

# Amendments to Ordinance No. 14

## Amending Provisions of the Carroll County Zoning Ordinance

**Section 1. Purpose.** The purpose is to implement recommendations made by the Carroll County Planning and Zoning Commission at public meetings on July 28, 2011 and December 8, 2011 to the Board of Supervisors to provisions and requirements in zoning definitions and classifications in the Carroll County Zoning Ordinance. Specifically, the recommendations include the addition of zoning definitions pertaining to wineries and access by easement, provisions for allowing wineries in Agricultural and industrial districts, and allowing for lots to be created with access by unrestricted permanent easements.

**Section II. Sections Modified.** The following specified sections of the Carroll County Zoning Ordinance (Ordinance No. 14, Adopted 3/15/99, and most recently amended on 5/4/09, are hereby amended as follows (Subsections or provisions added are noted by underline and provisions deleted are noted by ~~strikethrough~~):

14.02.469.1 Winery - Establishments or places of business engaged in the production of wine for commercial sale including usual related customary services such as tasting rooms, retail sale of related goods and special event hosting.

14.02.153 Easement of Access: An easement, as defined herein, designed primarily to provide access to abutting properties. An easement of access may be a private driveway which is maintained by individuals; however, for the purpose of this Ordinance, shall not be considered to be a public or private street. No more than two (2) lots may be accessed exclusively by easement.

**14.02.260** Lot - A parcel of land, abutting or have unrestricted access by perpetual easement of access on a street, whose area, in addition to the parts thereof occupied or hereafter to be occupied by a *building* and its accessory *buildings*, is sufficient to provide the yards and courts required by the regulations.

**14.04.080 Street Frontage - Minimum Requirement -** No lot created after the adoption of the regulations shall contain any building used as a dwelling unless it abuts at least 20 feet on a street or have unrestricted access by perpetual easement of access ~~No more than two (2) lots may be accessed by easement.~~

### **14.06.020 Special Uses When Authorized by Board of Adjustment**

- .01 *Agricultural Related Businesses*
- .02 *Airports* and landing fields.
- .03 *Municipal Sewage Treatment Facilities*
- .04 The removal of sand, clay, shale, gravel, topsoil, or similar extractive operations, not including borrow pits being operated for a state, county, or private projects where the material is not being sold or removed from the property where it originates with the conditions and requirements as described in 14.05.020.02.

.05 Commercial Recreation Uses following the procedures outlined in 14.15.060.

.06 Stockyards, livestock truck washes, and/or rendering plants.

[.07 Winery](#)

#### **14.11.010 Principal Uses**

.01 Warehouse type *building* for commercial or industrial storage, completely enclosed within a *building* except as provided in 14.11.030.05.

.02 Lumber and building supply yards.

.03 Plumbing, heating, and air conditioning shops.

.04 *Automobile Repair* shops.

.05 Carpenter and Cabinet shops.

.06 Any business, professional, retail, or service establishment permitted in the “B-1” District.

.07 Other compatible uses as determined by the Board of Adjustment after consultation with the Planning and Zoning Commission.

.08 Essential Services as defined in section 14.02.160.

[.09 Winery](#)

**Section III. Repealer.** All Ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed.

**Section IV. Severability.** If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**Section V. Effective Date.** This Ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

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*Date: Introduction & First Reading*

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*Date: Second Reading*

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*Date: Third & Final Reading*

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Date of Publication

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Mark Beardmore, Chairperson

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Joan Schettler, Carroll County Auditor

# Amendments to Ordinance No. 13

## Amending Provisions of the Carroll County Subdivision Ordinance

**Section 1. Purpose.** The purpose is to implement recommendations made by the Carroll County Planning and Zoning Commission at public meeting December 8, 2011 to the Board of Supervisors to provisions and requirements in zoning definitions and classifications in the Carroll County Zoning Ordinance. Specifically, the recommendations include the addition of zoning definitions pertaining to access by easement, provisions for allowing lots to be created with access by unrestricted permanent easements.

