

RESOLUTION AND ORDINANCE OF THE BOARD OF COMMISSIONERS OF CARROLL COUNTY AMENDING SECTION 86-5 “DEFINITIONS” OF CHAPTER 86 – SUBDIVISIONS - OF THE CARROLL COUNTY CODE OF ORDINANCES TO AMEND TO AMEND THE DEFINITION OF “SUBDIVISION EXEMPTIONS;” (2) TO ALLOW FOR ESTATE LOT DEVELOPMENT; (3) TO PROVIDE FOR EXEMPTIONS TO THE ORDINANCE; AND (4) FOR OTHER PURPOSES

WHEREAS, the Board of Commissioners desires to amend Chapter 86 – Subdivisions - of the Code of Ordinances of Carroll County, Georgia; and

WHEREAS, a notice of the public hearing for the purpose of considering proposed amendments to the Subdivision Regulations was published in the legal organ of Carroll County having a general circulation within the territorial boundaries of Carroll County, Georgia, at least 15 but not more than 45 days prior to the date of the hearing; and

WHEREAS, a public hearing on the issue of amending the Zoning Regulations was held on Monday, September 12, 2022, for the purpose of considering these proposed amendments to the Subdivision Regulations prior to consideration of this resolution by the Board of Commissioners; and

WHEREAS, consideration of final adoption of these proposed amendments to the Subdivision Regulations was heard before the Carroll County Board of Commissioners at its meeting held on Tuesday, December 6, 2022;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Carroll County, Georgia, as follows:

1. Sec. 86-5. – Definitions shall be amended by deleting the definition of “*Subdivision exemptions*” in its entirety and the language contained on Exhibit “A” attached hereto shall be inserted in its place.

2. This Resolution and Ordinance shall be effective on December 6, 2022.

Adopted this 6th day of December, 2022.

Michelle Morgan, Chairman of
Board of Commissioners of Carroll County

Attest: _____
Lynda Bingham, Clerk

EXHIBIT “A”

Subdivision exemptions: For the purpose of these regulations, the following shall be considered subdivisions but exempt from all portions of these regulations, except as noted herein. Except as provided in paragraph 2(g) below, all such subdivisions shall be drawn to final plat standards pursuant to [section 86-65](#) and paragraphs [86-66\(b\)\(2\)](#), (3), (5), (8) and (11) of these regulations and shall submit three copies, and the required fee as may be established from time to time by the board of commissioners, to the engineer for review and approval, which shall proceed pursuant to subsections [86-26\(g\)](#) and (h) of these regulations, the requirements of article IV, and the requirements stated in this paragraph. The subdivider shall comply with the county erosion and sedimentation control ordinance. Should the engineer not approve any such exemption plat, he shall express in writing (on the plat) the basis for the refusal to approve. The owner of record may file with the engineer a written appeal of the decision which together with a report from the engineer shall be forwarded to the director for consideration pursuant to section 86-105 of these regulations.

(1) The combination or recombination of all or portions of lawful previously platted lots or parcels existing prior to May 27, 1977, where the total number of lots is not increased and the resultant lots or parcels are in compliance with the county zoning resolution, as amended.

(2) **Estate Lot Developments.** The division of land in into lots having a minimum lot area of at least four acres provided:

a. (i). Each proposed lot fronts on an existing public street which contains or shall contain at least a 60 foot right-of-way at no cost to the county. In the event more than four proposed lots front on an unimproved road, the subdivider shall enter into a development agreement with the county to bring the portion of the unimproved road adjacent to the lots up to the applicable county improved road standards at the subdivider’s sole cost and expense or, in the discretion of the director of community development and the director of public works, if the portion of the road to be improved is not adjacent to an improved road, the county may enter into a development agreement, pursuant to which the subdivider shall provide, at the time of selling off the lots, a development impact fee in the amount of the necessary funds to offset the county’s future costs and expenses to improve the road, when and if the county is able and desires to improve the road, which funds can also be used by the county to maintain the unimproved road until such time as it is improved. If the improvements are to be undertaken by the subdivider, then the development agreement shall provide that all such public facilities shall be constructed or bonded prior to the issuance of a building permit for all or any portion of the proposed development.

