted 02/20/02]

Street - A public way for vehicular traffic which is open to the general public and which affords the principal means of access to abutting property.

Street, Major - A street designated as a "Major Street" by the use of symbols on the Zoning Districts Maps of Carroll County, Georgia.

Subdivision - Any division or redivision of a lot, tract or parcel, regardless of its existing or future use, into two or more lots, tracts or parcels. The term "subdivision" shall mean the act or process of dividing property, except that, where appropriate to the context, the term "subdivision" may be used in reference to the aggregate of all lots held in common ownership at the time of subdivision. [Amended Ord. 10/17/01]

Truck Terminal - A structure or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

Variance - A permit issued by the Community Development Appeals Board which allows a applicant to vary from the minimum area requirements for a particular piece of property that would otherwise be prohibited by this Ordinance. A variance is subject to such restrictive requirements as in the opinion of the

Community Development Appeals Board would be necessary to insure that the use is not detrimental to surrounding property.

Yard - A space on the same lot with a principal building, open, unoccupied and obstructed by buildings or structures from ground to sky except where encroachments and accessory building are expressly permitted.

Yard, Front - A yard extending the full width of the lot and situated between the right-of-way line of the abutting street and the front line of the principal building.

Yard, Rear - A yard extending the full width of the lot at the rear line of the principal building from the rear line of the lot to the nearest point of the principal building.

Yard, Side - A yard situated between the principal building and side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Zero Lot Line - The location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

Zoning Map - The Official Zoning District Map, or maps excerpted therefrom, of Carroll County, Georgia. Said map(s) shall be identified by having the title "Official Zoning Map(s)", the signature of the Chairman of the Board of Commissioners with the attest of the Clerk of the Board of Commissioners, together with the seal of the County and the date of the resolution that the Board of Commissioner's recognizes the map.

5.0 GENERAL PROVISIONS

5.1 Use. Except as hereinafter provided, no building or parcel of land shall hereafter be used or occupied and no building or part thereof shall be erected, moved or altered except for a use permitted within the zoning district in which it is located.

5.2 Yard Occupancy. Except as hereinafter provided, no building shall hereafter be erected or altered so as to occupy any required yard, nor shall any side, rear or front yard be narrower or smaller than is required for the zoning district in which it is located.

5.3 Yard Use Limitation. Except as hereafter provided, no yard or other open space provided about any building for the purpose of complying with the regulations of this Ordinance shall be included as a part of a yard or other open space for any other building.

5.4 Reduction in Lot Area. No lot may be reduced in area below the minimum lot area as specified herein for the zoning district within which said lot is located without having obtained a variance.

5.5 Frontage on corner Lots and Double Frontage Lots. The minimum required frontage for lots shall be governed by the Subdivision Regulations of Carroll County, Georgia, as amended. [Amended Ord. 10/17/01]

5.6 Corner Visibility. No structure, planting, or other visual obstruction above the height of four (4) feet shall be permitted within twenty (20) feet of an intersection of two (2) street rights-of-way or the intersection of a street right-of-way and a railroad right-of-way.

5.7 Determination of Unclassified and Unlisted Uses. In the event an applicant wishes to use property for a use that is not specifically identified as a permissible use or conditional use in the underlying zoning district, or a use, which is not specifically identified as a permissible use or conditional use in another district, subject to the recommendation of the planning commission and subject to the approval of the county commission, the following provisions shall apply: [Amended 10/17/01]

1. The county planner, zoning administrator, or his designee shall submit to the planning commission a written request for a determination of the district in which the unclassified use should be allowed as a permitted or conditional use.

2. The planning commission shall review the request as submitted and determine if the unclassified use is of a similar character to the district in which it is proposed. The planning commission may seek an opinion of the county attorney in considering the request.

3. If the planning commission determines and finds that the unclassified use is of a similar character and meets the intent of the uses inherently permitted within the district requested, or if the planning commission determines and finds that the unclassified use is of a similar character and meets the intent of the conditional uses provided within the district, then the planning commission shall request the zoning administrator to prepare an advertisement for a text amendment to the zoning regulations regarding the unclassified use.

a. After proper advertisement and hearing before the planning commission on the text amendment to the zoning regulations to allow the unclassified use as a permissible use or conditional use, the planning commission shall make a recommendation consistent with its finding to the board of commissioners for such unclassified use.

b. If the board of commissioners, after proper advertisement and hearing on the text amendment to the zoning regulations to allow the unclassified use as a permissible use or conditional use, adopts the text amendment and amends the zoning regulations, the applicant shall receive a certificate of zoning compliance for permissible use or make application for a conditional use permit as provided in these rules and regulations.

4. In the event the planning commission determines that the unclassified use is not consistent with the character and intent of the permissible or conditional uses within current zoning district, but the unclassified use is consistent with the character and intent of the permissible uses or its conditional uses within another zoning district, then the planning commission may request the zoning administrator to prepare an advertisement for a text amendment to the zoning regulations regarding the unclassified use as a permissible use or conditional use in another district. In the alternative, the planning commission may require the applicant to first apply for a rezoning change into the appropriate zoning district.

5. In no event shall the provisions of this section be used to allow an incompatible use or a use specifically prohibited by these regulations within a certain zoning district.

6. Once a use has been allowed by the board of commissioners, it shall then be considered classified either under the permissible uses or under the conditional uses in the respective zoning district.

5.8 Lot Frontage and Width. Each lot containing a principal building shall have frontage on a publicly owned or maintained right-of-way as set forth within and required by the Subdivision Regulations of Carroll County, Georgia, as amended. In special cases, such as a lot on a cul-de-sac, provided the lot width at the minimum building line is maintained, lot frontage may be reduced to not less than forty-five (45) feet. All lot width requirements shall be measured at the minimum front building setback line. [Amended Ord. 10/17/01]

5.9 Number of Buildings on Lot. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot, except as authorized by the provisions of this Ordinance.

5.10 Interior Tracts. Interior tracts shall be required to meet or exceed all requirements as set forth in the Subdivision Regulations of Carroll County, Georgia, as amended. An interior tract shall be connected to a public road by a permanent. [Amended Ord. 10/17/01]

1. Said easement shall connect the subject property with a public road and shall be:
 - a. No less than 30 feet in width;
 - b. Accurately described and filed in the Public Land Records of Carroll County, Georgia in the name of the person applying for the building permit; and,
 - c. For the express purpose of ingress to, and egress from, the subject interior tract to the public road.

2. The grant of a zoning compliance certificate or building permit in accordance with this paragraph does not constitute a waiver by the County to deny a subsequent application when the circumstances show a violation of the Subdivision Regulations of Carroll County, Georgia, as amended.

3. The sharing of an easement, private access way, or driveway shall be limited to two dwelling units.

5.11 Home Occupations. [Section 5.11, added Ord. 07/13/99]

1. Purpose and Intent. The purpose and intent of land use permits for the operation of customary home occupations or professions provides for an occupation for gain or support where the residence is secondary to the primary residential use and where the ordinary course of the occupation can be completed from a residence or other structure without having any significant effect on the neighborhood or area from which such home occupation is carried on

2. Administrative Review. It is the finding of the Board of Commissioners that the following occupations and professions represent customary home occupations that may be permitted in all residential and agricultural zoning districts where the same satisfies the additional specifications and requirements of this section. Under these circumstances, the application for a home occupation may receive administrative approval from the Director of the Department of Community Development, or his designee.

Accommodation of not more than four (4) boarders or roomers;
 Office of a professional person;
 Appraisal Business;
 Art studio;
 Baking;
 Beauty Salon;
 Beauty Shop;
 Business, Financial & Legal self help books & software;
 Canning;
 Care of not more than four children for compensation;

Contractors limited to painting, general, plumbing, HVAC, janitorial, carpet cleaning, and electrical as long as no equipment or material stored;
 Dressmaking or sewing;
 Garage office;
 Hair Salon;
 Herbal Crafts & Soaps;
 Home sales office;
 Home Inspections;
 Income Tax Service;

Internet Mail Order Business;
 Land Surveying;
 Mobile Disc Jockey;
 Photography Business;
 Picture Framing Business;
 Sales;
 Teaching musical instrument(s), dance, crafts or academic subjects with instruction limited two pupils at one time;
 Video Editing; and
 Vinyl Siding Business.

3. Additional Specifications. In all agricultural and residential districts, customary home occupations are permitted, however, the following additional specifications shall apply in addition to all other applicable requirements for the district in which such uses are located:

- a. The applicant or operator must reside full-time at the residence where the home occupation or business is performed.

b. Home occupation shall be limited in such a way as to not generate excess traffic at its location, and shall not have in excess of, in the aggregate, ten (10) clients or customers at its location in any twenty-four hour period.

c. The total floor space devoted to the home occupation shall not exceed twenty five percent (25%) of the heated dwelling space of the dwelling.

d. No outside storage shall be used in connection with the home occupation.

e. No on-street parking shall be permitted and sufficient off-street parking shall be provided for those residing in the home and for clients and customers of the permitted home occupation.

f. No internal or external alterations inconsistent with the residential use of the building may be permitted.

g. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation.

h. No machinery that causes noises or other interferences in radio and/or television reception shall be allowed.

i. No chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment shall be used in a permitted home occupation.

j. No external signs may be displayed advertising the product or service available.

k. No person other than a resident of the dwelling may be employed in the home occupation.

4. Prohibited Uses. A customary home occupation shall not include, but is not limited to, the following listed occupations: dancing or band instrument instruction in groups; tearooms and restaurants; tourist homes, boarding houses, or rooming houses; fish hatcheries, worm farms or bait houses; convalescent and nursing homes; kennels and animal hospitals; clinics and hospitals; and firewood sales.

5. Applications for customary home occupations shall include an application fee set by the board of commissioners and only information reasonably necessary to make determinations as to conformity with the provisions of this section, and as applicable, conformity with the standards herein.

6. Approval or denial of the application shall be made within thirty (30) days of the date of receipt of the application and all required supporting materials. The applicant shall be notified in writing of the approval, conditional approval, or denial of the application within five (5) working days after such decision is made. Conditional approval shall require that the specific conditions and the reasons therefore be stated in writing and agreed to by the applicant; such conditions shall be binding upon the applicant upon agreement. In the event the Director of the Department of Codes Enforcement has not approved or denied any application submitted to it within thirty (30) days of receipt of that application, then such application be deemed to have been approved.

7. Appeals. In the case of disapproval, the reasons therefore shall be specifically stated in writing by designating each specific provision or section which is not met and an explanation as to the reason or reasons why each such provision is not met. The applicant may appeal the decision to the Board of Commissioners. All appeals to the Board of Commissioners for land use permits for customary home occupations shall be advertised in the same manner as applications for rezoning, and public hearings will be held thereon in the same manner as hearings on applications for rezoning are conducted.

8. The board of commissioners may grant land use permits for occupations or businesses compatible with the neighborhood from which such business or occupation is operated and where no nuisance as defined in state law or other significant adverse effect would result to the area or district zoned.

9. The applicant shall submit such additional information, documents, or other materials as are deemed appropriate to the Board of Commissioners for which consideration in connection with any such appeal. The board of commissioners shall consider, at a minimum, the following in its determination of whether or not to grant a land use permit:

- a. Whether, or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located;
- b. Whether or not the use is otherwise compatible with the neighborhood;
- c. Whether or not the use proposed will result in a nuisance as defined under state law;
- d. Whether or not quiet enjoyment of surrounding property will be adversely affected;
- e. Whether or not property values of surrounding property will be adversely affected;
- f. Whether or not adequate provisions are made for parking and traffic considerations;
- g. Whether or not the site or intensity of the use is appropriate;
- h. Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses;
- i. Whether or not adequate provisions are made regarding hours of operation;
- j. Whether or not adequate controls and limits are placed on commercial and business deliveries;
- k. Whether or not adequate landscape plans are incorporated to ensure appropriate transition; and
- l. Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.

10. **Renewal.** A permit to operate a customary home occupation expires December 31 of each calendar year. Any permit granted under this section, after issuance, must be renewed annually not later than January 1 of each year; and an application for renewal shall be considered only in the event the current application is in full and complete compliance with all of the provisions of this section and all other appropriate ordinances of the County and the laws of this state. A renewal of the permit must meet all requirements of a new application, however, no advertisement or posting of a sign shall be required. Together with the written application described herein, applicant shall submit a non-refundable application fee equal to the cost of initiating an application hereunder.

11. **Minimum Time Between Applications.** An applicant who is denied shall not resubmit a

proposal for home occupation, affecting the same property, more than once in a twelve (12) month period. The twelve month period begins at the date of denial of the application or denial of the application before the Board of Commissioners, whichever is later.

12. Appeal of decisions on home occupation use. Any person, persons or entities jointly or severally aggrieved by any decision by the board of commissioners on home occupation use, special use permits, or variances may take an appeal to the superior court of the county by certiorari. The quasi-judicial appeal shall be limited to the proceedings and record before the board of commissioners. Any appeal must be filed within 30 days of the decision of the board of commissioners, and, upon failure to file the appeal within 30 days, the decision of the board of commissioners shall be final. For the purpose of this section, the appeal time shall run from the day the particular vote or action is taken.

5.12 Substandard Lots of Record. Any lot of record existing at or before July 14, 1999, which has an area or a width that is less than is required by this Ordinance, may be used, subject to the following exceptions and modifications. [Section 5.12 added Ord. 07/13/99]

1. Adjoining Lots. When two or more adjoining lots of record with continuous frontage are in one ownership at or before July 14, 1999, and such lots, individually, have an area or width that is less than required by this Ordinance, such groups of lots shall be considered as a single lot or several lots of the minimum width and area required in the district in which they are located.

2. Individual Lot Not Meeting Minimum Lot Size Requirements. Except as set forth in subsection (a) of this section, in any district in which single-family dwellings are permitted, any lot of record, existing at or before July 14, 1999, which has an area, width or depth less than that required by this Ordinance may be used as a building site for a single-family dwelling.

5.13 Certificate of zoning compliance. To determine whether a structure or use existing or proposed for any property located within Carroll County is or may be used or developed in compliance with this ordinance, the owner of the property or his agent may request a certificate of zoning compliance from the planning and zoning administrator. If the proposed use is an unclassified and unlisted use, the applicant must first comply with the provisions of section 5.7 before proceeding under this section.[Section 5.13 added Ord. 07/13/99; amended 10/17/01]

1. Such request shall be in writing and on such forms as may be developed for such purpose, which shall minimally meet the following standards:

- a. Identification of the owner of the subject property;
 - b. Identification of any agent of the owner of the subject property;
 - c. A legal description of the subject property, or alternatively a description that provides an adequate description to the satisfaction of the planning and zoning administrator;
 - d. A complete description and inventory of all existing structures on the subject property; whether any uses or structures are non-conforming;
 - e. A complete description and inventory of all proposed structures proposed or to be located on the subject property under this ordinance and for which the certificate of zoning compliance is being requested;
 - f. A complete description and inventory of any and all activities presently occurring;
- and
- g. A complete description and inventory of any and all activities proposed to occur

on the subject property and for which the certificate of zoning compliance is being requested.

h. Certification of the agent or property owner that all the information is true and correct, acknowledgment that such information is relied upon by the County, and the certificate may be void if any material information is untrue.

2. The planning and zoning administrator or his representative shall respond in writing within three (3) business days of receipt of a request for a certificate of zoning compliance.

3. The issuance of the certificate of zoning compliance shall be confirmation that the structures and/or uses located on or proposed for the subject property have been determined to be in compliance with the zoning ordinance of Carroll County and may be legally conducted thereon as of the date of issuance of the certificate.

4. In absence of a certificate of zoning compliance, no representation by any official or employee of Carroll County shall in any way legally bind Carroll County or in any way constitute any determination that the structures and/or uses located on or proposed for the subject property are in compliance with the zoning ordinance of Carroll County, or any appendix thereto nor shall any owner of property within Carroll County or his agent, successor or assign, claim any vested right to maintain or construct any structure and/or conduct any use located on or proposed for the subject property.

5. Any certificate of zoning compliance issued hereunder shall be valid for a period of ninety (90) days unless the underlying zoning is changed by official action by the governing authority, within which period the applicant must make further application to commence or conduct the uses requested within the application for a certificate of zoning compliance or construct any structure(s) identified in the application for a certificate of zoning compliance.

5.14 Temporary Manufactured Home Occupancy and Land Use Permit (TLUP). [Section 5.14 added Ord. 04/11/00, Amended 08.06.02]

1. Purpose and Intent. The purpose and intent of a temporary manufactured home occupancy and land use permit is to establish a use for the temporary location of a manufactured home or a temporary land use land permit (TLUP) in certain zoning districts for the installation, use, and occupancy of manufactured homes for a set duration.

2. Administrative Review. It is the finding of the Board of Commissioners that the requirements set forth herein represent appropriate circumstances where a TLUP may be permitted conditioned upon the satisfaction of the specifications and requirements of section 5.14 (3.-11.). Under these circumstances, the application for a TLUP may receive administrative approval from the Director of the Department of Community Development, or his designee.

3. Application. Applications for a TLUP shall include an appropriate number of copies of a completed application to be filed on forms prescribed by the office of community development. The application

a. The notarized signatures of the applicant and at least 51% of all record titleholder(s) shall appear upon the application. In addition, persons having a security interest in the subject property must consent to the application.

b. The nonrefundable application fee which has been established by resolution of the board of commissioners shall be paid. A copy of the fee schedule shall be maintained for public inspection in the office of community development.

c. Any other information reasonably necessary to make determinations as to

conformity with the provisions of this section, and as applicable, conformity with the standards herein.

d. A separate statement of the applicant that recognizes the temporary nature of the TLUP and that certification that the applicant and landowner shall cause the removal of the manufactured home on the termination of the TLUP.

4. All applications will be subject to review for completeness by the Department of Community Development, with the application first being submitted to the Zoning Administrator for a staff review. During the review process, adjoining landowners will be notified of the application and given the opportunity for comment within ten working days. The Zoning Administrator will then offer his assessment to the Director of Community Development, who will make a written decision.

5. If the requirements of this section are satisfied, the Director of Community Development shall issue a TLUP for twelve (12) months, and if appropriate renew the TLUP. If the requirements of this ordinance are not met, the director shall deny the application for the TLUP.

6. General Conditions. The following general conditions shall apply after a TLUP is issued.

a. All construction, installation, and design requirements for manufactured homes shall be satisfied;

b. The manufactured home used under the TLUP shall be provided access by the same driveway as the principal dwelling and shall not result in the construction or creation of an additional driveway or curb cut;

c. No manufactured home shall be used for purposes of storage or as storage units.

d. The transfer of ownership of the manufactured home shall cause immediate revocation of the TLUP.

e. Any violation of this section, its paragraphs, provisions, standards, or conditions herein or placed upon the TLUP shall terminate the TLUP. In the event of the director terminates the TLUP, the procedures set forth in paragraph 5.14.12 shall govern Medical Hardship Applications.

7. Application for a Medical Hardship TLUP. A TLUP may be issued to install a manufactured home for temporary residential use for a medical hardship.

a. An application for a Medical Hardship TLUP shall include the following:

(1) A letter or certified statement by a licensed medical doctor or by other appropriate medical evidence that the applicant is in medical need of personal care and his/her belief that a hardship condition exists requiring the use of a manufactured home for the health care of the immediate family member.

(2) Satisfactory evidence that the principal dwelling on the premises does not contain sufficient facilities to accommodate the proposed occupant of the manufactured home.

(3) For purposes of this section, the term "medical hardship" is defined as a person whose health or mental condition necessitates attention and supervision from the immediate family located in the principal dwelling on which premises is proposed for the TLUP.

(4) The manufactured home used under the TLUP shall be located in the rear yard of the principal dwelling and within 50 feet of the principal dwelling.

(5) The Carroll County Environmental Health Department shall approve the joint use of the onsite wastewater system with the principal structure.

b. Renewal of a Medical Hardship TLUP. An applicant may renew the TLUP for a period of twelve months by submitting an application to continue the TLUP for a medical hardship. To reapply, the applicant shall submit the following:

(1) A completed application to be filed on forms prescribed by the office of community development.

(2) A nonrefundable application fee and costs of certified mailings to adjacent landowners.

(3) Other information reasonably necessary to make determinations as to conformity with the provisions of this section.

(4) A separate statement of the applicant that recognizes the temporary nature of the TLUP and that certification that the applicant and landowner shall cause the removal of the manufactured home or the removal of all personalty on the termination of the TLUP.

c. When circumstances supporting the medical hardship end, the applicant will be notified by a certified letter that the temporary manufactured home permit has expired, and from the date that the letter was received, the applicant will have 30 days to remove the manufactured home from the premises. If the applicant fails to take action within the 30 day period, a citation may be issued for each day that the violation continues. Otherwise, the director may seek removal of the manufactured home by the procedure set forth in paragraph 5.14.12.

8. Application for a Home Construction TLUP. A TLUP may be issued to install a manufactured home for a temporary residential use in an agricultural or residential-1 (R-1) districts where an application for a building permit has been obtained for the construction of a conventional home.

a. The TLUP for home construction shall expire at the end of twelve (12) months or after the Certificate of Occupancy has been issued, whichever event occurs earlier. The TLUP permit may be renewed at the end of the twelve (12) month period where the building permit is active and has not been revoked.

b. The applicant will be notified by certified letter that the permit has expired, and will have thirty (30) days from the date the letter was received to either renew the permit or remove the manufactured home from the premises. If the applicant fails to take action within the 30 day period, a citation may be issued for each day that the violation continues. Otherwise, the director may seek removal of the manufactured home by the procedure set forth in paragraph 5.14.12.

