

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

ORDINANCE NO. 2019-O-003

AN ORDINANCE OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS AMENDING SECTION 7.4-10 OF ARTICLE 7 OF CHAPTER 70 OF THE CHEROKEE COUNTY ZONING ORDINANCE TO PROVIDE FOR ADDITIONAL PROVISIONS REGARDING THE DEVELOPMENT STANDARDS FOR PROPERTY ZONED LIGHT INDUSTRIAL (LI); TO AMEND SECTION 7.4-11 OF ARTICLE 7 OF CHAPTER 70 OF THE CHEROKEE COUNTY ZONING ORDINANCE GEORGIA TO PROVIDE FOR ADDITIONAL PROVISIONS REGARDING THE DEVELOPMENT STANDARDS FOR PROPERTY ZONED HEAVY INDUSTRIAL (HI); TO AMEND SECTION 7.5-3.6(C) OF ARTICLE 7 OF CHAPTER 70 OF THE CHEROKEE COUNTY ZONING ORDINANCE TO PROVIDE FOR ADDITIONAL PROVISIONS REGARDING THE LOCATION OF LOADING AND UNLOADING AREAS FOR COMMERCIAL AND INDUSTRIAL DISTRICTS; TO AMEND SECTION 7.7-8 OF ARTICLE 7 OF CHAPTER 70 OF THE CHEROKEE COUNTY ZONING ORDINANCE TO PROVIDE FOR ADDITIONAL PROVISIONS REGARDING MANUFACTURING USES IN LIGHT INDUSTRIAL AND HEAVY INDUSTRIAL ZONED AREAS; TO AMEND SECTION 4.3 OF ARTICLE 4 OF CHAPTER 70 OF THE CHEROKEE COUNTY ZONING ORDINANCE TO PROVIDE FOR ADDITIONAL DEFINITIONS OF TERMS; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES; 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 as of July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of a county may adopt clearly reasonable ordinances, resolutions, and regulations; and

WHEREAS, Section 7.4-10 of Article 7 of Chapter 70 of the Cherokee County Zoning Ordinance shall be amended to provide for additional regulations regarding the development standards for property zoned Light Industrial (LI); and

WHEREAS, Section 7.4-11 of Article 7 of Chapter 70 of the Cherokee County Zoning Ordinance shall be amended to provide for additional regulations regarding the development standards for property zoned Heavy Industrial (HI); and

WHEREAS, in conjunction with the two (2) aforementioned ordinance amendments, Section 7.5-3.6(c) and Section 7.7-8 of Article 7 of Chapter 70 of the Cherokee County Zoning Ordinance shall be amended to reflect additional loading/unloading provisions, as well as

manufacturing uses, for property zoned Light Industrial and for property zoned Heavy Industrial (HI); and

WHEREAS, Section 4.3 of Article 4 of Chapter 70 of the Cherokee County Zoning Ordinance shall be amended to provide for additional definitions of terms used throughout the Cherokee County Zoning Ordinance; and

WHEREAS, a markup showing each of the aforementioned changes has been attached hereto as Exhibit A for review and reference purposes; and

WHEREAS, these Ordinance changes will benefit the safety and welfare of the citizens of Cherokee County; and

WHEREAS, the governing authority of Cherokee County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance; and

NOW, THEREFORE, BE IT ORDAINED by the Cherokee County Board of Commissioners, and it is hereby so ordained by authority of the same that:

Section 1.

Section 7.4-10 of Article 7 of Chapter 70 of the Cherokee County Zoning Ordinance shall be amended to provide for additional regulations regarding the development standards for property zoned Light Industrial (LI) by deleting the Section in its entirety and replacing it with the following:

Chapter 70 – Cherokee County Zoning Ordinance.

Article 7 – District Uses and Regulations.

7.4 – Development Standards Additional Requirements.

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:

