

## **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 is intended of 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.(Ord. No. 2022-O-005, 02-15-22)

7.1-2 Estate Residential 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.

7.1-3 Single-Family Residential Districts (R-40, R-30). The purpose of these residential districts is to enable “For Sale” residential development and Fore 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.

7.1-4 Single-Family Residential Districts (R-20, R-15). The purpose of 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.

7.1-5 Single-Family Residential (RZL). The purpose of this residential district 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.

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

7.1-7 Single-Family Attached Residential 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. Such development may include 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.

7.1-8 Multi-Family Residential “For Sale” or “For Rent” District (RM-10, RM-16). The purpose of the 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.

7.1-9 Traditional Neighborhood 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.

7.1-10 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.

7.1-11 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)

7.1-12 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)

7.1-13 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.

7.1-14 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)

7.1-15 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. 2022-O-005, 02-15-22)

## 7.2 Development Standards.

The requirements regarding lot size, building site and building placement on the lot for each zone district shall be met as indicated in Section 5.5-5 (i), Effect of Recorded Plat; Section 7.3 Application of Standards, Table 7.1; Minimum District Development Standards and additional requirements listed in Section 7.4. (Ord. No. 2019-O-012, 08-06-19)

## 7.3 Application of Standards.

7.3-1 Lots of Record. Any lot or record which is legal at the time of the adoption or amendment of this Ordinance, that has an area or width that is less than required by this Ordinance, may be used, subject to the following exceptions and modifications.

- a. Individual Lot Not Meeting Minimum Lot Size Requirements. Except as set forth in Section 7.3-1a, in any Zoning District in which one-family dwellings are permitted, any lot of record existing at the time of adoption or amendment of this Ordinance which has an area, width or depth less than that required by this Ordinance may be used as a building site for a one-family dwelling.

In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width one-family dwelling, the Zoning Board of Appeals is hereby authorized to grant a variance reducing the side-yard requirements for such lot the minimum amount necessary for a reasonable dwelling, but in no case shall each of the side yards be less than five (5) feet in width.

7.3-2 *Lot Area*. No lot shall be reduced in size so that lot width or depth, size of yards, lot area per family or any other requirement of this Ordinance is not maintained. This limitation shall not apply:

- a. When a portion of a lot is acquired for a public purpose.
- b. To dormitories, fraternities, sororities and other similar living quarters which are accessory to a permitted use and which have no cooking facilities in individual rooms or apartments.
- c. To rental units in a hotel, motel, motor lodge, tourist home or to rooms in a rooming or boarding house.

7.3-3 *Corner Lots*. The minimum yard requirements for corner lots with multiple road frontages shall not be less than the minimum front yard requirements for such lots as specified for each district. Such yards shall be classified as required front yards.

7.3-4 *Through Lots.* On lots having frontage on two (2) streets, but not located on a corner, the minimum front yard shall be provided on each street in accordance with the provisions of this Ordinance.

7.3-5 *Double Frontage Corner Lot.* On lots having frontage on more than two (2) streets, the minimum front yard shall be provided in accordance with the regulations set forth in this Ordinance on at least two (2) of the street frontages. The minimum front yard on the other frontage or frontages may be reduced along the other streets in accordance with the provisions of Section 7.3-3.

7.3-6 *Density.* No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

- a. House greater number of families per acre or occupy a smaller lot area per family than are herein required.
- b. Have narrower or smaller front, rear or side yards than are herein required.

7.3-7 *Yards and Other Spaces.*

- a. No part of a yard or the off-street parking or loading spaces that are required in connection with any building or use for the purpose of complying with the regulations of this Ordinance shall be included as part of the yard or off-street parking or loading spaces required for another building, except as specifically provided herein. (Ord. No. 2019-O-016, 10/15/2019)
- b. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
- c. Where these regulations refer to side streets, the Zoning Administrator shall be guided by the pattern of development in the vicinity of the lot in question in determining which of two streets is the side street.
- d. Every part of a required yard (except rear yards) shall be open to the sky, except as authorized by this article and excepting ordinary projections of sills, belt courses, window air conditioning units, chimneys, cornices and ornamental features which may project to a distance not to exceed twenty-four (24) inches into a required yard.
- e. Covered and uncovered balconies, decks, pergolas, porches, verandas, and other similar structures which are attached to the principal structure shall meet all setbacks as the principal structure. (Ord. No. 2019-O-016, 10/15/2019)

7.3-8 *Front Yards.*

- a. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- b. Within the same block and zoning district, when twenty-five percent (25%) or more of the existing buildings which are located within two hundred (200) feet of each side of a lot have

less than the minimum required setback, the setback of such lot should not exceed the average of the existing setbacks.

#### 7.3-9 Side Yards.

- a. For the purpose of the side yard regulations, a group of business or commercial building separated by common or party walls shall be considered as one building occupying one lot.
- b. Patios not covered by a roof or canopy may extend or project into the side yard setback not more than six (6) feet. Patio means a flat area of ground that is covered with a hard material (such as bricks or concrete), and is used for outdoor living purposes such as outdoor dining, relaxing, and social gatherings. (Ord. No. 2019-O-016, 10/15/2019)

#### 7.3-10 Rear Yards.

- a. Open or lattice-enclosed fire escapes, outside stairways, balconies opening up on fire towers and the ordinary projections of chimneys and flues, may project into the required yard setback not more than six (6) feet, but only where the same are so placed as not to obstruct light and ventilation.
- b. Patios not covered by a roof or canopy may extend or project into the rear yard setback not more than six (6) feet. Patio means a flat area of ground that is covered with a hard material (such as bricks or concrete), and is used for outdoor living purposes such as outdoor dining, relaxing, and social gatherings. (Ord. No. 2019-O-016, 10/15/2019)

### 7.4 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.

## d. Overall Site Constraints:

1. The minimum lot size of 7,500 square feet creates the opportunity for open space to be included in the design of the development. A minimum of thirty (30) percent of the property must be set aside as Open Space. Yield of no more than 3 units per acre.
2. The street network shall be designed and constructed as a series of interconnecting roads. The use of cul de sacs is strongly discouraged and only allowed if approved as a necessity by the County Engineer. Instead the use of loop lanes and crescents are encouraged as alternatives to the traditional cul de sac design.
3. There shall be an exterior building setback of 50 feet on the perimeter of the property being developed as an RD-3 development. Should the development abut an existing RD-3 development, the exterior building setback would be reduced to 25 feet if the two properties are not being developed as a single master planned development.
4. On street parking shall be provided for guests at the rate of 0.25 spaces per home.
5. At minimum, thirty (30) percent of the lots are required to be served by alley access.

## e. Required Open Space:

1. Open Space consists of a combination of Civic Spaces and Natural Areas. Typical Civic Spaces include Amenities, Greens, Commons, Pocket Parks and Courts. No more than fifty (50) percent of the total Open Space requirement can be met with Civic Spaces. The majority of Open Space is not allowed to be placed behind a small number of private lots. Stormwater detention ponds may not be used to meet Open Space requirements.
2. Civic Space shall be configured and distributed in such areas as to provide a central location for the majority of residents within the subdivision. Civic Space is required to be accessible by internal street network with at least forty (40) percent of the perimeter of a Civic Space fronting on a street. Crosswalks are required to be installed where necessary to provide safe passage to Civic Spaces. Civic Spaces are encouraged to provide a benefit to the residents (examples include: picnic area, playground, multi-

purpose sports field, walking trail, community garden), where appropriate. A detailed landscape plan is required to be provided for each Civic Space.

3. Natural Areas should be configured to conserve and integrate the environmentally sensitive lands as a significant feature of the neighborhood design. Typical Natural areas include wetlands, floodplains, steep slopes, and wildlife habitat. The entirety of the Natural Areas should not consist of undisturbed buffers. The surrounding landscape should be considered in the design, and where possible the view into the property should be preserved. Access to each Natural Area shall be provided by road frontage or an access easement recorded on the final plat.

f. Streetscape Design:

1. The minimum street section shall consist of the following elements in order (see Figure 7.4-1):
  - 5 foot sidewalk
  - 5 - 6 foot planting strip for trees and street lights
  - 2 foot curb and gutter
  - (Two) 10 foot travel lanes
  - 2 foot curb and gutter
  - 5 – 6 foot planting strip for trees and lights
  - 5 foot sidewalk
2. The minimum alley section shall consist of the following elements in order (see Figure 7.4-2):
  - Utility easement
  - Drainage swale or curb and gutter
  - (One) 9 foot travel lane for one-way traffic or (two) 9 foot travel lanes for two-way traffic
  - Drainage swale or curb and gutter
  - Utility easement
3. On-street parking may be provided with a dedicated lane of a minimum 7 foot width or as a bay of angled parking.
4. Street trees are required to be located along the roads internal to the residential development. Trees should be planted within the planting strip and placed every thirty (30) to forty-five (45) feet. Trees should be placed to provide adequate sight distance at driveways and intersections.
5. Lighting along the street should be installed at a pedestrian height (15 ft max.) instead of at a height for automobiles, unless expressly required by the County Engineer.
6. Planning staff has the authority to modify required streetscape elements based on specific site conditions.

Figure 7.4-1 RD-3 Street Section

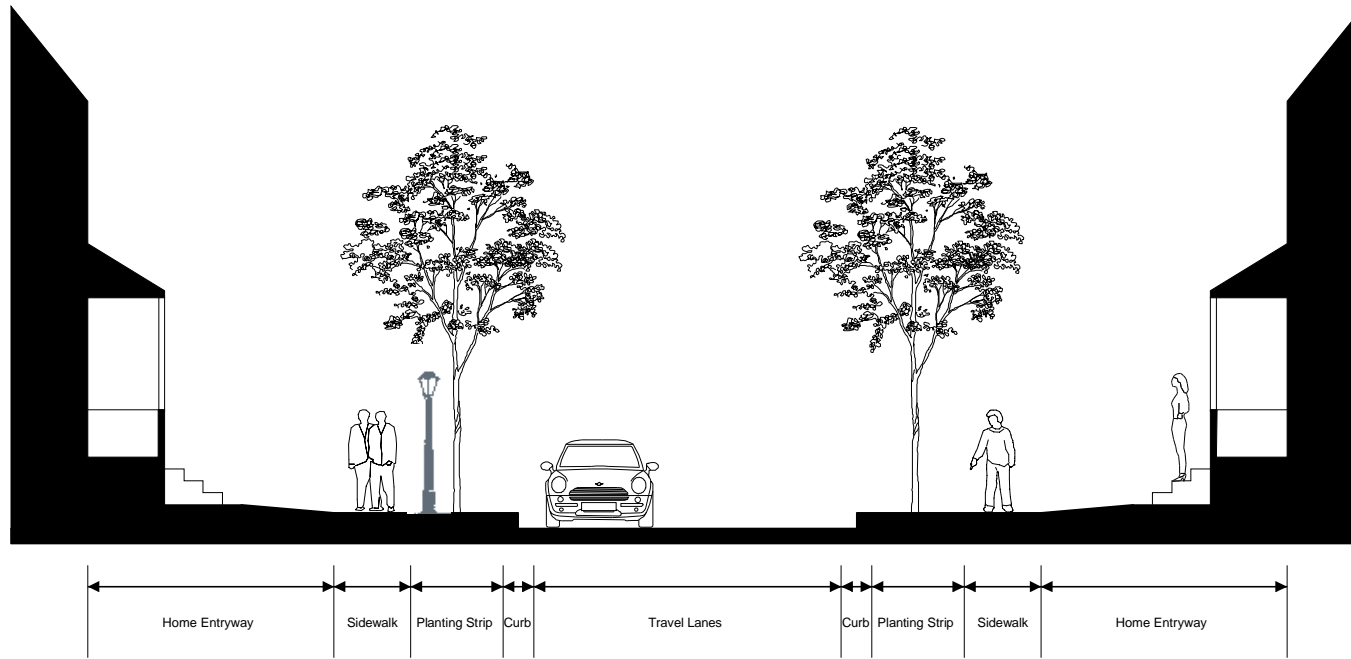
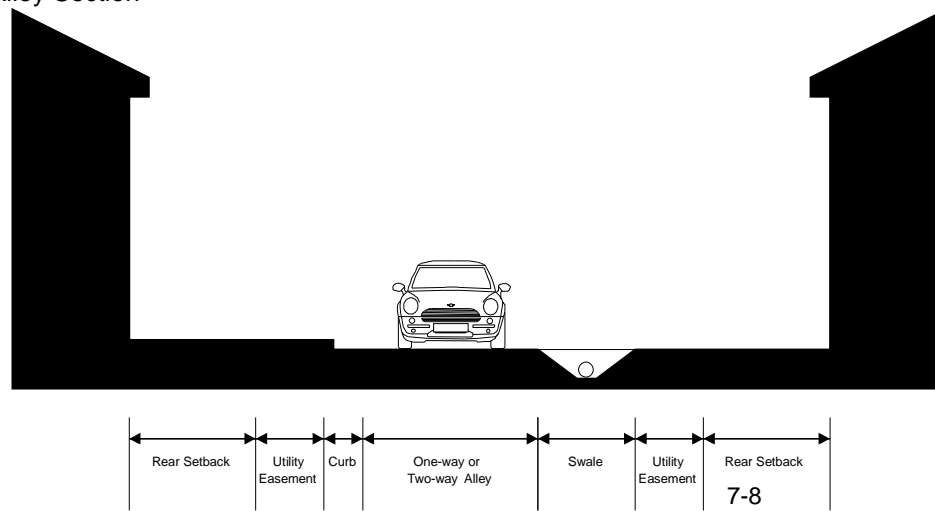
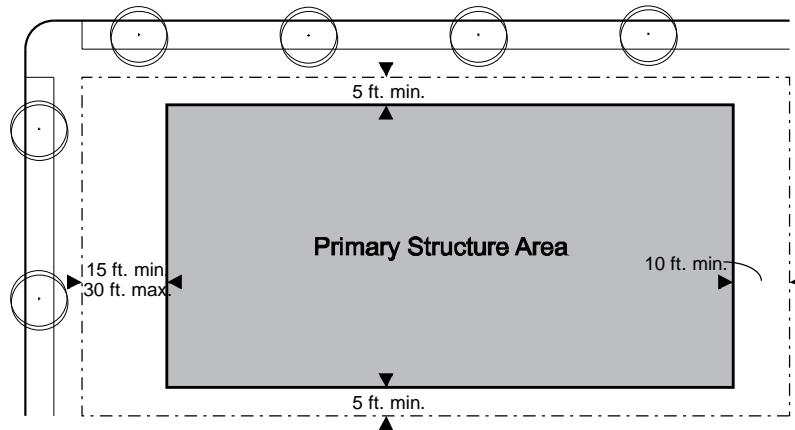