9. Application for a New Home Sales TLUP. A TLUP may be issued to install an industrialized dwelling as a temporary office in all residential classifications for a real estate sales office to sell lots or new homes. The TLUP may only granted for placement within the boundaries of the development where lots are to be sold and new homes are to be built. The TLUP shall not be issued until the preliminary plat of the development has be approved. The specific location of the industrialized dwelling shall be subject to the approval.

a. A TLUP for new home sales shall expire at the end of twelve (12) months or after the final sale of the final home in the final phase. These permits may be renewed at the end of the twelve (12) month period, provided that the applicant has remaining lots or homes to sale.

b. The applicant will be notified by certified letter that the permit has expired, and will

have thirty (30) days from the date the letter was received to either renew the permit or remove the manufactured home from the premises. If the applicant fails to take action within the 30 day period, a citation may be issued for each day that the violation continues. Otherwise, the director may seek removal of the manufactured home by the procedure set forth in paragraph 5.14.12

10. Application for a Temporary Office TLUP. A TLUP may be issued to install an industrialized dwelling as a temporary office in any commercial or industrial district where a building permit has been received to construct a permanent office building.

a. A TLUP for a temporary office shall expire at the end of twelve (12) months or after the Certificate of Occupancy has been issued, whichever event occurs earlier. The TLUP permit may be renewed at the end of the twelve (12) month period where the building permit is active and has not been revoked.

b. The applicant will be notified by certified letter that the permit has expired, and will have thirty (30) days from the date the letter was received to either renew the permit or remove the manufactured home from the premises. If the applicant fails to take action within the 30 day period, a citation may be issued for each day that the violation continues. Otherwise, the director may seek removal of the manufactured home by the procedure set forth in paragraph 5.14.12.

11. Application for a Security Purpose TLUP. A TLUP for a manufactured home may be issued as a residence in a commercial district and in an industrial district for security purposes, provided the following conditions are met:

a. The occupant of the manufactured home shall be an employee of the commercial or industrial enterprise, hired for the purpose of security. No more than one (1) manufactured home shall be allowed on the tract owned by the commercial or industrial enterprise for which the application is made.

b. Before any permit shall be issued the landowner/applicant or business owner/applicant must show and state in a signed affidavit that the dwelling on the premises shall be used for security purposes to accommodate a full-time employee/occupant.

c. A manufactured home permit that is issued under this section shall expire twelve (12) months from the issue date. A renewal of the TLUP under this subsection must meet all requirements of a new application.

d. The applicant will be notified by certified letter that the permit has expired, and will have thirty (30) days from the date the letter was received to either renew the permit or remove the manufactured home from the premises. If the applicant fails to take action within the 30 day period, a citation may be issued for each day that the violation continues. Otherwise, the director may seek removal of the manufactured home by the procedure set forth in paragraph 5.14.12.

12. If the applicant or landowner fails to remove the manufactured home within thirty days of the expiration of the TLUP, the Director of the Department of Community Development is authorized to seek immediate compliance of this ordinance by legal process by instituting an injunction or other appropriate action to remove the manufactured home or personalty from the premises at the expense of the applicant. In such event the director shall be authorized to seek the costs of removal and any additional monetary relief the court may award.

13. Any person violating the terms of this section, either without obtaining a TLUP or for causing a manufactured home to be installed, occupied, and used for a time period in excess of that TLUP issued under subsection 5.14.3 shall be deemed to have violated this section and be subject to all remedies provided under the ordinances of the county.

14. Appeal of Decisions. Any person, persons or entities whose application for a TLUP is denied by a decision by the Director of Community Development may appeal the decision within 30 days of their denial to the Board of Commissioners. Failure to file an appeal within 30 days of the decision of the Director of Community Development shall result in a final decision. With the transmission of the appeal, the director shall include the written reasons for the denial and any other pertinent circumstances that may be relevant to the appeal.

a. The appeal shall be posted and advertised as an appeal from an application for a TLUP prior to being placed on the agenda for a hearing.

b. The Board of Commissioners shall review the decision of the Director under the standards set forth in section 13.0 of the zoning ordinance. Any person, persons or entities jointly or severally aggrieved by any decision by the Board of Commissioners on a TLUP may take an appeal to the superior court of the county by writ of certiorari.

5.15 Family Burial Plot. [Section added 03/05/02]

1. Purpose and Findings. It is the finding of the Board of Commissioners that every competent adult has the right to control certain decisions relating to his or her own funeral arrangements. The intent of this section is to set forth minimum specifications and requirements for a family burial use. Requirements are imposed only to the extent necessary to protect the public health and from any significant effect on the neighborhood or area from which the family burial use is established. It is the further finding of the Board of Commissioners that a family burial plot, which satisfies the minimum specifications and requirements, shall be a principal use in the Agricultural zoning district.

2. Minimum Specifications and Requirements for Family Burial Plot.

a. Application. A complete application shall be filed on forms prescribed by the Department of Community Development with required documentation as set forth in this section.

(1) Landowner Consent. The notarized signatures of the applicant and at least 51% of all record titleholder(s) shall appear upon the application.

(2) Fee. The nonrefundable application fee to be paid of a sum sufficient to cause a survey on the family burial plot to be taken and recorded.

(3) Certificate of Zoning Compliance. At any time a person applies for a family burial plot use in the unincorporated Carroll County, the applicant shall first obtain a certificate of zoning compliance issued by the zoning administrator, county planner, or their respective designee certifying that the proposed site of the family burial use lies within the agricultural zoning district.

b. Area Requirements. A family burial plot shall comply with the following area requirements:

(1) Minimum Size of Tract or Parcel. The minimum size of the tract or parcel of contiguous land being considered for a family burial plot shall be ten (10) acres.

(2) Maximum Size of Family Burial Plot. The maximum size of the family burial plot shall be 1600 square feet and have forty (40) feet of width and forty (40) feet of length.

(3) Setback Requirements.

(A) The minimum setback line from any property line shall be fifty (50) feet.

(B) The minimum setback line from any building or structure, regardless of property line, shall be one hundred (100) feet.

(C) The minimum setback line from any water source or surface water shall be one hundred (100) feet.

c. Survey. Each landowner is encouraged to provide a survey, by a registered surveyor, containing a registration point and the boundaries of the family burial plot.

d. Miscellaneous Requirements.

(1) Vault Requirement. All being interred in a family burial plot shall have an outer burial container or vault.

(2) Perpetual Access. The landowner shall provide perpetual access to the County and immediate family and descendants of those persons interred in the burial plot.

(3) Duty to Preserve and Protect. The landowner, and all subsequent landowners, shall preserve and protect the cemetery or burial ground and keep safe from destruction, peril, or other adversity and may include the placement of signs, markers, fencing, or other such appropriate features so as to identify the site as a cemetery or burial ground and may also include the cleaning, maintenance, and upkeep of the site so as to aid in its preservation and protection.

e. Prohibited Location. The family burial plot shall not be located within a floodplain.

f. Prohibited Uses. Solicitation or sale of any burial space or grave within the family burial plot shall be prohibited.

g. Funeral Directors. If the burial is supervised by any person licensed in Georgia to practice funeral directing (funeral director), the funeral director may use the following procedure in lieu of meeting the requirements set forth in subsection 5.15 (b) (1).

(1) Provide a completed application to the zoning administrator on the forms provided by the Department of Community Development having the following information:

(A) The name(s) and address(es) of the property owner(s).

(B) A name, address, and telephone number of a contact person.

(C) The size of the tract or parcel of land.

(D) A sketch of the property showing the location of the family burial plot, buildings, property lines, any water source, and a North Arrow.

(2) The application shall be filed with the department within 48 hours of the interment by the applicant or funeral director.

h. Removal from Tax Digest. Upon completion of the above stated requirements, the landowner may present the survey, map, and certification of zoning compliance to the office of the Tax Assessor to have the family burial plot moved to an exempt status in the tax digest.

5.16. Standards Governing the Construction, Installation, or Relocation of Conventional and Manufactured Homes. [Section Added 08.06.02]

1 Purpose. It is the intent of this section to promote land use compatibility, protect property values and ensure an adequate minimum living space standard. The construction, placement, installation, and relocation of conventional and manufactured homes after August 6, 2002 shall be subject to the requirements and procedures set forth herein. The requirements and procedures of this section shall be in addition to the rules and regulations of each underlying zoning district, including but not limited to, minimum lots, yard and building spacing, percentage of lot coverage, off-street parking requirements and required foundations. It is not the intent of this section to address, interfere, or intrude upon the safety and construction standards for manufactured homes that are reserved exclusively for federal regulation.

2. Standards Relating to Manufactured and Conventional Homes.

a. Each home (either conventional or manufactured) being constructed, installed, located, or relocated within Carroll County shall comply with the following design standards:

(1) The pitch of the roof shall have a minimum vertical rise of three (3) feet for each twelve (12) feet of horizontal run within tolerances and the roof shall be finished with composition, fiberglass, slate, concrete, asphalt, or wood shingles, or non-reflective, crimped metal sheets.

(2) The exterior siding shall consist of wood, hardboard, vinyl, brick, masonry, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) and be comparable in composition, appearance, and durability to the exterior siding commonly used in conventional homes.

(3) The tongue, axles, transporting lights, and towing apparatus from each manufactured home shall be removed after placement or relocation on a lot or parcel and before occupancy.

(4) Landings and steps leading away from all exterior doors shall be designed and constructed in accordance with state law and Carroll County Ordinances, said state law provisions being expressly incorporated by reference as part of this requirement.

(5) A foundation or curtain wall, unpierced except for required ventilation and access, and constructed of masonry or acceptable alternative materials shall be constructed and installed in compliance with County ordinances in the following residential zoning districts: Agricultural (A), Residential-1 (R-1), Residential-2 (R-2), Residential-3 (R-3), Residential-30 (R-30), Manufactured Home Subdivision (MHS), and Multifamily Residential (MFR). The foundation or curtain wall shall enclose the area located under the conventional or manufactured home to the ground level. Masonry or acceptable alternative materials, which shall be approved by the Department Director, shall have a minimum thickness of four (4) inches. A foundation or curtain wall of vinyl or non-reflective metal skirting shall be acceptable in lieu of masonry materials for dwelling units located within Mobile Home Parks and the following residential zoning district: High Density Detached Residential (HDDR).

(6) Each conventional home shall be constructed in accordance with the most current edition of the Standard Building Code of the Southern Building Code Congress International (SBCCI), and other ordinances adopted by Carroll County, and hereinafter adopted.

b. Each conventional and manufactured home being moved, constructed installed, located, or relocated within Carroll County after August 6, 2002 shall not be allowed to locate for permanent or temporary occupancy in this county if such conventional and manufactured home is more than seven (7) years old. The age of the conventional and manufactured home shall be measured from the day the application for building permit is submitted to the department for approval.

c. Each conventional and manufactured home being installed, located, or relocated within Carroll County shall contain no less than one thousand two hundred thirty (1,230) square feet of

living space.

3. Permit Requirements for Construction, Installation, and Relocation Within County.

a. Each conventional and manufactured home that is proposed to be installed or relocated within the unincorporated limits of Carroll County may not be installed or relocated without first obtaining a building permit to install, locate, or relocate a manufactured home.

b. Any person who desires to install or relocate a conventional or manufactured home within Carroll County shall first apply to the department for a building permit. A building permit to construct, install, or relocate a conventional or manufactured home within Carroll County shall not be considered a permit to occupy a dwelling. All applicable permitting requirements of the Development Package shall be met prior to issuance of any permits, including, but not limited to the following:

- (1) Certificate of zoning compliance.
- (2) Proof of no outstanding property taxes on subject property.
- (3) Carroll County Environmental Health septic approval.

c. Occupancy Prohibited Without Valid Permit. No person shall occupy any conventional or manufactured home or other dwelling unit as a residence nor permit any other person to occupy the same as a residence unless a Certificate of Occupancy shall have been obtained as provided by this section.

d. Prohibition for Use as Storage. Conventional, Manufactured and Mobile homes shall not be used for storage purposes or as storage buildings.

e. Responsibilities of Park Owners and Operators. No owner or operator of a manufactured home park shall permit any manufactured home to be installed or relocated within the confines of such park unless a building permit has been obtained for the specific manufactured home being installed or relocated. No owner or operator of any manufactured home park shall permit any manufactured home within the confines of such park unless a building permit has been obtained.

f. Permitted Use Locations.

(1) A manufactured home that meets the standards for installation and relocation and the underlying rules and regulations of the respective zoning district, shall be allowed as a permitted use as a primary family residence in the following districts (A, MHS and HDDR).

(2) A conventional home that meets the standards for construction, installation, and relocation and the underlying rules and regulations of the respective zoning district, shall be allowed as a permitted use as a primary family residence in the following districts (A, R-1, R-2, R-30, R-3, MFR, HDDR, and PUD).

g. Conditional Use Locations. A manufactured home that meets the standards for installation and relocation and the underlying rules and regulations of the respective zoning district may be permitted as a conditional use as a primary family residence in the following districts: (R-1, R-2, R-30, R-3, and MFR) subject to the requirements of Section 13.0 of the Zoning Ordinance.

4. Compatibility Review Process.

a. Any applicant who does not meet the standards set forth in Article III and contends that the proposed construction, installation, or relocation of the conventional home or

manufactured home is similar and comparable in exterior appearance, building materials, and living area to other dwelling units that have been constructed on adjacent tracts, lots, and parcels may submit an application to the compatibility standards review committee (hereinafter referred to as "Committee"), for a permit to construct, install or relocate said conventional or manufactured home.

b. The procedures for approval are as follows:

(1) Applications for approval of placement of conventional or manufactured homes shall be submitted with a nonrefundable application fee on a form or forms developed for that purpose to the committee for review at the department. Conventional or manufactured homes that have been illegally placed upon a tract, lot, or parcel shall be first removed before an application for approval of placement shall be accepted.

(2) The application shall include only information reasonably necessary to make determination as to conformity with the provisions of this section. The application shall include information to determine conformity with the standards herein, a copy of the covenants and any architectural standards, other information reasonably necessary to make determinations required by this section. In addition, the application shall include recent photographs of the front, side, and rear of the conventional or manufactured home exterior finish (whichever is applicable), (4) pictures taken from the proposed site of the dwelling unit in the northerly, easterly, southerly, and westerly directions, and pictures of any neighbor's adjacent dwelling units. The photographs shall be taken within the 30 days prior to the submittal of the application. In addition, each application shall be accompanied by a site plan or sketch plan containing appropriate information including, but not limited to, the following:

(A) Location of all existing buildings, structures, easements, and boundary lines.

(B) North point, scale, land district, and land lot.

(C) Existing use of adjacent property.

(D) Location of all proposed buildings, structures, and land uses.

(3) Applications shall first be reviewed for completeness. If the application is rejected for not being complete, the applicant shall be notified of the reasons for rejection within fifteen working days of receipt of the application. The applicant shall be responsible for the satisfaction of all of the comments prior to the resubmission of the revised application. If the revised application is not received within thirty days of notification of incompleteness, it shall be dismissed without prejudice and the applicant must resubmit a new application affecting the same property thereafter.

(4) The committee shall review the application for compatibility with the following criteria:

(A) Architectural appearance and similarity within the development or surrounding developments, in size, siding material, roof pitch, roof material, foundation, square footage, and general aesthetic appearance;

(B) Existing development in the same zoning district or general area, in architectural appearance and similarity within the development or surrounding developments, in size, siding material, roof pitch, roof material, foundation, square footage, and general aesthetic appearance; and

(C) Proposed development permitted in the same zoning district or general area.

(5) Approval or denial of a complete application shall be made within twenty (20) working days of the date of receipt of the completed application and all required supporting materials. The applicant shall be notified in writing of the approval, conditional approval, or denial of the application within two (2) working days after such decision is made. Conditional approval shall require that the specific conditions and the reasons therefore be stated in writing and be agreed to by the applicant; such conditions shall be binding upon the applicant upon agreement. In the case of disapproval, the reasons therefore shall be specifically stated in writing by designating each specific provision of this section or other applicable county ordinance that is not met and an explanation as to the reason or reasons why each such provision is not met.

c. *Appeal from Compatibility Review Committee.*

(1) The applicant may appeal the decision of the compatibility standards review committee to the community development appeals board who will act on said appeal. The applicant may submit such additional information, documents or other materials as are deemed appropriate to the community development appeals board for its consideration in connection with any such appeal. The decision of the community development appeals board shall be in writing and shall specifically set forth findings of fact and identify specific provisions contained in this section upon which it relies, if the applicant's appeal is denied.

(2) In the event that the compatibility standards review committee has not approved or denied any completed application submitted to it within twenty (20) days of receipt of that completed application, then such application shall be deemed to have been approved.

d. *Compatibility Standards Review Committee.* For the purpose of reviewing the standards affecting conventional homes or manufactured homes or mobile homes, as contemplated in this ordinance, a compatibility standards review committee consisting of the county zoning administrator, the county building official and the county tax assessor is hereby established. A quorum shall consist of any of the three (3) members, or their designees, and the decision of any two (2) of the three (3) members shall be binding on the committee and this county. The committee shall adhere to the provisions of this ordinance. In the event that one or more members of the committee is/are unable to participate in the review process contemplated in this section, then such named member or members may designate his or her associate or assistant as an alternate to act in the place of the named member until such member is able to again participate in the committee review process.

e. *Minimum Time Between Applications.* A property owner shall not resubmit an application for construction, placement, installation, or relocation of a conventional home or manufactured home affecting the same property, more than once in a twelve (12) month period. The twelve month period shall begin at the date of denial of the application before the compatibility standards review committee or community development appeals board, whichever is the later date.

4. Conventional or Manufactured Home Construction, Installation, Placement, or Relocation Before Building Permit Issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical, or plumbing, including installation or relocation of a manufactured home or conventional home before obtaining the necessary permits, shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees.

6.0 ESTABLISHMENT OF DISTRICTS.

For the purpose of this Ordinance, the unincorporated area of Carroll County is divided into zoning districts designated as follows:

Agricultural (A);

Low Density Residential (R-1);
Medium Density Residential (R-2);
Residential (R-30); [Added Ord. 02/09/99]
High Density Residential (R-3);
Multi-Family Residential (MFR);
Manufactured Home Subdivision (MHS);
Higher Density Detached Residential (HDDR);
Commercial (C);
Industrial (I);
Office and Institutional (OI); and
Planned Unit Development (PUD).

7.0 LOCATION AND BOUNDARIES OF ZONING DISTRICTS.

The location and boundaries of the zoning districts are hereby established as shown on the map or maps excerpted therefrom entitled "The Carroll County Zoning Map" which are hereby made and incorporated into this ordinance by reference, which may be amended from time to time and which shall be kept in the Office of the Carroll County Commissioner Chairman. The Official Carroll County Zoning Map shall be available for public inspection in said office.

7.1 Interpretation of zoning district boundaries. Where uncertainty exists with respect to the location of the boundaries of any zoning district in Carroll County, Georgia, the following rules shall apply:

1. Where a zoning district boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line, a lot line or the centerline of a street, a county road, a state highway, an interstate highway or a railroad right-of-way or such lines extended, then such lines shall be construed to be the zoning district boundary lines.

2. Where a zoning district boundary line is shown as being set back from a street, a county road, a state highway, an interstate highway or a railroad right-of-way, and approximately parallel thereto, then such zoning district boundary line shall be construed as being at the scaled distance from the centerline of the street, county road, state highway, interstate highway or railroad right-of-way and as being parallel thereto.

3. Where a zoning district boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the zoning district in which the greater portion of the lot lies shall apply to the balance of the lot, except that such extension shall not include any part of a lot that lies more than 50 feet beyond the zoning district boundary line.

4. In the case of a through lot fronting on two approximately parallel streets, that is divided by a zoning district boundary line paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies shall apply to that portion of the through lot.

5. Undeveloped property which has been deannexed from any municipality or other county

will be subject to the same zoning district, including any conditions prior to annexation. However, if the zoning district within Carroll County cannot be determined from existing records or by the Zoning administrator, county planner, or their respective designee, a public hearing, as specified in this ordinance before the Planning Commission, will be conducted to establish the appropriate zoning classification for the property. Any lawfully developed, deannexed property shall be zoned to the nearest compatible zoning district in which the use is permitted.

8.0 USE REQUIREMENTS BY DISTRICTS

8.1 Agricultural - (A). This District is intended to preserve the open character of certain land within the County and to promote development of a type which does not require extensive public facilities and services.

1. **Permitted Uses.** Within any Agricultural (A) District, the following uses shall be permitted:
 - a. Single family dwelling or two (2) family dwellings (duplex), both conventional and manufactured.
 - b. Commercial forest, agriculture, dairying, poultry and livestock raising provided that buildings used for housing fowls or animals or processing products not be located closer than 200 feet to any property line.
 - c. Non-commercial agriculture, poultry, dairying, horse and livestock raising and greenhouses, as an accessory use to a permitted residential dwelling for the principal benefit of the occupants thereof.
 - d. Schools, colleges, and publicly owned and operated community structures.
 - e. Public utility structures, buildings and land.
 - f. Accessory uses and buildings.
 - g. Public parks, playgrounds, community buildings, golf courses and similar public service facilities
 - h. Privately owned day nurseries, pre-schools, and kindergartens.
 - i. Churches, similar places of worship, and one family burial plot satisfying the requirements and specifications of section 5.15. [Amended Ord. 03/05/02]
 - j. Clubs, private and public, including golf and country clubs, fishing and hunting clubs and other similar enterprises.
 - k. Development of Natural Resources including the removal of minerals and natural materials provided that no machinery used for such purposes be located closer than 200 feet to any property line.
 - l. Commercial processing of animal products provided that no machinery or housing used for such purposes be located closer than 750 feet to any property line; such processing does not include slaughter houses. [Amended Ord. 04/11/00]
 - m. [deleted Ord. 04/11/00]
2. **Conditional Uses.** Within any Agricultural (A) District, the following uses may be

permitted after application to the Governing Authority. [Amended Ord. 10/13/98; Ord. 07/13/99]

a. Secondary detached residences for rent, hire, let, or lease provided that all applicable Health Department regulations and Building Codes are met.

b. Kennels.

c. Hospitals, nursing homes, and charitable or philanthropic institutions.

d. Athletic fields, commercial recreation areas, including golf driving ranges, swimming pools, private airplane landing fields and accessory facilities.

