

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

ORDINANCE NO. 2023-O-008

AN ORDINANCE AMENDING ARTICLE 5 GENERAL PROVISIONS, SECTION 5.6 ACCESSORY USES AND STRUCTURES OF THE CHEROKEE COUNTY ZONING ORDINANCE TO AMEND EXTERIOR ARCHITECTURAL STANDARDS FOR ACCESSORY STRUCTURES; AND FOR OTHER PURPOSES.

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

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

WHEREAS, Article 5, Section 5.6 Accessory Uses and Structures of the Cherokee County Zoning Ordinance indicates the standards for accessory uses and structures that may be permitted in order to protect and promote the health, safety, welfare, and general well-being of the citizens of Cherokee County; and

WHEREAS, the Board of Commissioners does hereby find the following revisions to Article 5, Section 5.6 Accessory Uses and Structures of the Cherokee County Zoning Ordinance, attached hereto as **Exhibit A**, to be a reasonable exercise of Cherokee County's police power, and in the best interests of the public health, safety, and welfare;

WHEREAS, O.C.G.A. § 36-66-4 mandates any local government taking action which will result in a zoning decision shall provide for a hearing on the proposed action by causing to be published a notice in a newspaper of general circulation; and

WHEREAS, the notice of public hearing, a copy of which is attached hereto as **Exhibit B** was published more than 15 days prior to the public hearing; and

WHEREAS, the Cherokee County Board of Commissioners, after notice as required by law, held a public hearing on August 1, 2023 upon this request for a text amendment in the Cherokee County Administration Building in Canton, Georgia; and

WHEREAS, the Cherokee County Board of Commissioners have considered the proposed petition in contemplation of the Comprehensive Plan as adopted; and, has examined the views expressed at the public hearing, the subject property and surrounding area, the statutory zoning criteria, and the need to modify the exercise of the police power with regard to this particular property as such exercise relates to the comprehensive exercise of that power throughout the unincorporated area of Cherokee County, Georgia.

NOW, THEREFORE, BE IT RESOLVED THAT by the Cherokee County Board of Commissioners, and it is hereby so resolved by the authority of the same, that Article 5, Section 5.6 Accessory Uses and Structures of the Cherokee County Zoning Ordinance is hereby amended to amend the exterior architectural standards for accessory structures, among other changes.

SO RESOLVED, APPROVED, AND ADOPTED this 1st day of August, 2023.



By:


HARRY B. JOHNSTON, Chairman

Attest:


CHRISTY BLACK, County Clerk

Article 5 – General Provisions**5.6 Accessory Uses and Structures.**

(Ord. No. 2021-O-010, 08-02-21; Ord. No. 2021-R-091, 11-16-21)

No accessory building or use shall be constructed upon a lot until construction of the principal building has commenced, except in the case of a barn in the AG district. The following requirements shall not apply to accessory uses and structures in the TND district. (Ord. No. 2007-Z-002, 08-07-07, Ord. No. 2021-O-010, 08-02-21)

Accessory Structure – A structure detached from a principal building on the same lot and incidental and subordinate to the principal building.

Barn – A building primarily used for the quartering or training of livestock kept on the premises, the storage of agricultural products produced on the premises, the storage and maintenance of farm equipment, and/or the storage of supplies used for the agricultural operations and maintenance of the premises. Animal quarters, as defined in Article 4 of the zoning ordinance, shall be considered a barn. A barn in AG shall be exempt from sections 5.6 (A), (B), (C), and (D). A barn shall be located no less than seventy-five (75) feet from any property line. (Ord. No. 2021-O-010, 08-02-21; Ord. No. 2021-R-091, 11-16-21)

Guest Quarters – Living area included in an accessory structure for temporary living only. Guest quarters shall not contain complete provisions for eating and cooking. For the purposes of this section, complete provisions for eating and cooking shall include a kitchen sink, a stove/cook top, microwave and refrigerator. Only one (1) structure containing guest quarters shall be constructed concurrently with or after the construction of a principal, residential structure. (Ord. No. 2021-O-010, 08-02-21; Ord. No. 2021-R-091, 11-16-21)

Lot Coverage – The cumulative square foot measurement of the principal building footprint, any accessory buildings' footprints and accessory uses. (Ord. No. 2021-O-010, 08-02-21)

A. Location on Lot. No accessory structure(s) shall be located closer to the front lot line of property than the primary structure, except when located on AG-property of at least two (2) acres. When located closer to the front lot line than the primary structure, accessory structures shall meet the front building setback(s) of the property, shall not obstruct the viewpoint of the primary structure from the front lot line, and shall be wholly enclosed, and shall meet the requirements of Section 5.6D of this article. The viewpoint shall be measured as the widest part of the primary structure horizontal to the front lot line. See figure 5.6 (A) 1 – Accessory Structures on 2 Acre Property in AG.