Figure 7.4-2 RD-3 Alley Section



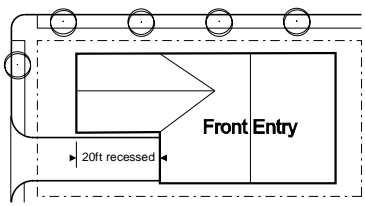
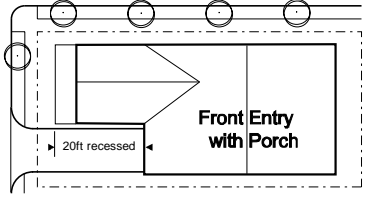
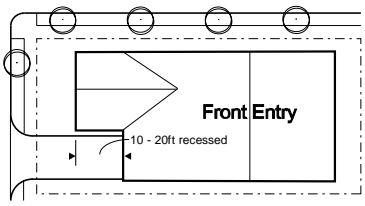
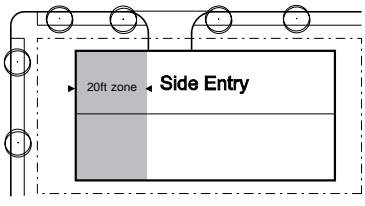
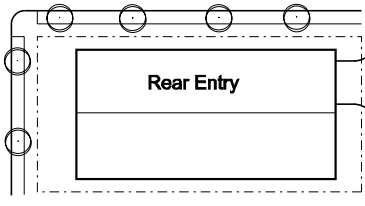
## g. Home Siting and Design:

1. Homes shall be located between 15 feet min. and 30 feet max. from the property line on the front, 5 feet min. on the side and 10 feet min. on the rear, unless perimeter setback applies. Corner lots in this zoning district shall have only one front yard with front setbacks parallel to the street upon which the lot has its least dimension.

**Figure 7.4-3: RD-3 Setbacks**

2. The Home Entryway for each home shall have 3 components:
  - A walkway directly from the sidewalk to the front door.
  - A semi-private outdoor space (ie., Porch, Patio, Garden, etc.) intended for interaction with the Public Realm with a minimum depth of eight (8) feet and a minimum width of twelve (12) feet.
  - Front door, which may not be recessed from the front plane of the home.
3. Porches are strongly encouraged. A minimum of fifty (50) percent of the homes are required to have covered front porches. Porches are permitted to encroach into the front setback area.
4. Garages shall be set back a distance of 20 feet from the front face of the primary residence, to avoid front elevations dominated by garages that are located closer to the front property line than the front of the primary structure. The "front face" of the primary residence is defined as the plane consisting of the majority of the front elevation of the structure. Modifications to the 20 foot requirement may be approved as follows:
  - a. Front Façade with a Covered Porch – 20 foot setback may be measured from the front edge of the porch.
  - b. Front Façade with architectural treatment of garage – garage setback may be reduced by up to 10 feet with the following architectural treatments for the garage doors:
    - i. Carriage-Style Doors
    - ii. Doors are painted to match the predominate color of the home.
  - c. Side Entry - Garages may not be located within 20ft of the Front Plane of the home.
  - d. Rear Entry – no requirements.

**Figure 7.4-4: Garage Locations**

<b>Front Entry Garages</b>	
	<p><b>Characteristics:</b></p> <ul style="list-style-type: none"> <li>- Garage door plane is recessed from the Front Plane of the home 20 feet or more.</li> <li>- No covered porch in front of home.</li> </ul> <p><b>Requirements:</b></p> <ul style="list-style-type: none"> <li>- Garage doors must be recessed a minimum of 20 feet from the Front Plane.</li> </ul>
	<p><b>Characteristics:</b></p> <ul style="list-style-type: none"> <li>- Garage door plane is recessed from the Front Plane of the home 12 feet min.</li> <li>- Projecting covered porch in front of home.</li> </ul> <p><b>Requirements:</b></p> <ul style="list-style-type: none"> <li>- Garage doors must be recessed a minimum of 20 feet from the front of covered porch.</li> </ul>
	<p><b>Characteristics:</b></p> <ul style="list-style-type: none"> <li>- Garage door plane is recessed from the Front Plane of the home 10 feet min.</li> </ul> <p><b>Requirements:</b></p> <ul style="list-style-type: none"> <li>- Garage doors must be recessed a minimum of 10 feet from the Front Plane.</li> <li>- Garage doors must be "Carriage-Style" doors (no standard raised panels are permitted).</li> <li>- Garage doors must be painted to match the predominate color of the home.</li> </ul>
<b>Side Entry Garages</b>	
	<p><b>Characteristics:</b></p> <ul style="list-style-type: none"> <li>- Garage doors are on the side of the home.</li> <li>- Garage doors are not located forward of the Front Plane of the home.</li> </ul> <p><b>Requirements:</b></p> <ul style="list-style-type: none"> <li>- Garage door may not be located within 20ft of the Front Plane of the home.</li> </ul>
<b>Rear Entry Garages</b>	
	<p><b>Characteristics:</b></p> <ul style="list-style-type: none"> <li>- Garage doors are on the rear of the home.</li> </ul> <p><b>Requirements:</b></p> <ul style="list-style-type: none"> <li>- None.</li> </ul>

5. Detached garages may be erected, but must meet all applicable yard setback requirements. Detached garages must be located a minimum of 20ft behind the Front Plane of the home.

6. There shall be a consistent design palette of building design elements details, exterior materials and colors for each RD-3 development to provide a cohesive look and feel throughout the neighborhood.
  - a. Design Palette:

The Design Palette shall consist of 3 or more of the following items:

    - Detailed or rendered elevations of with façade materials labeled
    - Photos of proposed residential product with same floor plan
    - Drawings of typical architectural details for cornices/soffits, windows, doors, porches, overhangs, etc.
    - Paint samples of primary and accent colors
    - Detailed list of exterior materials and proposed finishes
  - b. Exterior Finish Materials:

The materials used on the exterior of the structures should reflect traditional residential materials, such as wood, brick, stone, stucco and cementitious siding (such as “Hardi-Plank”™). The use of vinyl and aluminum siding is expressly prohibited.
  - c. The design of the facades shall vary such that adjacent homes will not be the same.

(Ord. No. 2009-Z-003, 10-06-09)

#### *7.4-2 Zero-Lot Line Residential (RZL)*

- 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 Commission. Site plan shall be prepared in accordance to requirements as indicated in Section 7.5.
- b. A development with rear garages can reduce the front yard to twenty-five (25) feet for a yard which faces an interior street provided that the combined front and rear yard set back shall total a minimum of sixty (60) feet.
- c. Zero-Lot-Line dwellings shall be constructed against the lot line on one side of a lot, and no windows, doors or other openings shall be permitted on this side.
- d. There shall be a minimum side yard of ten (10) feet on one side and no minimum requirement on the opposite side.
- e. Cluster open space shall not include areas devoted to public or private vehicular streets or other public uses subject to the provisions in Article 7.
- f. Development shall be served with central sewerage facilities.

#### *7.4-3 Single-Family Attached Residential (RA)*

- a. All developments shall be served with a central sewerage system.

#### 7.4-4 *Townhouse Residential (RTH)*

- 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 Board of County Commissioners. The site plan shall be prepared in accordance to requirements as indicated in Section 7.5.
- b. A development with rear garages can reduce the front yard to twenty-five (25) feet for a yard which faces an interior street provided that the combined front and rear yard setback shall total a minimum of fifty (50) feet.
- c. A minimum of two (2) off-street parking spaces per unit shall be provided.
- d. A maximum of eight dwelling units shall be allowed in each row of townhouses. When there is no street being place between two rows of townhouses, an open space or court of at least twenty (20) feet in width shall be provided between the two (2) rows of townhouses.
- e. Cluster open space shall not include areas devoted to public or private vehicular streets or other public uses subject to the provisions in Article 7.

#### 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. Townhome Dwellings in For Sale Communities must be subdivided in accordance with Section 5.5-1 (F). (Ord. No. 2022-O-005, 02-15-22)

#### 7.4-6 *Office/Institutional (OI)*

- a. Distributive functions such as loading, unloading, storage, packaging and packaging shall be limited to ten (10) percent of the total building area and five percent (5%) of the total lot area.

#### 7.4-7 *Corporate Park (CP)*

- a. No more than 20% acreage of the development may be used for free-standing retail uses. The entire site area, including building footprints, associated parking and landscaped areas, would count toward the acreage cap. Ground floor accessory retail uses with a multi-storey office building are not considered free-standing retail uses.
- b. Distributive functions such as loading, unloading, storage, and packaging shall be limited to ten (10) percent of the total building area and five (5) percent of the total lot area.

(Ord. No. 2011-Z-001, 03-01-11)

#### 7.4-8 *Neighborhood Commercial (NC)*

- a. No outdoor storage is permitted.

#### 7.4-9 *General Commercial (GC)*

- a. Permitted uses of district GC shall be located on property along interstates, arterial, major or minor collector streets when they intersect with a major street or highway as classified by the Cherokee County Road Classification Map.

#### 7.4-10 *Light Industrial (LI)*

- a. Permitted uses of district LI should be on property which has its primary access to freeway, arterial or collector roads, unless within a planned industrial development. Traffic generated from Light Industrial uses should not use local roads.
- b. Permitted uses are restricted to those which are not characterized by extensive open storage or nuisance factors.
- c. Any retail sales portion shall (be):
  - i. Accessory and subordinate to a primary industrial use; and
  - ii. Conducted entirely within an enclosed building.
- d. All structures located on the property shall meet the principal building setbacks, except as provided herein.
- e. All outdoor lighting shall be installed so as to direct light away from any adjoining property. When an outdoor security light fixture is installed, it shall be installed with a motion sensor to automatically turn on when motion is detected and turn off when motion ends.
- f. Permitted uses shall be separated from residential districts by natural barriers and buffer zones subject to the provisions of Article 10: Buffers. Buffers shall be of such nature and density so as to screen activities, structures, and uses on the property from view from an abutting lot and shall further provide a year-round effective visual screen. Where a difference in elevation exists between an adjacent residential use and an industrial use, supplemental plantings may be required outside of the minimum buffer zone in order to provide a year-round visual screen.

See figure 7.4-5: Industrial Buffer, Supplemental Planting:

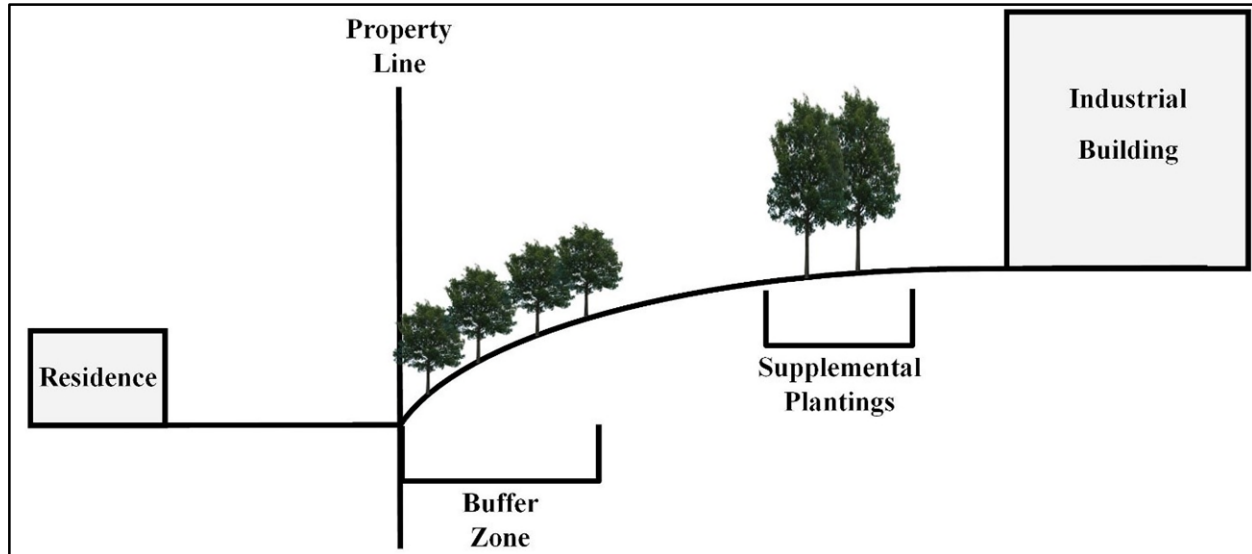


Figure 7.4-5 Industrial Buffer, Supplemental Planting.

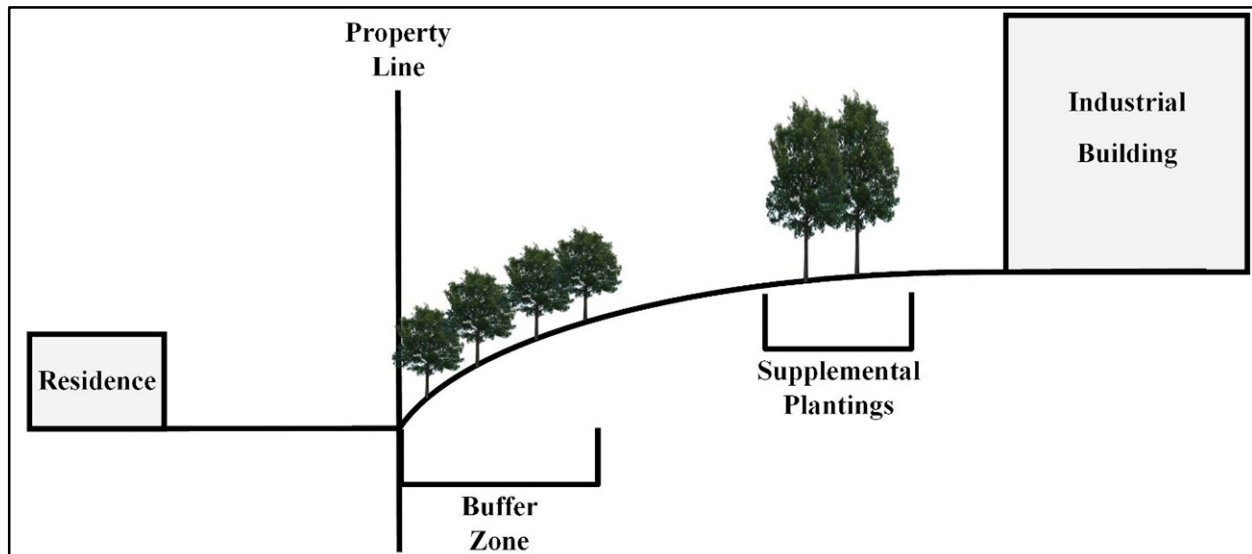
- g. Where an industrial building with a loading dock is located on property adjacent to a residential use, to the extent possible the location of said loading dock(s) shall avoid facing towards the adjoining residential property.

