

Article 14 – Administration

14.1 Administration. Except as otherwise provided in these regulations the Zoning Administrator shall administer, interpret and enforce this Ordinance.

14.2 Permit Procedure

14.2-1 Permit Requirement

- a. **Development Permit.** A development permit (also known as a Land Disturbance Permit (LDP)) shall be required for any proposed use of land or planned development in the PUD or PID district; planned shopping, office or industrial center in any commercial or other industrial district providing shared parking, access and service to three or more business establishments, single-family residential detached, attached, cluster, or multi-family residential development; manufactured home park or subdivision before any improvements or grading of the land commences. Such development permits shall not be in lieu of building permits required for any structure within such developments. See also the requirements of the Development Ordinance of Cherokee County, Georgia
- b. **Building Permit.** A building permit shall be required for any proposed use of lands or building to indicate and insure compliance with all provisions of this Ordinance before any construction or building commences.
- c. **Manufactured Home Location Permit.** A Manufactured Home Location Permit is required for any person to commence the excavation for or construction of a manufactured home stand or the placement of manufactured home on an individual lot within a manufactured home park.
- d. **Temporary Certificates.** The Building Official is authorized to issue a permit for temporary occupancy in addition to a permit for erection, alteration, moving or repair of a structure provided the permit shall not exceed six months and shall include such conditions and safeguards as will protect the safety of the occupants and the public.
- e. **Land Disturbance Permit Transfer Review.** Land Disturbance Permits issued under the provisions of this Article and the Development Ordinance of Cherokee County, Georgia, shall not be transferred from one permittee to another permittee without first submitting a LDP transfer application, which will be approved upon submittal of the required information. (Ord. No. 2022-O-006, 02-15-22)

14.2-2 Permit Application

- a. **Development Permit.** An application for a development permit shall be made to the Zoning Administrator and shall be accompanied by complete plans in duplicate signed by the author with his address, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing, and the lines within which the proposed building or structure shall be erected or altered, the proposed building or structure which shall be erected or altered, the existing or intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Ordinance. One copy of such plans shall be returned to the owner when such plans have been approved. Approval of a preliminary plat in accordance with all applicable provisions of the Subdivision Regulations and approval of site plans as required in Article 18: Amendment and Zoning Procedures shall constitute approval of the development permit for such subdivision or development.
- b. **Building Permit.** A building permit shall be required for any proposed use of lands or building to indicate and insure compliance with all provisions of this Ordinance.
- c. **Manufactured and Mobile Home Location Permit.** Manufactured and mobile homes are subject to permitting requirements the same as building permits.

14.3 **Issuance.** All permits issued shall in no case grant any permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this Ordinance or any other codes and laws of the county of the State.

14.4 **Duration of Permit Validity.** A Development or Building Permit shall be valid for one (1) year from its issuance subject to the following provisions:

14.4-1 If the construction work described in the building permit has not commenced within six (6) months from the date of issuance thereof, said permit shall be considered abandoned.

14.4-2 If the construction work described in the development permit has not commenced within twelve (12) months from the date of issuance thereof, said permit shall expire.

14.4-3 If the construction or work described in the building or development permit is suspended or abandoned for a period of one year at any time after work is commenced, said permit shall expire.

14.4-4 Written notice of the expiration shall be given to the persons affected together with notice that further work as described in the canceled permit shall not proceed until a new development or building permit has been obtained.

14.4-5 Where notice of an appeal to any decision is filed within the time provided in this Ordinance, a permit issued pursuant to the decision shall be revoked.

14.5 Certificate of Occupancy

14.5-1 It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or parts thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the Building Official.

14.5-2 A record of all Certificates of Occupancy shall be kept on file in the Cherokee County Building Department and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land involved.

14.6 Fees. All fees for zoning application and permit issuance imposed by this Ordinance are charges made in pursuance of the police power for the regulation and control of the development for the protection and welfare of the citizens of Cherokee County. These fees shall be established from time to time by resolution of the Board of Commissioners. A copy of the Fee Schedule shall be maintained for public inspection in the office of the Cherokee County Zoning Administrator.

14.7 Appeals from Decisions of the Zoning Administrator. It is the intention of this Article that all questions arising in connection with the administration and enforcement of this Ordinance shall be presented to the Board of Appeals only on appeal from the decision of such official.