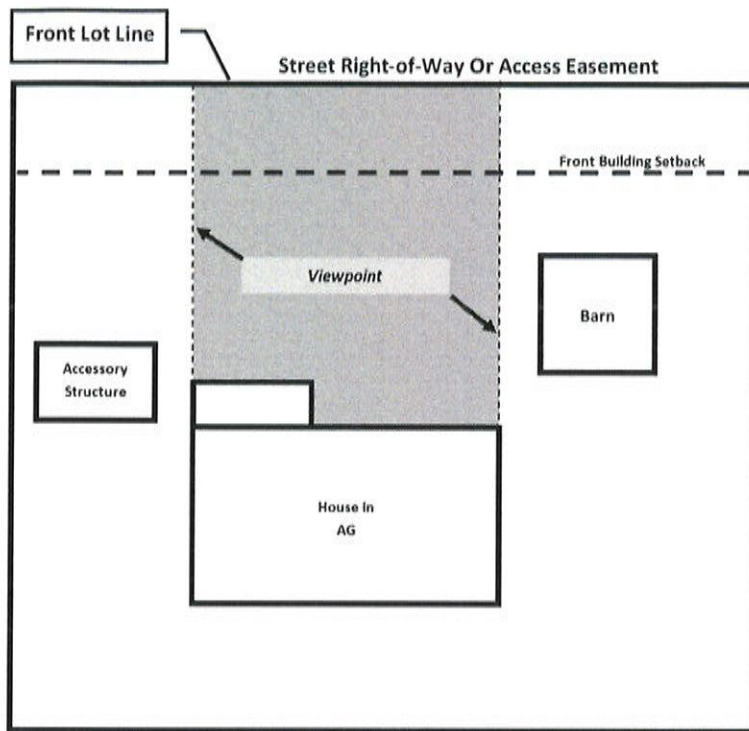


Figure 5.6(A) 1 – Accessory Structures ~~in~~ on 2 Acre AG Property (Ord. No. 2021-O-010, 08-02-21)

Where an accessory building is structurally attached to the principal building by a ~~wholly-enclosed~~ roofed or enclosed breezeway, passageway or similar means, it shall be considered attached. Where an accessory structure is attached to the principal structure, it shall comply with the yard requirements of the principal building ~~to which it is accessory.~~

On a corner lot, no accessory building or use shall be located closer to any street right-of-way line than the principal building setback.

Accessory uses and structures shall be located on the same lot or parcel as the principal use or structure. No ~~garage or other~~ accessory building or use shall be located closer ~~than~~ ten (10) feet to a side or rear lot line. A two (2) foot overhang for eaves or gutters will be permitted within this ten (10) foot setback. Where the primary side and rear building setbacks based on the zoning district or recorded plat for a lot are less than the 10-foot minimum requirement, the less restrictive ~~stand~~ ard shall apply. (Ord. No. 2021-O-010, 08-02-21; Ord. No. 2021-R-091, 11-16-21)

B. Number and Size. No accessory use, or structure, or combination of, shall exceed the number allowed as shown in Table 5.4. Accessory structures and shall be included in the total lot coverage by zoning district allowed per Table 7.1A: Minimum District Development Standards. Structures of less than 200 square feet shall not be included in determining the allowable lot coverage. The gross square footage building-footprint of an accessory structure shall be limited to 50% of the gross square footage of the principal structure ~~or 1,200 square feet, whichever is less.~~ (Ord. No. 2021-O-010, 08-02-21; Ord. No. 2021-R-091, 11-16-21)

C. Height. No accessory building shall exceed twenty-five (25) feet in height or the height of the primary structure, whichever is lower. (Ord. No. 2021-O-010, 08-02-21)

D. Design. ~~The exterior of a~~Any accessory structure ~~that has a gross square footage of 400 sq. ft. or more or is located closer to the front lot line than the primary structure,~~ shall be constructed of exterior materials that are complimentary to and compatible with the principal structure on the property. Compatible materials may include cementitious siding, masonry siding, wood siding, or as permitted by the Planning and Zoning Director or their designee. The following shall be exempt from these design requirements, unless determined otherwise by the Planning and Zoning Director or their designee:

a Accessory structures on properties of 5 acres or more that are at least more than 50 feet from all the side and rear property lines and are located further from the front lot line than the primary structure.

b Accessory structures that are unenclosed (i.e. carports, pavilions) and are located further from the front lot line than the primary structure.