(Ord. No. 2019-O-003, 02/05/2019)

#### 7.4-11 Heavy Industrial (HI)

- a. Permitted uses of district HI shall be on property which has its primary access to freeway and arterial roads or railroads, unless within a planned industrial development.
- b. Traffic generated from Heavy Industrial uses should not use collector or local roads. Vehicle access to uses in the HI zone shall be so arranged as to minimize danger to pedestrian and vehicular traffic and nuisance to surrounding properties.
- c. Along the entire road frontage (except for approved access points), a 3-foot-high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum 6-foot-high, opaque, solid fence or masonry wall shall be provided. The fence, wall and/or landscaped earthen berm shall be located outside of any public right-of-way and interior to any landscaped strip. The finished side of the fence/wall shall face the exterior property lines.
- d. Permitted uses shall be located and conducted on the site in a way that minimizes visual, auditory, and other sensory effects on surrounding property owners.
- e. Areas devoted to outdoor storage of materials to be used in production, produced or the byproduct thereof, which adjoin property with a residential use thereon shall, at a minimum, adhere to the following standards:
  - i. Outdoor storage shall be screened by opaque fencing, screening, and/or landscaping;
  - ii. Outdoor storage shall be limited to the rear and side of the principal building;

- f. Where an industrial building with a loading dock is located on property adjacent to a residential use, to the extent possible the location of said loading dock(s) shall avoid facing towards the adjoining residential property.
- g. All structures located on the property shall meet the principal building setbacks.
- h. All outdoor lighting shall be installed so as to direct light away from any adjoining property. When an outdoor security light fixture is installed, it shall be installed with a motion sensor to automatically turn on when motion is detected and turn off when motion ends.
- i. Permitted uses shall be separated from residential districts by natural barriers and buffer zones subject to the provisions of Article 10: Buffers. Buffers shall be of such nature and density so as to screen activities, structures, and uses on the property from view from an abutting lot and shall further provide a year-round effective visual screen. Where a difference in elevation exists between a residential use and an industrial use, supplemental plantings may be required outside of the minimum buffer zone in order to provide a year-round visual screen. See figure 7.4-5: Industrial Buffer, Supplemental Planting:  
*Figure 7.4-5: Industrial Buffer, Supplemental Planting.*



(Ord. No. 2019-O-003, 02/05/2019)

### 7.5 Site plan requirements for certain districts.

The following features shall be included in Site Plan Requirements for all development(s) within all zoning districts except for AG, R-80, R-60, R-40, R-30, R-20 and R-15.

7.5-1 *Site development plan.* The following features shall be included in Site Plan Requirements for all development(s) within all zoning districts except for AG, R-80, R-60, R-40, R-30, R-20 and R-15.

- a. Location Map. A general location map at a scale of one inch equals five hundred feet (1" = 500') indicating existing zoning on the site, adjoining roads and the adjacent areas are required.

- b. Survey Boundaries. Surveyed boundaries of the entire tract and their relationship to adjoining properties, public rights-of-way and easements.
- c. Building Locations. Location of all proposed buildings, their shape, size and setback in appropriate scale.
- d. Right-of-Way. Location and right-of-way of streets, roads, alleys, railroads, public crosswalks, with lengths and widths, road names or designations.
- e. Buffers. Proposed buffers and landscaping.
- f. Topography. Existing topographic conditions with contour intervals of five (5) feet or less; areas that have slopes greater than fifteen percent (15%) shall be identified.
- g. Flood Plain. Location of streams, lakes, swamps and if applicable, the boundary and elevation of the 100-year floodplain as determined by the past history of flooding or the best available data.
- h. Drainage. Size and location of all drainage mechanisms and the applicable drainage area within the tract or within the right-of-way of streets or roads adjacent to the tract; grades and invert elevations of sewers shall be shown; all elevations shall refer to mean sea level datum where public water and/or public sewers are to be installed. Layouts of all utility and drainage easement.
- i. Soil Erosion Plan. A soil erosion plan showing the mitigation techniques that will be employed during construction.
- j. Common Open Spaces. Location of parks or common open spaces, tree areas to be retained or added and other open spaces. Designation of all land to be reserved or dedicated for public use; or used as recreation areas.
- k. Recreation Facilities. Proposed bikeways, jogging trails, pedestrian ways or other recreational facilities if provided within the residential district.
- l. Sketches. Representative architectural sketches or renderings of typical proposed structures, signs, landscaping, screening and/or fencing.
- m. Off-Street Parking and Loading. Show the access point to the public street system, off-street parking and loading plan.
- n. Development Report. A report setting forth the proposed development schedule, indicating the sequence of development of the various sections thereof and the approximate time period required for completion of each phase.
- o. Technical Data. Statistical or technical data as necessary to accurately describe the proposed development including, but not limited to, the following shall be included in the Development Report:
  - 1) Total land area.
  - 2) Amount of land to be used for recreational or open space purpose.

- 3) Total number of dwelling units and gross density by type of land use.
- 4) Amount of space to be occupied by streets and parking areas.
- 5) Amount of any submerged land within the project boundary.
- 6) The total ground coverage and floor area of all buildings.
- 7) A breakdown of the number of kinds of proposed buildings, including square footage and the number and range of lot sizes and proposed setback and yard dimensions for typical lots and/or building types.
- 8) Deed record names of adjoining property owners or subdivisions.

7.5-2 *Plan Format*. Plan format refers to Section 18.3-3c: Site Plan Format.

### **7.5-3 General Site Development and Design Regulations for Commercial and Industrial Districts.**

7.5-3.1 Purpose and Intent. Careful attention to attractive and citizen-friendly community design is in the economic interests of Cherokee County, its citizens, and business owners. Attractive and integrated community design features tend to improve the County's image, raise overall property values, attract new businesses, and improve the quality of life. Investment in design features tends to result in a positive return on investment for property owners, private industry, and government. For example, the money spent on landscaped roadway medians, sidewalks, and street trees is likely to be amply returned in the form of increased tax revenue resulting from the overall increase in property values that accompanies attractive and desirable urban and suburban areas.

Much of the existing commercial and industrial development in Cherokee County, particularly development along the County's principal highways, is in need of aesthetic and functional enhancement. Existing conditions that are inconsistent with the objectives quality community design include: chain link fencing enclosures of autos and trailers without adequate screening; various building materials and/or equipment stored in front yards in view of the traveling public; continuous, uncurbed, highway access; old, dilapidated, and/or unattractive awnings and façade treatments; excessive signage in the form of fluttering ribbons, portable signs, sandwich signs, and welcome flags; a lack of front yard landscaping; storage/maintenance bay doors and loading areas facing the highway; dumpsters placed in front/side yards in unobstructed view from highways; and a general lack of interparcel access (i.e., connections between adjacent developments).

It is the intent of Cherokee County to require new commercial and industrial developments install appropriate improvements and comply with general design regulations intended to improve aesthetic appearance and function. It is also the intent of the County to require substantial progress toward compliance with these improvement requirements and general design regulations in cases where existing businesses are expanded.

These design regulations are intended to merge traffic engineering, civil engineering, urban design, landscape architecture, and land use planning principles into a set of regulations for commercial developments and properties in the unincorporated areas of the County. The

regulations are the minimum necessary to: preserve the carrying capacity of major arteries; reduce the number of vehicular turning movements to and from the major artery, thereby reducing the potential for automobile and pedestrian traffic accidents; encourage and promote the most suitable uses of land; ensure the adequate grading and draining of developments; promote an environment which reduces the visual clutter and other distracting characteristics resulting from various aspects typical of urban and suburban commercial strip development; prohibit the needless, wasteful and purposeless aesthetic degradation of the County's highway and major street corridors; and promote a more healthy environment.

7.5-3.2 Applicability. This article shall apply to all properties located within commercial (GC, NC, HC, OI) and Industrial (LI) zoning districts of unincorporated Cherokee County. New development shall be required to conform to these regulations. A substantial improvement of an existing development shall be required to conform to these regulations or, in cases where physically impossible, make substantial progress toward meeting the regulations contained within this chapter. Substantial improvement shall be defined as increasing the floor space dedicated to commercial/ industrial operations by more than 50%, the addition of a new or increase of an open storage area by more than 30% of the existing area.

7.5-3.3 Site Requirements. The following requirements are applicable to the development of all commercial and industrial sites or properties in Cherokee County.

- a. Utilities. All utilities, including but not limited to electric and telephone lines, serving uses on site should be installed underground where appropriate and permissible.
- b. Grading and Site Development. Buildings and parking lots shall be appropriately drained so as to prevent damage to abutting properties or public streets. Grading plans for new development shall be submitted to the County Engineer for review and approval, and all grading activities shall comply with approved plans. Stormwater management plans shall be submitted to the County Engineer for review and approval. All disturbed or graded ground areas of a building site not used for buildings or open storage areas shall be appropriately stabilized and grassed or covered with plants or landscaping materials.
- c. Screening of Outside Storage Yards. All areas devoted to the outside storage of vehicles, merchandise, and/or equipment not intended for display for public rent, lease, or sale, shall be screened from view from the right-of-way of the highway or major street along the entire property frontage, except in areas where access crossings have been approved. Screening may be accomplished by a vegetative buffer either planted or undisturbed or a combination of both, by a building that meets architectural standards of this chapter, by use of landscape material, either planted or existing, by an earthen berm, by a 70 percent opaque, solid wooden fence or wall, or combination of these screening methods. The use of low-lying landscaping that does not screen the display areas from view from the public right-of-way shall not be deemed to comply with this requirement.
- d. Outdoor Lighting. All outdoor lighting installed shall be of such height, location and intensity so that direct illumination of the right-of-way of the highway or major street is avoided. The installation of shields or hoods on such lighting facilities may be required to comply with this standard. All lighting shall comply with the Zoning Ordinance of Cherokee County, Article 24 Outdoor Lighting and Road Glare Ordinance.
- e. Landscaping. Every building site and commercial / industrial use area shall be landscaped. A minimum (10 ft.) ten-foot wide landscape strip shall be installed and

maintained along the entire property fronting the highway or major street, except in cases where access areas are approved. A minimum six-foot wide landscape strip shall be required along all side and rear lot or lease lines, except in cases where shared driveways or access areas are approved. The area surrounding the road entrance(s) to the site or area, the front landscape strip, required parking lot landscaping, and all other required landscape and/or open spaces, shall be designed, installed, and maintained according to plans prepared by a professional landscape architect, architect, surveyor, engineer, or land planner submitted to and approved by Cherokee County. Landscaping shall be completed prior to issuance of a certificate of occupancy by the County, unless appropriate provisions are made to guarantee the installation of landscaping after such certificate is issued, such as approval by the County of a bond for landscaping. Tree installation and removal shall be in compliance standards provided in the Zoning Ordinance of Cherokee County, Article 25 Tree Preservation and Replanting Standards, as may be amended from time to time, and administrative standards for the preservation and replacement of trees as adopted and as may be amended from time to time.

f. Location of Parking Areas. Parking areas shall be set back at least ten (10) feet from public rights-of-ways. Parking areas are encouraged but not required to be located in side and rear yards where such parking areas can be partially or wholly screened by buildings from the public right-of-way. The 10 foot strip between the public ROW and the edge of parking area shall be landscaped with evergreen vegetation capable of reaching a height of three feet and / or able to withstand pruning to a height of three feet, The purpose of the vegetation is to reduce the visual impact of the parked vehicles by screening from public view the parking area.

g. Open Display of Vehicles, Equipment, and Merchandise. In commercial / industrial zoning districts where permitted, the outside storage or display of vehicles, equipment, and merchandise to be rented, leased, or sold, shall be visible along no more than fifty percent (50) of the frontage of the property abutting the highway or major street, excluding approved driveway entrances and exits. Screening may be accomplished by a natural and/or planted vegetative buffer, by a building that meets architectural standards of this chapter, by use of landscape material, either planted or existing, by an earthen berm, by a 70 percent opaque, solid wooden fence or wall, or combination of these screening methods. The use of low-lying landscaping that does not screen the display areas from view from the public right-of-way shall not be deemed to comply with this requirement.

h. Plans. Site development as-built drawings, containing a boundary survey, location, elevation, height, and square footage of buildings, parking areas, utilities, walls, and stormwater facilities, pertinent site development data, and any other requirements of the Planning Director or County Engineer, shall be submitted to and approved by the department prior to the issuance of a certificate of occupancy or completion.

7.5-3.4 Commercial Building Requirements. The following requirements are applicable to all commercial and buildings in Cherokee County.

a. Screening of Dumpsters. All garbage dumpsters and other similar areas devoted to the storage of waste materials shall be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site that complies with the architectural requirements of these regulations. In addition, said dumpster areas shall be gated on the fourth side, and the gate shall be architecturally finished.

b. **Building Materials.** Building exteriors not screened (50% opaque) from view from the right-of-way or shall have an architectural treatment of brick, stone, split face blocks, painted / stained wood, architectural metal, vinyl, stucco, or imitations of the same or other architectural treatments approved by the Planning Director. Prohibited building materials are:

1. \*Industrial or agricultural metal sheeting
2. \*Standard painted or unpainted concrete block.
3. Any awnings shall be maintained in good order, and any dilapidated awnings or canopies shall be removed.

