

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

ORDINANCE NO. _____

AN ORDINANCE AMENDING ARTICLE 4 – RULES AND DEFINITIONS, SECTION 4.3 – DEFINITIONS, AND ARTICLE 7 – DISTRICT USES AND REGULATIONS, SECTION 7.1 - PURPOSE, SECTION 7.2 DEVELOPMENT STANDARDS ADDITIONAL REQUIREMENTS, AND TABLE 7.2 – PERMITTED USES OF THE 1992 ZONING ORDINANCE OF CHEROKEE COUNTY TO PROVIDE FOR DEFINITIONS, REVISED DISTRICT USES, DESCRIPTIONS, PURPOSE, AND REVISED DEVELOPMENT STANDARDS; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County; and

WHEREAS, Article 4, Section 4.3 of the 1992 Zoning Ordinance of Cherokee County provides for definitions in order to protect and promote the health, safety, welfare, and general well-being of the citizens of Cherokee County; and

WHEREAS, Article 7, Sections 7.1 and 7.2 of the 1992 Zoning Ordinance of Cherokee County sets for the purpose for each zoning district uses and regulations as well as development standards in order to protect and promote the health, safety, welfare, and general well-being of the citizens of Cherokee County; and

WHEREAS, Article 7, Table 7.2 of the 1992 Zoning Ordinance of Cherokee County sets for the permitted uses in order to protect and promote the health, safety, welfare, and general well-being of the citizens of Cherokee County; and

WHEREAS, the Board of Commissioners does hereby find that definitions must be established to revise and clarify certain residential uses and the purpose of the district uses and development requirements must be revised to update single-family and multi-family residential development standards; and

WHEREAS, the Board of Commissioners does hereby find the following revisions to Articles 4 and 7 of the 1992 Zoning Ordinance of Cherokee County, attached hereto as **Exhibit A**, to be a reasonable exercise of Cherokee County's police power, and in the best interests of the public health, safety, and welfare;

NOW, THEREFORE, BE IT RESOLVED THAT by the Cherokee County Board of Commissioners, and it is hereby so resolved by the authority of the same, that Articles 4 and 7 of the 1992 Zoning Ordinance of Cherokee County Zoning Ordinance are hereby amended to revise and clarify certain residential uses, while updating the purpose of the district uses and development requirements to revise single-family and multi-family residential development standards.

SO RESOLVED, APPROVED, AND ADOPTED this 15th day of February, 2022.

By: _____
HARRY B. JOHNSTON, Chairman

Attest: _____
CHRISTY BLACK, County Clerk

(SEAL)

EXHIBIT A

Farm Winery. A winery which makes at least 40% of its annual production from agricultural produce grown in the state where the winery is located and is located on the premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production. (Ordinance No. 2019-O-010, 05-21-19)

Farming. The business of cultivating land, or employing it for the purposes of animal husbandry; the fertilization of the soil as well as caring for and harvesting the crops.

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

Fence. An artificially constructed barrier of any materials or combination of materials erected to enclosed or screen areas of lands. A privacy fence is one that is solid and of a height designed to effectively limit visibility.

Final plat: The final drawing of a subdivision and, as applicable, dedication, prepared for filing for record with the Clerk of the Cherokee County Superior Court, and containing all elements and requirements set forth in this Ordinance.

For Rent: Dwelling constructed with the express purpose and intent of offering to the general public for lease and not intended For Sale.

For Rent Community: A residential Subdivision or Development with more than ten (10) percent of the Dwellings therein occupied by tenants rather than owners.

For Sale: Dwelling constructed for the express purpose and intent of offering to the general public for purchase.

For Sale Community: A residential Subdivision or Development with no more than ten (10) percent of the Dwellings therein occupied by tenants rather than owners.

Floor Area, Gross. The sum of the gross horizontal area of the several floors of a building measured from the exterior face of exterior walls or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Floor Area Ratio. The gross floor area of all buildings on a lot divided by the lot area.

Frontage. The side of a lot abutting on a street; the front lot line.