(ii). The county authorizes and delegates to the chairman of the board of commissioners the authorization to enter into a development agreement with a subdivider pursuant to this section only if the director finds that the proposed development, which is the subject of this section, meets all requirements of this section, the county zoning regulations, the county subdivision regulations, and all other applicable regulations. Further, the county hereby

authorizes the chairman of the board of commissioners to execute a development agreement and otherwise to perform all acts necessary to deliver binding development agreements for the completion and installation of necessary public facilities.

b. Lot size minimums:

Types of Lots	Min. Lot area	Min. Road Frontage and Setback	Lot width at building setback line	Other requirements
Regular Lots	4 acres	Min. 210 ft. road frontage with min. 210 ft. setback from edge of right of way, or Min. 300 ft. road frontage with min. 100 ft. setback from edge of right of way	210 ft.	
Flagpole/ Irregular Lots (i.e. a regular without the min. required road frontage but at least a 50 ft. driveway for ingress and egress to a regular lot)	7 acres	Min. 50 ft. road frontage and width for dedicated driveway for ingress and egress to lot; easements for ingress and egress are not permitted	210 ft.	Driveways for flagpole and irregular lots cannot be side by side and must be separated by a regular lot. A flagpole or irregular lot cannot be located behind or to the rear of an adjacent flagpole or irregular lot (i.e. no stacking of flagpole and irregular lots)

c. Each proposed lot shall meet or exceed all other minimum requirements of the appropriate zoning district.

d. No lot shall be more than four times as deep as it is wide at the building setback lines. The driveway portion of a flagpole or irregular lot will not be considered in this calculation.

e. Drive connections shall be placed to meet the visibility requirements of subsection [86-122\(m\)\(5\)](#), provide the maximum sight distance, and meet the requirements set forth in subsection [86-125\(d\)](#).

f. All slope and utility easements shall be provided at no cost to the county as determined by the engineer or director.

g. A subdivider using this estate lot development exemption shall provide an accurate preliminary conceptual plan, sketch, or drawing, as long as it is to scale, showing all proposed lots to be created out of an original or parent tract or parcel in accordance with the applicable procedures and standards under Section 86-22, titled "Preliminary plat approval."

h. Final plat approval, under Section 86-26 titled “Final plat approval review and approval process,” of a lot or lots is required prior to creation of a new lot and may be revised under, Section 86-26 titled “Revised final plat.”

i. Any proposed estate lot development under this subsection that exceeds 35 lots shall require Board of Commissioner approval and shall follow the procedures and standards provided for in the County’s Zoning Ordinance Chapter 102-12, (12.9) titled “Conditional Uses.”

j. Each proposed lot shall comply with the requirements of the county environmental health department.

k. A lot created under this subsection (2) titled “Estate Lot Developments,” including any remaining portion of the original or parent lot, may not be re-subdivided pursuant to the provisions of any of the subdivision exemptions.

l. Applications for variances to the measurement requirements for yards, height, frontage, setbacks, and similar dimensional aspects may be made to the community development appeals board under the procedures and standards provided for in Section 102-13, (13.4) titled “Community development appeals board;” provided, however, that there shall be no administrative variances to the provisions of this subsection and there shall be no variances to the minimum acre requirements under this subsection.

m. The engineer and director, along with the director of public works shall be required to sign and certify that the preliminary plan and final plat or plats meet the requirements of the county’s code of ordinances.

(3) **Minor lot splits.** The division of land in an appropriate zoning district into four or fewer lots:

a. Each proposed lot fronts on an existing public street which contains or shall contain at least 60 foot right-of-way at no cost to the county.

b. Lot size minimums:

Types of Lots	Min. Lot area	Min. Road Frontage and Setback	Lot width at building setback line	Other requirements
Regular Lots	4 acres	Min. 210 ft. road frontage with min. 210 ft. setback from edge of right of way, or Min. 300 ft. road frontage with min. 100 ft. setback from edge of right of way	210 ft.	