3. **Lot Size - Minimum.** Within any Agricultural (A) District, the following minimum lot sizes are required. [Amended Ord. 07/13/99]

a. Lot width at minimum setback line: One hundred twenty (120) feet.

b. Lot area: Four acre. [Amended 10/17/01]

c. Setback Requirements - Minimum

d. Frontage - per subdivision regulation. Setback from center line of:

State or Federal Highway - 125 feet;

County Road - 100 feet.

e. Side - Fifteen (15) feet.

f. Rear - Fifteen (15) feet.

8.2 Low Density Residential (R-1). This District is intended to provide for a higher density use than other areas and is situated in places convenient to streets and commercial areas.

1. **Permitted Uses.** Within any Low Density Residential (R-1) District the following uses shall be permitted:

a. One family conventional dwellings;

b. Schools, colleges, and publicly owned and operated community structures;

c. Public utility structures, buildings and land;

d. Accessory uses and buildings;

e. Churches and similar places of worship;

f. Public parks, playgrounds, community buildings, golf courses and similar public service facilities serving residential areas; and

g. Non-commercial agriculture, excluding poultry, horse and livestock raising as an accessory use to a one-family dwelling for the principal benefit of occupants thereof.

2. **Conditional Uses.** Within any Low Density Residential (R-1) District, the following uses

may be permitted after application to the Governing Authority. [Amended Ord. 10/13/98; Ord. 07/13/99]

a. Non-commercial poultry, horse, and livestock raising and greenhouses as an accessory use to a one-family dwelling for the principal benefit of the occupants thereof, provided that all related accessory buildings are located in the side or rear yards;

b. Privately operated day nurseries, preschools, and kindergartens;

c. Commercial horticultural activities;

d. Secondary detached residential dwellings;

e. [Subsection deleted Ord. 02/20/02]

f. Manufactured homes designed, manufactured, and installed to give the appearance of a one family conventional dwelling. Such appearance would ordinarily include:

(1) permanent masonry foundation

(2) pitched, shingled roof

(3) porches at exterior doors

district, and (4) a floor space commensurate with adjacent dwellings located within the

(5) exterior appearance of either wood or masonry.

3. **Lot Size- Minimum.** Within any Low Density Residential (R-1) District, the following minimum lot sizes are required:

a. Lot width at minimum building setback line: One hundred (100) feet.

b. Lot area: Three acres

4. **Yard Requirements - Minimum**

a. Front. Setback from center line of:
State or Federal Highway - 125 feet;
County Road - 90 feet;
Subdivision Street - 75 feet.

b. Side - Fifteen (15) feet.

c. Rear - Twenty (20) feet.

8.3 Medium Density Residential (R-2). This District is intended to provide for a higher density use than other areas and is situated in places convenient to streets and commercial areas.

1. **Permitted Uses.** Within any Medium Density Residential (R-2) District the following uses shall be permitted:

- a. One family conventional dwellings;
- b. Schools, colleges, and publicly owned and operated community structures;
- c. Public utility structures, buildings and land;
- d. Accessory uses and buildings;
- e. Churches and similar places of worship;
- f. Public parks, playgrounds, community buildings, golf courses and similar public service facilities serving residential areas; and
- g. Non-commercial agriculture, excluding poultry, horse and livestock raising as an accessory use to a one-family dwelling for the principal benefit of occupants thereof.

2. **Conditional Uses.** Within any Medium Density Residential (R-2) District, the following uses may be permitted after application to the Governing Authority. [Amended Ord. 10/13/98; Ord. 07/13/99]

- a. Non-commercial poultry, horse, and livestock raising and greenhouses as an accessory use to a one-family dwelling for the principal benefit of the occupants thereof, provided that all related accessory buildings are located in the side or rear yards;

- b. Privately operated day nurseries, preschools, and kindergartens;
- c. Commercial horticultural activities;
- d. Secondary detached residential dwellings;
- e. [Subsection deleted Ord. 02/20/02]

- f. Manufactured homes designed, manufactured, and installed to give the appearance of a one family conventional dwelling. Such appearance would ordinarily include:

- (1) permanent masonry foundation
- (2) pitched, shingled roof
- (3) porches at exterior doors
- (4) a floor space commensurate with adjacent dwellings located within the district, and
- (5) exterior appearance of either wood or masonry.

3. **Lot Size- Minimum.** Within any Medium Density Residential (R-2) District, the following minimum lot sizes are required:

- a. Lot width at minimum building setback line: One hundred (100) feet.
- b. Lot area: One acre

4. **Yard Requirements - Minimum**

- a. Front. Setback from center line of:
State or Federal Highway - 125 feet;
County Road - 90 feet;
Subdivision Street - 75 feet.
- b. Side - Fifteen (15) feet.
- c. Rear - Twenty (20) feet.

8.4 Medium Density Residential (R-30). This District is intended to provide for a higher density use than other areas and is situated in places convenient to streets and commercial areas. [Section added Ord. 02/09/99]

1. **Permitted Uses.** Within any Medium Density Residential (R-30) District the following uses shall be permitted:

- a. One family conventional dwellings;
- b. Schools, colleges, and publicly owned and operated community structures;
- c. Public utility structures, buildings and land;
- d. Accessory uses and buildings;
- e. Churches and similar places of worship;
- f. Public parks, playgrounds, community buildings, golf courses and similar public service facilities serving residential areas; and
- g. Non-commercial agriculture, excluding poultry, horse and livestock raising as an accessory use to a one-family dwelling for the principal benefit of occupants thereof.

2. **Conditional Uses.** Within any Medium Density Residential (R-30) District, the following uses may be permitted after application to the Governing Authority. [Amended Ord. 07/13/99]

- a. Non-commercial poultry, horse, and livestock raising and greenhouses as an accessory use to a one-family dwelling for the principal benefit of the occupants thereof, provided that all related accessory buildings are located in the side or rear yards;
- b. Privately operated day nurseries, preschools, and kindergartens;
- c. Commercial horticultural activities;
- d. Secondary detached residential dwellings;
- e. [Subsection deleted Ord. 02/20/02]
- f. Manufactured homes designed, manufactured, and installed to give the appearance of a one family conventional dwelling. Such appearance would ordinarily include:

- (1) permanent masonry foundation

- (2) pitched, shingled roof
- (3) porches at exterior doors
- (4) a floor space commensurate with adjacent dwellings located within the district, and
- (5) exterior appearance of either wood or masonry.

3. **Lot Size- Minimum.** Within any Medium Density Residential (R-30) District, the following minimum lot sizes are required:

- a. Lot width at minimum building setback line: One hundred (100) feet.
- b. Lot area: 30,000 sq ft.

4. **Yard Requirements - Minimum**

- a. Front. Setback from center line of:
 - State or Federal Highway - 125 feet;
 - County Road - 90 feet;
 - Subdivision Street - 75 feet.
- b. Side - Fifteen (15) feet.
- c. Rear - Twenty (20) feet.

8.5 High Density Residential (R-3). This District is intended to provide for a higher density use than other areas and is situated in placed convenient to streets and commercial areas.

1. **Permitted Uses.** Within any High Density Residential (R-3) District the following uses shall be permitted. [Amended Ord. 10/13/98]

- a. One family conventional dwellings;
- b. Schools, colleges, and publicly owned and operated community structures;
- c. Public utility structures, buildings and land;
- d. [Subsection deleted Ord. 02/20/02]

2. **Conditional Uses.** Within any High Density Residential (R-3) District, the following uses may be permitted after application to the Governing Authority. [Amended Ord. 10/13/98; Ord. 07/13/99]

- a. Non-commercial poultry, horse, and livestock raising and greenhouses as an accessory use to a one-family dwelling for the principal benefit of the occupants thereof, provided that all related accessory buildings are located in the side or rear yards;
- b. Privately operated day nurseries, preschools, and kindergartens;
- c. Commercial horticultural activities;

- d. Secondary detached residential dwellings; and
- e. [Subsection deleted Ord. 02/20/02]
- f. Manufactured homes designed, manufactured, and installed to give the appearance of a one family conventional dwelling. Such appearance would ordinarily include:
 - (1) permanent masonry foundation
 - (2) pitched, shingled roof
 - (3) porches at exterior doors
 - (4) a floor space commensurate with adjacent dwellings located within the district, and
 - (5) exterior appearance of either wood or masonry.

3. **Lot Size- Minimum.** Within any High Density Residential (R-3) District, the following minimum lot sizes are required:

- a. Lot width at minimum building setback line: One hundred (100) feet.
- b. Lot area: One-half acre where public water or sewerage is available. One acre where no public water or sewerage is available.

4. **Yard Requirements - Minimum**

- a. Front. Setback from center line of:
 - State or Federal Highway - 125 feet;
 - County Road - 90 feet;
 - Subdivision Street - 75 feet.
- b. Side - Fifteen (15) feet.
- c. Rear - Twenty (20) feet.
- d. Accessory uses and buildings;
- e. Churches and similar places of worship;
- f. Public parks, playgrounds, community buildings, golf courses and similar public service facilities serving residential areas; and
- g. Non-commercial agriculture, excluding poultry, horse and livestock raising as an accessory use to a one-family dwelling for the principal benefit of occupants thereof.

8.6 Multi-Family Residential (MFR). This District is intended to provide suitable locations for apartments and other multi-family dwelling units such as townhouses, condominiums, and group housing.

1. **Permitted Uses.** Within any Multi-Family Residential (MFR) District, the following uses

shall be permitted:

- a. One family conventional dwellings;
- b. Schools, colleges, and publicly owned and operated community structures;
- c. Public utility structures, buildings and land;
- d. Accessory use and buildings;
- e. Churches, and similar places of worship;
- f. Public parks, playgrounds, community buildings, golf courses and similar public service facilities serving residential areas; and
- g. Non-commercial agriculture, excluding poultry, horse and livestock raising as an accessory use to one-family dwelling for the principal benefit of occupants thereof.
- h. Multi-Family Residential dwelling units such as apartments, row houses, townhouses, patio homes, rooming houses, boarding houses, group homes, and duplexes.

2. **Conditional Uses.** Within any Multi-Family Residential (MFR) District, the following uses may be permitted after application to the Governing Authority. [Amended Ord. 10/13/98; Ord. 07/13/99]

a. Non-commercial poultry, horse, an livestock raising and greenhouses as an accessory use to a one-family dwelling for the principal benefit of the occupants thereof, provided that all related accessory buildings are located in the side or rear yards;

- b. Privately operated day nurseries, preschools, and kindergartens;
- c. Commercial horticultural activities;
- d. Secondary detached residential dwellings;
- e. [Subsection deleted Ord. 02/20/02]

f. Manufactured homes designed, manufactured, and installed to give the appearance of a one family conventional dwelling. Such appearance would ordinarily include:

- (1) permanent masonry foundation
- (2) pitched, shingled roof
- (3) porches at exterior doors
- (4) a floor space commensurate with adjacent dwellings located within the district, and
- (5) exterior appearance of either wood or masonry.

3. **Lot Size - Minimum.** Within any Multi-Family Residential (MFR) District, the following minimum lot sizes are required:

- a. Lot width at minimum setback line: 150 feet plus an additional five (5) feet for

every unit over four (4).

b. Lot area: One-half acre per dwelling unit where public water or sewerage is available. One acre per dwelling unit where no public water or sewerage is available. Ten dwelling units per acre where public water and sewerage is available.

4. **Yard Requirements** - Minimum

a. Front - 50 feet plus 5 feet for each story over two stories.

b. Side - 20 feet plus 5 feet for each story over two stories.

c. Rear - 40 feet plus 5 feet for each story over two stories.

8.7 Manufactured Home Subdivisions (MHS). This District is intended to provide suitable locations for a higher density use than other areas and is situated in places convenient to streets and commercial areas and is intended primarily for the placement of manufactured homes.

1. **Permitted Uses.** Within any Manufactured Home Subdivision (MHS) District, the following uses shall be permitted:

a. Manufactured homes designed, manufactured, and installed to give the appearance of a one family conventional dwelling. Such appearance would ordinarily include:

(1) permanent masonry foundation

(2) pitched, shingled roof

(3) porches at exterior doors

(4) a floor space commensurate with adjacent dwellings located within the district, and

(5) exterior appearance of either wood or masonry.

b. One family conventional dwellings;

c. Schools, colleges, and publicly owned and operated community structures;

d. Public utility structures, buildings and land;

e. Accessory use and buildings;

f. Churches, and similar places of worship;

g. Public parks, playgrounds, community buildings, golf courses and similar public service facilities serving residential areas; and

h. Non-commercial agriculture, excluding poultry , horse and livestock raising as an accessory use to one-family dwelling for the principal benefit of occupants thereof.

2. **Conditional Uses.** The following uses may be permitted after application to the Governing Authority: [Amended Ord. 10/13/98; Ord. 07/13/99]

a. Non-commercial poultry, horse, an livestock raising and greenhouses as an accessory use to a one-family dwelling for the principal benefit of the occupants thereof, provided that all related accessory buildings are located in the side or rear yards;

b. Privately operated day nurseries, preschools, and kindergartens;

c. Commercial horticultural activities;

d. Secondary detached residential dwellings; and

e. [Subsection deleted Ord. 02/20/02]

3. **Lot Size - Minimum.** The following minimum lot sizes are required:

a. Lot width at minimum building setback line: One hundred (100) feet.

b. Lot area: One-half acre where public water or sewerage is available One acre where no public water or sewerage is available.

4. **Yard Requirements - Minimum**

a. Front - Setback from center line of:

State or Federal Highway - 125 feet;

County Road - 90 feet;

Subdivision Street - 75 feet.

b. Side - Fifteen (15) feet

c. Rear - Twenty (20) feet.

8.8 Higher Density Detached Residential (HDDR). This district is intended to provide suitable locations for higher density detached dwellings within the county and would specifically include manufactured home parks:

1. **Permitted Uses.** Within any High Density Detached Residential District the following uses shall be permitted:

a. Dwellings and/or spaces within a lot or parcel which are for rent or lease for dwellings.

b. Non-commercial agriculture, excluding the raising of poultry or livestock, as an accessory use to a dwelling and for the principal benefit of the occupants thereof.

c. Office and maintenance buildings incidental to a manufactured home park.

d. Food stores and Laundromats accessory to a manufactured home park only.

e. Accessory buildings.

2. **Conditional Uses.** Within any Higher Density Detached Residential (HDDR) District, the following uses may be permitted after application to the Governing Authority. [Amended Ord. 10/13/98;

Ord. 07/13/99]

- a. One family conventional dwellings; Secondary detached residential dwellings;
- b. Schools, colleges, and publicly owned and operated community structures;
- c. Public utility structures, buildings and land;
- d. Accessory use and buildings;
- e. Churches, and similar places of worship;
- f. Public parks, playgrounds, community buildings, golf courses and similar public service facilities serving residential areas; and
- g. Non-commercial agriculture, excluding poultry, horse and livestock raising as an accessory use to one-family dwelling for the principal benefit of occupants thereof.
- h. Non-commercial poultry, horse, an livestock raising and greenhouses as an accessory use to a one-family dwelling for the principal benefit of the occupants thereof, provided that all related accessory buildings are located in the side or rear yards;
- i. Privately operated day nurseries, preschools, and kindergartens;
- j. Commercial horticultural activities; and
- k. [Subsection deleted Ord. 02/20/02]

3. Lot Size - Minimum

- a. The lot shall have an area of not less than ten (10) acres with a frontage of not less than three hundred (300) feet on a public road.
- b. Each dwelling unit space shall be a minimum of 20,000 square feet where septic tanks are utilized. Where a common sewerage system is utilized the dwelling unit space sizes may be reduced to 8,000 square feet minimum.
- c. On each individual dwelling unit space within a Higher Density Detached Residential District there shall be a minimum fifteen (15) foot front yard and a minimum ten (10) foot rear and side yard.
- d. No dwelling unit or accessory building in a Higher Density Detached Residential District shall be placed nearer than 75 feet to any public street right-of-way line or forty (40) feet to any property line.

4. Conditions of Operation

- a. No dwelling unit shall be located in a Higher Density Detached Residential District until all the improvements required are complete and both Preliminary and Final Plats have been approved pursuant to the Carroll County Subdivision Regulations and the Carroll County Health Department. If approval has been given to develop the Higher Density Detached Residential in sections then only those sections which are completed may be occupied by dwelling units.
- b. No dwelling unit shall be occupied until the proper decals, if any, have been

secured from the tax collector and displayed in a proper manner.

c. Drives. Paved drives at least 20 feet wide, which serve as the principal means of ingress and egress to and from the dwelling unit spaces, shall be provided to each dwelling unit and to laundry or other service buildings and recreation areas.

d. Refuse collection stations shall be provided for all dwelling units served and shall be conveniently located for collection. Such station shall be constructed with a concrete floor.

e. Each dwelling unit within a Higher Density Detached Residential District shall have connection to public water if public water is available within two thousand (2,000) feet of the lot.

f. Each dwelling unit shall be placed on a firm block or other masonry foundation and/or supports with a curtain wall (skirting or underpinning) which extends from the ground to all exterior walls and encloses the underside of the dwelling unit.

g. At least two (2) all-weather parking spaces shall be provided on each dwelling unit site.

h. Each Higher Density Detached Residential lot shall be landscaped with shade trees and exterior screen planting to provide and assure reasonable amenities of living and privacy characteristic of less dense living quarters.

i. All utility lines shall be underground on any lot within a Higher Density Detached Residential District which does not front on a public road when the individual dwelling unit sites are less than 20,000 sq. feet in size

j. A manufactured home to be placed in a Higher Density Detached Residential District must meet the U. S. Department of Housing and Urban Development Manufactured Home Construction and Safety Standards. Compliance with this provision may be demonstrated by H.U.D. approval or by inspection by the Carroll County Building Inspector.

k. Additions may be constructed upon, adjacent to, or over dwelling units as herein defined provided that a building permit is obtained for such additions and the additions comply with all applicable ordinances.

l. Except as provided herein each dwelling unit space within the lot shall be designed to comply with the Carroll County Subdivision regulations.

8.9 Commercial (C). This District is intended to provide suitable locations for retail stores and other commercial services.

1. **Permitted Uses.** Within any Commercial (C) District, the following uses shall be permitted:

a. Retail business, retail stores, business or personal service establishments, including the making of articles sold at retail on the premises, provided such manufacturing is incidental to the retail business.

b. Indoor amusement enterprises, including theater, bowling alleys and skating rinks.

c. Offices and clinics.

- d. [Subsection deleted Ord. 02/20/02]
- e. Motels and hotels.
- f. Automobile and manufactured home sales.
- g. Funeral homes and mortuaries.
- h. Restaurants and other retail food establishments.
- i. Clubs and lodges, private and public.
- j. Churches and other places of worship.
- k. Publicly owned and operated buildings and lands.
- l. Public utility structures and land.
- m. Commercial cemeteries.

2. **Conditional Uses.** Within any Commercial (C) District, the following uses may be permitted after application to the Governing Authority. [Amended Ord. 10/13/98]

a. Outdoor theater provided the theater screens are not visible from an existing road, residence, or thoroughfare.

b. Warehousing, wholesaling, storage, and truck terminals, provided all outdoor storage areas are enclosed with a solid fence or buffer strip.

3. **Lot Size - Minimum.** Within any Commercial (C) District, the following minimum lot sizes are required:

a. Lot width at minimum. setback line: one hundred (100) feet.

b. Lot area: One-half acre where public water or sewerage is available. One acre where no public water or sewerage is available.

4. **Yard Requirements - Minimum**

a. Front. Setback from center line of:
 State or Federal Highway - 125 feet;
 All Other Roads or Street - 100 feet

b. Side. Fifteen (15) feet except that where a commercial building abuts a residential District or a side street there shall be a side yard of not less than thirty (30) feet.

c. Rear. Fifteen (15) required except that where a commercial building abuts a residential district there shall be a rear yard of not less than fifty (50) feet.

8.10 Industrial (I). The purpose of this District is to provide suitable areas for industrial development. All uses in the Industrial (I) District shall be constructed, maintained, and operated so as not to be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise,

vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazard or glare: Within two hundred (200) feet of a residential district, all processes and storage (except of vehicles) shall be in enclosed buildings.

1. **Permitted Uses.** Within any Industrial (I) District the following use shall be permitted:
 - a. Construction or contractors yards.
 - b. Storage or warehousing facilities.
 - c. Offices.
 - d. Retail, service, and wholesale businesses.
 - e. Motels and hotels.
 - f. Building materials, storage or wholesaling.
 - g. Truck terminals.
 - h. Automotive, farm implement, manufactured home, and trailer sales, service and repair.
 - i. Bottling plants or dairies.
 - j. Manufacturing, fabricating, processing, assembling, repair, or servicing of any product or commodity except fertilizer or explosives.
 - k. Restaurants.
 - l. Public utility structures and lands.
 - m. Public buildings.
 - n. [Subsection deleted Ord. 02/20/02]

2. **Conditional Uses.** Within any Industrial (I) District the following uses may be permitted after application to the Governing Authority. [Amended Ord. 10/13/98]

- a. Automobile wrecking and junk yards when screened with a solid fence, wall, or natural screening of such height as will screen all junk or other materials or vehicles from the view of any adjacent property -owner or from any public road provided that such fence be at least ten (10) feet from any street right-of-way or any zone district boundary.
- b. Manufacture of fertilizer or explosives.
- c. Bulk storage of petroleum products.
- d. Airports.
- e. Landfills, sewage treatment facilities, or other waste disposal sites.

Storage of moved houses, rebuilding of manufactured homes not within a confined space.

3. **Lot Size - Minimum.** Within any Industrial (I) District the following minimum lot sizes are required:

- a. Lot width at minimum setback line: One hundred (100) feet.
- b. Lot area: One acre.

4. **Yard Requirements - Minimum**

- a. Front. Setback from center line of:
 - State or Federal Highway - 100 feet;
 - Other Public Road or Street - 75 feet
- b. Side. Thirty (30) feet.
- c. Rear. Thirty (30) feet.