Full Service Kitchen. A kitchen designed, intended, and equipped to produce meals for sale to the general public as a major function of the business. (Ordinance No. 2019-O-010, 05-21-19)

Funeral Establishment. A place where the embalming or funeral directing is practiced and which

Article 7 – District Uses and Regulations

7.1 Purpose.

7.1-1 General Agricultural District (AG). The purpose of this district is to maintain the integrity of agricultural activities predominate in the rural area of Cherokee County. Within the district, the subdivision of land for suburban development is discouraged, while agriculture and livestock production are strongly encouraged in order to maintain the rural character of these areas. On-site sales should be limited to live animals, plants and produce that have been raised on the property, unless this Ordinance specifically provides for limited related commercial activities for particular uses. This district includes the development of large lot Dwelling, Single Family “For Sale” detached residential subdivisions and For Sale Communities. Includes two-acre Dwelling, Single Family, “For Sale”, Lots or larger. For Rent Communities are expressly prohibited. (Ord. No. 2018-O-003, 04/03/2018)

7.1-2 Estate Residential “For Sale” District (R-80, R-60). The purpose of this district is to permit “For Sale” residential development in those areas that are expected to become more nearly urban in character. The areas involved are generally in transition from agricultural to residential development and are considered appropriate for low density residential development and For Sale Communities. Limited agricultural uses, such as crop production and animal husbandry, on tracts of 5 acres or more are also compatible with this district. For Rent Communities are expressly prohibited.

7.1-3 Single-Family Residential “For Sale” Districts (R-40, R-30). The purpose of these residential districts is to enable “For Sale” residential development and For Sale Communities of a low density urban character. The regulations are designed to permit and encourage residential development in areas where urbanization is taking place. Limited agricultural uses, such as crop production and animal husbandry, on tracts of 5 acres or more are also compatible with this district. For Rent Communities are expressly prohibited.

7.1-4 Single-Family Residential “For Sale” Districts (R-20, R-15). The purpose of ~~these~~these residential districts is to permit and encourage development of medium density “For Sale” single-family residential uses and For Sale Communities in a moderately spacious surrounding. The R-20 development district shall be served with an approved community water system. For Rent Communities are expressly prohibited.

7.1-5 Single-Family Residential “For Sale” District (~~R-15, RD-3~~, RZL). The purpose of the ~~these~~these residential districts is to permit and encourage development of high density “For Sale” single family residential uses and For Sale Communities in a moderately spacious surrounding. These development districts shall be served with an approved community water system and a central sewerage system. For Rent Communities are expressly prohibited.

7.1-6 Single-Family Residential “For Sale” or “For Rent” District (RD-3). The purpose of these residential districts is to permit and encourage development of high density “For Sale” or “For Rent” single family residential uses, For Sale Communities and For Rent Communities in a moderately spacious surrounding. These development districts shall be served with an approved community water system and a central sewerage system.

7.1-~~7~~ Single-Family Attached Residential-“For Sale” Districts (RA, RTH). The purpose of this

district is to provide for intermediate housing types and densities between single-family detached and multi-family dwellings and For Sale Communities. Such development may include “For Sale” duplexes, triplexes, quadruplexes or townhouses to be located in the urban portion or suburban portion of the county where apartment buildings would not be compatible. Innovative design with cluster development is encouraged. Such development districts are intended to be served with central sewerage system except for lot sizes exceeding 20,000 square feet. For Rent Communities are expressly prohibited.

7.1-~~87~~ Multi-Family Residential “For Sale” or “For Rent” District (RM-10, RM-16). The purpose of these residential districts -is to permit development of high density multi-family “For Sale or “For Rent” residential dwellings. These -zoning districts are to be located where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to collector streets or major thoroughfares. The use of these districts can be developed as a transition zone between residential districts and commercial districts, providing For Sale Communities and For Rent Communities.-

7.1-~~98~~ Traditional Neighborhood “For Sale” or “For Rent” Development (TND). Traditional Neighborhood Development is a floating district which may be located within any “For Sale” or “For Rent” residential district if it meets all the standards for a Traditional Neighborhood Development. The purpose of this district is to encourage flexible and innovative design in site planning and building arrangements under a unified plan of development regulation instead of standard zoning regulation. Traditional Neighborhood Developments shall be planned as integral units and may be residential, commercial or a combination of land uses. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The community benefits from efficient use of land, preservation of natural amenities and environmental sensitive areas and lower development and housing costs. Review and approval of the development plan provides the opportunity to assure that the development will be in harmony with the character of the neighborhood in which it is located. For Sale Communities and For Rent Communities are permitted.

7.1-~~109~~ Office/Institutional District (OI). The purpose of this district is to provide a location for office, institutional, medical and educational development. Limited related retail business and service activities may be permitted but not involved with storage and processing.