**Section II. Sections Modified.** The following specified sections of the Carroll County Zoning Ordinance (Ordinance No. 14, Adopted 3/15/99, and most recently amended on 5/4/09, are hereby amended as follows (Subsections or provisions added are noted by underline and provisions deleted are noted by ~~strikethrough~~):

13.02.310 EASEMENT OF ACCESS: An easement, as defined herein, designed primarily to provide access to abutting properties. An easement of access may be a private driveway which is maintained by individuals; however, for the purpose of this Ordinance, shall not be considered to be a public or private street. No more than two (2) lots may be accessed exclusively by easement.

13.02.680 SUBDIVISION: The division of a tract of land into three (3) or more lots, parcels, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership, building development or lease. The term includes ReSubdivision and when appropriate to the context, shall relate to the process of subdividing or the land subdivided.

.01 MAJOR SUBDIVISION: All Subdivisions not classified as either a property line adjustment, property split, or minor Subdivision, including but not limited to any size Subdivision requiring new public or private streets, or the extension of any public facilities, or the creation of any public improvements.

.02 MINOR SUBDIVISION: A Subdivision of land which meets the following criteria:

- A. All new lots shall front on and have direct access from an existing public street, or have unrestricted access by perpetual easement of access. No more than two (2) lots may be accessed exclusively by easement.
- B. No new public or private street shall be created or sought to be dedicated or contemplated to project through the proposed Subdivision.
- C. No new lot shall conflict with any provisions or portion of the County Zoning Ordinance or this Ordinance.

.03 PROPERTY SPLIT: A Subdivision of a tract which meets the following criteria:

- A. The land proposed for division is an undivided quarter-quarter section.
- B. No more than three (3) parcels are created per quarter-quarter section.
- C. No new parcel shall conflict with any provision or portion of the County Zoning Ordinance or this Ordinance.

- .04 PROPERTY LINE ADJUSTMENT: A Subdivision of one (1) or more lots or parcels which meets the following criteria:
- A. No additional lots or parcels shall be created.
  - B. No part of the divided lot or parcel of land will be transferred to anyone but the owner or owners of a lot or parcel of land abutting that part of the divided lot or parcel of land to be transferred.
  - C. No new lot or parcel shall conflict with any provision or portion of the County Zoning Ordinance or this Ordinance.

13.07.080 LOTS: The arrangement of lots shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing zoning permits to build on all lots in compliance with the County Zoning Ordinance and in providing driveway access to buildings on such lots from an approved street.

- .01 The lot size, width, depth, shape and orientation, and the minimum front yard setback lines shall be appropriate for the location of the Subdivision and for the type of development and use contemplated, and shall comply with the minimum standards of the County Zoning Ordinance.
- .02 Dimensions of corner lots shall be large enough to allow for the erection of buildings, observing the minimum front yard setback from both streets.
- .03 RESERVED.
- .04 Where lots are more than double the minimum required area for the zoning district, the County Board may require that such lots be arranged so as to allow further Subdivision and the opening of future streets where they would be necessary to serve such potential lots, all in compliance with the County Zoning Ordinance and the provisions of this Ordinance.  
Commission and County Board approval shall be required for any property line adjustment or parcel split which takes place on lots platted after the effective date of this Ordinance. The Commission may require that a resubdivision/replat be prepared in lieu of a property line adjustment or parcel split.
- .05 Depth and width of lots reserved or laid out for commercial or industrial purposes shall be adequate to provide for off-street parking and loading facilities required for the type of use and development contemplated, as established in the County Zoning Ordinance.
- .06 Every lot shall abut ~~and~~ or have unrestricted access to a public or private street by perpetual easement of access. No more than two (2) lots may be accessed exclusively by easement.

**Section III. Repealer.** All Ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed.

**Section IV. Severability.** If any section, provision, or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**Section V. Effective Date.** This Ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

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*Date: Second Reading*

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*Date: Third & Final Reading*

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Date of Publication

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Mark Beardmore, Chairperson

attest:

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Joan Schettler, Carroll County Auditor