9.0 MISCELLANEOUS DISTRICTS/USE REQUIREMENTS/PROCEDURE

9.1 Office and Institutional District (OI) [See page 59]

9.2 Planned Unit Development District (PUD) [See page 61]

9.3 Telecommunication Antennae and Tower Ordinance [See page 68]

9.4 Watershed Protection Districts [See Exhibit 4, 5, 6]

10.0 POWERS AND DUTIES OF VARIOUS OFFICIALS CONCERNING THIS ORDINANCE

10.1 Powers and Duties of the Carroll County Codes Enforcement Officer. The Codes Enforcement Officer has the power and duty to provide the following services related to this Ordinance. [Amended Ord. 10/13/98]

- 1. Determine the zoning district a parcel of land lies.
- 2. Issue Building or Zoning Compliance permits under the procedures outlined in this Ordinance.
- 3. [Section deleted Ord. 04/11/00]
- 4. Offer practical suggestions on how to comply with this Ordinance.
- 5. Maintain complete records concerning this Ordinance and related matters, and make such records available to the public upon request.

10.2 Powers and Duties of the Planning and Zoning Commission. The Planning and Zoning Commission has the power and duty to provide the following services related to this Ordinance. [Amended Ord. 10/13/98; Ord. 02/08/2000]

- 1. Advise the Governing Authority on applications for amendment to this Ordinance by examining amendment applications and providing written recommendations to the Governing Authority.

2. Propose and/or review amendments to this Ordinance and to the Zoning Map.
3. Conduct public hearings prior to adoption of amendments to this Ordinance and to the Zoning Map.
4. Maintain and update the Carroll County Future Land Use Plan so that it may provide a current data base with which decisions on proposed amendments to this Ordinance may be made that utilize sound planning principles.
5. Carry out an ongoing comprehensive planning program.

10.3 [Section deleted Ord. 12/18/01]

10.4 Powers and Duties of the Governing Authority. The Governing Authority of Carroll County shall have the power and duty to provide the following services related to this Ordinance. [Amended Ord. 10/13/98]

1. Accept applications for amendment of this Ordinance and render official decisions on the applications after referring the same to the Planning Commission for review and recommendation as specified in this Ordinance.
2. Propose amendments to this Ordinance.
3. Authorize conditional uses and variances according to the procedures outlined in this Ordinance.

11.0 ADMINISTRATION AND ENFORCEMENT

11.1 Enforcing Officer. The provisions of this Ordinance shall be administered and enforced by the Codes Enforcement Officer of Carroll County. His duties shall include the administration of inspecting premises and issuing building permits. The Zoning administrator, county planner, or their respective designee shall issue zoning compliance certificates for uses and buildings that meet the Requirements of this Ordinance and other ordinances of Carroll County.

1. At any time a person applies for a building permit in Carroll County or intends to change the use of a parcel of land located in Carroll County, Georgia he shall obtain a certificate of zoning compliance issued by the zoning administrator, county planner, or their respective designee certifying that the proposed structure, land use or alteration complies with the provisions of this Ordinance. The certificate of zoning compliance will be noted on the building permit.

2. Each application for a certificate of zoning compliance shall be accompanied by such information as may be required by the Zoning administrator, county planner, or their respective designee to determine whether the proposed structure, land use or alteration is in conformity with the provisions of this Ordinance: Site plans presenting an accurate record of existing conditions and proposed uses including property lines, rights-of-way, and structures may be required.

3. If any building is erected, constructed, reconstructed, altered, moved, converted, or maintained or any building or lot or parcel of land is used in violation of this Ordinance or without obtaining the required certificate of zoning compliance, the Codes Enforcement Officer, or any other appropriate County authority, or any person who would be damaged by such violation, in addition to other remedies, after exhausting the remedies of this ordinance, may institute injunction, mandamus, or other appropriate actions in proceeding to prevent said violation in the case of each such building or use.

4. Furthermore, any person violating a provision of this Ordinance shall be guilty of a

misdemeanor, and upon conviction shall be punished for each violation according to law. Each day such a violation continues shall be deemed a separate violation.

12.0 PLANNING AND ZONING COMMISSION. [Section 12 Amended Ord. 02/08/00]

12.1 Creation. There is created a planning commission.

12.2 Membership; term of office; compensation of members; vacancies. The planning commission shall be composed of seven (7) members. Each member of the board of commissioners shall be entitled to appoint one member to the planning commission for a term of four (4) years; however, initial appointment of the members shall be in accordance with the resolution adopting this section. Any vacancy in the membership of the planning commission shall be filled for the unexpired term in the same manner as the original appointment. The expiration of each district term shall be set forth herein and each new member shall be as follows: district (1) shall expire on 05/31/01, district (2) shall expire on 05/31/03, district (3) shall expire on 05/31/01, district (4) shall expire on 05/31/03, district (5) shall expire on 05/31/01, district (6) shall expire on 05/31/03, and the at-large member shall expire on 05/31/00. Future successors shall be appointed upon the expiration of the term for a term of four years. Any vacancies shall be filled for the unexpired term in the same manner as the initial appointments. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Planning Commission. The members appointed shall be residents and citizens of Carroll County. Any four members of the planning commission shall constitute a quorum.

12.3 Officers; meetings; staff, finances. The county planning commission shall elect one of its appointive members as chairman, who shall serve for one year or until he is reelected or his successor is elected. A second appointive member shall be elected as vice-chairman, and he shall serve for one year or until he is reelected or his successor is elected. The planning commission shall appoint a secretary, who may be an officer or an employee of the board of commissioners or of the planning commission. The planning commission shall adopt rules for the actions, findings and determinations, which record shall be a public record. If any amounts are appropriated by the board of commissioners for the planning commission, the planning commission may cooperate with or accept funds from federal, state or local public or semipublic agencies or private individuals or corporations, and with consent of the board of commissioners may expend such funds, and may carry out such cooperative undertakings and other contracts as the board of commissioners may deem appropriate.

12.4 Preparation of development regulations. It shall be the obligation of the county planning commission to oversee comprehensive surveys and studies of existing conditions and probable future developments and use their best efforts to prepare such plans for physical, social and economic growth as will best promote public health, safety, morals, convenience, property or general welfare, as well as efficiency and economy, in the development of the county. In particular, the planning commission should:

1. Oversee the preparation of a master plan or parts thereof for the development of the county.
2. Oversee the preparation and recommend for adoption to the board of commissioners a zoning ordinance or resolution and map for the county.
3. Oversee the preparation and recommend for adoption to the board of commissioners regulations for the subdivision of land within the county, and to administer the regulations that may be adopted.
4. Oversee the preparation and recommend for adoption to the board of commissioners a plat or an official map showing the location of the boundary lines of existing, proposed, extended, widened or narrowed streets, public open spaces or public building sites, together with regulations to control the erection of buildings or other structures within such lines, within the county or a specified portion thereof.

12.5 Additional responsibilities. The planning commission may make, publish and distribute maps, plans and reports and recommendations relating to the plan and development of the county to public officials and agencies, public utility companies, civic, educational, professional and other organizations, and citizens. It may recommend to the executive or legislative officials of the county programs for public improvements and financing thereof. All public officials should, upon request, furnish to the planning commission, within a reasonable time, such available information as it may require for its work. The planning commission, and its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys; provided, however, that the planning commission shall be liable for any injury or damage to property, resulting therefrom. In general, the planning commission shall have such powers as may be necessary to enable it to perform its functions and promote the planning of the county.

12.6 Preparation of master plan. It should be the duty of the county planning commission to oversee the preparation of a master plan of the county and to perfect it from time to time. Such master Plan may show, among other things, existing and proposed streets, highways, expressways, bridges, and viaducts and approaches thereto; routes of railroads and transit lines; terminals, ports and airports; parks, playgrounds, forests, reservations and other public open spaces; sites for public buildings and structures; districts for residence, business, industry, recreation, agriculture or forestry; special districts for other purposes; limited development districts for purposes of conservation, water supply, sanitation, drainage, protection against floods and the like; areas for housing developments, slum clearance, and urban renewal and redevelopment; location of public utilities, whether publicly or privately owned, including, but not limited to, sewerage and water supply systems; zoning districts and other planning features, together with time and priority schedules and cost estimates for the accomplishment of the proposals. The master plan should be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other useful data. Such plan may be adopted, added to and changed, from time to time, by a majority vote of the planning commission. It shall be a public record, but its purpose and effect shall be solely to aid the planning commission in the performance of its duties.

12.7 Rules of procedure. The following procedure shall govern the conduct of business before the planning commission.

1. All hearings before the Carroll County Planning Commission shall be shall be open to the public. Visual and sound recordings shall be permitted.
2. All regularly scheduled hearings before the Planning Commission shall be conducted on the first Tuesday of each calendar month. All special meetings and rescheduled regular meetings of the Planning Commission shall be called either by the Zoning administrator, county planner, or their respective designee, the chairman of the Planning Commission, or a majority of the members of the Planning Commission.
3. Regularly scheduled meetings of the Planning Commission at such other times as the members of the Planning Commission may determine. All special meetings and rescheduled regular meetings of the Planning Commission shall be called either by the Zoning administrator, county planner, or their respective designee, the chairman of the Planning Commission, or a majority of the members of the Planning Commission.
4. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of Community Development and shall be a public record. Nothing in this policy or Procedure, however, shall require the Planning Commission to record or transcribe all testimony before it.
5. Members of the public shall not make inappropriate or offensive comments at a meeting

of the planning commission and are expected to comply with the rules of decorum that are established for the individual members of the Board. All comments by any speaker shall be directed to the planning commission and may not be directed to any other person in the audience. The chairperson shall have the right to call any speaker out of order for making irrelevant comments or personal attacks upon any person. An individual who violates the rules of decorum may be removed from the meeting at the direction of the chairperson.

6. In all proceedings before the planning commission, the commission shall follow the following format for conducting zoning inquires:

a. The chairman shall call for an item to be placed before the planning commission from the Zoning administrator, county planner, or their respective designee.

b. The zoning applicant may make a presentation to the planning commission.

c. The planning commission shall seek comments from all persons desiring to speak in favor of the proposed application for rezoning.

d. The planning commission shall solicit comments from all persons opposed to the application for rezoning.

e. [Subsection deleted Ord. 10/17/01]

f. [Subsection deleted Ord. 10/17/01]

g. The planning commission shall ask questions of any speakers and/or the Carroll County staff to be deemed appropriate.

h. The planning commission shall conduct any appropriate discussion of the issues presented.

i. The planning commission shall take action upon the rezoning application and record the results of any votes upon the minutes of the Planning Commission.

7. In his/her discretion, the chairman shall at any time have the right to establish time limitations if needed due to excessively lengthy presentations or the length of the agenda. All comments by any speaker shall be directed to the planning commission and may not be directed to any other person in the audience. The chairman shall have the right to call any speaker out of order for making irrelevant comments or personal attacks upon any person.

12.8 Grounds for removal. For the purpose of this section, any one or more of the following shall constitute a reason for removing a planning commission member "for cause."

1. Participating as a planning commissioner at any regular or called meeting of the planning commission under the influence of intoxicants, alcohol, or unprescribed or illegal drugs or using, possessing or for selling the same.

2. Charge and accusation for a misdemeanor which would adversely affect performance of duties as planning commissioner.

3. Conduct unbecoming a planning commissioner, including, but not limited to, demeaning conduct or use of profanity or vulgar language during any open public meeting of the planning commission.

4. Indictment of a felony.
5. Unauthorized use of county property, county telephones or other county communication equipment.
6. Filing false expense reports.
7. Two (2) absences from planning commission meetings within a six month period.

13.0 CONDITIONAL USES. [SECTION AMENDED ORD. 09/25/00] [RENUMBERED 12.18.01]

1. Procedure - Contents. Prior to processing of any application for a conditional use permit, the applicant, (herein defined as a person or entity other than a local government), shall be required to file documentation and follow certain procedures as set forth in this section. The applicant shall be required to file an application with the office of community development containing the following:

a. An appropriate number of copies of a completed application shall be filed on forms prescribed by the office of community development.

b. The notarized signatures of the applicant and at least 51% of all record titleholder(s) shall appear upon the application. In addition, persons having a security interest in the subject property must consent to the application.

c. The nonrefundable application fee which has been established by resolution of the board of commissioners shall be paid. A copy of the fee schedule shall be maintained for public inspection in the office of community development.

d. The applicant shall submit a current boundary survey and plat plan, to scale, prepared by a registered surveyor or registered engineer. In the alternative, the applicant may present other similar drawing, sketch, or plans that properly identifies the boundaries and planned development. Such development plan may also include such other information thereon as may be required by the zoning administrator, county planner, or their respective designee, including preliminary plans for development, building locations, parking areas, access points, adjacent streets, land lot lines, buffer areas, any future right-of-way, wet areas, flood plains, utilities and stormwater retention.

e. The applicant shall submit any other information required by the zoning administrator, county planner, or their respective designee or other county departments which they deem necessary or desirable in processing the application, which is related to the present or proposed use of the property.

2. Upon receipt of an application for a conditional use permit the planning and zoning commission shall hold a public hearing for review of the application.

3. All applications for conditional use permits before the planning and zoning commission and board of commissioners shall be advertised in the same manner as applications for rezoning, and public hearings will be held thereon in the same manner as applications for rezoning are conducted.

4. A recommendation concerning the application for a conditional use permit shall be made to the board of commissioners by the planning and zoning commission.

5. The board of commissioners may grant conditional use permits for the uses enumerated in the designated districts.

6. The board of commissioners may grant conditional use permits for any period of time in

the discretion of the board of commissioners.

7. In addition to general district, the board of commissioners shall consider, at a minimum, the following in its determination of whether or not to grant a conditional use permit:

- a. Whether, or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
- b. Whether or not the use is otherwise compatible with the neighborhood.
- c. Whether or not the use proposed will result in a nuisance as defined under state law.
- d. Whether or not quiet enjoyment of surrounding property will be adversely affected.
- e. Whether or not property values of surrounding property will be adversely affected.
- f. Whether or not adequate provisions are made for parking and traffic considerations.
- g. Whether or not the site or intensity of the use is appropriate.
- h. Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.
- i. Whether or not adequate provisions are made regarding hours of operation.
- j. Whether or not adequate controls and limits are placed on commercial and business deliveries.
- k. Whether or not adequate landscape plans are incorporated to ensure appropriate transition.
- l. Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.
- m. Whether the applicant can vary from any minimum required lot size requirement.

8. The Governing Authority shall make a decision with respect to the application and record the decision in the minutes for that meeting. The Governing Authority shall include any condition, requirement or limitation which may be necessary to carry out the provisions of this Ordinance. Further appeal on certiorari may be made to the Carroll County Superior Court.

13.1 Community Development Appeals Board [Section Amended/Renumbered 12/18/01]

1. Creation. There is created a community development appeals board.
2. Membership; term of office; compensation of members; membership and appointment. The community development appeals board shall be composed of seven members. Each member of the board of commissioners shall appoint one member to the board. Each member appointed by a member of the board of commissioners shall serve concurrently with the appointing commissioner's term of office and until a successor is appointed. The expiration of each district term shall be set forth herein and each new

member shall be appointed as follows: district (1) shall expire on 05/31/05, district (2) shall expire on 05/31/03, district (3) shall expire on 05/31/05, district (4) shall expire on 05/31/03, district (5) shall expire on 05/31/05, district (6) shall expire on 05/31/03, and the at-large member shall expire on 05/31/05. Members may be reappointed. Future successors shall be appointed upon the expiration of the term for a term of four years. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. The board of commissioners shall determine the amount of compensation, if any, to be paid to the members of the community development appeals board.

3. Officers. The community development appeals board shall elect one of its members as chairperson, who shall serve for one year or until reelected or a successor is elected. The community development appeals board shall appoint a vice chairperson.

4. Duties and Responsibilities. The community development appeals board shall be authorized with the following duties and responsibilities:

a. *Appeals.* Hear and decide appeals where expressly authorized by the ordinances of Carroll County, and unless another appeal process is specified, appeals from any decision made by any administrative officer of the community development department of the County.

b. *Area variances.* Hear and decide area variances in specific cases from restrictions on the construction or placement of buildings and other structures and allow for adjustments to the requirements for yards, height, frontage, setbacks, and similar dimensional aspects, provided, however, that no request for a variance shall be permitted in a zoning district where its use is not expressly authorized by the zoning ordinance. The community development appeals board may grant a variance, provided that all of the following findings are made:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property.

(2) That denying the variance would impose an unnecessary hardship due to such conditions.

(3) That the variance, if authorized, will not alter the essential character of the neighborhood or locality in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent properties, nor be detrimental to the public welfare.

(4) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

c. *Special Exceptions.* Hear and decide requests for special exceptions upon which the community development appeals board is required to consider.

5. Grounds for removal. For the purpose of this section, the board of commissioners may remove any member for any one or more of the following reasons, which shall constitute a reason "for cause."

a. Participating at any community development appeals board regular or called meeting of the community development appeals board under the influence of intoxicants, alcohol, or unprescribed or illegal drugs or using, possessing or for selling the same.

b. Conduct unbecoming a member of the community development appeals board, including, but not limited to, demeaning conduct or use of profanity or vulgar language during any open public meeting of the community development appeals board.

- c. Indictment of a felony.
- d. Unauthorized use of county property, county telephones or other county communication equipment.
- e. Filing false expense reports.
- f. Three (3) absences from community development appeals board meetings within a six month period.
- g. No member of the community development appeals board shall hold or qualify to hold any elected office or position in the County or in any city having its incorporated limits within Carroll County.

6. Administrative variances.

a. In the opinion of the director of community development, after consultation with the chairperson of the community development appeals board, shall have the authority to grant minor variances from the development standards of the zoning ordinance where the uniqueness of the land, its topographical characteristics, and other relevant evidence and considerations would demonstrate compliance with the intent and purpose of the zoning ordinance. A report of each minor variance granted shall be made to the community development appeals board at the next hearing.

b. The request for a variance to the director shall be in writing, stating the variance being sought, and the reasons why the request should be granted. Within 45 days of receipt of the request for a variance, the director shall make a decision to all interested parties with reasons supporting the decision. If the director executes an action which the applicant or other injured party believes to be contrary to law, that action may be appealed to the community development appeals board.

7. Meetings; Rules of Procedure; Effect of Appeal.

a. *Meetings.* The community development appeals board shall adopt rules of procedures consistent with this section. Meetings of the community development appeals board shall be at the call of the zoning administrator, chairperson, and at such other times as the members of the community development appeals board may determine. The chairperson or, in his absence, the vice-chairperson, or zoning administrator may administer oaths. The community development appeals board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The community development appeals board shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the zoning administrator for the community development appeals board and shall be a public record.

b. *Rules of Procedure.* Unless another appeal process is specified, appeals to the community development appeals board may be taken by any person aggrieved or affected by any decision made by any administrative officer of the community development department of the County. Such appeal shall be taken within a reasonable time, as provided by the rules of the community development appeals board, by filing with the officer from whom the appeal is taken and with the community development appeals board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the community development appeals board all the papers constituting the record upon which the action appealed from was taken.

c. *Effect of Appeal.* An appeal stays all administrative proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the community development appeals board, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such

case administrative proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the community development appeals board or by an appropriate court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

8. Applications for Appeal, Variance, and Special Exception.

a. *Appeals.* All applications for appeal shall be in writing, stating the specific appeal being sought, accompanied by the applicable fee, and state the reasons why the request should be granted. An appropriate number of copies of the appeal shall be filed with the planning and zoning administrator, and if applicable the administrative officer whose decision is alleged to be in error. If applicable, the appeal shall be filed on forms prescribed by the office of community development. The application for appeal shall be certified by the property owner or other applicable party that all the information is true and correct and the application for appeal may be void if any material information is untrue. The community development appeals board may grant, modify, or deny the appeal.

b. *Variance.* Each application shall be in writing and on such forms as may be developed for such purpose. Each application shall be accompanied by a site plan, with North point, scale, land district, land lot, and containing appropriate information required by the planning and zoning administrator, or his designee, including, but not limited to, the following:

(1) The notarized signatures of the applicant and at least 51% of all record titleholder(s) shall appear upon the application. In addition, persons having a security interest in the subject property must consent to the application;

(2) The nonrefundable application fee which has been established by resolution of the board of commissioners shall be paid. A copy of the fee schedule shall be maintained for public inspection in the office of community development;

(3) Identification of the owner of the subject property;

(4) Identification of any agent of the owner of the subject property;

(5) A legal description of the subject property, or alternatively a description that provides an adequate description to the satisfaction of the planning and zoning administrator;

(6) A complete description and inventory of all existing structures on the subject property; whether any uses or structures are non-conforming;

(7) A complete description and inventory of all proposed structures proposed or to be located on the subject property under this ordinance and for which the variance is being requested;

(8) A complete description and inventory of any and all activities presently occurring;

(9) A complete description and inventory of any and all activities proposed to occur on the subject property and for which the variance is being requested; and

(10) Certification of the agent or property owner that all the information is true and correct, acknowledgment that such information is relied upon by the County, and the application for variance shall be void if any material information is untrue.

c. *Special Exceptions.* An applicant may apply for a special exception permit to construct a single family dwelling from an intrafamily transfer of land, which is zoned agricultural and

contains less than four acres but one acre or more. For purposes of this section, an intrafamily transfer occurs between immediate family members. The immediate family is a group of individuals consisting of a father, mother, and children by blood, marriage, adoption or guardianship. The immediate family does not include an extended family.

(1) *Procedure - Contents.* Prior to processing of any application for a special exception permit, the applicant shall be required to file documentation and follow certain procedures as set forth herein. The applicant shall be required to file a complete application with the community development department containing the following:

(A) An appropriate number of copies of a completed application shall be filed on forms prescribed by the community development department.

(B) The notarized signatures of the applicant and 100% of all record titleholder(s) shall appear upon the application. In addition, persons having a security interest in the subject property must consent to the application.

(C) The nonrefundable application fee which has been established by resolution of the board of commissioners shall be paid. A copy of the fee schedule shall be maintained for public inspection in the community development department.

