

EXHIBIT "1"

I. Amending Section, 5.0 General Provisions by striking the existing section in its entirety and adding, substituting, and adopting the following section 5.14 Temporary Manufactured Home Occupancy and Land Use Permit language in its place:

5.14 Temporary Manufactured Home Occupancy and Land Use Permit (TLUP).

(a) 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.

(b) 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(c)-(k). Under these circumstances, the application for a TLUP may receive administrative approval from the Director of the Department of Community Development, or his designee.

(c) 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

(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) 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.

(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 on the termination of the TLUP.

(d) 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.

(e) 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.

(f) General Conditions. The following general conditions shall apply after a TLUP is issued.

(1) All construction, installation, and design requirements for manufactured homes shall be satisfied;

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(2) 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;

(3) No manufactured home shall be used for purposes of storage or as storage units.

(4) The transfer of ownership of the manufactured home shall cause immediate revocation of the TLUP.

(5) 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(l) shall govern.
Medical Hardship Applications.

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

(1) An application for a Medical Hardship TLUP shall include the following:

(A) 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.

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

(C) 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.

(D) 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.

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

(2) 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:

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

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

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

(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 or the removal of all personalty on the termination of the TLUP.

(3) 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(l).

(h) 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.

(1) 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.

(2) 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(l).

(i) 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 been approved. The specific location of the industrialized dwelling shall be subject to the approval.

(1) 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.

(2) 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(l).

(j) 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.

(1) 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.

(2) 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(l).

(k) 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:

(1) 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.

(2) 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.

(3) 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.

(4) 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(l).

(l) 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.

(m) 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 (c) shall be deemed to have violated this section and be subject to all remedies provided under the ordinances of the county.

(n) 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.

(1) 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.

(2) 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.