\* These finishes are allowed on the side or rear of buildings if a minimum of 50% opaque from thoroughfare ROW.

c. **Building and Utility Appurtenances.** All water towers, cooling towers, storage tanks, and other structures or equipment incidental to the primary use of a building or site shall be architecturally compatible with the principal building or effectively screened from view from the public right-of-ways. All rooftop mechanical equipment shall be screened from the view from the public right-of-way and adjacent streets by material compatible with the building architecture, by the use of a parapet wall, or by specially designed rooftop penthouse enclosures. Ground mounted equipment such as power transformers and air-conditioning units shall be screened from view from public right-of-ways by fencing or landscaping, or painted to match the primary building.

d. **Signage.** All freestanding signs in commercial / industrial districts shall be of monument-style, have a base of masonry construction, or if the sign consists of columns instead of a base, said columns shall be constructed of materials to match or compliment the principal structure or structures located on the site. All such signs shall be considered "Freestanding" for purposes of allowable sign area and height requirements according to the Cherokee County Signs and Outdoor Advertising Ordinance (Cherokee County Zoning Ordinance, Article 11), and shall be constructed in compliance with the Cherokee County Sign Ordinance , as may be amended from time to time.

e. **Roof Lines on Commercial Buildings:**

1. All buildings in commercial buildings districts shall have a pitched roof with a minimum pitch of four and half (4.5) inches vertical elevation per one (1) foot of horizontal distance, except as provided herein.
2. Commercial buildings without a pitched roof shall have a detailed parapet and cornice in keeping with the overall architectural style of the building.
3. Exposed roofing (defined as having a pitch greater than 1:12) shall be finished in architectural metal or synthetic panels, or dimensional shingles.

f. **Building Arrangement and Architectural Consistency.** When Commercial buildings are developed as a planned center, all buildings located within the center shall be constructed such that the architectural styles, building materials and roof materials are similar. Additionally, color schemes for the outside of the buildings should be similar such that the center or park presents a consistent style of architecture and architectural treatments.

7.5-3.5. **Industrial Building Requirements.** The following requirements are applicable to all industrial buildings in Cherokee County, excepting those industrial buildings which are interior to a planned industrial park, adjoin only other industrial parcels, and have frontage only on roads developed as part of the industrial park.

a. **Screening of Dumpsters.** All garbage dumpsters and other similar areas devoted to the storage of waste materials shall be screened on three (3) sides of said dumpster or area with a minimum six (6) foot high solid wooden fence, or a wall constructed of materials substantially similar in appearance to the building on site that complies with the architectural requirements of these regulations. In addition, said dumpster areas shall be gated on the fourth side, and the gate shall be architecturally finished.

\* b. **Building Materials.** Building exteriors not screened (50% opaque) from view from the right-of-way shall have an architectural treatment of brick, stone, split face blocks, painted / stained wood, architectural metal, vinyl, stucco, or imitations of the same or other architectural treatments approved by the Planning Director. Prohibited building materials are:

1. \*Industrial or agricultural metal sheeting
2. \*Standard painted or unpainted concrete block.
3. Any awnings shall be maintained in good order, and any dilapidated awnings or canopies shall be removed.

\* These finishes are allowed on the side or rear of buildings if a minimum of 50% opaque from thoroughfare ROW.

c. **Building and Utility Appurtenances.** All water towers, cooling towers, storage tanks, and other structures or equipment incidental to the primary use of a building or site shall be architecturally compatible with the principal building or effectively screened from view from the public right-of-ways. All rooftop mechanical equipment shall be screened from the view from the public right-of-way and adjacent streets by material compatible with the building architecture, by the use of a parapet wall, or by specially designed rooftop penthouse enclosures. Ground mounted equipment such as power transformers and air-conditioning units shall be screened from view from public right-of-ways by fencing or landscaping.

d. **Signage.** All freestanding signs in industrial districts shall be of monument-style, have a base of masonry construction, or if the sign consists of columns instead of a base, said columns shall be constructed of materials to match or compliment the principal structure or structures located on the site. All such signs shall be considered "Freestanding" for purposes of allowable sign area and height requirements according to the Cherokee County Signs and Outdoor Advertising Ordinance (Cherokee County Zoning Ordinance, Article 11), and shall be constructed in compliance with the Cherokee County Sign Ordinance , as may be amended from time to time.

7.5-3.6 **Access Requirements.** The following development requirements are applicable to all commercial / industrial sites or properties in Cherokee County.

a. Curb Cuts and Access Specifications. All entrances or exits of any street or driveway, public or private, from or to any state highway shall be approved by the State Department of Transportation and the County Engineer prior to the construction of such entrances or exits and prior to the issuance of any development permit for any improvement to be served by such entrances or exits.

No curb cut or access driveway shall be permitted to be located closer than one hundred (100) feet to the nearest existing or proposed right-of-way of an intersecting roadway or closer than forty (40) feet to a side property line unless the adjacent property owner is in agreement with the encroachment of the driveway and approval is obtained from the County Engineer. Curb cuts or access driveways shall be no narrower than twenty four (24) feet from back of curb to back of curb. Strict adherence to these requirements may not be practical in all instances as determined by the County Engineer. The County Engineer may limit the maximum width of a curb cut and/or the number of curb cuts to a parcel as necessary when it is deemed to be of benefit to the safety and welfare of the public.

In cases of a substantial improvement of an existing development on a site that does not meet these curb cut and access specifications, the applicant may be required by the County Engineer to prepare an access plan as part of plans for the substantial improvement that either meets these requirements or moves substantially toward compliance with these regulations. Approval by the Georgia Department of Transportation and the County Engineer shall be required, as applicable.

Additional right-of-way shall be dedicated to the public as required by the most current functional classification of Cherokee County roads as designated by the County Engineer, and as reasonable at the discretion of the County Engineer. Roadway entrances and improvements, including necessary deceleration lane(s) and right/left turn lanes, shall be designed, installed, and maintained as approved by the State Department of Transportation, as applicable, or the County Engineer, in accordance with State or County requirements, as applicable and as may be amended from time to time.

The following factors may be considered during the review and approval of a specific location of an entrance: 1) The location of existing or planned median breaks; 2) separation requirements between the entrance and major intersections; 3) separation requirements between other entrances; 4) the need to provide shared access with other sites; 5) the need to align with previously approved or constructed access points on the opposite side of the street; 6) and the minimum number of entrances needed to move traffic onto and off the site safely and efficiently.

b. Interparcel Connections. New commercial / industrial development containing, or that is intended to contain, more than one building or use on site shall provide connections so that automobile trips between and among such buildings or uses can be accomplished without using the adjacent highway(s) or major street(s). Joint or shared drives are encouraged. Where possible and practical, new developments and substantial improvements to existing developments shall provide for pedestrian and automobile access connections between adjacent properties under different ownership when the uses of the properties are of such compatibility that patrons may frequent both buildings or uses in the same vehicle trip.

c. Location of Loading and Unloading Areas. Where an industrial property adjoins property with a residential use thereon, all areas and facilities devoted to the loading and unloading of goods and merchandise, to the extent possible shall not be adjacent to the residential property. Loading and unloading areas shall not front the right-of-way of the adjacent highway or major street. Site design must permit on-site maneuvering of all vehicles so as to prevent vehicles from having to back out of or into site from the street. Overhead doors for loading bays shall not face the adjacent highway or major street. This section does not apply to those industrial buildings which are interior to a planned industrial park, adjoin only other industrial parcels, and have frontage only on roads developed as part of the industrial park. (Ord. No. 2019-O-003, 02/05/2019)

In cases where this regulation is not practical for new development or in cases where an existing building to be substantially improved does not meet the requirements in this section, the property shall be screened from view from the adjacent highway or major street along the entire property frontage, except in cases where access areas are approved. Buildings that are permitted to have overhead doors facing the public right-of-way shall incorporate design features so that aesthetic impact of the overhead doors is softened through architectural detailing, or staggering with recesses and projections or additional landscape buffer.

#### 7.5-4 Commercial Architectural Standards

a. **Facades** – Major commercial buildings (over 5000 square foot footprint) must have primarily naturally-colored brick or natural stone facades, with stucco, cast stone and hardiplank used only as accent materials. Smaller commercial buildings may use hardiplank or stucco as the primary façade material, if they are built in a “residential” architectural style compatible with such materials. This requirement applies to all sides of buildings, except where one or more sides are 80% visually from view from any point off the property.

b. **Roof Lines** – All commercial roof lines must include detailed cornices and/or detailed parapets.

c. Where parking lots adjoin public roads, they must have low (2-3 ft.) shrubbery and/or a landscaped berm to partially shield the parked cars from view.

d. **Inter-and Intra-Parcel Access** – Except where determined by county staff to be impractical, commercial parking areas must provide inter-parcel access to adjacent commercial properties. Parcels over 5 acres with access on two or more public roads must provide intra-parcel streets to connect between their entrances on different roads. These connecting streets cannot just be lanes in a parking area; they must be separated from parking areas by curbs.

e. **Freestanding Outdoor Lighting** – Shall consist of decorative poles and fixtures not more than 30 feet tall.

f. Parcels inside the City of Canton’s Growth Boundary that are developed or re-developed without annexing shall substantially conform to Canton’s “Streetscapes” requirements and guidelines.

7.5-5 Location of Large Retail Stores. To promote public safety, mitigate, and accommodate traffic congestion, individual retail stores with building areas greater than 80,000 square feet must be located as follows:

- a. With at least one primary access point on a multi-lane road.
- b. At least ½ mile away from schools.

For the purpose, the following definitions and clarifications shall apply:

- a. The building areas of adjacent stores shall be aggregated and considered a single individual store if they are under common management and/or have common customer check-out processes.
- b. “Multi-lane road” means a public road with at least four through-lanes (excluding turning and accel/decel lanes) with a length of at least one mile from the store’s point of public road access and/or leading to other multi-lane roads combining for at least one mile in length.
- c. “School” means a public school serving any or all of grades kindergarten through 12.
- d. Distance from a school shall be measured as the shortest straight line from any point on a school property to the closest point of the actual store building.

**7.6 Permitted Uses.** No use shall be permitted, except in the zoning districts indicated and for the purposes permitted in the Table 7.2 Permitted Uses Table.

- a. General. Each use is mutually exclusive and does not encompass other uses listed in the table. All uses are subject to all terms and conditions of this Zoning Ordinance, any other Ordinance of Cherokee County, state and federal law and any other applicable rules and regulations.
- b. Open Use. A principal use listed in Table 7.2 in any district denoted by the letter “O” is permitted by right for open use within that district without additional, specialized requirements.
- c. Restricted Use. A principal use listed in Table 7.2 in any district denoted by the letter “R” is permitted by right as a Restricted Use within that district only if additional, specialized requirements have been met as provided in Section 7.7 Permitted Uses Additional Requirements.
- d. Special Use. A principal use listed in Table 7.2 in any district denoted by the letter “S” is designated as a Special Use within that district and permitted only upon compliance with Article 18.4 Special Use Permits of this Ordinance and the grant of a Special Use Permit by the Board of Commissioners. In addition, any Special Use is subject to the Section 7.7 Permitted Uses Additional Requirements for that Special Use.
- e. Classification Standards and Codes. The Permitted Uses in Table 7.2 are organized utilizing the Land Based Classification Standards (LBCS) developed by the American Planning Association and the North American Industrial Classification System (NAICS) used by the U.S. Census Bureau. The LBCS classifies land uses

across five dimensions, Activity, Function, Structure Type, Site Development Character, and Ownership. For the purposes of this ordinance, the Function classification has been used because it refers to the economic function or type of establishment using the land. The NAICS is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. Cherokee County uses the NAICS codes to classify businesses for the purpose of issuing Occupational Tax Certificates (i.e., commonly referred to as Business Licenses). The use of these two classification systems together allows for a comprehensive and detailed regulation of Land Use. Each use provided for in Table 7.2 should be read in conjunction with the applicable LBCS and NAICS permitted uses and description of uses. If a conflict exists between the LBCS and NAICS permitted uses and description of uses and the terms and conditions of this Zoning Ordinance, this Zoning Ordinance shall govern and control. (Ord. No. 2018-O-003, 04/03/2018)

## **7.7 Permitted Uses Additional Requirements.**

### **7.7-1 Residential Households (LBCS 1100)**

- a. **Manufactured Home Regulations.**
  - (1) **Definition:** “Manufactured home” means a structure, transportable in one or more section, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built of 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; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary 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. Section 5401, et seq. (Ga. L. 1968, p.415, Section 2; Ga. L. 1973, p.4, Section 2; Code 1981, Section 8-2-131; Ga. L. 1982, p. 1376, Section 3, Section 7; Ga. L. 1989, p. 14, Section 8.)
  - (2) **Development Standards:** As to manufactured homes constructed in compliance with the HUD Code (June 15, 1976), the following development standards must be met:
    - i. The home has a length not to exceed three (3) times its width measured at the most narrow point and have a minimum floor area of 900 square feet.
    - ii. The pitch of the home’s roof has a minimum vertical rise of 2.3 feet for every 12 feet of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
    - iii. The exterior siding will consist of wood, vinyl, hardboard or stucco brick comparable in composition, appearance and durability to the exterior siding and use in standard residential construction. Such homes will not be allowed to utilize metal siding.