(D) The applicant shall submit a current boundary survey and plat plan, to scale, prepared by a registered surveyor or registered engineer. In the alternative, the applicant may present other similar drawing, sketch, or plans that properly identifies the boundaries and proposed location of the single family residence. Such development plan shall include such other information as may be required by the zoning administrator, or a respective designee, including but not limited to preliminary plans for development, building location, access points, adjacent streets, lot lines, wet areas, and flood plains.

(2) Upon receipt of an application for a special exception permit the community development appeal board shall hold a public hearing for review of the application. The community development appeals board shall consider, at a minimum, the following in its determination of whether or not to grant a special exception permit:

(A) Whether, or not there will be a significant adverse effect on the neighborhood or area in which the proposed single family dwelling will be located.

(B) Whether or not the proposed single family dwelling is otherwise compatible with the neighborhood.

(C) Whether or not the public health, safety, or welfare concerns of the surrounding neighborhood will be adversely affected.

(D) Whether a denial would impose an unnecessary hardship upon the applicant and the immediate family.

(E) The applicant's justification for not choosing to apply for a conditional use or zoning change,

(3) The community development appeals board will consider each application, and upon determining whether the applicant has satisfied requirements for such a special exception permit, shall issue the special exception permit.

(4) *Special Conditions.* The community development appeals board may

attach conditions and limitations to any special exception permit issued and may require the written certification of the applicant that he/she understands and will abide by those conditions if issued the special exception permit.

(5) Upon being granted a special exception permit, the applicant must then apply to the Community Development Department for a building permit. The applicant must comply with all rules and regulations as set forth in the subdivision regulations.

9. Public hearings. The community development appeals board shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as due notice to the parties in interest, and decide the matter within a reasonable time. Upon the hearing any party may appear in person or by agent or by counsel.

a. Upon receipt of an appeal from a decision of the administrative officer or building official where appeal is not directed to another decision making body, an application for a variance, or application for an appeal, the community development appeals board shall hold a public hearing thereon and shall give notice thereof, all as provided by law, by:

(1) Publication thereof in the official organ of Carroll County at least fifteen (15), but not more than forty-five (45) days prior to the hearing date before the community development appeals board;

(2) Posting a notice, as provided by law, not less than fifteen (15) days prior to the date of the hearing, in a conspicuous place or places on the property affected, and each such notice or sign shall contain information that a variance is requested, contact information, and the date and time of the hearing before the community development appeals board; and

(3) Notification by regular U.S. mail of adjoining property owners and others affected property owners, if applicable, that shall contain information that a variance is requested, contact information, and the date and time of the hearing before the community development appeals board.

b. Any public hearing before the community development appeals board may be electronically recorded or transcribed by a stenographer or court reporter, as the community development appeals board may from time to time authorize and direct; and video or sound recording or other transcription of any such hearing may be made.

c. An interested party may present evidence by affidavits, letters, reports, live testimony, photographs, videos, or any other medium generally accepted by the courts of this state. An interested party shall have the right to cross-examine any witness testifying for another party. All evidence shall be material and relevant to the issue before the community development appeals board; the community development appeals board shall have the right to limit the presentation of evidence that is not material or relevant, that is repetitive, that constitutes harassment, or is unduly argumentative. Interested parties shall have five minutes to state their case to the community development appeals board at the beginning of the hearing and five minutes to summarize at the end. All hearings shall be recorded, and the recording shall be maintained for at least six months. Except when examining witnesses, all remarks by an interested party shall be addressed to the chairperson. The interested party whose property or use of property is at issue shall have the burden of proof and shall have the right to open and close the evidence and the right to open and close the summary at the end of the hearing.

d. The applicant shall have the burden of proof and persuasion on all questions of fact before the community development appeals board

e. In any matter before the community development appeals board, the county may be considered an interested party. Within 10 days of the hearing, the planning and zoning administrator

shall mail the decision of the community development appeals board to all interested parties with reasons supporting the decision.

f. *Continuance.* Any applicant may request, in writing, a continuance of any matter before the board. The zoning administrator shall then administratively grant the continuance provided no previous continuance has been granted to the applicant on the same matter. Any subsequent request for a continuance must be made in writing to the zoning administrator and approved by the community development appeals board. An additional fee shall be required from the applicant for any continuance granted by the zoning administrator. Upon the granting of any subsequent continuance by the community development appeals board, the applicant shall pay a fee of seventy five dollars (\$75.00) to cover all costs incurred to republish the date of hearing and renotify the affected parties.

10. Decisions and findings of Board to be a final administrative decision. All decisions rendered by the community development appeals board shall be accompanied by administrative findings. All decisions by the community development appeals board shall in each instance be a final administrative decision.

11. Appeals from decision of Board. Any person or persons severally or jointly aggrieved by any decision of the community development appeals board may take an appeal to the superior court. The appeal to the superior court shall be by writ of certiorari. Such appeal may be filed within 30 days from the date of the decision of the community development appeals board, and upon failure to file the appeal within 30 days the decision of the community development appeals board shall final.

12. Re-application to the Board. If an application for a variance is denied by the community development appeals board, a re-application for such variance may not be made earlier than 12 months from the date of the original application, except in the case where the matter is appealed to superior court. In the case of an appeal to superior court, the twelve month re-application time period shall begin to run from the date on which final judicial adjudication is rendered in the matter.

14.0 AMENDMENTS TO ZONING ORDINANCE. The Governing Authority of Carroll County, after compliance with the Georgia Zoning Procedures Act and after due notice and public hearing, may supplement, modify, vary, or change the boundaries of Zoning Districts or the requirements of the Ordinance by adopting amendments to the Zoning Map or text of the Ordinance.

14.1 Initiation of Amendment. [section amended Ord. 09/25/00] Amendments to the Zoning Map or text may be proposed by the Governing Authority, the planning commission, the zoning administrator, county planner or their respective designee, by any owner of property within the area proposed for change, or that property owner's representative. Where the Governing Authority, the planning commission, the zoning administrator, county planner or their respective designee initiates or applies for an amendment that proposes taking action resulting in a zoning decision, it shall provide for a hearing before the planning and zoning commission and a hearing before the board of commissioners on the proposed action. Such hearing shall be advertised at least 15 but not more than 45 days prior to the date of the hearing by publication within the legal organ. The notice shall state the time, place, and purpose of the hearing.

14.2 Procedure. [section amended Ord. 09/25/00]

1. Prerequisites for Planning Process - Contents. Prior to processing of any application for rezoning or other land use permit, the applicant (herein defined as a person or entity other than a local government), shall be required to file documentation and follow certain procedures as set forth in this section. The applicant shall be required to file an application with the office of community development containing the following:

a. An appropriate number of copies of a completed application shall be filed on

forms prescribed by the office of community development.

b. The notarized signatures of the applicant and at least 51% of all record titleholder(s) shall appear upon the application. In addition, persons having a security interest in the subject property must consent to the application.

c. The nonrefundable application fee which has been established by resolution of the board of commissioners shall be paid. A copy of the fee schedule shall be maintained for public inspection in the office of community development.

d. The applicant shall submit a current boundary survey and plat plan, to scale, prepared by a registered surveyor or registered engineer. In the alternative, the applicant may present other similar drawing, sketch, or plans that properly identifies the boundaries and planned development. Such development plan may also include such other information thereon as may be required by the zoning administrator, county planner, or their respective designee including preliminary plans for development, building locations, parking areas, access points, adjacent streets, land lot lines, buffer areas, any future right-of-way, wet areas, flood plains, utilities and stormwater retention.

e. The applicant shall submit any other information required by the zoning administrator, county planner, or their respective designee or other county departments which they deem necessary or desirable in processing the application, which is related to the present or proposed use of the property.

2. Every applicant filing an application for rezoning involving a request for a nonresidential zoning district, or a residential zoning district where the application(s) is for at least 10 acres of contiguous or adjoining lands shall include a complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:

a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;

e. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

3. Staff Report. After the applicant has filed an application for rezoning involving a request for a nonresidential zoning district, or a residential zoning district where the application(s) is for at least 10 acres of contiguous or adjoining lands under this section, the zoning administrator or county planner shall make a written recommendation and zoning analysis (staff report). The staff report will relate to the following:

a. Whether the zoning proposal will permit a use that is suitable in view of the use

and development of adjacent and nearby property;

b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

c. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;

d. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

e. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

14.3. Review by Planning Commission. [section amended Ord. 09/25/00]

1. The planning commission shall conduct a public hearing on each application for a land use permit or rezoning in accordance with a schedule and procedures adopted by the board of commissioners. A staff report on each application shall be submitted to and considered by the planning commission at the public hearing. In addition to other requirements, the planning commission shall investigate and consider the staff report and any required analysis that is submitted by the applicant.

2. As to each application, the planning commission shall make a recommendation for approval, approval with conditions, denial, deferral, continuance, hold, withdrawal without prejudice or no recommendation. The planning commission may hold, continue or defer any application for more than one additional scheduled hearing date. Written minutes of the planning commissions' recommendation to the board of commissioners shall be prepared, maintained and submitted to the board of commissioners prior to its hearing. Additionally, the staff report and any required report of the applicant shall be submitted to the board of commissioners. All documents shall thereafter become public record.

3. The planning commission shall adopt such rules and regulations for the conduct of public hearings and meetings as are consistent with state law and this Code, which shall be published and available to the public during regular business hours.

(c) Continuance. Any applicant may request, in writing, a continuance of any matter before the board. The zoning administrator shall then administratively grant the continuance provided no previous continuance has been granted to the applicant on the same matter. Any subsequent request for a continuance must be made in writing to the zoning administrator and approved by the board of zoning appeals. An additional fee shall be required from the applicant for any continuance granted by the zoning administrator. Upon the granting of any subsequent continuance by the board of zoning appeals, the applicant shall pay a fee of one hundred dollars (\$150.00) to cover all costs incurred to republish the date of hearing and renotify the affected parties.

4. First Reading. The planning commission shall conduct a public reading of the application for a land use permit or rezoning at its first available public meeting. No public notice or posting regarding said reading shall be required, but the zoning administrator, county planner, or their respective designee may require the applicant to be present. Upon completion of the reading, the application shall be scheduled for a public hearing.

5. Public Hearing. The planning commission shall hold a public hearing on an application for amendment. Notice of the time and place shall be advertised and posted pursuant to notice requirements as set forth within O.C.G.A. §§ 36-66-1 et seq, as amended. After conducting the public hearing, the planning commission shall forward its recommendations to the governing authority.

14.4 Posting of Public Notice. [section amended Ord. 09/25/00]

1. A sign displaying the appropriate information as required by O.C.G.A. § 36-66-4, as amended, shall be conspicuously posted and maintained on or near the right-of-way of the nearest public street, so as to be visible from the street under the following conditions:

a. The property shall remain posted until a final decision by the applicable Board or Boards.

b. In the event the sign is removed, destroyed, or displaced from its conspicuously displayed location, it is the responsibility of the applicant to immediately notify the zoning administrator or county planner so as to request an additional sign be posted and maintained during the posting period.

c. Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the applicable Board, in its sole discretion, may either require the re-posting and re-advertising prior to any future public hearing, for which the applicant shall pay an additional re-advertising fee.

14.5 Public Hearing by Board of Commissioners. [section amended Ord. 09/25/00]

1. Before taking action on an application for rezoning and after receipt of the staff report, the planning commission's recommendation and the applicant's report, where required, the board of commissioners shall conduct a public hearing on the application in accordance with rules and procedures as may be adopted by the board of commissioners from time to time. Prior to or in conjunction with the hearing, the board of commissioners shall review the applicant's report, if any, the staff report and the planning commission's recommendation. All zoning hearings before the Board of Commissioners shall be conducted according to Georgia law, these policies and procedures, and the Administrative Provisions of the Carroll County Code of Ordinances. Visual and sound recordings shall be permitted. Public Hearings shall be conducted as follows:

a. Members of the public shall not make inappropriate or offensive comments and are expected to conduct themselves in a professional and respectful manner. All remarks should be directed to the chairman and not to individual commissioners unless answering a question by the same, staff or citizens in attendance. Individuals who violate any rules of the board may be ruled out of order by the chairman or on a point of order made by a commissioner. A majority vote of the board will rule on the point of order. An individual who violates the rules of decorum may be removed from the meeting at the direction of the chairman.

b. In all proceedings before the Board of Commissioners, the Board of Commissioners shall allow a minimum time period at hearings on proposed zoning decisions for presentation of data, evidence, and opinion by proponents of each zoning decision and an equal minimum time period for presentation by opponents of each proposed zoning decision, as follows:

(1) The chairman shall call for an item to be placed before the Board of Commissioners from the Zoning administrator, county planner, or their respective designee.

(2) The Board of Commissioners shall seek from the zoning applicant a presentation of data, evidence and opinion by the proponent(s) of the zoning application and allow said presentation for a minimum of ten (10) minutes. At the discretion of the Chairman, the proponents may be restricted during this presentation to one spokesperson.

(3) The Board of Commissioners shall seek from those opposed to the zoning application a presentation of data, evidence and opinion by the opponents(s) of the zoning

application and allow said presentation for a minimum of ten (10) minutes. At the discretion of the Chairman, the opponent(s) may be restricted during this presentation to one spokesperson.

(4) The Board of Commissioners shall allow a rebuttal of data, evidence, and opinion from the zoning applicant or proponent(s) of the zoning application and allow said rebuttal for a minimum of two (2) minutes. At the discretion of the Chairman, the proponents may be restricted during this presentation to one spokesperson.

(5) The Board of Commissioners shall allow a rebuttal of data, evidence, and opinion from the opponents of the zoning application and allow said rebuttal for a minimum of two (2) minutes. At the discretion of the Chairman, the opponents may be restricted during this presentation to one spokesperson.

(6) By a affirmative vote of the majority of the Board of Commissioners, the above stated time for presentation and/or rebuttal may be expanded on an equal basis for the applicant and opponents thereof for comments of all persons desiring to speak in favor or against the proposed application for rezoning. However, the Chairman shall have the right to establish time limitations above the minimum stated times if needed due to lengthy presentations or the length of the agenda.

(7) The Board of Commissioners shall ask questions of any speakers and/or the Carroll County staff according to the Staff Report(s) to be deemed appropriate.

(8) The Board of Commissioners shall conduct any appropriate discussion of the issues presented.

(9) So that the purpose of this ordinance will be served and the health, public safety and general welfare secured, the board of commissioners may approve or deny the application, reduce the land area for which the application is made, change the zoning classification, district or category requested, add or delete conditions of the application, including but not limited to site-specific conditions, allow a variance based upon a development plan, or allow an application to be withdrawn without prejudice with respect to the 12-month limitation of this section. [subsection amended Ord. 09/25/00]

(10) An action by the board to defer or continue the application may include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application, and no further notice except posting shall be required. In the event a statement of the date and time of the next meeting at which the application will be considered by the board of commissioners is not included, the zoning administrator, county planner, or their respective designee shall take necessary actions to post the property. [subsection amended Ord. 09/25/00]

14.6 Fee - Application fees shall be approved by the Board of Commissioners and conspicuously posted in the Planning and Zoning Department.

14.7 Minimum Time Between Applications. A property owner shall not resubmit a proposal for zoning amendment, affecting the same property, more than once in a twelve (12) month period. The twelve month period begins at the date of denial of the application before the Board of Commissioners.

If an application for a special exception or variance is denied by the zoning board of zoning appeals, a re-application for such special exception or variance may not be made earlier than 12 months from the date of the original application, except in the case where the matter is appealed to superior court. In the case of an appeal to superior court, the twelve month re-application shall begin to run from the date on which final judicial adjudication is rendered in the matter.

14.8 Withdrawal of Application. [section amended Ord. 09/25/00]

1. An application for rezoning may be withdrawn by the applicant or his legally appointed representative provided said request is submitted in writing not later than forty-eight (48) hours before the time set for the public hearing before the board of commissioners. When an applicant does not properly withdraw an application pursuant to the requirements set forth herein, the application shall be withdrawn with prejudice and may not again resubmit a proposal for zoning amendment, affecting the same property, for a twelve (12) month period beginning from the date of the application to the office of community development. Any fees paid for the application for rezoning shall be forfeited.

2. Computation of time. For purposes of counting time in this section, legal holiday, weekends, and days where the county administrative building is closed shall be excluded. Where the public hearing is scheduled after 5:00 p.m. on a Tuesday, the time to withdraw such application without prejudice shall be submitted in writing no later than 5:00 p.m. the previous Friday. When the time prescribed for such action falls on a public and legal holiday, the party having the duty shall have through the next business day to exercise the privilege or to discharge the duty. Intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

14.9 Appeal. If the Governing Authority executes an action which the applicant or other injured party believes to be contrary to law, that action may be appealed to the Superior Court of Carroll County. Findings of fact may not, however, be appealed. Appeals must be filed within thirty (30) days of the date on which the action of the Governing Authority was taken.

14.10 Standards for Considering Zoning Decisions. [section amended Ord. 09/25/00]

1. The decision by the board of commissioners to approve in whole or part, reject, condition or delete an application for rezoning shall be based on, but not limited to, a consideration of the following criteria:

- a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property
- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- c. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;
- d. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and
- e. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

14.11 No Official Action. [section added Ord. 09/25/00] In the event of a tie vote or a vote having less than four affirmative votes from the board of commissioners that results in no official action on a decision related to zoning, the applicant shall file a written request to the clerk of the board of commissioners within 36 hours of said vote requesting that the board reconsider the application at another hearing. If no written request is submitted, the application shall be deemed to be withdrawn without prejudice and may be resubmitted within the 12-month limitation of this section. This section shall not abrogate any rights that the applicant may have under O.C.G.A. § 36-67A-5, as amended.

14.12 Conditional Zoning (Use of Conditions) [section added Ord. 09/25/00]

1. In deciding upon any application for zoning map amendment, the planning commission and board of commissioners may, on their own motion or upon the suggestion of the applicant, grant the application subject to certain conditions or stipulations necessary to promote and protect the health, safety, morals and general welfare of the County. Such conditions shall be imposed for the benefit of the community to lessen any negative effects that the zoning map amendment may cause.

2. The Board of Commissioners may grant any zoning map amendment and include conditions as follows:

a. Such conditions as are deemed necessary to protect neighbors and to lessen any negative effects of the zoning change;

b. Such conditions may consist of specific use restrictions or the following area and building restrictions: setback requirements from any lot line; specified or prohibited locations for buildings, parking, loading or storage areas or other land uses; driveway curb cut restrictions; restrictions as to what land uses or activities shall be permitted; maximum building heights or other dimensions; special drainage or erosion provisions; landscaping or planted area, which may include the location, type and maintenance of plant materials; fences, walls, berms, or other buffering provisions or protective measures; preservation of existing trees or other vegetation; special measures to alleviate undesirable views, light, glare, noise, dust or odor; permitted hours of operation adjacent to residential districts; architectural style; a requirement that the existing building(s) be retained;

c. That the rezoning is conditional and binds the applicant and any successor in title who may construct only those uses and only in such a manner as is depicted upon any development plan submitted and approved with the application.

3. Prior to a vote being taken upon any application for zoning map amendment in which conditions shall be imposed, such conditions will be announced at the hearing, presented in writing as part of the development plan, or recorded as part of the official record, and the applicant shall be afforded an opportunity to present its position on such conditional requirements. If the applicant finds such proposed conditional requirements to be unacceptable, it may, at that time, withdraw its application for zoning map amendment; such withdrawal shall be subject to the requirements as set forth in sections 14.7 and 14.8.

4. If the applicant proposes zoning based upon a development plan, proposes conditions or stipulations in writing, or incorporates conditions as part of a development plan. The written conditions shall be submitted in five copies on 8.5 x 11 paper size to the zoning administrator, county planner, or their respective designee with the application for rezoning. If conditions are proposed after the application has been submitted, the applicant shall submit five copies of said conditions as an amendment to the application prior to final approval of the rezoning by the board of commissioners. Upon approval by the board of commissioners, such conditions shall by reference become a part of the rezoning record.

5. If the Board of Commissioners adopts a zoning map amendment which contains conditional requirements, such requirements shall become a part of this ordinance and the official zoning map. Such property shall thereafter carry the suffix "-C" to indicate that such property has been conditionally zoned (e.g., A-C, R30-C, etc.). Such conditions shall be binding upon all owners of the property until removed or modified by the Board of Commissioners. The zoning administrator, county planner, or their respective designee shall so indicate in the records of the zoning actions the existence of the conditional requirements. If the zoning administrator, county planner, or their respective designee deems it appropriate and feasible, the suffix "-C" shall be affixed to the zoning map for the appropriate property.

6. A conditional requirement may be imposed upon either permitted and/or conditional uses in any zoning district.

7. The building inspector shall issue a building permit for the development of the property only in strict compliance with the new zoning category and the further specific conditions added by the applicant and approved by the board of commissioners.

8. All proposed zoning amendments, including amendments under this conditional zoning, must be submitted to the planning commission for review and recommendation. However, if the conditions established by the applicant in conjunction with an application for conditional zoning are minor and added after planning commission review of the rezoning proposal, or if the conditions are altered or otherwise changed after planning commission action on the rezoning application as originally submitted, the board of commissioners may, in their discretion, require resubmission to, or review by, the planning commission.

14.13 Innovative Development Plan Permit Process (IDP) [Section Added, Ord. 05/20/03].

1. Purpose. The purpose and intent of this section is to provide a conditional use permitting process to consider a subdivision development plan, which features an innovative design or a coordinated and distinctive plan that provides a sense of place not ordinarily provided through a conventionally designed subdivision.

2. Finding.

a. The Board of Commissioners hereby finds that innovative development plans (hereinafter "IDP"), should be encouraged where such land development plans satisfy the following objectives:

1. A novel or inventive layout that incorporates best features of a particular site;
2. Substantially preserves and protects existing environmental and ecological conditions with minimal land disturbance activities while providing for abundant open spaces;
3. Achieves economy and efficiency in the use of land, natural resources, energy, and the provision of public or private services and utilities; and
4. Planned for and located in a manner that ensures harmony with the surrounding community.

b. The Board of Commissioners hereby finds that innovative development plans proposing infrastructure and required improvements (hereinafter "improvements"), which do not satisfy the general design standards for subdivisions and required improvements as set forth in the Subdivision Ordinance, may be considered where the following conditions are satisfied:

1. Durability. Where the improvements are durable and adequately provide for safe and convenient traffic access and circulation, both vehicular and pedestrian;
2. Funding Mechanism. If the improvement is proposed to be privately owned, the on-going maintenance of the improvement shall be adequately funded for long term maintenance.

c. The Board of Commissioners hereby finds that the public health, safety, and welfare will be enhanced by allowing innovative development plans satisfying the standards and criteria set forth in this section.