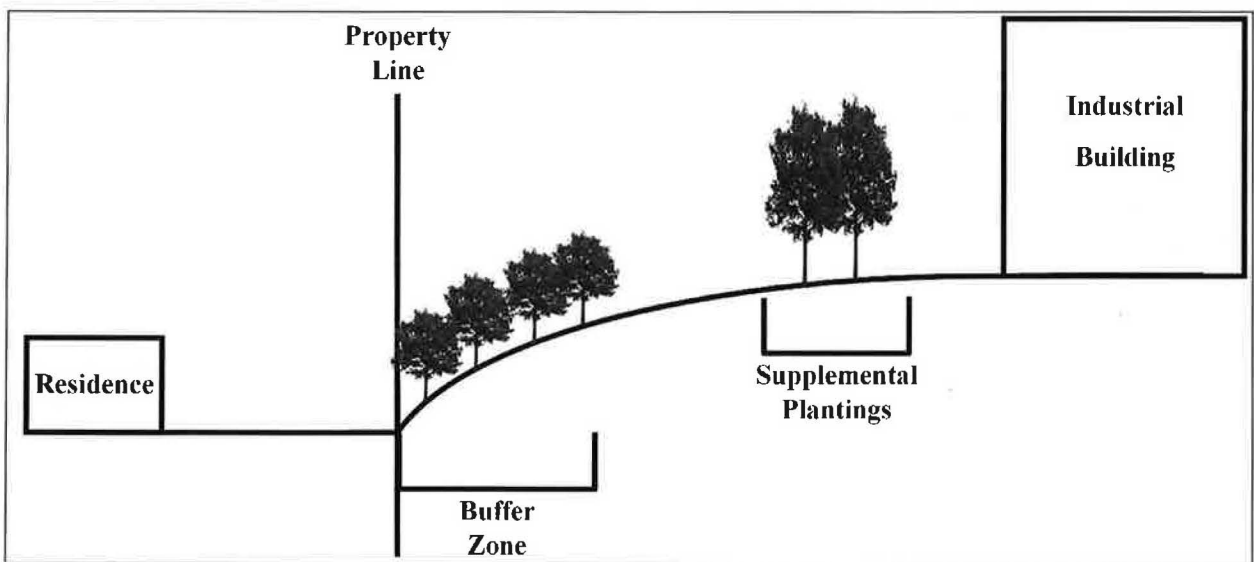


Figure 7.4-5 Industrial Buffer, Supplemental Planting.

- 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.

Section 2.

Section 7.4-11 of Article 7 of Chapter 70 of the Cherokee County Zoning Ordinance shall be amended to provide for additional regulations regarding the development standards for property zoned Heavy Industrial (HI) by deleting the Section in its entirety and replacing it with the following:

Chapter 70 – Cherokee County Zoning Ordinance.

Article 7 – District Uses and Regulations.

7.4 – Development Standards Additional Requirements.

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 by product 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:

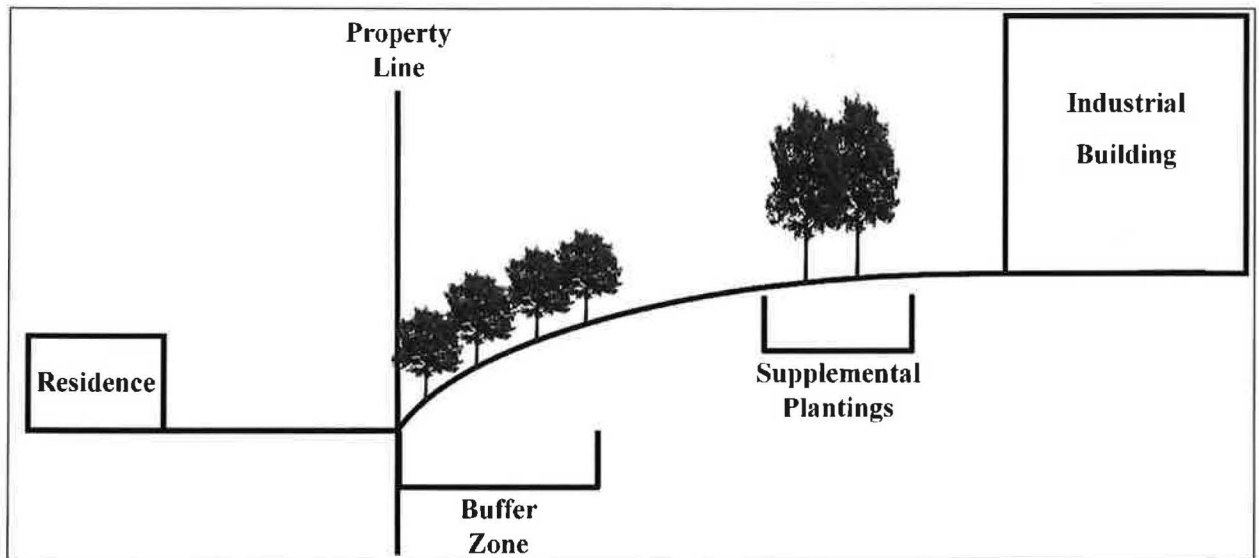


Figure 7.4-5: Industrial Buffer, Supplemental Planting.

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Section 3.

Section 7-5-3.6(c) of Article 7 of Chapter 70 of the Cherokee County Zoning Ordinance shall be amended to provide for additional provisions regarding the location of loading and unloading areas for property zoned Light Industrial (LI) and Heavy Industrial (HI) by deleting the Section in its entirety and replacing it with the following:

Chapter 70 – Cherokee County Zoning Ordinance.

Article 7 – District Uses and Regulations.

7.5 – Site Plan Requirements for Certain Districts.

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

7-5-3.6 – Access Requirements.

- 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.

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Section 4.