- iv. A manufactured home must be placed and anchored on permanent foundation, either slab or pier, which meets the requirements of the Standard Building Code until such time as the Building Code is supplanted by state law or regulations pertaining to placement and anchoring of manufactured housing, January 1, 1993. Thereafter, State law shall control. In addition, masonry curtain wall, unpierced except for the required ventilation and access, must be installed so that it encloses the area under the manufactured home to ground level.
  - v. Landscaping must consist of at least grass seed and straw.
  - vi. Utility meters for the manufactured home are to be mounted to the structure rather than on a utility pole. This does not apply to units within existing manufactured home parks.
  - vii. A manufactured home must have at each door, steps and landing, as per Section 1113-Stairway Construction, Chapter X1 of the Georgia State Building Code.
  - viii. All the above requirements must be met prior to the issuance of a Certificate of Occupancy and plans must be submitted to the Building Department verifying the above standards. (Ord. No. 2008-Z-002, 09-16-08)
- (3) Zoning Districts:
- i. Manufactured Housing is permitted exclusively in the AG, R-80, R-60, and R-40 zoning districts. Manufactured Housing is not allowed in any other zoning district except temporarily according to the terms of this Ordinance.
  - ii. Single-wide manufactured homes are permitted only in the AG zoning district with the following provisions:
    - (A) Where the access to the property is on a paved road, the minimum area shall be at least two (2) acres or more; or;
    - (B) Where the access to the property is on an unpaved road, the minimum area shall be at least five (5) acres or more.
  - iii. Single-wide manufactured homes so allowed in the AG zoning district pursuant to subsection (ii) shall not be required to meet the requirements contained in Section 7.7-1 (a)(2). (Ord. No. 2018-O-015, 12-04-2018)
- (4) Manufactured homes existing in Cherokee County as of August 25th, 1991 may continue to exist in whatever district it may be located as a legal non-conforming use and may be replaced if destroyed by natural disaster, such as storms, tornadoes, or natural fires. Additionally, such manufactured homes or mobile homes may be upgraded or replaced by manufactured homes, meeting the HUD code standards without having been destroyed and without losing the legal non-conforming or grand-fathered status as a parcel in use of that property. All existing manufactured homes, parks and subdivisions will continue to exist as a legal non-conforming uses after the adoption or amendment of the Cherokee County Zoning Ordinance. (Resolution #94-9, amended 6-14-94).
- (5) Real estate sales or construction manufactured housing shall be permitted upon a temporary basis until 100% of the subdivision or phase being constructed has been issued Certificates of Occupancy. (Ord. No. 2008-Z-002, 09-16-08)

- (6) **Hardship Situations:** A manufactured home may be temporarily placed upon an individual lot when the applicant can show extreme hardship resulting from loss of use of a home or building due to fire, flood or other damage making it unfit or; unsafe for use or occupancy; resulting from extensive remodeling of a home or business making it unsuitable for use or occupancy; or a health or health related problem of a family member which warrants proximity of that relative for monitoring purposes. In cases of hardship, the Zoning Administrator may grant an initial approval not to exceed twelve (12) months. Where a temporary use permit for a hardship is requested to extend beyond twelve (12) months, such use must be approved by the Board of Commissioners, who may require new evidence of the conditions upon which the hardship was based. Prior to the issuance of a temporary use permit based on hardship, the applicant must execute a statement that he acknowledges and agrees that the permit is valid only so long as the conditions of the permit are met, that upon the termination of any of the conditions, the applicant shall cause the removal of the manufactured home at his own expense and failure to do so grants to Cherokee County the right to remove the same from the premises at the applicant's expense.
- i. An application for hardship due to the loss of use of a home or building due to fire, flood, or other damage making it unfit or unsafe for occupancy must be supported by affidavits as to the facts alleged, which affidavits are submitted to the Zoning Administrator at the time of application on the form provided by Planning and Zoning.
  - ii. An application for hardship due to extensive remodeling of a home or building making the structure unsuitable for use or occupancy must be supported by affidavits as to the facts alleged, which affidavits are submitted to the Zoning Administrator at the time of application on the form provided by Planning and Zoning.
  - iii. An application for hardship due to a health or health related problem of a family relative which warrants proximity of that relative for monitoring purposes must be supported by affidavits as to the facts alleged, which affidavits are submitted to the Zoning Administrator at the time of application on forms provided by Planning and Zoning. Both the lack of space within the applicant's home to accommodate the family relative and the health or health related problem must be evidenced and certified to the Zoning Administrator and the application based upon health considerations must be accompanied by an affidavit from a physician stating the health problems necessitating monitoring. The affidavit from the doctor stating the health problem shall contain the sworn statement of such physician that:
    - a. The family relative for whom the temporary use of a mobile home is requested requires 24-hour nursing care involving the physical presence of a monitor, nurse or attendant or the presence of such monitor, nurse or attendant within voice communication of the attended relative; OR
    - b. The health or health related condition or disability of the family relative has existed for six (6) or more months before the date of the application for the temporary use permit, and/or in the professional medical opinion of the physician completing the affidavit, the condition of disability is likely or continue for six (6) or more months. (Ord. 2008-Z-002, 09-16-08; Ord. 2023-R-049, 6.20.23)

- (7) A manufactured home may be placed on a site temporarily for six (6) months for residential purposes while a site-built home is constructed in all residential zoning districts. Upon appeal to the Board of Commissioners, one (1) six (6) month extension shall be allowed. The applicant/property owner shall sign an acknowledgement letter authorizing Cherokee County to stop the provision of utilities to the manufactured home at the end of the approved time limit for this temporary placement of a manufactured home. (Ord. No. 2008-Z-002, 09-16-08)
- b. For Rent Communities. For Rent Communities shall be permitted by right in the RD-3, RM-10, and RM-16 zoning districts. For Rent Communities shall be permitted in the TND zoning district with and exceptional variance. For Rent Communities shall be prohibited in any district where the use is not permitted by right. (Ord. No. 2022-O-005, 02-15-22)
- c. Parking of Commercial, Industrial, and Heavy Vehicles. Parking of commercial, industrial, and heavy vehicles, and any other vehicles, in AG and residential districts shall be governed by the Cherokee County Property Maintenance Ordinance. (Ord. No. 2009-Z-006, 10-20-09)

7.7-2 Hotels, Motels or Other Accommodations (LBCS 1300)

- a. Lodge, Retreat, and/or Campground (facilities to include lodging and food service for social, educational, and/or recreational purposes) are permitted provided that:
  - (1) Minimum lot size shall be 10 acres.
  - (2) Permitted curb cut access shall not be derived from a local street.
  - (3) A minimum 50-foot wide buffer is required adjacent to all property except Right-of-Way.
  - (4) Length of the stay for all but permanent staff shall not exceed 30 consecutive days.
  - (5) Sanitary facilities or trash receptacles shall be located a minimum of 200 feet from any residential district and/or AG district when used for single family.
  - (6) Recreational facilities associated with the use shall be for staff and guests only.
  - (7) One parking space per lodging unit or five (5) per 1000 square feet of floor area, whichever is greater.
- b. Bed and Breakfast Inns
  - (1) Definition - A use that takes place within a structure that was primarily used as a single-family dwelling, consisting of renting from one to six dwelling rooms on a daily basis to tourists, vacationers, and business travelers, where only breakfast meals are served and provided for those guests only. The homeowner shall reside on site and employment shall not exceed three full time employees in addition to the owner (s).
  - (2) Location – Bed and Breakfast Inns should be located in areas with aesthetic value and/or historical significance, i.e. recognized landmark, lakes, view of mountains, etc.
  - (3) Applicable Zoning Districts – Bed and Breakfast Inns shall be permitted in AG, R-80, R-60, and R-40 zoning districts outside existing platted subdivisions.

- (4) Parking Requirements - All parking (including handicap parking) shall be onsite, and it shall be provided in the side and/or rear of the property. The total number of parking spaces shall be based on the formula of one parking space per guest room, and one parking space for each employee. Parking areas shall be set back a minimum of ten feet and screened from adjacent properties.
  - (5) Length of Stay for Guests – No guest may stay at the facility for more than fourteen days within any thirty day period. There shall be no cooking facilities within the guest rooms. Furthermore, the facility shall not be used for receptions, parties, or public gatherings.
- c. Hotels/Motels/Motor Lodges: New Commercial facilities only – the following minimum standards shall apply to what will be defined as hotels/suite hotel/motel/motor lodge:
- (1) Any hotel/suite hotel/hotel/motel/motor lodge in which more than thirty-five percent (35%) of the units include kitchenettes or kitchen facilities<sup>1</sup>, the following shall apply:
    - i. Minimum acreage is two (2) acres.
    - ii. All rooms shall be accessed through a main or central lobby.
    - iii. No rooms shall access to the exterior of the building unless required by fire/safety regulations.
    - iv. Architectural style/design to be approved per Cherokee County Development Regulations and Commercial Architectural Standards.
    - v. “Continental” style dining for the guests of the facility only is allowed within or near the main or central lobby without additional parking.
    - vi. At a minimum, provisions for weekly cleaning of each suite must be provided.
    - vii. Each suite must be protected with a smoke detector and sprinkler system approved by the Fire Marshal.
    - viii. Each suite shall be required to include an automatic power shut off timer for each stove/cook top unit or other type burner.
    - ix. There shall be no outside storage allowed or long term parking of heavy equipment, or parking of construction or related equipment.
    - x. No facility under this section is to be converted or used primarily as an apartment or condominium.

<sup>1</sup> For the purpose of this section, kitchenettes or kitchen facilities are defined as a kitchen sink, a stove/cook top, microwave and/or a refrigerator.

#### **7.7-3 Retail Sales or Services (LBCS 2100)**

- a. Vehicle repair and service shall be conducted in a wholly enclosed building.
- b. Vehicles or farm equipment for sale or display are permitted provided that all vehicles are setback at least ten (10) feet from the street right-of-way.
- c. General merchandise repair is permitted provided that:
  - (1) Such service shall be conducted in a wholly enclosed building.
  - (2) No outdoor storage of material, equipment or items being repaired is permitted.

- (3) Such repair service shall not generate any noise, odors or fumes which can be detected beyond the walls of the building in which housed.
- d. Heavy repair services and trade shops, including sheet metal, upholstery, electrical, plumbing carpentry, sign painting and other similar activities are permitted provided that all activities shall be conducted within a building or fenced area.
- e. Building & Landscape Material Sales (including wholesale) are permitted provided that:
  - (1) Outdoor lumber yards or storage areas shall be setback fifty (50) feet from any road right-of-way and screened with landscaped berm or a six (6) feet high privacy fence.
- f. Lawn and Garden Centers may not sell or store bulk (i.e. loose or unpackaged) Building or Landscape Materials.
- g. Agricultural produce stands to sell produce that meets the Georgia Department of Agriculture “Georgia Grown” criteria are permitted in the AG zoning district subject to the requirements of this Section. Specifically, to qualify as “Georgia Grown”, such agricultural produce shall be non-processed agriculture products grown in Georgia and/or processed or manufactured agriculture products if the key ingredient is grown in Georgia, and/or agricultural products grown on the property which the produce stand is located. The following conditions shall also be met:
  - (1) Any structure for sales is located thirty-five (35) feet or more from any property line;
  - (2) The building footprint (including all areas under roof) is less than 2,500 sq. ft.; and
  - (3) Not less than 20% of product offered for sale must be grown or produced on the property on which the produce stand is located.

(Ord. No. 2018-O-003, 04/03/2018)

- h. Car washes (not including hand wash service), and gasoline or other service station uses shall conform to the following requirements of this subsection (h) and may only be permitted upon the grant of a Special Use Permit in GC zoning district in accordance with Article 18.4 of the Cherokee County Zoning Ordinance, and provided compliance with the following additional conditions:
  - (1) Fuel pump canopies shall meet the primary building setbacks for the zoning district and shall be architecturally integrated using similar materials and detailing as the building on the property.
  - (2) Ancillary service equipment such as vacuums, tire air pumps or other similar service equipment, and accessory structures or uses such as ice machines, vending machines, unattended donation drop boxes, and other similar structures and uses, shall meet the primary building setbacks for the zoning district. Where located closer to the right-of-way than the primary structure, the use of neutral or dark color tones are required. All other color tones shall be approved by the Planning and Zoning Director, or their designee.

(Ord. No. 2025-O-008, 06/17/2025)

#### **7.7-4 Real Estate, Rental and Leasing (LBCS 2300)**

- a. **Self-Storage Facilities.** The purpose of these use conditions in this section is to promote the aesthetic quality and operational safety for development, and to ensure compatibility with adjacent uses, surrounding neighborhoods and businesses. Self-storage facilities should be accessible to collector or local streets. Ideally, these uses should be located behind commercial development which anticipates higher traffic volumes and requires greater visibility from major streets. When located on property with frontage on interstates or arterial streets, a greater setback is required as identified in subsection (a) and additional vegetative screening is encouraged. Self-storage facilities shall conform to the following requirements of this subsection (a) and may only be permitted upon the grant of a Special Use Permit in accordance with Article 18.4 of the Cherokee County Zoning Ordinance, and provided compliance with the following additional conditions:
- (1) Parcel shall be a minimum of three (3) acres in size when proposing a climate-controlled storage facility. Parcel shall be a minimum of five (5) acres in size when proposing any non-climate controlled storage facility;
  - (2) When the development proposes non-climate controlled storage units, all unit doors shall face internal to the property;
  - (3) All non-climate controlled storage facilities shall have a minimum setback of 50-feet from any local street right-of-way, 65-feet from any collector street right-of-way, and 75-feet from any arterial street right-of-way. All non-climate controlled storage facilities shall have a minimum setback of 25-feet from any side or rear property line.
  - (4) All non-climate controlled storage facilities shall be fully enclosed by a six (6) foot tall opaque privacy fence or decorative wall. The finished side of the fence or decorative wall shall face the exterior property line;
    - i. When located internally to a designated industrial park and zoned LI (Light Industrial), a six (6) foot tall chain-link fence may be used as an alternative fence material when located adjacent to other property zoned LI;
    - ii. Setbacks for fencing or decorative walls shall meet the same minimum setbacks as non-climate controlled storage facilities.
  - (5) **Property Frontage for Non-Climate Controlled Storage Facilities**
    - i. Between the fence or decorative wall and the road(s), screening shall be a minimum height of ten (10) feet. This may contain a combination of existing vegetation, a double staggered row of evergreen plantings, and/or a landscaped earthen berm with a maximum 3:1 slope;
      - a. All tree plantings shall be provided at the highest point, or crown, or any berm;
      - b. Height shall be computed starting at the elevation of the crown of the adjacent roadway.

## (6) Side and Rear Property Lines for Non-Climate Controlled Storage Facilities

- i. Between the fence or decorative wall and the side and rear property lines, a year-round visual landscape screen shall be provided, as determined by the Cherokee County Arborist;

(7) Where the topography, plantings or berm do not adequately screen the non-climate controlled storage facility, supplemental plantings may be required as determined by the Cherokee County Arborist;

(8) When proposing non-enclosed outdoor storage areas, the location shall be limited to the side or rear of the principal building.