7.1-~~110~~ Corporate Park District (CP). The purpose of this district is to provide for suitable areas for developments that are primarily for offices for businesses, professional services, and sales activities with a limited amount of retail uses within master-planned developments or parks. This district should be accessible to an arterial. An overall concept plan is required within this zoning district in order to guide each development. (Ord. 2011-Z-001, 03-01-11)

7.1-~~124~~ Neighborhood Commercial District (NC). The purpose of this district is to provide for limited retail activities, commercial sales, personal services and professional offices to serve the general need of a residential neighborhood. Development of commercial uses is regulated for compatibility with the surrounding residential areas. Districts are located to create commercial centers or clusters and to discourage commercial strip development. In addition, these uses shall have a maximum allowed floor space of 10,000 square feet per acre of total building floor space. (Ord. 2006-Z-006, 06-06-06)

7.1-~~132~~ General Commercial District (GC). The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial sales and service activities which generally serve a wide area. The permitted uses are generally located along the major thoroughfares of the county. Activities with limited storage may be permitted. Districts are located to create centers or concentrations of commercial activities and to discourage commercial strip development.

7.1-~~143~~ Light Industrial District (LI). The purpose of this district is to provide suitable areas for industrial development but whose proximity to residential or commercial districts makes it desirable to limit the intensity of industrial operations and processes. This district limits industrial, manufacturing and warehousing uses to those which are wholly conducted indoors, with the exception of limited amounts of outdoor storage which shall be screened and situated in a side or rear yard. The district should be accessible to a major arterial or State Highway. Permitted uses are restricted to those which are not characterized by smoke, dust, fumes, gas, heat, glare, fire hazards, noise, vibrations and other nuisances. (Ord. 2011-Z-001, 03-01-11)

7.1-~~154~~ Heavy Industrial District (HI). The purpose of this district is to provide suitable areas for industrial operations and processes conducted both indoors and outdoors. Due to the intensity of these uses, the district should be located on or have ready access to a major arterial or State

Highway and separated from residential areas by significant natural barriers and/or buffers. (Ord. 2011-Z-001, 03-01-11)

7.2 Development Standards Additional Requirements.

7.4-1 *Single-Family Residential (R-15)*

- a. Development in district R-15 shall be served with public or private central sewerage.

7.4-1.1 *Single-Family Residential (RD-3)*

- a. Intent:

The RD-3 district shall be designed around the Public Realm. The area between the front of house on one side of a street and the front of the house on the other side of the street comprise a public space, or the Public Realm. This area is differentiated from the private space located in the backyards of the homes. Generally, homeowners concern themselves with the “street presence” of their home. Yards are neatly trimmed, landscaping is installed, and decorations adorn the front face of the house so as to be seen by the neighbors. The Public Realm is the area in a neighborhood where residents engage one another. The design of the Public Realm is focused on the experience of the pedestrian so the presence of automobiles should be minimized to enhance the community’s enjoyment of the public streetscape.

- b. Infrastructure:

Development in RD-3 district shall be served with public water and public or private central sewage.

- c. Documentation:

1. Zoning – A proposed site plan must be submitted to Planning and Zoning for review and comment prior to RD-3 rezoning request. The applicant shall indicate whether the units in the proposed project will be constructed “For Sale” or “For Rent,” or a combination thereof. Typical lot layouts with building footprints and elevations/renderings of the proposed housing product are also required. More information about specific requirements when requesting RD-3 zoning can be found in Article 18 of the Zoning Ordinance.
2. Development Plan – If property is already zoned RD-3, a preliminary technical review meeting is required with Development Review staff. At this time, actual lot layouts with building footprints, elevations/renderings and design palette of the final housing product are required for review and comment by staff.
3. Building Permit – A house location plan must be approved by Cherokee County prior to the issuance of a building permit for a RD-3 lot.

7.4-5 Multi-Family Residential (RM-10, RM-16)

- a. Prior to development, a conceptual site plan is required to show the locations of all buildings, uses, fences, property lines, landscaping, open spaces, parking areas and uses and any other features deemed appropriate by the County Commissioners. Site plan shall be prepared in accordance to requirements indicated in Section 7.5 and indicate whether the project will include “For Sale” or “For Rent” units, or a combination thereof.-
- b. Development shall be served with central sewerage facilities.
- c. Townhomes are allowed in the RM-10 and RM-16 zoning classifications. Where townhomes are chosen, the density and all design criteria will be consistent with the RTH zoning classification. (Ord. No. 2006-Z-, 05-16-06) Townhomes Dwellings in For Sale Communities must be subdivided in accordance with Section 5.5-1 (A) (4).