~~-shall be exempt from these exterior materials requirements.~~—(Ord. No. 2021-R-091, 11-16-21)

E. Structure Limitations. Accessory structures shall not be used as dwelling units or for lodging purposes except as otherwise provided herein. (See Guest Quarters)

F. Incidental uses. The following accessory uses and structures which are incidental to a residential use are permitted in their respective residential and AG districts.

5.6-1 A children's playhouse, private greenhouse.

5.6-2 A swimming pool for private use. Pools shall be fenced with a sturdy material of chain link or of material and colors compatible with the main dwelling; that prevents entry that is continuous around the pool except for gate openings; that is a minimum of five feet in height; that has latches out of reach of children or at least five feet off the ground; and locked to exclude all persons unless a responsible person is at the pool.

5.6-3 A garage, shed or building for domestic storage.

5.6-4 Reserved.

5.6-5 Signs (other than advertising sign) as permitted and regulated in each district incorporated in this ordinance.

5.6-6 Public utility communication, electric, gas, water and sewer lines, their supports, and incidental equipment.

5.6-7 Carports.

5.6-8 A satellite disk or dish, subject to the same restrictions and requirements as sheds and storage buildings.

5.6-9 Animal quarters for domestic animals, not including livestock; kennels.

5.6-10 Mini-Warehouse facilities may establish one (1) resident-manager of the facility.

Table 5.4: Accessory Structure Standards

ZONE	DISTRICT	MAX NO. ACCESSORY STRUCTURES
AG	Unplatted	-
AG	Platted Subdivision	3
R-80	Estate Residential	3
R-60	Single-Family Residential	3
R-40	Single-Family Residential	3
R-30	Single-Family Residential	2
R-20	Single-Family Residential	2
R-15	Single-Family Residential	2
RD-3	Single-Family Residential	1
RZL	Zero-Lot-Line	1

NOTE: This chart applies to accessory structures only. Homes, pools and tennis courts are excluded.

(Ord. No. 2007-Z-001, 04-03-07, Ord. No. 2021-O-010, 08-02-21)

The Cherokee Tribune



EXHIBIT B

Publication Name:

The Cherokee Tribune

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Notice Content

gpn16 TCT-3035 GPN-16 NOTICE OF PUBLIC HEARING CHEROKEE COUNTY BOARD OF COMMISSIONERS Notice is hereby given that the Cherokee County Board of Commissioners will hold a public hearing on Tuesday, June 20, 2023 at 6:00 P.M. at the Cherokee County Administration Building located at 1130 Bluffs Parkway, Canton, Georgia 30114. The Cherokee County Board of Commissioners will consider revisions to Article 5 General Provisions and Article 4 Rules and Definitions related to exterior architectural standards for accessory structures and uses in the unincorporated areas of Cherokee County. The public is invited to attend. A copy of the proposed ordinance is available for review at the Cherokee County Department of Planning and Zoning, 1130 Bluffs Parkway, Canton, Georgia 30114 and may be reviewed along with any other information regarding this request, between 8:00 a.m. and 5:00 p.m. Monday through Friday. For information, please call 678-493-6101. 5:11-2023

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NOTICE OF PUBLIC HEARING
CHEROKEE COUNTY
BOARD OF COMMISSIONERS

Notice is hereby given that the Cherokee County Board of Commissioners will hold a public hearing on Tuesday, **June 20, 2023** at 6:00 P.M. at the Cherokee County Administration Building located at 1130 Bluffs Parkway, Canton, Georgia 30114.

The Cherokee County Board of Commissioners will consider revisions to Article 5 General Provisions and Article 4 Rules and Definitions related to exterior architectural standards for accessory structures and uses in the unincorporated areas of Cherokee County.

The public is invited to attend.

A copy of the proposed ordinance is available for review at the Cherokee County Department of Planning and Zoning, 1130 Bluffs Parkway, Canton, Georgia 30114 and may be reviewed along with any other information regarding this request, between 8:00 a.m. and 5:00 p.m. Monday through Friday.

For information, please call 678-493-6101.

RUN DATE: Thursday, May 11, 2023