Section 7.7-8 of Article 7 of Chapter 70 of the Cherokee County Zoning Ordinance shall be amended to provide for additional provisions regarding the manufacturing uses for property zoned Light Industrial (LI) and Heavy Industrial (HI) by deleting the Section in its entirety and replacing it with the following:

Chapter 70 – Cherokee County Zoning Ordinance.

Article 7 – District Uses and Regulations.

7.7 – Permitted Uses Additional Requirements. Site Plan Requirements for Certain Districts.

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.
- 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.
- 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.

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Section 5.

Section 4.3 of Article 4 of Chapter 70 of the Cherokee County Zoning Ordinance shall be amended to provide for additional definitions of terms used throughout the Cherokee County Zoning Ordinance as identified and define below. Such additional definitions shall be placed in the existing Ordinance and incorporated into said existing Ordinance via alphabetically order.

Chapter 70 – Cherokee County Zoning Ordinance.

Article 4 – Rules and Definitions.

4.3 – Definitions.

Industrial. Areas where manufacturing, assembling, warehousing, bulk storage, and similar operations are the primary use.

Manufacturing, Processing, Assembling. The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power-driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins, or liquors. This definition does not include harvesting of crops or hay.

Materials Recovery Facility. A solid waste handling facility that provides for the extraction from solid waste of recoverable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Open Storage Yard. An area(s) dedicated as an exterior depository, stockpiling, or safekeeping of materials, products, vehicles, trailers, boats, and the like. Outside storage yards may be enclosed by a structure that includes a roof, but no side walls, in which case the structure shall be deemed outside storage. Outside storage yards may involve fencing or screening without a roof in which case fencing or screening shall be deemed outside storage. Parking lots do not qualify as outside storage yards. Outside storage yards do not involve any product representation or signage except for those emergency or safety-related signs specifically approved by Cherokee County. The parking or storage of vehicles, equipment, and merchandise for a period of less than 96 hours does not constitute outside storage.

Recovered Materials. Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

Recovered Materials Processing Facility. A facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling

facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

Recycling. The process by which waste products are reduced to raw materials and transformed into new and often different products.

Recycling Center. A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

Recycling Plant. A facility in which recyclables are reprocessed and treated to return such products to a condition in which they may be used again in new products.

Roadway Functional Classification Map. A diagrammatic representation, as amended from time to time by the Cherokee County Board of Commissioners, identifying streets and highways grouped into classes, or systems, according to the character of service they are intended to provide.

Solid Waste Handling Facility. Any facility, the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste. (also see definitions of “materials recovery facility,” “recovered materials processing facility,” and “recovered materials”).

Street. A right-of-way for vehicular traffic referred to as a street, highway, parkway, road, avenue, drive, boulevard, lane, place, or otherwise. Specific classifications for streets are defined below and depicted on the Cherokee County Roadway Functional Classification map, as amended from time to time.

- i. Local: the lowest order street, providing frontage for access to abutting property. Designed to carry traffic at a lower speed. Local streets include Residential 1, 2, and 3 and Rural Residential Streets, and Non-residential 1 streets as described in the Cherokee County Development Ordinance and as amended from time to time.
- ii. Collector: conducts and distributes traffic between local streets and higher order streets (arterials and freeways). Its function is to promote free traffic flow and access to individual properties. On-street parking should be limited.
- iii. Arterial: designed for rapid, continuous movement of all types of traffic with less control over the access points from local streets and adjacent property than freeways.
- iv. Freeway: a multi-lane, limited access street designed for fast, continuous movement of all types of traffic, with control over access points to abutting property.

Section 6.

It is hereby ordained that the provisions of these Ordinances shall become a part of the Code of Ordinances of Cherokee County, Georgia, and the sections of this ordinance may be renumbered or otherwise reformatted to accomplish such intention.

Section 7.

(a) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that all sections, paragraphs, sentences, clauses, and phrases of these Ordinances are and were, upon their enactment, believed by the Cherokee County Board of Commissioners to be fully valid, enforceable, and constitutional.

(b) It is hereby declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Chapter is severable from every other section, paragraph, sentence, clause or phrase of these Ordinances. It is hereby further declared to be the intention of the Cherokee County Board of Commissioners that, to the greatest extent allowed by law, no section, paragraph, sentence, clause, or phrase of these Ordinances shall be mutually dependent upon any other section, paragraph, sentence, clause or phrase of these Ordinances.

(c) In the event that any phrase, clause, sentence, paragraph or section of these Ordinances shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Cherokee County Board of Commissioners that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of these Ordinances and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs, and sections of these Ordinances shall remain valid, constitutional, enforceable, and of full force and effect.

Section 8.

All Ordinances or parts of Ordinances in conflict with these Ordinance are, to the extent of such conflict, hereby repealed or set aside.

Section 9.

This Ordinance shall become effective immediately upon its adoption.

SO ORDAINED, APPROVED, AND ADOPTED this 5th day of February, 2019.

By: 
HARRY B. JOHNSTON, Chairman

Attest: 
CHRISTY BLACK, County Clerk