(Ord. No. 2023-O-001, 01/10/2023)

b. Special Event Facilities, including but not limited to banquet halls, reception halls, and wedding chapels, are permitted in the AG district provided the following requirements are met:

- (1) Parcel shall be a minimum of 5 acres and the occupancy of the Assembly space is limited to a maximum of 200 people.
- (2) The Special Event Facility shall be subject to the commercial development standards set forth in Article 7.5-3 and the Cherokee County Development Regulations.
- (3) The Special Event Facility shall have the outward appearance of a residential or agricultural structure. All buildings must comply with adopted building and life safety codes.
- (4) The Special Event Facility shall be open only for scheduled, event-based operations. Events include personal celebrations such as weddings, showers, birthday parties, fundraisers and similar occasions. All operations shall cease by 11:00 pm.
- (5) A traffic control plan approved by the County Engineer shall be followed during hours of operation.
- (6) Lighting shall be designed in accordance with the Article 25 – Outdoor Lighting and Road Glare Ordinance.
- (7) Outdoor loudspeakers shall not be permitted.

**7.7-5 Business, Professional, Scientific and Technical Services (LBCS 2400)**

a. Laboratory research facilities are permitted provided that:

- (1) Except district CP, the gross floor area shall not exceed 20,000 square feet.
- (2) Such facilities are not objectionable by reason of emission of noise, vibration, smoke, dust, gas, fumes, odors, radiation and create fire or explosion hazards.
- (3) There shall be no outdoor storage of goods.

b. The fabrication, repair and maintenance of outdoor advertising signs are permitted only in LI & HI provided that all activities shall be conducted within a building or fenced area.

- c. Veterinary Services is permitted in AG, R-80, R-60 & R40 but is limited to the treatment of large animals, including but not limited to horses, goats, llamas, alpacas, deer, donkeys, camels, bovine, swine, and sheep, etc.
- d. Veterinary Services that include outdoor boarding facilities are subject to section 7.7-7a.
- e. Repossession Services with outdoor storage areas is permitted provided that:
  - (1) The storage areas shall not exceed 5,000 square feet.
  - (2) The storage area shall be enclosed with a solid fence not projecting into the required front yard, not less than eight (8) feet high and in no case less than such height as will effectively screen all storage and operations from view.
  - (3) Sales of auto parts shall not be permitted on the site.
- f. Pest Control is permitted in GC provided that:
  - (1) Other than vehicles, there shall be no outdoor storage of goods or equipment.
  - (2) Vehicles used in conjunction with the business shall be parked in the side and/or rear yard. Where it is impractical for business-related vehicles to be parked in the side or rear yard, such vehicles shall be allowed in the front yard provided said vehicles shall not be permitted overnight or when the business is closed.
  - (3) This use shall have a maximum allowed floor space of 5,000 square feet per acre of total building floor space.

(Ord. No. 2018-O-013, 10/16/2018)

#### 7.7-6 Personal Services (LBCS 2600)

- a. Reserved

#### 7.7-7 Pet and Animal Sales or Services, excluding Veterinary (LBCS 2700)

- a. Animal Shelters, Boarding, Breeding and Kennels for the 24-hour care of domestic pets & animals shall be permitted provided that:
  - (1) All outdoor runs and fenced exercise areas shall be setback a minimum of 75 feet from any adjacent property in residential use.
  - (2) Outdoor runs and fenced exercise areas are encouraged to be located to the side and rear of the primary building. When outdoor runs and fenced exercise areas are located in the front yard area, fencing materials will need to be approved by Planning staff.
- b. Pet Day Care, Pet Sitting, Pet Grooming, and Obedience Training with less than 24-hour care of domestic pets & animals shall be permitted provided that any outdoor fenced areas meet the primary building setbacks.

#### 7.7-8 Manufacturing Uses (LBCS 3100 - 3400)

- a. Light manufacturing establishments involved in the production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, storage, testing or repair of materials, goods or products are permitted in the LI zone. If adjacent to property in residential use, an odor control system, designed and installed in accordance with industry accepted standards, may be required. (Ord. No. 2019-O-003).
- b. Heavy manufacturing establishments, other than those classified as light manufacturing, involved in the conversion of raw materials, such as ore, crude oil,

timber, or unprocessed farm products, into usable finished products, are permitted in the HI zone provided that wastes and air pollutants generated from the manufacturing process shall comply with all County, State and Federal anti-pollution regulations. (Ord. No. 2019-O-003).

- c. Production and packing of raw materials shall be permitted provided that any structure for such processing is located no closer than one hundred (100) feet to any property line. (Ord. No. 2019-O-003).
- d. Stationary sawmills are permitted provided that outdoor storage of logs or lumber shall be at least fifty (50) feet from the street right-of-way line. (Ord. No. 2019-O-015, 10/15/2019)
- e. Mobile or portable sawmills are permitted provided:
  - (1) A mobile or portable sawmill shall only be permitted on a property of not less than five (5) acres.
  - (2) A mobile or portable sawmill shall not be permitted on a lot within a platted major subdivision zoned to a residential zoning district or a platted major subdivision in the AG zoning district.
  - (3) A temporary use permit issued by the Community Development Agency Director, or his/her designee, for a mobile or portable sawmill meeting requirements of this section is limited to a period not to exceed six (6) months without specific approval by the Board of Commissioners for any period of time beyond six (6) months.
  - (4) Such mobile or portable sawmill may only process timber removed from the property on which it is located. Timber from any off-site location shall not be brought to the property for processing.
  - (5) No machine used in the sawmill operation, including debarking, canting, re-sawing, edging, trimming, drying or planning, shall be located closer than 200 feet to any property line. The mobile or portable sawmill and any machinery used in the sawmill operation shall be set back no less than five hundred (500) feet from a residential structure on adjoining property.
  - (6) The operation of a mobile or temporary sawmill shall abide and respect Section 26-39 Prohibited Noise of the Cherokee County Code of Ordinances.  
(Ord. No. 2019-O-015, 10/15/2019)
- f. Farm wineries as defined and permitted under O.C.G.A. § 3-6-21.1 may only be permitted in the AG district upon the grant of a Special Use Permit in accordance with Article 18.4, and provided compliance with the following additional conditions:
  - (1) A Farm Winery is located on the same property as the vineyard, with such parcel of land being not less than five (5) acres, unless otherwise herein approved.
  - (2) The Farm Winery may have a total of one (1) tasting room on premises for purposes of on-site consumption of wine and related activities to the extent such additional activities are expressly provided in this Section (the "Tasting Room").
  - (3) The principal entrance through which vehicles will enter the premises on the Farm Winery and the Tasting Room shall be from a public road.
  - (4) A Farm Winery licensee may offer samples of its wine in the tasting room for consumption on premises or in closed packages for consumption off the premises, provided proper licenses and permits for the sale of alcoholic beverages are

obtained. Alcoholic beverage sales for consumption on premises shall be limited to flights of individual 1.5 oz. servings of different wines by the Farm Winery licensee, unless otherwise approved herein.

- (5) The use of outdoor speakers shall not be permitted, unless otherwise approved herein.
- (6) Food service shall be limited to cheese and crackers, unless otherwise approved herein. No ovens, fryers, grills, burners, or other commercial kitchen equipment shall be utilized in the preparation of such food, unless otherwise approved herein.
- (7) A retail sales area may be included in the Tasting Room, with package sales limited to wine produced by the farm winery licensee. Retail sales other than wine shall be limited to items used in connection with the serving, storing, or display of wine, or written material describing the name and/or logo of the Farm Winery.
- (8) All buildings shall be subject to commercial development standards set forth in Article 7.5-3 and the Cherokee County Development Regulations, and must have an architectural appearance of a residential or agricultural building(s).
- (9) All operations, activities, and events unrelated to the growing, harvesting, or processing of grapes, berries, or fruits on the property of the Farm Winery shall cease by 7:00 p.m. eastern standard time, unless otherwise approved herein.
- (10) The following activities shall only be permitted where the Board of Commissioners has granted specific approval. A Farm Winery proposing one or more of the following activities must specifically request approval by the Board of Commissioners of each activity:
  - i. Alcoholic Beverage Sales, provided proper licenses and permits for the sale of alcoholic beverages are obtained:
    - a. Sales of flights of individual 1.5 oz. servings of different wines of any other Georgia Farm Winery for consumption on premise;
    - b. Sales by the glass for consumption on premises of
      - 1) Wine produced by the Farm Winery licensee;
      - 2) Wine of any other Georgia Farm Winery;
      - 3) Malt beverage by a Georgia craft brewery licensed by the State of Georgia as an in-state brewery.
    - c. Retail sales in closed packages for consumption off premises of
      - 1) Wine of any other Georgia Farm Winery.
  - ii. Sales of pre-prepared cold meat, cheese, and bread platters typically associated with wine tasting;
  - iii. Install and operate a restaurant on the premises of the Farm Winery, open to the public and with a full service kitchen;
  - iv. Extend operating hours such that all activities shall cease at 10:00 p.m.;

- v. The use of outdoor speakers. (When granted, such use must conform to provisions provided by the Cherokee County Noise Ordinance);
- vi. A Farm Winery may request to host the following events specifying the number of times per calendar month such events would be limited:
  - a. Catered dinners
  - b. Single foot truck events.
- vii. Operate as a Special Event Facility as described in Section 7.7-4(b). A special event is limited to specific, scheduled private event based operations; not ongoing, repetitive events that are advertised as open to the public.
- viii. Construct more than one tasting rooms or enclosed structures on premises for the purposes of on-site consumption of alcoholic beverages and related activities.
- ix. Other activities not specifically listed here may be permitted upon request and approval by the Board of Commissioners.

(Ord. No. 2019-O-010, 05/21/2019; Ord. No. 2025-O-005)

#### 7.7-9 Wholesale Trade Uses (LBCS 3500)

- a. Wholesale trade and distribution establishments, including packing or wholesale commodities for distribution are permitted provided that:
  - (1) There shall be no outdoor storage of goods unless storage is permitted elsewhere in the district.
  - (2) Unless in a district in which manufacturing is permitted, no fabricating of goods to be sold shall be permitted.
  - (3) Unless in a district in which heavy manufacturing is permitted, no wholesaling activity shall be permitted which processes the goods handled in a manner that produces liquid or solid wastes or noise, odor, fumes or dust which can be detected beyond the walls of the building in which such wholesaling activity is housed.
- b. Junk Yards, Scrap Metal Handling & Salvage are permitted provided that:
  - (1) The yard shall be located not closer than three (300) feet to properties zoned or used for residential or commercial purposes.
  - (2) The yard shall be completely enclosed with a solid fence not projecting into the required front yard, not less than eight (8) feet high and in no case less than such height as will effectively screen all storage and operations from view from any adjacent property or right-of-way.
  - (3) The incidental sale of auto parts removed from cars on the site shall be permitted.

#### 7.7-10 Warehouse and Storage Service Uses (LBCS 3600)

- a. Reserved

#### 7.7-11 Transportation Service Uses (LBCS 4100)

- a. Private airstrips for personal use require approval from the Board of Commissioners.

- b. In AG, Scenic and Sightseeing Transportation is limited to hot air balloon operations.
- c. Towing Service with storage areas is permitted provided that:
  - (1) The vehicle storage areas shall not exceed 5,000 square feet.
  - (2) The vehicle storage area shall be enclosed with a solid fence not projecting into the required front yard, not less than eight (8) feet high and in no case less than such height as will effectively screen all storage and operations from view.
  - (3) Sales of auto parts shall not be permitted on the site.

#### 7.7-12 Communications and Information Uses (LBCS 4200)

##### a. Telecommunication Towers

###### (1) Applicability

- i. **Public Property.** Towers or antennas located on property owned, leased or otherwise controlled by the governing authority shall be exempt from the requirements of this section, provided a license or lease authorizing such tower or antenna has been approved by the governing authority.
- ii. **Amateur Radio. Receive-Only Antennas.** This regulation shall not govern any tower or the installation of any antenna that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio operator or is exclusively for receive only antennas.
- iii. **Pre-existing Towers and Antennas.** Any tower or antenna for which a permit has been properly issued prior to the effective date of this regulation shall not be required to meet the requirements of 7.7-12a(2)(v) and 7.7-12a(2)(vi).

###### (2) General Guidelines and Requirements

- i. **Purpose and Goals.** The purpose of this regulation is to establish general guidelines for the siting of towers and antennas. The goals of this regulation are to:
  - a. Encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community,
  - b. Encourage strongly the joint use of new and existing tower sites throughout the county,
  - c. Encourage users of towers and antennas to locate them to the extent possible, in areas where the adverse impact on the community is minimal,
  - d. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and
  - e. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.
- ii. **Principal or Accessory Use.** Towers and antennas may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements and other such requirements, the dimensions of the entire parcel of land shall control, even

though the tower or antenna may be located on leased parcels within said parcel of land. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a non-conforming use or structure.

- iii. **Inventory of Existing Sites.** Each applicant for an antenna or tower shall provide to the Planning and Zoning Department an inventory of its existing towers that are either within the jurisdiction of the governing authority or within one-quarter (0.25) mile of the border thereof, height and design of each tower. The Planning and Zoning Department may share such information with other applicants applying for approval under this section or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided the Planning and Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- iv. **Aesthetics; Lighting.** The guidelines set forth in this section 7.7-12a(2)(iv) shall govern the location of all towers and the installation of all antennas governed by this section; provided, however, that the governing authority may waive these requirements if it determines that the goals of this section are better served thereby.
  - a. Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
  - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color or the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
  - d. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
- v. **Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the antennas and towers governed by this section shall bring such antennas and towers into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the antenna or tower at the owners' expense. Any such removal by the governing authority shall be in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia.

- vi. **Building Codes; Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance within such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the owners' expense. Any such removal by the governing authority shall be in that manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia.