3. Application. Applications for Innovative Development Plan shall be submitted for a conditional use permit with all required documentation in accordance with Section 13.0 of the Zoning Ordinance. The application shall set forth a detailed description, include design innovations, and the proposed rationale for innovation. Notwithstanding the requirements set forth under Section 13.0(1)(d), the application shall set

forth the following site plan:

a. All site plans shall be prepared by a registered architect, landscape architect, or professional engineer. All site plans shall be on standard 24" X 36" sheets and shall be prepared at a sufficient scale to show:

1. General Information, Existing Conditions, and Proposed Conditions as set forth in Appendix "1", which is attached hereto.

2. Please identify the nature and quality of the development that is proposed including but not limited, floor plans, square footage, proposed lot layout, utility plan, parking plan and any amenity package, which may include but not be limited to a common storm shelter, a swimming pool, tot lot, playground, clubhouse, tennis, handball, volleyball, basketball, sidewalks, preservation of natural features, such as lakes and woods, as common open spaces, bike and pedestrian paths and benches, permanent buffer areas around any stream, preservation of any archaeological or historic site, preservation of any habitat for any endangered, rare, or threatened species of plant or wildlife, or dedication of land, acceptable to the County, for use as a school site, fire station, park site, or other public facility.

b. The Application shall demonstrate compliance with underlying zoning district requirements and any conditions of zoning that may exist and relate to the subject property.

c. Staff Review. No application for an IDP approval shall be processed until the Zoning Official has determined whether the application is complete with respect to all of the information required by this Ordinance. If the application is not complete, the Zoning Official shall so notify the applicant. When the Zoning Official determines that the application is complete, the Zoning Official shall review such application in accordance with the provisions of this Ordinance and Section 13.0 of the Zoning Ordinance, and shall forward his or her staff report to the Planning Commission within 30 working days of certification of completeness.

4. Conditional Use Permit Requirements and Standards. In its discretion, the Board may issue a conditional use permit for such IDP based upon a finding that each of the following has found that:

a. The proposed IDP furthers the objectives, conditions, and standards set forth in this Ordinance are satisfied.

b. The minimum tract size for a IDP shall be 60 acres.

c. The Improvements are Durable. The durability of the improvement shall properly function to serve capacity and its intended purpose for a period of twenty (20) years. The capacity of the improvement shall be defined as the maximum demand that can be accommodated by the proposed improvement.

1. No application for development approval subject to this section shall be considered complete until it provides sufficient information to determine whether the capacity of the proposed improvement is adequate to support the proposed IDP.

2. In addition, the application shall set forth the following information:

(a) The capacity of the improvement. Capacity is the maximum demand that can be accommodated by the improvement.

(b) Specifications for the proposed improvements (installed and constructed).

(c) A schedule for the commencement and completion of construction, showing phases of construction if applicable.

(d) Any other information as requested by the Zoning Official. The Zoning Official is the zoning administrator or his designee responsible for reviewing all applications for IDP.

d. Funding Mechanism. If the improvements are private, the Funding Mechanism shall meet the following standards:

1. The cost and responsibility of maintaining the improvement shall be borne by the property owners or homeowners' association.

2. The applicant shall establish necessary regular and periodic operational and maintenance responsibilities for the improvement, to include the following:

(a) Staffing needs, insurance requirements, and associated costs, and means for funding the maintenance of the improvement on an on-going basis; and

(b) Such funding shall include long-term maintenance improvements as well as regular yearly operating and maintenance costs;

(c) At the Board's discretion, the subdivider/applicant may be required to escrow sufficient funds for the maintenance and operation costs for up to five years;

e. The proposed development meets all requirements for a conditional use permit set forth in Section 13.0(7) of the Zoning Ordinance; and,

f. Applicant/subdivider shall comply with all provisions set forth under Section 9.3 of the Subdivision Ordinance.

5. Appeal. The Governing Authority shall make a decision with respect to the application and record the decision in the minutes for that meeting. The Governing Authority shall include any condition, requirement or limitation which may be necessary to carry out the provisions of this Ordinance. Further appeal on certiorari may be made to the Carroll County Superior Court.

15.0 Legal Status Provisions.

15.1 Noncompliance. Noncompliance of characteristics of uses of premises and site development created by the application shall not in any way limit the legal use of the property, nor in any manner limit the repair, maintenance, or reconstruction of a noncomplying characteristic or feature; however, in no instance shall the degree of noncompliance be increased except as otherwise permitted by this Ordinance.

15.2 Notice. Notice of violations will be sent by registered mail to the owner and he will have 30 days from the date the notification is issued to make repairs. The owner will notify the Office of Community Development that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.

15.3 Violations. Any person who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor.

15.4 Interpretation. It is not the intention of this Ordinance to interfere with, abrogate, or annul any covenant or other agreement between parties, provided, however, where this Ordinance imposes a greater restriction upon the use or premises than is imposed or required by other ordinances, rules,

regulations, or permits, or by covenants or agreements, the provisions of this Ordinance shall govern.

15.5 Conflict with other laws. Whenever the regulations of this Ordinance require greater set back lines or impose other more restrictive standards than are required in or under another ordinance or any other statute, the requirements of this ordinance shall govern. Whenever the provisions of another ordinance or any other statute require more restrictive standards than those of this Ordinance, the provisions of the other ordinance or such statutes shall govern.

15.6 Severability. In the event any article, section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other articles, section, subsection, sentences, clauses, or phrases of this ordinance, which shall remain in full force and effect, as if the article, section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The governing authority hereby declares that it would have adopted the remaining parts of the ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

15.7 Repeal of conflicting resolutions. All resolutions and parts of resolutions in conflict with this resolution are hereby repealed.

Office and Institutional District (OI)

Office and Institutional District (OI). The intent of this district is to permit and encourage business, office, institutional, or specified public purpose development with very limited retail sale of goods incidental to a permitted use. The regulations which apply within this district are designed to encourage the formation and continuance of a quiet, compatible and uncongested environment for office type business or professional firms and certain public uses; and to discourage any encroachment by unrestricted retail and/or wholesale business establishments, industrial concerns, or other uses capable of adversely affecting the specialized commercial, institutional and housing character of the district. [Amended Ord. 10/13/98]

1.0 Permitted Uses. No more than twenty-five (25%) of the total floor area of any building may be devoted to storage. The following uses shall be permitted within an Office/Institutional district:

1. Professional offices such as those for engineers, architects, doctors, dentists, lawyers, accountants, opticians (including the sale of eyewear as an accessory to professional eye examinations), psychologists or social workers.
2. Business offices, such as those for realtors, insurance agents, stock brokers, employment agencies, advertising or public relations agencies, public opinion and other research firms, and national, regional, state and local office headquarters for commercial, manufacturing, charitable or other corporations or organizations.
3. Educational institutions; including colleges and universities, business schools, trade/vocational schools, professional schools, and technical schools.
4. Governmental offices and governmental services.
5. Medical and dental clinics.
6. Hospitals, nursing homes, personal care homes, rest homes and hospices (including an apothecary shop as an accessory use).
7. Church or any other place of worship.
8. Clubs and lodges catering exclusively to their members and guests.
9. Financial services/institutions.
10. Funeral homes.
11. Museums and libraries.
12. Artist studios for crafts, dance, drama, music, and photography.
13. Radio and/or television studio, excluding towers and antennae which do not meet the height restrictions of this district.
14. Manufacturers' representatives offices; provided no goods are offered for sale at retail.
15. Animal hospitals/veterinary offices; outside animal pens and runs are not allowed.

2.0 Accessory Uses. Customary accessory buildings and uses to the above permitted uses, provided that such accessory buildings and uses exclude retail business and service establishments that could be

construed as principal uses and that include only those buildings and uses that are primarily intended for and used by patrons or occupants of the principal use to which said establishment is accessory. Separate accessory structures may be located in the rear or side yards only. No outside storage of materials or equipment shall be permitted in an Office/Institutional district. No more than twenty-five (25%) of the total floor area of any building may be devoted to storage.

3.0 Conditional Uses. The following conditional uses may be permitted, subject to review and approval of a Conditional Use Permit.

1. Residential dwellings.
2. Day care facilities.
3. Restaurant, not including drive-in restaurant.
4. Cemeteries and other facilities for disposal of the deceased.

4.0 Dimensional Requirements. The following development dimensions are permitted in an Office/Institutional district:

1. Minimum lot area:
 - a. 5,000 square feet where public water and sewerage is available.
 - b. 20,000 square feet where public water or sewerage is available.
 - c. 40,000 square feet where no public water or sewerage is available.
2. Minimum lot width: One hundred (100) feet at minimum building setback line.
3. Minimum yard requirements:
 - a. Front setbacks: Forty (40) feet as measured from the right-of-way line of an adjoining roadway.
 - b. Side yard setbacks: Interior side yards shall be fifteen (15) feet except where an Office/Institutional building abuts a residential district there shall be a side yard of no less than thirty (30) feet. Side yards adjacent to a street or highway shall be measured from the right-of-way.
 - c. Rear yard setbacks: Fifteen (15) feet except where an Office/Institutional building abuts a residential district there shall be a rear yard of no less than fifty (50) feet.
4. Maximum height: Buildings and structures shall be no more than thirty-five (35) feet tall.
5. Maximum lot coverage: The area of the footprint of all buildings and parking shall not exceed sixty percent (60%) of the total lot area.

Planned Unit Development District (PUD)

Planned Unit Development District (PUD). The intent of the Planned Unit Development, (hereinafter "PUD") regulations is to permit greater flexibility, and consequently, more creative and imaginative design for the development of residential and nonresidential areas than generally is possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of land uses, a higher level of urban amenities, and preservation of natural scenic qualities of open space. In addition, reasonable assurance to the developer is intended regarding ultimate approval before expending complete design monies while also providing county officials with assurances that the project will retain the character envisioned and protect public health, safety and general welfare.

1. Objectives. To carry out the above stated purpose, a PUD district must provide the following, as appropriate:

1. Nonresidential land uses, if any, which provide convenient service, employment and access yet do not conflict with residential uses.
2. Conservation of natural topographical and geological features with emphasis upon:
 - a. Conservation of existing surface and sub-surface water resources.
 - b. Preservation of major trees and other significant natural environmental features.
 - c. Prevention of soil erosion.
3. An efficient network of streets and utilities appropriate to serve the land uses within the PUD district.
4. Adequate utilities including water, sanitary sewer and drainage facilities.
5. A Preliminary Development Plan to convey the overall concept and to guide and coordinate any phased development; a Final Development Plan providing substantially complete construction and engineering drawings.

2. Utilization

1. This district is to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned unit development districts, but rather each such designation shall result from a specific and separate application for amendment. Planned unit development districts are separate zoning districts and shall follow the same amendment procedures as other zoning districts and additionally those set forth in this Article. Unless otherwise stated in this section, the development standards and the land uses which are presented with the application for amendment shall, if approved, become the standards for the subject property and shall become a part of the zoning regulations. For purposes of zoning compliance, a PUD district property shall be treated as one (1) lot or parcel.

2. Previously approved developments of a nature substantially in accord with the intent of these regulations, may be rezoned to PUD status, and shall thereafter be subject to the regulations and requirements for such districts.

3. Types of PUDs & Permitted Uses. The following types of Planned Unit Developments are authorized by these regulations:

1. Residential only.

2. Residential with other permitted uses.

3. Adequate sanitary sewer facilities shall be required for all developments with a density pattern or land use intensity not meeting the minimum requirements of the Carroll County Health Department for septic tank approval.

4. The following uses shall be permitted within a PUD district if in conformance with specific and precise Preliminary and Final Development Plans pursuant to the procedural and regulatory provisions set forth in this ordinance:

a. Residential Uses: Residences may be a variety of housing types and ownership types. Single-family detached, attached single-family, cluster homes, two-family homes, town houses, and multi-family residential developments may be permitted.

b. Office Uses: Office uses shall include those permitted in the Office/Institutional district. Such uses shall be designed with respect to their nature, development intensity and location so as to primarily serve the residents of the PUD. Office developments shall be designed and landscaped in a manner which is compatible with residential development and which provides for traffic flow or circulation that does not interfere with residential areas inside or outside of the PUD.

c. Commercial Uses: Commercial uses shall include those uses allowed in districts which are part of a planned shopping center. Such uses shall be designed with respect to their nature, development intensity and location so as to primarily serve the residents of the PUD. Commercial development shall be designed and landscaped in a manner which is compatible with residential development and which provides for traffic flow or circulation that does not interfere with residential areas inside or outside the PUD. No outside storage of materials or equipment shall be permitted in commercial areas in a PUD.

d. Light Industrial Uses: Industrial uses shall include those customarily considered light industrial. Industrial development within a PUD shall be designed and landscaped in a manner which is compatible with residential development and which provides for through traffic circulation that does not interfere with residential areas inside or outside the PUD. Industrial areas occupying more than three (3) acres shall be designed as an industrial park with covenants and restrictions concerning building appearance and landscaping. The following specific uses shall not be permitted in a PUD:

- (1) Armories.
- (2) Cold storage, ice plants and freezer lockers.
- (3) Garage and repair shops.
- (4) Truck terminals
- (5) Landfills and junkyards
- (6) Slaughter houses

e. Other Uses: Public buildings, including churches and other places of worship, and recreation facilities for use of the residents of the PUD and their guests is permitted. The restrictions as to the use of these facilities shall be set forth in the covenants and restrictions for the PUD development.

4. Dimensional Requirements. The minimum acreage for a PUD shall be at least twenty-five (25) contiguous acres. The following development dimensions are permitted in a PUD district:

1. Minimum lot width at building setback line shall be as follows:
 - a. 60 feet for detached single-family lots.
 - b. 20 feet for attached fee simple townhouse lots.
 - c. 100 feet for multiple-family and Office/Industrial lots.
 - d. 100 feet for commercial and industrial lots.
 - e. 200 feet for lots with a mixture of residential, office/institutional, commercial and industrial development.

2. Minimum front yard depth as measured from the right-of-way line of an adjoining roadway shall be as follows:
 - a. 20 feet for single-family structures.
 - b. 40 feet for multiple-family structures.
 - c. 40 feet for office/institutional structures.
 - d. 40 feet for commercial structures.
 - e. 50 feet for industrial structures.
 - f. 50 feet for buildings with a mixture of residential, office/institutional, commercial and industrial development.

3. Minimum side yard distances shall be as follows:
 - a. Single-family detached dwellings may have a zero side yard but must maintain at least 10 feet between buildings.
 - b. Multiple-family dwellings must be spaced at least 20 feet apart and a distance of at least 50 feet from a single-family dwelling. Stated distance from the single-family dwelling lot shall be based on the requirement of 50 feet of horizontal spacing for each 10 feet of height of the multiple-family structure.
 - c. Office/Institutional and commercial structures must have a horizontal distance of at least 75 feet for each 12 foot in height from each property with a residential structure or approved by an act of zoning or subdivision plat approval. Otherwise, a zero side yard may be allowed.
 - d. Industrial structures must have a side yard of at least 100 feet unless adjacent to another industrial property. If the property joins a residential property, the distance of the side yard shall be determined based upon 50 feet of horizontal distance from the residential property line for each 10 feet of industrial structure height with a minimum distance of 100 feet.
 - e. Buildings with a mixture of residential, office/industrial, commercial, and/or industrial uses shall have a horizontal side yard distance based upon that specified for industrial structures.

4. Rear yard dimensions shall be determined in the same manner as specified in side yard dimensions except as follows:

- a. Single-family residential buildings shall maintain a rear yard of at least 20 feet.
 - b. Multi-family residential buildings shall maintain a rear yard of at least 30 feet.
5. Maximum building height allowed shall be 35 feet with the exception of pollutant emission structures required by state or federal regulations regarding such structures.
6. Minimum floor area shall be as follows:
- a. Single-family dwellings: 700 square feet.
 - b. Multiple-family dwellings shall vary based upon the following:
 - (1) Minimum size is 550 square feet/unit.
 - (2) Two bedroom dwellings shall have at least 900 square feet/unit.
 - (3) Each dwelling unit with over two bedrooms shall have at least 200 square feet of additional floor area for each bedroom over two.

5. Open Space and Density Requirements

1. Open Space: A minimum of twenty-five percent (25%) of the total site acreage shall be preserved as common recreation and meaningful open space, as defined by the Planning Commission. Water bodies and land located within the 100-year floodplain may be used to partially fulfill open space requirements; calculations for such may not exceed fifty (50%) percent of the required open space. Parking areas, road right-of-ways, and minimum yards in spacings between dwellings may not be included in determining open space. Any and all open space lands shall be held in common ownership by the dwelling unit owners. All privately owned common open space shall continue to conform to its intended use as specified in the Final Development Plan. To insure that all common open space in the PUD will be used as intended, the necessary restrictions or covenants will be put in each deed. Such deed restrictions or covenants shall run with the land in order to protect both present and future property owners. The covenants and restrictions shall prohibit the reduction or sale of any common open space.

2. Density: Residential density shall be calculated in gross density units. Gross density shall be defined as the total number of dwelling units divided by the total site area, including proposed roads and right-of-ways, but excluding areas located within the 100-year floodplain. The maximum residential gross density shall be three and one-half (3.5) units per acre, with the exception of density bonuses as described in the following section.

3. Density Bonuses: Each item listed below is optional and the PUD may offer any combination of these amenities in order to earn density increases. A density bonus accumulation of up to twenty percent (20%) over the stated maximum density allowed by the previous section, will be awarded if any of the following items are provided as described. Following each item is its allowable maximum density bonus increase.

- a. A basement is provided in each residential building, or the PUD will have a common underground storm shelter of sufficient capacity that is accessible to all residents. (2%)
- b. Provision of improved recreational space such as:
 - (1) Swimming pool (1% for each 500 sq. ft of pool surface; 3% maximum)
 - (2) Tot lot or playground of at least 2,000 sq. ft (1% for each 1,000 sq. ft; 3% max.)

(3) Clubhouse (1% for each 1,000 sq. ft; 3% maximum)

(4) Standard tennis, handball, volleyball, basketball, or similar recreational facility (1% for each court or facility; 3% maximum)

c. Provision of sidewalks on all internal streets. (2%)

d. Preservation of natural features of the site such as lakes and woods as common open spaces and the provision of permanent access to and use of such natural features and amenities such as bike and pedestrian paths and benches. (1% for each 10,000 sq. ft of amenity preserved; 5% maximum)

e. Provision of paved bicycle paths. (1% for each 5,000 linear ft; 3% maximum)

f. Creation of a permanent buffer area around any perennial stream shown on U.S.G.S. topographic maps. The buffer area must be at least 20 ft wide from each stream bank and contain no structures other than unpaved footpaths. (1% for each 1,000 linear ft of buffer; 3% maximum)

g. Preserving any archaeological or historic site judged to be of significant value by the Carroll County Historical Society. (3%)

h. Preserving in its natural state, any area demonstrated to be a habitat for any endangered, rare, or threatened species of plant or wildlife so designated by the State of Georgia or the federal government. (3%)

i. Dedication of land, acceptable to the County, for use as a school site, fire station, park site, or other public facility. Such site shall be suitable for the proposed use and shall be at least 2 acres in size. (3%)

4. The Planning Director shall have the authority to determine whether an item to be provided complies with the provisions of this section, and if it does so comply, to compute the amount of the density bonus to which the applicant is entitled under the provisions of this section.

6. Availability of Public Services

1. Relation to Major Transportation Facilities: PUD districts shall be so located with respect to major streets and highways or other transportation facilities so as to provide direct access to such districts without creating undue traffic burdens along streets in residential neighborhoods outside such districts.

2. Relation to Utilities, Public Facilities: PUD districts shall be so located in relation to sanitary sewers, water lines, storm drainage systems, and other utility systems and installations that neither extension nor enlargement will be required in manner, form, character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. Such districts shall be so located with respect to schools, parks, playgrounds, and other public facilities required so as to have access in the same degree as would development in a form generally permitted in the area.

3. However, the location of the PUD district may be approved if the developer will:

a. Provide private utilities, facilities or services approved by the public agencies which would normally provide such utilities, facilities or services as substituting on an equivalent basis, and assure their satisfactory continuing operation and maintenance permanently or until equivalent utilities, facilities or services are available, or

b. Make provision acceptable to the County for off-setting any added net public cost or early commitment of public funds necessitated by such development.

4. In any computations of added net public costs, the difference in anticipated public installation, operation, and maintenance costs, and the difference in anticipated public revenue shall be given due consideration, among other pertinent factors. Costs for making such determinations, as may be required above, shall be paid by the applicants. The determinations shall be made by the County or experts acceptable to the County.

7. Development Standards

1. All roads, sidewalks, sewer facilities, utilities and drainage shall be constructed according to the requirements of the Carroll County Subdivision Regulations and any other County Ordinances pertaining thereto. In the event of a conflict between this Article and the Carroll County Subdivision Regulations or any other County Ordinances, the more stringent regulations shall apply.

2. All community facilities (e.g., water and sewerage systems) proposed for dedication to the County must be acceptable by the County, as to the size, shape, construction, location, and shown by the applicant to be of benefit to the general public. Acceptance by the County is entirely dependent on the discretion of the County Commission.

3. All utilities, e.g., electrical, telephone, etc., shall be underground, where possible, unless allowed otherwise by the County Commission. These utilities shall be provided in accordance with the rules, resolutions and/or regulations established by the appropriate governmental agency.