Table 7.2 – Permitted Uses

Delete "2322" "Rental housing-related," NAICS 531110 use

	Insurance-related establishment	Insurance Agencies and Brokerages	524210				O	O	O	O		
2240	Insurance-related establishment	Claims Adjusting	524291				O	O	O	O		
2240	Insurance-related establishment	Third Party Administration of Insurance and Pension Funds	524292				O	O	O	O		
2240	Insurance-related establishment	All Other Insurance Related Activities	524298				O	O	O	O		
2250	Fund, trust, or other financial establishment	Miscellaneous Intermediation	523910				O	O	O	O		
2250	Fund, trust, or other financial establishment	Portfolio Management	523920				O	O	O	O		
2250	Fund, trust, or other financial establishment	Investment Advice	523930				O	O	O	O		
2250	Fund, trust, or other financial establishment	Trust, Fiduciary, and Custody Activities	523991				O	O	O	O		
2250	Fund, trust, or other financial establishment	Miscellaneous Financial Investment Activities	523999				O	O	O	O		
2250	Fund, trust, or other financial establishment	Pension Funds	525110				O	O	O	O		
2250	Fund, trust, or other financial establishment	Health and Welfare Funds	525120				O	O	O	O		
2250	Fund, trust, or other financial establishment	Open-End Investment Funds	525190				O	O	O	O		
2250	Fund, trust, or other financial establishment	Trusts, Estates, and Agency Accounts	525920				O	O	O	O		
2250	Fund, trust, or other financial establishment	Other Financial Vehicles	525990				O	O	O	O		
2300	Real estate, and rental and leasing											
2300	Real estate, and rental and leasing	Offices of Real Estate Agents and Brokers	531210				O	O	O	O		
2310	Real estate services	Lessor of Other Real Estate Property	531190				O	O	O	O		
2310	Real estate services	Offices of Real Estate Appraisers	531320				O	O	O	O		
2310	Real estate services	Other Activities Related to Real Estate	531390				O	O	O	O		
2320	Property management services	Residential Property Managers	531311			O						
2320	Property management services	Nonresidential Property Managers	531312				O	O	O	O	O	O
2321	Commercial property-related	Lessors of Nonresidential Buildings (except Miniwarehouses)	531120				O	O	O	O	O	O
2321	Commercial property-related	Special Event Facilities	531120	7.7-4b	S		O	O	O	O		
2321	Commercial property-related	Lessors of Miniwarehouses and Self-Storage Units	531130	7.7-4a						\$	R	
2321	Commercial property-related	Self-storage, U-lock storage	531130	7.7-4a	S					\$	R	
2321	Commercial property-related	Self-storage facilities (rooms, compartments, lockers, containers, and/or outdoor space)	531130	7.7-4a						\$	R	
2322	Rental housing related	Lessors of Residential Buildings and Dwellings	531110				O	O	O	O	O	
2331	Cars	Passenger Car & Van Rental	532111							O		
2331	Cars	Passenger Car & Van Leasing	532112							O		
2332	Leasing trucks, trailers, RVs, etc.	Truck, Utility Trailer, and RV (Recreational Vehicle) Rental and Leasing	532120							O	O	O
2332	Leasing trucks, trailers, RVs, etc.	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing	532411							O	O	O
2333	Recreational goods rental	Recreational Goods Rental	532292			O			O	O	O	
2334	Leasing commercial, industrial machinery, and equipment	Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing	532412								O	O
2334	Leasing commercial, industrial machinery, and equipment	Office Machinery and Equipment Rental and Leasing	532420						O	O	O	
2334	Leasing commercial, industrial machinery, and equipment	Commercial and Industrial Machinery and Equipment Rental and Leasing	532490								O	O
2335	Consumer goods rental	Consumer Electronics and Appliances Rental	532210						O	O	O	
2335	Consumer goods rental	Formal Wear and Costume Rental	532220						O	O	O	
2335	Consumer goods rental	Video Tape and Disc Rental	532230						O	O	O	
2335	Consumer goods rental	Home Health Equipment Rental	532291						O	O	O	
2335	Consumer goods rental	All Other Consumer Goods Rental	532299						O	O	O	
2336	Consumer goods rental	Grocery Retailer	532210						O	O	O	