14.8 Zoning Administration Process. Table 14.1: Permit Application and Appealing Process indicates of applications for Development Permit and Building Permit; seeking variances, special exceptions or appeals to Zoning Board of Appeals. Table 14.2: Rezoning and Special Use Permit Application Process indicates the process of seeking amendments of Zoning Ordinance and application for Special Use Permit.

- *Article 14 amended on April 22, 1998; Ordinance No. 98-0-08*
- *Article 14 Amended February 23, 1999; Ordinance No. 99-0-5*

Table 14.1 Zoning Board of Appeals Process

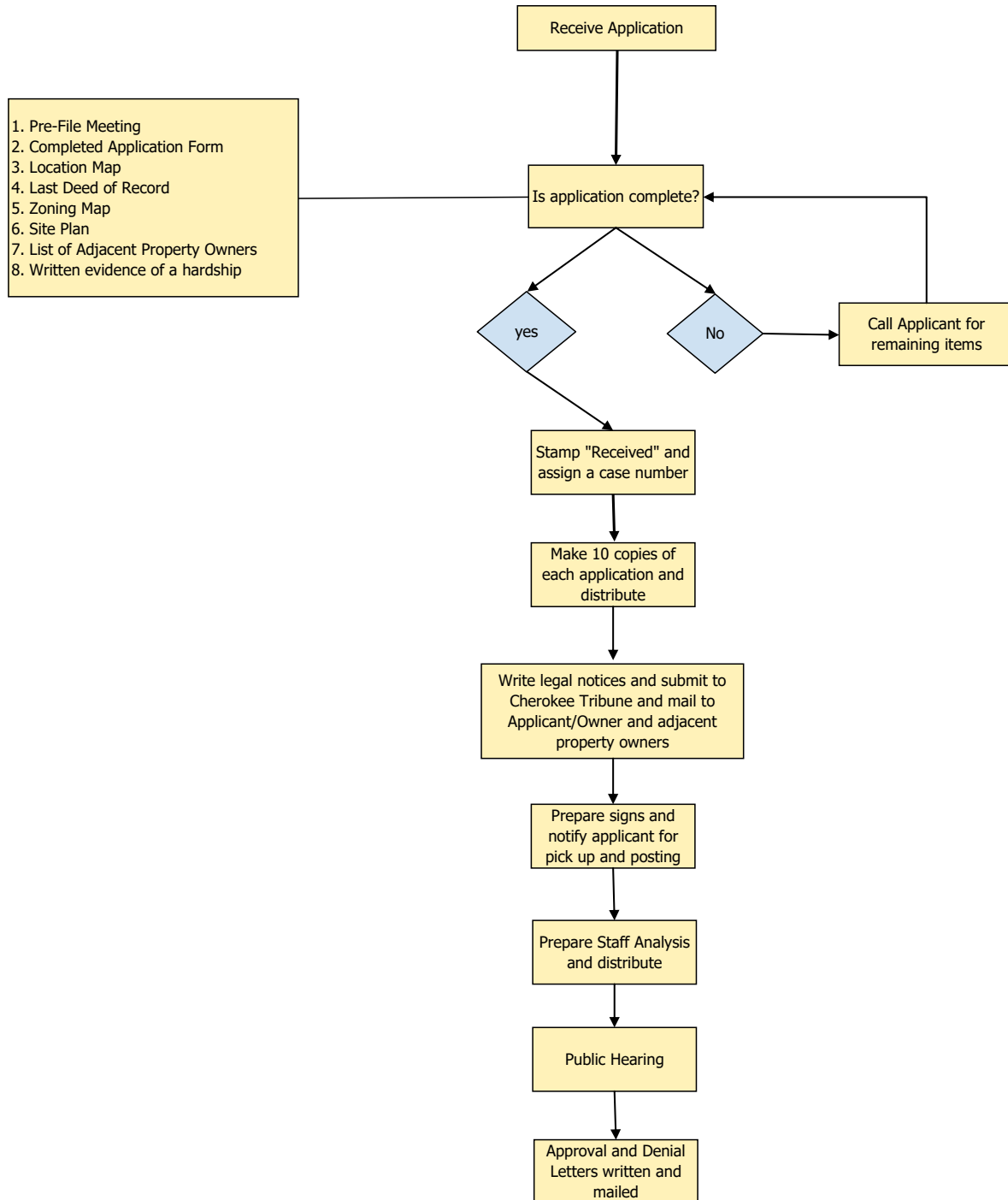


Table 14.2 Rezone Application Process