(3) Permitted Uses

- i. **General.** All towers and antennas permitted by this Subsection (a)(3) shall comply with all other requirements of the zoning ordinance, including but limited to Sections 7.7-12a(2)(iv), 7.7-12a(2)(v) and 7.7-12a(2)(vi).
- ii. **Location of Towers or Antennas.**
  - a. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna; is permitted in GC, NC, CP, OI, OD, HI and LI zoning districts; provided, however, that such tower or antenna shall be set back from any property line a distance equal to the height of the tower or antenna.
  - b. Locating a tower or antenna, including the placement of additional building or other supporting equipment used in connection with said tower or antenna, is permitted in AG zoning district; provided, however, that:
    - 1) such tower or antenna shall be set back from any property line a distance equal to the height of the tower or antenna;
    - 2) such tower or antenna shall be an alternative tower structure as defined in Article 4; and
    - 3) such tower or antenna may not be located on AG property located in a platted residential major subdivision as defined in Article 4.
  - c. Locating a tower or antenna, including the placement of additional building or other supporting equipment used in connection with said tower or antenna, is permitted in PUD zoning districts; provided, however, that such tower or antenna shall be located on portions of the property designated and approved for non-residential use and shall be set back from any property line a distance equal to the height of the tower or antenna. No tower or antenna may be located on portions of PUD zoned property designated, approved or used for residential or amenity purposes. "Amenity purposes" shall mean passive and active recreation areas, including but not limited to swimming pools, tennis courts, basketball courts, athletic fields, parks, playgrounds, golf courses, pedestrian trails, and reserved greenspace, intended for the enjoyment and benefit of residents in close proximity to the property being used for amenity purposes.

- d. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna; is prohibited in R-80, R-60, R-40, R-30, R-20, R-15, RD-3, RZL, RA, RTH, RM-10, and RM-16 districts;
  - e. An antenna may be installed on an existing structure other than a tower (such as a building, light pole, water tower or other freestanding non-residential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure.
  - f. An antenna may be installed on any existing tower, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower; provided, however, that such a specific use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna.
  - g. Nonconforming Towers and Antennas. Any tower or antenna lawfully existing on the effective date of the adoption of this ordinance or any amendment thereto, and any tower or antenna for which a permit has been properly issued shall be considered a legal nonconforming use of the property on which it is permitted and erected and shall be allowed to remain despite otherwise failing to comply with the use restrictions and performance standards of the zoning district in which it is located even if such property should be rezoned in the future to a district that does not permit the tower or antenna; provided however notwithstanding the designation as a lawful nonconforming use, any addition or modification of equipment or antennae shall conform to the requirements of this section. (Ord. 2016-O-006, 12-06-16)
- iii. Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted by a certified engineer to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna shall consist of the following:
- a. No existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements.
  - c. Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure for sharing are in excess of the cost of new tower development.

- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - iv. **Setbacks and Separation.** The following setbacks and separation requirements shall apply to all towers and antennas for which local government approval is required; provided, however, that the governing authority may reduce the standard setbacks and separation requirements if the goals of this Section would be better served thereby.
    - a. Towers must be set back a distance equal to the height of the tower from any on-site property line.
    - b. Towers, guy wires and accessory facilities must satisfy the minimum zoning district setback requirements.
    - c. In zoning districts other than industrial or commercial zoning districts, towers over ninety (90) feet in height shall not be located within one-quarter (0.25) of a mile from any existing tower that is over ninety (90) feet in height.
  - v. **Security Fencing.** Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
  - vi. **Landscaping.** The following requirements shall govern the landscaping surrounding towers; provided, however, that the governing authority may waive such requirements if the goals of this Section would better be served thereby.
    - a. Tower facilities shall be landscaped with a buffer of plant materials that provides a solid visual screen from adjacent residential property. The standards buffer shall consist of a landscaped strip at least five (5) feet wide outside the perimeter of the compound.
    - b. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived.
    - c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
- (4) **Removal of Abandoned Towers or Antennas.** Any tower or antenna that is not operated for a continuous period of twelve (12) months shall be considered abandoned and the owner of such tower or antenna shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia, remove such antenna or tower at the owners' expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. (As amended October 25, 1996 by the Board of Commissioners).
- b. **Ham Radio Operator Broadcast Towers.** Poles, master towers and antennas used in operation of amateur radios licensed by the Federal Communication Commission shall be governed by the following requirements:

- (1) Amateur Radio Service Antenna Structures (not withstanding) any other code section of this Ordinance may be erected to such heights appropriate to accommodate communications provided that no such structure shall be placed less than one-half (1/2) its height from the nearest property line, provided all such structures are painted neutral colors to minimize visual intrusion and that all such structures are equipped with suitable anti-climbing devices. All antenna structures must comply with FCC and FAA regulations.
- (2) Antennas shall meet all manufacturers' specifications. The mast or tower shall be of non-combustible and non-corrosive hardware. Hardware such as brackets, turnbuckles, clips and similar type equipment subject to rust or corrosion shall be protected with a zinc or cadmium coating by either galvanizing or a sheradizing process after forming. These finishes are selected to guard against corrosion and to protect the elements against electrolytic action due to the use of adjoining dissimilar metals.
- (3) Every antenna must be adequately grounded.
- (4) No antenna towers are permitted in the front yard area of any Zoning District. Guy wires, support anchor structures and a maximum of one wire antenna are permitted within the front yard area in all zoning districts. All guy wires and support anchor structures within a front yard may not be located between the front of the house and the front property line and should be as close as possible to the side property line. Guy wires and wire antennas within a front yard may be anchored to a tree located on the property instead of a support anchor structure.
- (5) Guy wires support anchor structures and wire antennas may be located within the required setbacks in all Zoning Districts.

**7.7-13 Utilities and Utility Services (LBCS 4300)**

- a. Public utilities such as electric transformer stations, gas regulator stations and telephone exchanges are permitted provided that:
  - (1) Any building or structure, except an enclosing fence shall be set back not less than twenty (20) feet from any property line and shall meet all applicable yard requirements in excess thereof.
  - (2) Such uses shall be enclosed by a fence not less than eight (8) feet in height.
  - (3) The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped and maintained in an appropriate manner.
  - (4) The storage of vehicles and equipment on the premises shall be prohibited.
- b. Solid Waste Transfer Stations and Landfills are permitted in the HI district. For purposes of amendments to this Resolution, the Cherokee County Landfill and Waste Disposal Ordinance enacted July 24, 1990, is incorporated herein and made a part of this Ordinance. Where a conflict between the provisions exists, the stricter provisions shall apply.
- c. Inert Waste Landfills are permitted in district HI, provided that the following conditions have been met:
  - (1) Such facility shall conform to State of Georgia Rules and Regulations for Solid Wastes Management.

- (2) The operation can and shall be conducted in such a manner that air, land and water pollution and public health hazard nuisances are prevented.
  - (3) Such facility shall not be located in any wetland, or area being designated as 100-year floodplain.
  - (4) Such facility shall not be located near a significant groundwater recharge area.
  - (5) Such facility shall not be situated within two (2) miles up gradient of any surface water intake for a public drinking water source.
  - (6) The location, the boundaries and the proposed method of operation shall have been approved by the Cherokee County Health Department and the County Engineer. The Health Department and County Engineer shall both collect reasonable and appropriate fees for the inspection in advance.
  - (7) Such facility shall be accessible without excessive travel over residential streets. Proposed truck traffic routes and entrances to the facility shall be approved in advance of the Board's hearing by the County Engineer. Turn lanes and expansion necessary to improve sight distance and other safety requirement shall be made a condition by the Board.
  - (8) All-weather access roads shall be provided to the disposal site.
  - (9) Such facility shall be suitably fenced to prevent the spread of papers and other materials and shall be screened and planted so that it is not visible from any residential, commercial or industrial structure or from any street.
  - (10) A minimum of two (200) feet buffer area with dense natural foliage shall be provided between the property line and the operation line. No clearing and grubbing shall take place in buffer areas except as required for the construction of drainage devices, groundwater monitoring wells and access roads.
- d. Construction/Demolition Waste Transfer Stations are permitted as a Restricted use in the HI District, and with a Special Use Permit in the LI district, provided that the following conditions have been met:
- (1) All of the conditions in subsection (c), above;
  - (2) Such facility shall be on the site of an existing closed inert waste landfill;
  - (3) Such facility shall have direct access onto a County-maintained road; and
  - (4) The parcel on which the facility is located shall be no more than 3000 feet from a 4-lane principal arterial.
- (Ord. No. 2023-O-009, 08-15-2023)
- e. Private Sewage Treatment Facilities serving multiple developments are limited to the HI zoning district.

**7.7-14 Arts, Entertainment, and Recreation Uses (LBCS 5100 - 5500)**

- a. Amusements and outdoor recreational facilities, including but not limited to, driving ranges (golf or baseball), miniature golf courses, tennis courts, sports training facilities, and shooting ranges, together with their related commercial activities are permitted subject to the grant of a Special Use Permit or as a Restricted Use as set forth in Table 7.2, provided that the following requirements are met:
  - (1) The facility shall be enclosed by a wall or fence.

- (2) A perimeter landscape buffer area of ten (10) feet is required adjacent to the surrounding property. The buffer must meet County standards for year-round visual screening.
  - (3) Central loudspeakers shall be prohibited.
  - (4) All other requirements of this Section 7.7-14 shall be met as applicable for the specific use.
  - (5) All related commercial activities permitted under this Section shall be limited to the hours of operation for the primary amusement and recreation use.
- b. In addition to meeting the requirements of Section 7.7-14(a), if an outdoor recreational facility is in AG, the following additional conditions must be met:
- (1) Parcel must be ten (10) acres or more.
  - (2) A perimeter landscape buffer of fifty (50) feet is required adjacent to surrounding property. The buffer must meet County standards for year-round visual screening. This is in place of the ten (10) foot buffer required above.
  - (3) A traffic control plan approved by the County Engineer shall be followed during hours of operation.
- c. Indoor recreational facilities are permitted subject to the grant of a Special Use Permit or as a Restricted Use as set forth in Table 7.2, provided the following conditions are met:
- (1) Outdoor loudspeakers shall be prohibited.
  - (2) A traffic control plan may be required at the discretion of the County Engineer.
  - (3) Related commercial activities shall be permitted, but shall be within the enclosed area and limited to the hours of operation for the primary indoor recreation use.
- (Ord. No. 2018-O-003, 04/03/2018)
- d. Golf courses and clubhouses not associated with a residential neighborhood are permitted provided that:
- (1) The golf course shall be a full nine-hole or more course.
  - (2) Any building or structure established in connection with such use shall be set back no less than one hundred (100) feet from any property line except where such property line is a street line.
  - (3) Lighting shall be designed in accordance with the Article 25 – Outdoor Lighting and Road Glare Ordinance.
  - (4) Central loudspeakers shall be prohibited.
- e. Community or neighborhood centers including subdivision clubhouses with or without swimming and tennis facilities are permitted provided that:
- (1) The facility shall be designed to provide adequate screening of the facility to create a visual and sound buffer for adjacent properties. The facility shall be designed to accommodate no more than those residing within two (2) adjoining residential developments.
  - (2) Buildings and structures established in connection with such use shall be set back not less than seventy-five (75) feet from any property line:



is required adjacent to surrounding property. The buffer must meet County standards for year-round visual screening.

- iii. Outdoor ranges shall require the preparation and submittal of a plan/study from an acoustical expert, demonstrating that the proposed range design plan is the most effective noise-diminishing plan possible to protect neighboring landowners, and shall include details as to all sound attenuation techniques used to reduce noise. Such plan shall be submitted in conjunction with the Special Use Permit process for such outdoor range to be considered for permitting.

(3) Applicable to Indoor and Outdoor Shooting Ranges.

- i. All indoor and outdoor shooting ranges shall comply with all local, state, and/or federal regulations related to shooting ranges.
- ii. In planning for an indoor or outdoor shooting range, the National Rifle Association publication titled “The NRA Range Sourcebook” should be consulted. (Ord. No. 2018-O-003, 04/03/2018)

7.7-15 Educational Services (LBCS 6100)

a. Group Day Care Homes are permitted within AG, R-80, R-60, R-40, R-30, R-20, R-15 districts with the following requirements:

- (1) Group Day Care Homes must be licensed by the State of Georgia and meet all applicable requirements.
- (2) All proposed locations for Group Day Care Homes must meet the minimum lot area requirements for the designated zoning district.
- (3) A Group Day Care Home shall be located on an arterial, major or minor collector road.
- (4) The Group Day Care Home shall retain the outward appearance of a single-family home.
- (5) Outdoor loudspeakers shall not be permitted.
- (6) All exterior play structures, such as swing sets, playground equipment, etc., shall be located at least fifty (50) feet from any side or rear property line. If a year-round vegetative screen is provided at 85% opacity the setback may be reduced to 25 feet.
- (7) Off-street parking shall conform to the parking regulations as provided in Article 12.

b. Commercial Day Care Centers are permitted within OI, NC, GC, CP and LI districts with the following requirements:

- (1) Commercial Day Care Centers must be licensed by the State of Georgia and meet all applicable requirements.
- (2) Commercial Day Care Centers shall be subject to the commercial development standards set forth in Article 7.5-3 and the Cherokee County Development Regulations.
- (3) All exterior play structures, such as swing sets, playground equipment, etc., shall be located at least fifty (50) feet from any side or rear property line. If a year-round

vegetative screen is provided at 85% opacity the setback may be reduced to 25 feet.

(4) Outdoor loudspeakers shall not be permitted.

c. Private or Parochial Schools are permitted provided that:

- (1) Minimum lot size for such developments located in AG and all residential districts shall be five (5) acres. Minimum lot size for such developments located in the OI, CP, NC, and GC districts shall meet the minimum area of the district as shown in Table 7.1
- (2) The main entrance of such development shall be on an arterial, major or minor collector road.
- (3) A Private or Parochial School shall be subject to the commercial development standards set forth in Article 7.5-3 and the Cherokee County Development Regulations.
- (4) A Commercial Day Care Center shall be allowed to be operated in conjunction with and as an integral part of a Private or Parochial School provided that the requirements set forth in Article 7.7-15b are met.
- (5) A Private or Parochial School may be an accessory use to an existing or planned Place of Worship provided such development has a the minimum acreage required above in addition to the area required for the Place of Worship to which the school may be accessory; and a Special Use Permit is obtained in accordance with the provisions outlined in Article 18 of the Zoning Ordinance.

(Ord. No. 2018-O-014, 10/16/2018)

7.7-16 Public Administration, Government and Safety (LBCS 6200 - 6400)

a. Reserved.