Flagpole/ Irregular Lots (i.e. a regular without the min. required road frontage but at least a 60 ft. driveway for ingress and egress to a regular lot)	7 acres	Min. 60 ft. road frontage and width for dedicated driveway for ingress and egress to lot; easements for ingress and egress are not permitted	210 ft.	Driveways for flagpole and irregular lots cannot be side by side and must be separated by regular lots. A flagpole or irregular lot cannot be located behind or to the rear of an adjacent flagpole or irregular lot (i.e. no stacking of flagpole and irregular lots)
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c. Each proposed lot shall meet or exceed all other minimum requirements of the appropriate zoning district.

d. No lot shall be more than four times as deep as it is wide at the building setback lines. The driveway portion of a flagpole or irregular lot will not be considered in this calculation.

e. Drive connections shall be placed to meet the visibility requirements of subsection [86-122\(m\)\(5\)](#), provide the maximum sight distance, and meet the requirements set forth in subsection [86-125\(d\)](#).

f. All slope and utility easements shall be provided at no cost to the county as determined by the engineer or director.

g. A lot created under this subsection (3) titled “Minor lot splits,” including any remaining portion of the original or parent lot, may not be re-subdivided pursuant to the provisions of this subsection (3) within 12 months of the creation of the lot by recording a plat or deed.

h. Each proposed lot shall comply with the requirements of the county environmental health department.

i. Applications for variances to the measurement requirements for yards, height, frontage, setbacks, and similar dimensional aspects may be made to the community development appeals board under the procedures and standards provided for in section 102-13, (13.4) titled “Community development appeals board;” provided, however, that administrative variances to the provisions of this subsection are limited to twenty percent (20%) of a specific measurement and there shall be no variances to the minimum acre requirements under this subsection. An administrative variance for a dedicated easement having a minimum of 30 feet as egress and ingress to any landlocked parcel may be granted provided that all the other requirements of this section (3) are satisfied.

(4) **Large or single lot split:** When a lot greater than 10 acres is proposed to be divided from a larger parcel pursuant to any of the subdivision exemptions allowed under paragraph (2) or (3) of

this section above, or only a single lot greater than 10 acres is proposed to be recorded and approved for construction, the following shall apply:

a. A lot created under this subsection (4) shall be exempt from any width-to-depth calculation concerning the shape of the lot.

b. All other requirements pertinent to the specific type of exemption under subsection (2) or (3) of this section above shall be met.

(5) *Required language for all final plats:*

a. If any lot on a final plat is adjacent to an unimproved county road, a final plat shall state: "CARROLL COUNTY PUBLIC WORKS HAS NO IMMEDIATE OR FUTURE PLANS TO IMPROVE THE EXISTING ROAD SHOWN ON THIS PLAT TO A PAVED SURFACE. ACCEPTANCE OF THIS PLAT IS ACKNOWLEDGEMENT THAT THE ROAD AS SHOWN MAY CONTINUE TO BE AN UNIMPROVED ROAD FOR AN UNLIMITED TIME PERIOD."

b. Unless a final plat is approved and signed by the Carroll County Water Authority, a final plat shall state: "CARROLL COUNTY WATER AUTHORITY DOES NOT HAVE ANY EXISTING OR ADEQUATE WATER LINES WHICH CURRENTLY SERVE THIS PROPERTY AND HAS NO IMMEDIATE OR FUTURE PLANS FOR WATER LINE EXTENSION OR UPGRADE TO SERVICE THIS PROPERTY. THE PROPERTY OWNER OR SUBSEQUENT OWNERS SHALL ASSUME THAT THE PROPERTY AS SHOWN ON THIS PLAT WILL BE SERVED BY A PRIVATE WELL SYSTEM."