4. Each dwelling unit or other permitted use shall be provided access by a public road, private vehicular way or commonly owned easement. Access through privately owned easements shall not be allowed. County vehicles shall be permitted access on all privately owned roads, easements and common open spaces to perform basic county services.

5. Each building or structure for business, trade or industry shall provide space for the loading and unloading of vehicles off the right-of-way of the street or public alley. Such space shall have access to an alley or if there is no alley, to a street. Such space shall have at least fourteen (14) feet of vertical clearance. Such space shall be arranged so that no vehicle is required to back onto a public street, road or highway in order to access or leave the premises.

6. Off street automobile parking or storage space shall be at least eight and one-half (8 ½) feet wide and eighteen (18) feet deep. Each space shall be arranged so that no vehicle is required to back onto a major or arterial street, road or highway in order to access or leave the premises. Off street automobile parking or storage space shall be provided for each permitted use in the following minimum quantities:

- a. Residential: Two (2) spaces per dwelling unit.
- b. Retail business: One (1) space for each one-hundred (100) square feet of total floor area.
- c. Offices: One (1) space for each two-hundred (200) square feet of total floor area.
- d. Industrial: One (1) space for each two (2) employees at maximum employment on a single shift.
- e. Schools: One (1) space for each six (6) seats in the main assembly room.

f. Restaurant, Theater, Church, or other similar establishment where the general public convenes: One (1) space for each four (4) seats provided and one (1) additional space for each two (2) employees.

8. Procedural and Regulatory Provisions

1. General: To develop a PUD within the County, the property must be rezoned to a PUD designation. Rezoning shall be subject to approval of the Preliminary Development Plan by the County Commission. No building permits shall be issued until the Final Development Plan for the particular development phase has been approved by the County Commission and fully recorded.

2. Unified Ownership: An application for approval of a PUD may be filed by any person having an interest in the property to be included in the PUD. The PUD application shall be filed with written consent from all of the recorded owner(s) of the property included in the development and with written consent from all holder(s) of an equitable interest in such property. Such consent shall contain a statement that the applicant is authorized to represent the owner(s) in pursuit of a PUD application and that such owner(s) shall agree to be bound by the decision of the County Commission in the event such application is approved. All of the land in a PUD shall be owned by an individual, by a corporation, or by a single legal entity before approval of the Final Development Plan. The owner shall be required to provide evidence of full ownership interest in the land, by legal title or the execution of a binding sales agreement before final approval of the Final Development Plan. Individual properties may be sold after approval of the Final Development Plan subject to private deed covenants that assure the continuance of the PUD as originally approved and developed.

3. Pre-application Conference: Before submitting the Preliminary Development Plan application for approval as a PUD, the developer shall meet with the Planning Director, Health Department official, County Engineer and any other such personnel as may be deemed necessary to determine the feasibility and suitability of the application. This step is required so that the developer may obtain information and guidance from County officials before entering into any binding commitments or incurring substantial expenses of the site and plan preparation.

4. Preliminary Development Plan Application: A rezoning application and fifteen (15) copies of the Preliminary Development Plan, along with the fee established by the County Commission, shall be submitted to the Planning Director before the first Tuesday of the month to be considered the following month in a public hearing held by the Planning Commission. The Planning Director and appropriate staff shall review the application to determine its conformity with the Comprehensive Plan, and other County policies, and the requirements of this Article. The Preliminary Development Plan application shall include, but is not limited to, the following:

a. A written report explaining the type, nature, intent and characteristics of the proposed development.

b. Area location or orientation map of the property.

c. Proposed name or title of project and name of the engineer, architect or developer.

d. Scale of 1" = 200' or larger, acreage in total tract, north arrow, and date.

e. Existing topography in ten foot contour intervals or less. Contours may be interpolated from U.S.G.S. quadrangle maps.

f. Existing wooded areas, streams, lakes, 100-year flood plain, and any other physical conditions affecting the site.

- g. Existing historical assets located on the property.
- h. Proposed street and lot layout.
- i. Proposed buffers, and natural features such as surface drainage and open water.
- j. Delineation of proposed uses, including open space, and net acreage in each.
- k. Proposed density calculations, in units per acre, for residential uses.
- l. General location, square footage and height of proposed non-residential buildings.
- m. Delineation of specific areas designated for phased development and proposed dates for beginning and completing construction of each development phase or stage.
- n. Proposed amenities, such as schools, parks and recreational facilities.
- o. General statement indicating source of potable water and wastewater disposal method.
- p. Legal description of the parcel(s) - full metes and bounds description rather than plat reference.

5. Preliminary Development Plan - Planning Commission: Upon completion of a review of the Preliminary Development Plan and application, the Planning Commission shall recommend to the County Commission the approval, approval subject to conditions, or disapproval of the Preliminary Development Plan application. The Planning Commission may table a application once, until its next regularly scheduled meeting. The Planning Commission shall consider the review criteria established in this Article when making its recommendations.

6. Preliminary Development Plan - County Commission: Upon receiving the recommendations of the Planning Commission, or if the Planning Commission makes no recommendation after completing its review, the County Commission shall hold a public hearing to review the Preliminary Development Plan application. The County Commission may table an application for up to forty-five (45) days from the date of the first County Commission hearing on the application. The County Commission shall approve, approve subject to conditions, or disapprove the Preliminary Development Plan application. In approving the Preliminary Development Plan application, the County Commission and the developer shall agree upon a completion date for the construction of each phase. Approval of the Preliminary Development Plan application indicates approval of the PUD zoning, subject to the acceptance of the Final Development Plan. The decision of the County Commission shall take into consideration the review criteria established in this Article.

7. Preliminary Development Plan - Review Criteria: The Planning Commission and the County Commission shall consider, but not be limited to, those items listed in Article 12 (Amendments) - Section I (Standards for Considering Zoning Decisions) and the following criteria when reviewing the Preliminary Development Plan for a PUD:

- a. Degree of consistency of the proposed PUD with the surrounding area in terms of character and density.
- b. Provision for and adequacy of future public education and recreation facilities, public safety, transportation, water supply, sewage disposal, surface drainage, flood control and soil conservation.

c. The nature, intent and compatibility of common open space , including the proposed method for the maintenance and conservation of open space.

d. The feasibility and compatibility of the specified stages contained in the preliminary development plan to exist as an independent development.

e. The benefits inherent in a PUD classification to the general public that justify the requested departure from standard land use requirements.

f. The conformity and compatibility of the proposed PUD with the Comprehensive Plan.

8. Final Development Plan Procedure: Each separate phase of development shall be in accordance with the approved Preliminary Development Plan and shall require a review process by the Planning Director and appropriate County staff. Two (2) copies of the Final Development Plan shall be submitted to the Planning Director. The Planning Director shall have thirty (30) days to determine if the Final Development Plan is in accordance with the approved Preliminary Development Plan and all other ordinance requirements. The Final Development Plan for each development phase shall conform to the amended O.C.G.A. Section 15-6-67 (a.k.a., "The Georgia Plat Act") and shall include, but not be limited to the following:

a. Area location or orientation map of the property.

b. Proposed name or title of project, phase number and name and certification of the engineer, architect or surveyor.

c. Scale of 1" = 100' or larger, acreage in total tract, north arrow, and date.

d. Existing topography by a registered surveyor along with the surveyor's name, registration number, seal and date. Required contour interval shall be determined by ground slope:

Flat (0-2% grade) = 1' Rolling (2-8%grade) = 2' Steep (>8% grade) = 5'

e. Name of all jurisdictions in which the development is located and all political boundaries which cross or form any property boundary line of the development phase.

f. Sufficient data to readily determine and reproduce accurately on the ground the location, bearing, and length of every road and alley line, lot line, easement, boundary line, and building line whether curved or straight. This shall include the radius, point of tangency, and other data for curved property lines and curved roads, to an appropriate accuracy and in conformance with good surveying practice.

g. Names of owner of record of all adjoining land and all property boundaries, water courses, roads, easements, utilities and other such improvements, which cross or form any boundary line of the development phase.

h. Roads and alleys including their right-of-way width and name.

i. Lot lines, minimum building setback lines, and lot and block numbers.

j. All dimensions shall be to the nearest one-tenth (1/10) of a foot and all angles shall be to the nearest minute.

k. Location, dimension and purpose (e.g., water, gas, cable) of all easements.

- l. Location of all buffers.
- m. Number to identify each lot or site.
- n. Show all watercourses, wetlands and expected limits of the 100 year flood plain.
- o. Proposed topography including finish floor elevations and location of all retention and detention basins for stormwater control.
- p. Location of existing adjoining property lines.
- q. Area in each subdivided tract in square feet.
- r. Final engineering drawings of all roads, water, sanitary sewer and storm drainage systems.
- s. Density calculations, in units per acre, for residential uses.
- t. Location, square footage and height of proposed non-residential buildings.
- u. Space for signed certification shall be provided for approval or acceptance of:
 - (1) Planning Director
 - (2) Health Department Director
 - (3) Public Works Director
 - (4) County Commission Chairman
 - (5) Required legal documents (where applicable):
 - (6) Deed restrictions proposed by the developer to preserve the character of common open space and to establish compatible architectural and landscape design.
 - (7) Proposed bylaws of the property owner's association or nonprofit corporation.
 - (8) A title insurance policy, acceptable to the County, stating the status of the title of the site encompassed by the final development plan and all liens, encumbrances and defects, if any.
 - (9) A bill of sale conveying to the property owner's association, nonprofit corporation, or to Carroll County or some other authority all water and sewer lines, mains, lift stations and any other improvements. Acceptance by the County is entirely based on the discretion of the County Commission.
 - (10) Paid tax receipts from the proper taxing authority, indicating that current taxes on the proposed site have been paid in full.

9. Disapproval of Final Development Plan: In the event that the Final Development Plan is deemed in accordance with the Preliminary Development Plan but is not approved due to omissions of required items or ordinance violations, the Planning Director shall submit a written report to the developer itemizing such deficiencies. A set of revised plans may be submitted to the Planning Director at any time

to re-start the thirty (30) day review process as described in the previous section.

10. In the event that a discrepancy exists, in the opinion of the Planning Director, between the Final Development Plan and the approved Preliminary Development Plan regarding:

- a. The residential density;
- b. The number of building stories or floor area;
- c. The amount, location or type of open space;
- d. Road locations or traffic routes;

11. The Final Development Plan will be deemed to be not in accordance with the Preliminary Development Plan Application and disapproved until such discrepancies are remedied by the developer on a revised set of Final Development plans or the developer obtains a PUD zoning status approving such conditions by filing a revised Preliminary Development Plan Application as described in Section I.4. of this Article.

12. Modifications to the Approved Final Development Plan: Modifications to the Approved Final Development Plan concerning any of the following, shall be not be permitted unless a PUD zoning status approving such conditions is obtained by filing a revised Preliminary Development Plan Application as described herein:

- a. An increase in residential density.
- b. An increase in the number of building stories or floor area.
- c. A decrease in the amount, location or type of open space.
- d. A major change in the location of roads or traffic routes.

13. The Planning Director shall be authorized to grant administrative variances from the approved Final Development Plan, where, in his opinion, the intent of this ordinance can be achieved and equal performance obtained. The authority to grant such variances shall be limited to the following requirements:

- a. Front yard or yard adjacent to public street: Variance not to exceed fifteen (15) feet.
- b. Side yard: Variance not to exceed five (5) feet.
- c. Rear yard: Variance not to exceed ten (10) feet.
- d. Buffer area: Variance not to exceed ten (10) feet.
- e. Lot size: Variance not to exceed ten (10%) percent.

14. The Code Enforcement Appeals Board shall hold public hearings for other variance applications and contested administrative variance denials as described in Section 13.6 of the Zoning Ordinance (Code Enforcement Appeals Board/Variance).

15. Bonding: Prior to beginning construction of each development phase of the PUD, the County Commission shall require the developer to post a performance bond or letter of credit, both in form

and amount acceptable to the County, guaranteeing that all public improvements and common open areas will be constructed according to the approved Final Development Plan. The performance bond shall have a minimum face value equal to the cost of constructing the required improvements. The letter of credit shall have a minimum value equal to the cost for constructing the required improvements plus fifty (50%) percent.

9. Vested Rights of The Developer. Upon issuance of a PUD zoning designation to a district, any subsequent zoning amendments shall not apply provided the PUD designation has not expired as set forth by the standards in this Article.

10. Expiration of Pud Approval. A PUD district shall be subject to review and rezoning based on changed conditions or a revised comprehensive plan in the event:

1. Within one (1) year after approval of the Preliminary Development Plan, a Final Development Plan is not submitted to the Planning Director. The Planning Director, upon request and for good cause shown, may extend the one (1) year time period for submitting the Final Development Plan for a period not to exceed one (1) year.

2. A development phase of the PUD project is not built or under progressive and substantial construction operations before the expiration of the time limits agreed upon during approval of the Preliminary Development Plan.

TELECOMMUNICATION ANTENNAE AND TOWER ORDINANCE

[Amended Ord. 10/13/98]

1.0 Purpose. It is the intent of the Carroll County Board of Commissioners, referred to in additional places in this ordinance as the Governing Authority, that the provisions of this ordinance be construed to ensure compatibility of proposed facilities with surrounding areas by establishing standards for location, height, structural integrity, design review, landscaping, and visual screening; to sustain the peaceful character of Carroll County by establishing standards to reduce the potential of wireless communication facilities to produce disruptive noise, vibration, or illumination; and to assist in identification of potential sources of interference with existing telephone, radio, television or electronic computing system currently in use in the area; and to reduce the apparent quantity of telecommunication structures by providing incentives to utilize co-location and stealth technologies, thereby lessening adverse visual impacts of these facilities on developed residential areas, agricultural areas, and natural surroundings, to facilitate the use of public property and to enhance the ability of providers of telecommunication services to provide such service to the community quickly, effectively, and efficiently.

This Ordinance is intended to allow telecommunication structures which are sufficient to allow adequate service to citizens, the traveling public, and others within Carroll County; and to accommodate the need for connection of such services to telecommunication structures in adjacent and surrounding communities.

2.0 Definitions

2.1 Rules. For the purposes of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "structure" shall be synonymous with "tower" but not include the word "building" or "enclosure"; the word "shall" is mandatory and not discretionary.

2.2 Use of definitions. Any word not herein defined shall be as defined elsewhere in the Zoning Ordinance. If not defined elsewhere in the Zoning Ordinance the word will have the meaning as defined in the latest edition of Webster's College Dictionary, the definition to read in context with the purposes and provisions of the part of the Ordinance it is being used to define.

2.3 Definitions

Antenna Array. A mounted exterior apparatus designed for the transmission or reception of wireless communications or data. Types of antenna arrays include a system of poles, panels, rods, reflecting discs or similar devices for telephonic, radio, or television communication.

Alternative Tower Structure. Man made trees, clock towers, bell steeples, flag or light poles, signs, and similar alternative design mounting structures that camouflage or conceal the presence of antenna or towers. An alternative tower structure may have an antenna array and be affixed to an existing building, overhead facilities, or the like.

Broadcasting Tower. A use associated with a commercial radio or television enterprise that emits radio signals to project transmissions.

Building, Principal. A building in which is conducted the main or principal use of the lot on which the same is situated. A building is further defined as any enclosure with a roof intended for shelter or closure.

Co-Location/Site Sharing. This term shall mean use of a common telecommunication structure or common site by two (2) or more telecommunications providers or by one (1) telecommunications provider for more than one type of antenna or technology. Co-location and site sharing is also the

placement of an antenna array on a structure owned or operated by a telecommunications carrier.

Comprehensive Plan. A plan, as amended from time to time, that was devised to provide Carroll County with a guide for the future growth and development in accordance with the Georgia Planning Act.

County. Means Carroll County.

County Planner. Means zoning administrator, county planner, or their respective designee having the primary responsibility to administer the County Zoning Ordinance.

County Property. All real property owned by Carroll County, other than public streets and utility easements as those terms are defined elsewhere in this ordinance, and all property held in a proprietary capacity by Carroll County.

Equipment Facility. Any enclosure or building used to contain ancillary equipment such as poles, pipes, mains, conduits, ducts, cables and wires located under, on or above the surface of the ground and used for the telecommunications structure. Equipment facilities include but are not limited to, cabinet, shelters, a buildout of an existing support structure, pedestal and other similar enclosures.

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

Governing Authority. The Chairman and Board of Commissioners for Carroll County.

Lot Width. The shortest distance between the side line of a lot, measured along the building setback line.

Overhead Facilities. Utility poles, public utility facilities, electronic transmission lines, and other facilities located above the surface of the ground, including the underground supports and foundations for such facilities.

Pre-existing telecommunications structure. See Section 4.3.

Public Street. Any highway, street, alley or other public right-of-way for motor vehicle travel under the jurisdiction and control of the County which has been acquired, established, dedicated or devoted to transportation purposes.

Public Utility. Persons, corporations or government supplying gas, electric, transportation, water, sewer, or land line telephone service to the general public. For the purpose of this ordinance, telecommunications structures and telecommunications facilities, and support structures shall not be considered public utility uses, and are defined separately.

Public Utility Structure. A structure that is essential to supply the public with a commodity or service and is associated with railroad companies, dock companies, terminal station companies, telephone and telegraph companies, gas or electric light and power companies, rapid rail passenger service lines, and waste treatment facilities. Specifically excluded from this definition are telecommunication structures and antenna arrays, including, but not limited to, self supporting lattice towers, guy towers, monopole towers, cellular telephone towers, and alternative tower structures.

Right-of-Way. Includes all public streets and utility easements, now or hereafter owned by Carroll County, but only to the extent of the County's right, title, interest or authority to grant a license or franchise to occupy and use such streets and easements.

Reviewing Body. Applicable Board or Commission having authority to make a recommendation or make an official decision on the application.

Side Yard. A yard adjacent to the front yard.

State. State of Georgia

Support Structure. Any structure designed and constructed primarily for the purpose of supporting one or more antenna arrays, including self supporting lattice towers, guy tower, or monopole tower. The term shall include, but is not limited to, radio and television transmission towers, microwave towers, common-carrier telephone towers and alternative tower structures.

Lattice tower is a wireless communication support structure which consists of vertical and horizontal supports and metal crossed strips or bars to support an antenna array and connecting appurtenances. Lattice towers may or may not be supported by guy wires.

Monopole tower is a wireless communication structure which consists of a single pole structure to support an antenna array and connecting appurtenances.

Guyed tower is any variety of support structures using wire guys connecting above grade portions of a communication support structure diagonally with the ground to provide support for a communications towers, antenna arrays, and connecting appurtenances.

Surplus Space. The portion of usable space on a support structure that has the necessary clearance from other users to allow its use by a telecommunications carrier for an antenna array.

Telecommunications Act. The Telecommunications Act of 1996, 47 U.S.C. §§ 151 et. seq., as now and hereafter amended.

Telecommunication Carrier. Persons that directly or indirectly own, control, operate, or manage equipment or property within Carroll County, used or to be used for the purpose of offering telecommunication service.

Telecommunication Provider. Persons who provide telecommunication service through telecommunication structures without ownership or management control of the facilities.

Telecommunication Service. The providing or offering for rent, sale, lease or in exchange for other value received, of the transmittal of voice, data, image, graphic, video programming information, and wireless communications between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite or similar media with or without benefit of any closed transmission medium.

Telecommunications Structure. Any unstaffed facility for the transmission and/or reception of telecommunication services, usually consisting of a support structure, antenna array, equipment facility and other appurtenances used or to be used to transmit, receive, distribute, provide or offer telecommunications services.

Wireless Communications. Any personal wireless services as defined in the Telecommunications Act of 1990, which includes FCC licensed commercial wireless telecommunications services, including cellular, digital communications services, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, and similar services that currently exist or that may in the future be developed.

Zoning Ordinance. The Carroll County Zoning Ordinance adopted in June 1987, as amended.

3.0 General Provisions

3.1 Application of a Building Permit for a Telecommunications Structure.

1. It shall be unlawful for any person, firm, or corporation to erect, construct, or place any support structure, alternative tower structure, or antenna array without first making application for a Telecommunications Structure Permit. To re-erect, replace, or repair any support structure an application for and issuance of a building permit by the Carroll County Codes Enforcement Department is necessary.

2. Fees for Telecommunications Structure Permits are posted in the Fee Schedule in the Planning and Zoning Office of Carroll County and approved by the Board of Commissioners.

3.2 Building Permit Exemptions. Adding antenna arrays or appurtenances, including equipment facilities, as long as the same does not increase noise, height, light or visual disturbance to the community. Building Permits are not required when adjusting or replacing worn or used antenna arrays to existing telecommunications structures provided the replacement does not reduce any safety device.

3.3 Public Property. A telecommunications carrier requesting to place at least one (1) telecommunications structure on property owned, leased, or otherwise controlled by the governing authority must enter into a license or lease approved by the governing authority.

1. For each application for a Building Permit for a Telecommunications Structure for placement on public property, the application must comport to the following procedure:

a. Notice of the application and approximate location of the structure shall be advertised in the legal organ for a period not less than fifteen (15) days prior to a hearing before the Board of Commissioners. At such hearing, the application shall be accepted if at least four (4) affirmative votes are received in favor of its placement.

b. The property shall be posted with a sign containing the name of the applicant, the day of the hearing, and state the purpose for placement of a proposed telecommunication structure for the site.

2. The applicant shall be required to submit those documents listed in Section 7.0 et seq., (Conditional Use Permits).

3. In the event the applicant proposes to vary from the setbacks, maximum height, size, separation requirements, or any development standard of this Ordinance, the applicant must comply with Section 8.0 et seq., (Variance from Standards).

3.4 Requirements for a Building Permit to Construct a Telecommunications Structure.

1. Complete application to Planning and Zoning Office in the Carroll County Administrative Office Building.

2. Applications must include:

a. Site plan which includes: north arrow, location of tower on site, topography of site, setbacks, height of structure, equipment facilities, access to site, adjacent roads and adjacent property.

b. Applicant shall certify in writing that the proposed telecommunications structure meets all FAA and FCC standards and regulations.

c. Aerial photo of the parcel from Carroll County Tax Maps.