7.7-17 Housing Services for the Elderly (LBCS 1200) and Health and Human Services (LBCS 6500)

- a. Homes for the Elderly Without Nursing Care, Residential Mental Retardation Facilities, Residential Mental Health Facilities, Residential Substance Abuse Facilities, and Other Residential Care Facilities are permitted in AG and all residential districts only to the extent they function as Small Personal Care Homes, and subject to the following additional conditions:
  - (1) The home is approved and licensed by the State of Georgia or any agency through which it acts.
  - (2) Number of Residents:
    - a. A maximum of 6 ambulatory residents and necessary staff may reside in a Small Personal Care Home.
  - (3) Small Personal Care Homes shall retain the outward appearance of a single-family home.
  - (4) Off-street parking for Small Personal Care Homes shall conform to residential parking standards.
  - (5) No Small Personal Care Home shall be operated within on thousand (1,000) feet of any other residential care facility. The one-thousand-foot distance is measured by the straight line which is the shortest distance between the property lines of the two (2) tracts of land on which each facility is located.

- b. Accommodations. Notwithstanding any other provisions in this Section to the contrary, a property owner or applicant may petition the Board of Commissioners for an accommodation under either the Fair housing Act or the Americans with Disabilities Act upon a showing that, based on medical or scientific studies, that the requested accommodation is the minimum necessary variance from the restrictions of this Section, that the requested accommodation does not impose an undue burden or expense on the County or its citizens, and that the requested accommodation does not effectively create a fundamental alteration of the existing zoning scheme. All procedural requirements related to consideration, approval, and appeal of hardship variances shall apply, with the exception that the request shall come before the Board of Commissioners, rather than the Zoning Board of Appeals.

(Ord. No. 2018-O-003, 04/03/2018)

**7.7-18 Religious Institutions (LBCS 6600)**

- a. Places of Worship in the AG and all residential zoning districts shall conform to the following requirements of this subsection (a) shall be allowed as a matter of right. Places of Worship in the AG or any residential zoning district that do not meet the requirements of this subsection (a) shall be allowed if a Special Use Permit is obtained in accordance with the provisions outlined in Article 18 of the Zoning Ordinance.
- (1) The place of worship shall
    - (a) Have primary access from an Arterial or Collector road,
    - (b) Be located on a site of not less than two (2) acres, and
    - (c) Have not less than two hundred (200) feet of road frontage.
  - (2) The aggregate square footage of all buildings on the property shall not be greater than ten thousand (10,000) square feet.
  - (3) All buildings must be setback at least fifty (50) feet from any street and at least thirty (30) feet from any side or rear property line. If located on an existing two (2) lane Arterial road, the front building setback shall be seventy-five (75) feet. If located on an existing two (2) lane Collector road, the front building setback shall be sixty-five (65) feet.
  - (4) No parking within the front yard setback area.
  - (5) If adjacent to property zoned residential, or adjacent to property zoned AG with a residential use thereon, a buffer of at least thirty (30) feet shall be provided along the property lines adjacent to said property.
  - (6) Regardless of zoning classification, all buildings and related appurtenances shall comply with the provisions of Article 7.5-3. A building used as a Parsonage associated with the Place of Worship on the property is exempt from this requirement.
- b. Places of Worship in any commercial district or the LI zoning district that conform to the requirements of this subsection (b) shall be allowed as a matter of right. Places of Worship in a commercial district or the LI zoning district that do not meet the requirements of this subsection (b) shall be allowed if a Special Use Permit is obtained in accordance with the provisions outlined in Article 18 of the Zoning Ordinance.

- (1) The Place of Worship shall have primary access from an Arterial or Collector Road, unless the Place of Worship is located within a planned industrial park.
  - (2) The buildings must be set back at least fifty (50) feet from any street and at least thirty feet (30) feet from any side or rear property line. If located on an existing two (2) lane Arterial road, the front building setback shall be seventy-five (75) feet. If located on an existing two (2) lane Collector road, the front building setback shall be sixty-five (65) feet.
  - (3) Regardless of zoning classification, all buildings and related appurtenances shall comply with the provisions of Ordinance Article 7.5-3. A buildings used as a parsonage associated with the Place of Worship on the property is exempt from this requirement.
- c. The following additional uses may be permitted as an accessory use (as defined in Article 4 of the Zoning Ordinance) to a place of worship only upon approval of a Special Use Permit in accordance with the provisions outlined in Article 18 of the Zoning Ordinance and only to the extent the purported accessory use and related accessory structure complies with the limitations for an accessory use and accessory structure as specified in Article 4 of the Zoning Ordinance:
- (1) Outdoor ball fields (lighted or unlighted), pools, or similar outdoor recreational facilities whether in conjunction with an accessory use identified herein as a daycare center, kindergarten, or private school, or whether as a separate accessory use.
  - (2) Cemeteries, mausoleums, or other legally permitted interment space or burial chamber.
  - (3) Day Care Centers.
  - (4) Kindergartens.
  - (5) Private schools (K-12).
  - (6) Health and Social Services, including but not limited to, temporary shelters, transitional housing, and other similar facilities that are provided free of charge in furtherance of the ministry and/or goals of the Place of Worship.
- d. No commercial uses or uses that result in a profit-seeking or profit based enterprise shall be permitted as an accessory use, even if the proceeds derived from the commercial use are said to be for purposes of supporting the Religious Organization.

(Ord. No. 2018-O-014, 10-16-18)

#### 7.7-19 Death Care Services (LBCS 6700)

- a. The development of a funeral establishment is permitted provided that:
- (1) Such development may front only on a collector or major street or state highway and the entrance and exits to it shall be only from the street on which it fronts, unless the funeral establishment is part of a planned commercial center utilizing common access drives and entrances.
  - (2) Such funeral establishment shall be licensed by and comply with the rules of the State of Georgia.

- (3) A crematory located on or adjacent to a tract of land which contains a funeral establishment is permitted in a GC (General Commercial) zoning district only as an accessory use to the funeral establishment provided the following criteria are met:
  - i. Retort exhaust not be located within 1,000 feet of the property lines of a residential subdivision platted and recorded in the office of the clerk of the superior court.
  - ii. Shall comply with all relevant requirements, including emissions, air quality and separation or distance standards established by federal or state agencies related to cremator and / or crematories.
  - iii. Shall be licensed by and comply with the rules of the State of Georgia.
- b. The development of a cemetery or mausoleum is permitted provided that:
  - (1) Such development may front only on a collector or major street or state highway and the entrance and exits to it shall be only from the street on which it fronts.
  - (2) An existing cemetery in an AG zoning district may be extended in an AG, R-80 or R-60 District if a dense vegetative screen or combination screen and fence or ten-foot buffer is provided along the side and rear property lines.
- c. Crematories may be permitted in Li and HI zoning districts provided that such facility:
  - (1) Shall be licensed by and comply with the rules of the State of Georgia.
  - (2) Shall comply with all relevant requirements, including emissions, air quality and separation or distance standards established by federal or state agencies related to cremator and / or crematories.

(Ord. No. 2015-O-008, 10-06-15)

7.7-20 Associations, Nonprofit Organizations, etc. (LBCS 6800)

- a. Reserved

7.7-21 Construction-Related Businesses (LBCS 7100 - 7400)

- a. Outdoor Storage Yards for vehicles, equipment and materials are permitted provided that:
  - (1) The storage yard shall be enclosed with a privacy fence not projecting into the required front yard, not less than eight (8) feet high to effectively screen all storage and operations from view.
  - (2) Sales of materials shall not be permitted on the site.

7.7-22 Crop Production (LBCS 9100)

- a. Commercial horticulture, which includes the growing of fruits, trees, nuts, vegetables and plants is permitted provided that no structure used in such activity is located closer than one hundred (100) feet to any property line.

7.7-23 Support Functions for Agriculture (LBCS 9200)

- a. Livestock sales pavilions or auction facilities, show rings or other arena for the display, exhibition, training or sales of livestock are permitted provided that no animal quarters are located closer than seventy-five (75) feet to any property line. Adequate off-street

parking shall be provided for livestock trailers, recreational vehicles, etc., associated with the proposed use in addition to the minimum requirements of the Zoning Ordinance.

**7.7-24 Animal Production (LBCS 9300)**

- a. The raising and keeping of livestock for non-commercial purposes (i.e. personal pleasure) shall be allowed in all residential districts on tracts of two (2) acres or more, but limited to one animal per acre except as otherwise allowed herein.

- (1) Backyard chickens: The keeping of hens supports a local, sustainable food system by providing an affordable, nutritious food source of fresh eggs. The keeping of hens also provides free nitrogen-rich fertilizer; chemical-free pest control; animal companionship and pleasure; and weed control, among other notable benefits.

This regulation is intended to make provision for the limited keeping of female chickens (*Gallus domesticus*), referred to as hens, for the health, convenience and personal enjoyment benefits afforded by such use within single family residential districts provided that:

- i. No more than 8 hens are kept on a residential lot as a non-commercial accessory use
  - (i) Said residential lot must be 20,000 sf or greater
  - (ii) Residential lots greater than 8 acres may keep one additional hen per every whole acre over 8 acres
- ii. No rooster shall be kept upon the property
- iii. The slaughter of any hen on site is strictly prohibited.
- iv. Hens shall be confined to a fenced enclosure located in backyard only. The enclosure shall be at least twenty five (25) feet from any property lines and fifty (50) feet from residential structures on adjacent properties, and shall enclose an area of not less than 10 sf per hen.
- v. Within the fenced enclosure, a well-maintained structure (henceforth referred to as a coop) shall be required for the hens. The coop must be less than 15 feet in height and impermeable to rodents, wild birds, and predators, including dogs and cats, and must contain 2 sf per hen.
- vi. The coop and area within the fenced enclosure must be clean and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact.
- vii. Odors from hens, hen waste, or other hen-related substances shall not be perceptible at the property boundaries.
- viii. Provision must be made for the storage and removal of hen droppings and any dead birds. All stored droppings shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other droppings not used for composting or fertilizing shall be removed. In addition, the coop, enclosure and surrounding area must be kept free from trash and accumulated droppings. Dead hens must be disposed of in a sanitary manner.

- ix. Perceptible noise from hens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity (2010-Z-002, 10/05/10).
- b. Animal quarters may be located no closer than seventy-five (75) feet to any property line when used in the care and breeding of livestock such as cattle, hogs, sheep, horses, i.e. farm animals.
- c. Commercial stables and riding academies are permitted in R-80, R-60 & R-40 districts provided that:
  - (1) The parcel is a minimum of 5 acres.
  - (2) The quantity of livestock on the parcel does not exceed 1 animal per acre.
- d. The raising and keeping of wild animals is permitted provided that the owner or custodian of such wild animals has received an appropriate permit and meets all the requirements of the State of Georgia and further provided that no animal quarters are located closer than two hundred (200) feet to any property line.

7.7-25 Forestry and Logging (LBCS 9400)

- a. Reserved

7.7-26 Fishing, Hunting and Trapping, Game Preserves (LBCS 9500)

- a. Reserved

(Ord. 2011-Z-001, 03-01-11)

7.7-27 Beer, wine, and liquor store (LBCS 2155)

- a. Compliance with Chapter 6 – Alcoholic Beverages of the Code of Ordinances, Cherokee County, Georgia is required.
- b. Beer and wine package stores, in addition to liquor stores, also known as package stores selling distilled spirits, require a Special Use Permit (SUP) and are only permitted: (1) in the General Commercial (GC), (2) as part of a Traditional Neighborhood Development (TND), or (3) on properties within an existing Planning Unit Development (PUD) that have been designated for commercial use.
- c. Prior to applying for a SUP for those uses described in (b), above, an applicant must apply for the necessary alcohol license for the use and obtain a Preliminary Certificate of Compliance for the County. The Preliminary Certificate of Compliance must be a part of the SUP application for the uses described in (b), above.

(Ord. 2023-O-006, 06-20-2023)

7.7-28 Tobacco or tobacconist establishment (LBCS 2143)

- a. Compliance with Chapter 38 – Offenses and Miscellaneous Provisions of the Code of Ordinances, Cherokee County, Georgia is required.
- b. The Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers Use includes the following uses:
  - i. Cigar Stores

- ii. Cigarette Stands, Permanent & Temporary
  - iii. Smokers' Supply Stores
  - iv. Tobacco Stores
  - v. E-cigarette stores
  - vi. Electronic Cigarette Stores
  - vii. Marijuana Stores, Medical or Recreational
  - viii. Vape Shops
- c. The Marijuana Stores, Medical or Recreational Use is expressly prohibited, unless permitted by state law, then a Special Use Permit (SUP) is required.
- d. Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers are expressly prohibited in the Planned Unit Development (PUD) District.
- e. Distances. All Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailers shall, regardless of jurisdiction, comply with the distance requirements listed below:
- i. One (1) mile from a public or private school, or daycare center;
  - ii. Two thousand (2,000) feet from public or private property used for recreation, park, or playground;
  - iii. Six hundred (600) feet from a residence;
  - iv. One thousand (1,000) feet from another Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailer.
- f. Measurements. Distances are measured by straight-line method from the premises of one use to the premises of the other use.
- g. Special Use Permit (SUP). Any All Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailer that cannot comply with the provisions of this article may pursue a Special Use Permit (SUP). Applicants pursuing a SUP shall respond to the following criteria questions:
- i. Detail the reason(s) the Tobacco, Electronic Cigarette, and Other Smoking Supplies Retailer cannot comply with the provisions of this article; and
  - ii. Detail the inventory and primary products proposed for sale to the general public; and
  - iii. Detail other sites and options considered to achieve compliance with the provisions of this article; and
  - iv. Detail your plan to mitigate the impact of the establishment on nearby schools, parks, and recreation areas and efforts to ensure the prohibition of sales to underage parties; and
  - v. Detail any extenuating circumstances that may warrant the approval of the SUP.

(Ord. 2023-O-004, 05/16/2023)

## 7.7 Prohibited Uses

The following uses are prohibited in all districts:

7.8-1 Uses other than those which are permitted pursuant to this Ordinance.

7.8-2 No more than one dwelling unit in agriculture and residential zoning districts except where specifically provided or except as permitted pursuant to variance.

7.8-3 Uses by the Cherokee County governing authority for governmental purposes on behalf of Cherokee County are not prohibited in any zoned district.