- d. A general description of the geographic area that the telecommunications structure will provide coverage.
- e. Any information that is required by other sections in this ordinance.
- f. Potential for co-location on the support structure.

3.5 Setbacks. Support structures and alternative towers structures shall conform to the following setback requirements:

- 1. In agricultural districts, support structures must be set back a minimum of the greater of one hundred (100) feet or 50% of tower height from the right-of-way and nearest property line.
- 2. In residential districts, towers must be set back a minimum of the greater of one hundred (100) feet or 50% of tower height plus one (1) additional foot for each one (1) foot of tower height in excess of eighty-five (85) feet from the right-of-way and nearest occupied structure.
- 3. In commercial and office/institutional districts, support structures must be set back a minimum of one hundred (100) feet from the right-of-way and twenty (20) feet from each property line.
- 4. In industrial districts, support structures must be set back a minimum of one hundred (100) feet from the right-of-way and twenty (20) feet from any property line.

3.6 Setbacks for Alternative Tower Structures. Alternative tower structures shall not mount antennae array or appurtenances so as to extend over property lines.

3.7 Security Fencing. A telecommunications structure, except alternative tower structures, shall be enclosed by a security fence of not less than six (6) feet in height and equipped with an appropriate anti-climbing device; a three (3) strand barbed wire or rolled razor wire attached to a security fence is an appropriate anti-climbing device. However, the governing authority reserves the right to impose stricter measures, as it deems appropriate; nothing herein shall prevent fencing which is necessary to meet other requirements of state and federal regulations.

3.8 Structural Integrity. To ensure the structural integrity of towers, the owner of a tower shall ensure that the tower withstands a 100 m.p.h wind, six (6) inch snow load, and is maintained in compliance with standards contained in applicable local building codes and the Electronic Industries Association/Telecommunications Industries Standards for Steel Antenna Towers and Antenna Supporting Structures (or equivalent), as amended. If upon inspection, a tower fails to comply with such codes and standards and constitutes a danger to persons or property in the opinion of the Code Enforcement Officer, then upon notice being provided to the tower's owner, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may have the structure removed at owner's expense.

4.0 Supplemental Regulations

4.1 Interference with Public Safety Telecommunications.

- 1. No new or existing telecommunications service shall interfere with public safety telecommunications. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the Carroll County Codes Enforcement Director in writing at least ten (10) calendar days in advance of such changes.
- 2. Applicants for a telecommunications structure shall be required to provide information on the projected power density of the facility.

3. All telecommunications structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government having authority over telecommunication structures and frequencies.

4.2 Abandonment. A telecommunications structure may be determined to be abandoned because of discontinued use or falling into disrepair or noncompliance because of neglect of maintenance according to the standards set forth in this ordinance.

1. Abandonment because of discontinued use. A telecommunication structure shall be determined to be abandoned if the structure becomes more than twenty five (25) percent damaged and the owner fails to repair the same within six (6) months or if the structure falls into a like disrepair from vandalism, neglect, or collapse so as to discontinue all telecommunications service for a period of nine (9) months. Within ninety (90) days after notice from the governing authority that a structure has been considered abandoned, the owner of the structure shall either reestablish use of the site or remove all equipment, support structures and appurtenances.

2. Abandonment due to disrepair or noncompliance. In the event a telecommunications structure falls into disrepair or noncompliance because of neglect of maintenance, the facility shall be determined to be abandoned if repairs are not affected to restore compliance within thirty (30) days after written notice of noncompliance from the Codes Enforcement officer. Failure to comply within thirty (30) days shall result in expiration by limitation of prior approvals for the facility.

3. Expiration of prior approvals. Any proposal to reestablish the telecommunication structure after failure to comply with restoration of facilities because of disrepair or neglect, shall be treated as a new application subject to reviews, approvals and fees required by this ordinance.

4. Liability for noncompliance. No time period stated herein shall relieve the owner of a telecommunication structure from responsibility to maintain a safe facility.

5. If applicable, a copy of relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at the site shall be submitted at the time of application. In the event that a tower is not removed at the cessation of operations at a site, the tower and associated facilities may be removed by the governing authority and the costs of removal assessed against the property.

4.3 Pre-Existing Telecommunications Structures.

4.3.1 Definition. A pre-existing telecommunication structures is a telecommunication structure which exists on the date of the adoption of this ordinance. A pre-existing telecommunications structure is subject to the following provisions:

1. The telecommunications structure may continue in use for the purpose then used, but may not be expanded without complying with this ordinance, except as expressly provided in this Section.

2. The telecommunications structure may add additional antenna arrays and equipment facilities subject to the conditions in this ordinance.

3. The telecommunications structure that is hereafter damaged or destroyed due to any reason or cause may be repaired and restored to its former use, location, and physical dimensions subject to obtaining a building permit as described herein.

4.3.2 The owner of any pre-existing telecommunications structure may replace, repair, rebuild, and/or expand such telecommunications structure in order to improve the structural integrity of the facility, to allow the facility to accommodate co-located antenna arrays or facilities, or to upgrade the facilities to

current engineering, technological, or communications standards without having to conform to the provisions of this ordinance, so long as such facilities are not increased in height by more than 15% and/or setbacks are not decreased by more than 15%.

4.3.3 Modifications. In the event the owner of any pre-existing telecommunications structure wants to replace, repair, rebuild, and/or expand such telecommunications structure so as to increase the height by more than 15% or decrease the setbacks by more than 15%, the owner must apply for a Conditional Use Permit unless the telecommunications structure is located in an industrial zone.

4.4 Two-Way Radio Qualification. A single-owner using two-way radio technology shall not be required to obtain a conditional use permit for a telecommunications structure where:

1. The support structure has a height of less than one hundred (100) feet and a diameter of less than twenty-four (24) inches, the diameter being measured at the greatest point;
2. The property is located in a commercial or industrial district; and
3. The telecommunications structure is a single-user structure.
4. The landscaping and setback requirements in this ordinance shall not apply to a telecommunications structure as described by (1), (2), and (3) above where the telecommunications structure is located within a distance of five (5) feet, as measured from the supports structure, from the rear or side of the primary structure on the property.

5.0 Development Standards for Telecommunications Structures. A conditional use permit is required for telecommunications structures in all zoning districts except industrial, and except as provided in section 4.4. However, no permit shall be required for co-location of additional antenna arrays on existing telecommunications structures; provided the co-location does not increase the height of the existing support structure, and the proposed addition otherwise complies with standards described herein.

5.1 Design Requirements.

1. Camouflage and color required. Whenever practical and feasible, support structures and alternative tower structures shall be designed to blend into the architecture of the building on which the same is placed through the use of color and camouflaging treatments, except where color is otherwise dictated by federal or state authority.
2. Attachment to trees prohibited. It is prohibited to use any tree as a support for any telecommunications structures or antenna arrays, or to use any tree to attach any metal guy or cable supporting any antenna array.
3. Co-location. Whenever practical new telecommunications structures shall be designed, engineered, and constructed to facilitate co-location in surplus space by other telecommunications providers on the same structure.

5.2 Landscape and Buffer Requirements.

1. Existing mature tree growth and natural land forms on the site shall be preserved to the extent feasible, provided, however, that vegetation which causes interference with the antenna array or inhibits access to the equipment facility may be trimmed.
2. Landscaping shall be designed from an approved list to screen the base of a support structure and equipment facilities from the view of adjacent properties and rights-of-way. To the greatest extent feasible, existing trees and other vegetation may be used in lieu of required landscaping where

approved by the Code Enforcement Officer or the Reviewing Body.

3. Additional landscaping and buffer requirements:

a. In residential and agricultural zones. A perimeter buffer having a depth of twenty (20) feet is required, with a minimum of one (1) tree per twenty (20) lineal feet of buffer, with a minimum of fifty (50%) percent being shade trees. Retention of existing trees on site in order to meet this requirement is encouraged. Grass or other ground cover species shall be planted on all areas of the buffer strip required which are not covered by other landscape material.

b. In office/institutional and commercial districts, a perimeter buffer having a depth of fifteen (15) feet shall be required with the same requirements set forth in section (a) above.

c. In industrial districts, a ten (10) foot buffer shall be required with the same requirements set forth in section (a) above.

4. Maintenance. It will be the responsibility of the owner/tenant to keep all landscaping material free from disease and properly maintained in order to fulfill the purpose for which it was established. The owners of the property and any tenant on the property on which buffers and landscaping are required, shall be jointly responsible for the maintenance of all landscaping materials. Such maintenance shall include all actions necessary to keep the buffer and landscape area free from litter and debris, to keep planting healthy, and to keep planting areas neat in appearance. Any vegetation that constitutes part of the buffer or landscaping shall be replaced in the event that it dies.

5.3 Lights.

1. Towers shall not be artificially lighted, unless required by FAA or other applicable authority. Lighting may be required if the tower is near a non-FAA controlled landing strip pending review by the Codes Enforcement officer or Reviewing Body. If lighting is required, the tower shall not use strobe lights after sunset unless expressly required by the FAA. The Reviewing Body may consider the available lighting alternative and approve the design that causes the least disturbance to the surrounding views.

2. Additional anti-climbing measures shall be utilized for support structures in residential districts when such structure has constructed thereon or attached thereto in any way any platform, catwalk, crow's nest, or like structure.

5.4 Noise. No equipment shall be operated at a telecommunications structure that produces noise levels above 45 dB as measured from any adjacent property or right-of-way line, except for emergency situations requiring the use of backup generator, during which noise levels may be exceeded on a temporary basis. No generator shall be used prior to commercial power being delivered to the site.

5.5 Signs and Advertising. The use of any portion of a tower for signs other than warning or equipment information is prohibited.

5.6 Electrical. Support structures and antenna arrays shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code as amended.

5.7 Co-Location efforts required.

1. A permittee shall cooperate with other telecommunications providers in co-locating additional antennae on support structures and/or on existing buildings provided said proposed co-locators have received a building permit to construct a telecommunications structure. A permittee shall exercise good faith in co-locating with other providers and sharing the permitted site. Such good faith shall include

sharing technical information for evaluating the feasibility of co-location.

2. An applicant shall certify that it has taken reasonable efforts to develop a co-location alternative for its proposal.

3. Separation Requirement. In zoning districts other than industrial or on public property, a telecommunications structure over one hundred eighty (180) feet in height shall not be located within one-quarter of a mile from any existing telecommunications structure that is over one hundred eighty (180) feet in height, unless such location is determined to be a hardship by the reviewing body.

5.8 Height Requirements

Zoning District	Max. Height	Setback	Landscaping Buffer
<p>Agricultural [1] On a tract or parcel having a minimum of 35 acres [2] On a tract or parcel having a minimum of 5 acres and less than 35 acres</p>	<p>[1] 250 feet [2] 150 feet</p>	<p>Greater of [1] one hundred (100) feet or [2] 50% of tower height from the right-of-way and nearest property line.</p>	<p>20 feet perimeter as described in ordinance.</p>
<p>All Residential</p>	<p>130 feet</p>	<p>Greater of [1] one hundred (100) feet or [2] 50% of tower height plus one (1) additional foot for each one (1) foot of tower height in excess of eighty-five (85) feet from the right-of-way and nearest occupied structure.</p>	<p>20 feet perimeter as described in ordinance.</p>
<p>Commercial/OI</p>	<p>200 feet</p>	<p>One hundred (100) feet from the right-of-way and twenty (20) feet from each property line.</p>	<p>15 feet perimeter as described in ordinance.</p>
<p>Industrial</p>	<p>250 feet</p>	<p>One hundred (100) feet from the right-of-way and twenty (20) feet from any property line.</p>	<p>10 feet perimeter as described in ordinance.</p>

6.0 Administrative Review by Codes Enforcement Officer.

6.1 All applications for Conditional Use Permits, Variances, and Applications to Re-Zone shall first be submitted to the Planning and Zoning of Carroll County.

6.2 Administrative review of the application shall insure the following:

1. Applicant has submitted ten (10) copies of a complete application.

2. The proposal for the support structure does not exceed height or setback requirements, unless a variance is requested on the same.

3. Applicant has complied with all requirements set forth in this ordinance to include, but not limited, to all buffers, landscape, color and camouflage requirements have been met, and limited or minimal adverse visual impact to surrounding community has been achieved.

4. Applicant has submitted all required documents, reports, and certifications as set forth in this ordinance.

5. An applicant may apply for a Conditional Use Permit and Variance at the same time as long as all documentation is included and applicable requirements as set forth in this Code are met.

Final approval by the Codes Enforcement Officer, zoning administrator, county planner, or their respective designee, shall be in accordance with Article 8, (Powers and Duties of Various Officials) and Article 9, (Administration and Enforcement), of the Carroll County Zoning Ordinance, as amended.

7.0 Conditional Use Permits.

7.1 Applications for a Conditional Use Permit to construct a telecommunications structure shall include the following:

1. A report from a qualified engineer or engineering firm from which will include:
 - a. A scaled plan and a scaled elevation view, which includes a cross section and elevation, supporting drawings, calculations, documentation showing the location and dimensions of the communications structure(s), all improvements, and appurtenances associated therewith, including information concerning support structure specifications, antenna locations, equipment facilities, topography, radio frequency coverage, and tower height requirements.
 - b. Documentation of the height above grade for all potential mounting positions for co-located antenna arrays and the minimum separation distances between antenna arrays.
 - c. Description of the tower's capacity and power density, including the number and type of antennae that it can accommodate.
 - d. In lieu of submitting the requirements as set forth in subsection (a) above, the applicant may submit the manufacturer's detailed plans and specifications along with the manufacturer's certification that the telecommunications structure has been constructed according to the those plans and specifications.
2. A diagram or map showing the visual impact of the proposed facility, such may include photo simulations, drawings, or the like of the proposed facility from affected agricultural, residential, commercial properties, and rights-of-ways at distances of 500 feet and 1500 feet. Site location and development shall preserve the preexisting character of surrounding buildings and land uses of the zoning district to the extent consistent with the function of the communications equipment. A telecommunications structure shall be integrated through location and design to blend in with the existing characteristics of the site to the extent practical and be located so as to minimize the obstruction of scenic views from agriculturally and residentially zoned land.
3. Equipment facilities shall be architecturally designed to blend in with the surrounding environment. Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding neighborhood. If such facilities cannot be located in buildings, equipment shelters or

cabinets shall be screened and landscaped in conformance with this Ordinance.

4. A site/landscaping plan showing the specific placement of the telecommunications structure on the site. The plan shall show locations of existing structures, trees and other significant site features, and indicate type and location of plant materials used to screen telecommunications structure components and shall show proposed colors for the telecommunications structure. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

5. A general description of the geographic area for which the telecommunications structure will provide coverage.

6. Information identifying radio frequencies to be transmitted and the projected power density of the telecommunications structure.

7. Air Navigation information to include all private and public airfields, landing strips and runways within a five (5) mile radius of the proposed site. In the alternative, applicant shall certify that it has conducted an aeronautical study on the navigable airspace within a five (5) mile radius of the proposed site.

8. Statement of Security. Applicant shall submit a diagram or information regarding the required fencing, an affirmation that all equipment shall be locked and secured to prevent unauthorized entry and a description how the structure is designed with anti-climbing features.

9. Certificate of Insurance. Applicant must produce a certificate of insurance demonstrating protection against claims for bodily injury, personal injury, and property damage in amounts not less than \$1,000,000.00 per occurrence and \$2,000,000.00 annual aggregate.

10. Inventory of Existing Sites. Each applicant for an antenna or tower shall provide to the Zoning administrator, county planner, or their respective designee an inventory of existing towers which are within one-quarter (1/4) mile of the proposed site including location, height and design of surrounding structures.

11. Structural Integrity. A report shall be submitted from a qualified and licensed professional engineer or engineering firm that demonstrates the tower's structural support exceeds all applicable wind and dead load standards.

8.0 Variance from Standards.

8.1 The Code Enforcement Appeals Board will have authority to grant an application for a variance in cases where strict adherence to height, size, setback, separation or other standards for communications structures and antenna will cause an applicant special difficulties that includes one or more than the following:

1. Preclude effective transmission or reception of signals, or
2. Results in conditions contrary to purposes of this ordinance, or
3. Creates unnecessary hardship to the landowner, telecommunication carrier, or telecommunications providers. Said hardships shall be set forth in detail and presented in writing to the Code Enforcement Appeals Board.

8.2 Scope of Variance for a Telecommunications Structure Applies to:

1. Setbacks, maximum height, size, or separation requirements; or

2. Any other development standard, co-location requirement or other provisions of this Ordinance, when considered in conjunction with applicant's specific site request, where the Code Enforcement Appeals Board finds such provisions inconsistent with purposes of these regulations or contrary to requirements of the Federal Telecommunications Act of 1996. If requested by the Code Enforcement Appeals Board, applicant shall set forth the inconsistent provisions and contrary regulations in detail and present the same in writing to the Code Enforcement Appeals Board.

8.3 Approval of a request for a variance shall be narrowly construed and shall be based on an evaluation of the operational needs of the telecommunications provider, alternative locations and alternative tower structures upon which a proposed antenna array might be located, any co-location opportunities based upon applicant's good faith efforts respecting existing support towers within one quarter mile of the proposed site. Evidence shall demonstrate that no practical alternative is reasonably available to the applicant as balanced against any detrimental effect on the surrounding properties.

8.4 Necessary findings for granting of a variance. A variance may be granted by the Code Enforcement Appeals Board for antenna arrays and telecommunication structures upon finding of fact, as follows:

1. Nonresidential Zoning Districts such as OI (Office/Institutional), C (Commercial) or I (Industrial) may exceed applicable limits contained herein by variance based on findings of each of the following that a proposed antenna array, support structure, and related equipment facilities or appurtenances:

a. Is the least height and proximity to adjacent properties necessary to provide the coverage by the communications service provider and to achieve the purposes of this Ordinance, and

b. Employs all reasonable measures to provide the visual mitigation that screen the facility from views of adjacent residences or undeveloped residential properties, and

c. Will not produce noise, vibration, odors or illumination which will adversely impact other properties in the vicinity, and

d. By means of design or location does not present a hazard to adjacent properties, and

e. For reductions of setbacks for the telecommunications structure, the structure is designed and engineered, in the event of structural failure, not to fall beyond the radius of the reduced setback, and

f. Does not otherwise result in significant adverse impact on the property on which the facility is located, on other properties in the vicinity, or on the community in general.

2. Residential Properties. A (Agriculture), R1, R2, R3, (Residential), MHS (Manufactured Home Subdivision), MFR (Multi Family Residential) or HDDR (High Density Residential), may exceed applicable limits contained herein by variance provided that:

3. Each of the above findings necessary for facilities in nonresidential district applies to agricultural and residential districts and provided that the Code Enforcement Appeals Board may hold the applicant for a variance at a proposed site in a residential zone to a higher standard than nonresidential districts to demonstrate visual mitigation, elimination of potential adverse impacts and protection of health and safety necessary to preserve the agricultural and residential character of the community.

9.0 Review Procedure

9.1 Review of an application by the Codes Enforcement Officer, or his designee, shall be in accordance with Section 10.0, (Powers and Duties of Various Officials) and Section 11.0, (Administration and Enforcement), of the Carroll County Zoning Ordinance, as amended.

9.2 Review of application by the Code Enforcement Appeals Board shall be according to Section 10.0, (Powers and Duties of Various Officials), Section 11.0, (Administration and Enforcement) and Section 13.0, (Codes Enforcement Appeals Board), of the Carroll County Zoning Ordinance, as amended.

9.3 Review of Application by the Planning and Zoning Commission shall be in accordance with Section 10.0 (Powers and Duties of Various Officials), Section 11.0, (Administration and Enforcement) and Section 12.0, (Planning and Zoning Commission), of the Carroll County Zoning Ordinance, as amended.

9.4 Review of Applications by the Carroll County Board of Commissions shall be in accordance with Section 10.0 (Powers and Duties of Various Officials), Section 11.0, (Administration and Enforcement) and Section 12.0, (Planning and Zoning Commission), and Section 14.0, (Amendments) of the Carroll County Zoning Ordinance, as amended.

10.0 Criteria for Review. The following criteria shall be used by the appropriate reviewing body when making an official decision on an application.

1. Determination of whether the applicant is in conformity with goals set forth in this ordinance and the Comprehensive Plan.
2. Determination of whether the applicant has cooperated with other telecommunications providers in co-locating additional antenna on support structures and/or on existing buildings provided said proposed co-locators have received a telecommunications structure permit.
3. Determination of whether the applicant meets or exceeds the general provisions, supplemental regulations, or development standards as set forth in this Ordinance.
4. A review of all other standards available to the reviewing body in Article 8 (Powers and Duties of Various Officials), Article 9, (Administration and Enforcement) and Article 10, (Planning and Zoning Commission), and Article 12, (Amendments) of the Carroll County Zoning Ordinance, as amended.
5. No permit shall be denied on the basis of the environmental effects of radio frequency emissions to the extent that the telecommunications structure complies with FCC regulations concerning emissions.

11.0 Findings. All decisions rendered by the reviewing body under a public hearing review shall be supported by substantial written evidence based upon the written record.

12.0 Action by Board of Commissioners. Following its public hearing on the application the Board of Commissioners may:

1. Adopt the proposed amendments as presented in the application.
2. Adopt the proposed amendment as revised or supplemented by conditions of approval established by the board; said revisions may include, if the proposed amendment is for the rezoning of property, rezoning to the proposed zoning district with conditions or rezoning to any other less intense zoning district with or without conditions;

3. Deny the proposed amendment as presented in the application in whole or in part; or
4. Table the proposed application for more evidence until the next scheduled meeting.

13.0 Timing of Decision.

13.1 The reviewing body shall render a decision on the review request within forty-five (45) days of the date of the public advertisement for review before the Reviewing Body, unless the Reviewing Body can demonstrate that more time is required.

14.0 Appeals.

14.1 If the application is denied by the Code Enforcement Appeals Board after the final public hearing, the applicant shall appeal by Certiorari to the Superior Court.

14.2 If the application is denied by the Carroll County Commission after the final public hearing, the applicant shall appeal as prescribed by law.