Article 4 – Rules and Definitions

4.1 Rules. In the construction of this Ordinance, the rules contained in this article shall be observed and applied, except when the context clearly indicates otherwise:

4.1-1 Words used in the present tense include the future tense.

4.1-2 Words used in the singular number include the plural number and words used in the plural include the singular.

4.1-3 The word “shall” is mandatory and not discretionary.

4.1-4 The word “may” is permissive.

4.1-5 The word “building” includes the word “structure” and every kind regardless of similarity to building.

4.1-6 The word “erected” includes the word “constructed,” “moved,” “located” or “relocated.”

4.1-7 The word “lot” includes the word “plot” or “parcel.”

4.1-8 The word “map” or “zoning map” means the Zoning Map of Cherokee County, Georgia.

4.1-9 The word “person” includes the words “individual,” “firms,” “partnerships,” “corporations,” “associations,” “governmental bodies” and all other legal entities.

4.1-10 The word “used” or “occupied” include the words “intended,” arranged or designed to be used or occupied.

4.1-11 The masculine gender includes the feminine and neuter.

4.1-12 All measured quantities shall be to the nearest integral unit of measure, and if a fraction is one-half or greater, the next highest integral unit shall be used.

4.1-13 Where requirements are set based on number of days, days are computed based on the calendar, except that when the final date falls on a weekend or holiday, the day due shall continue until the next regular working day.

4.2 Use of definitions. For the purpose of this Ordinance, certain words or terms are defined as indicated in this article. These definitions and all other provisions of this Ordinance are subject to the rules of interpretation as listed below. Any words or terms not herein defined shall be as defined elsewhere in the Zoning Ordinance or, if not defined elsewhere in the Ordinance, as defined in Webster’s New World Dictionary of the American Language – Second College

Edition, the said definition to be read in context with the purposes and provision of part of the Ordinance it is being used to define.

4.3 Definitions.

Accessory Structure. A structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or occupied.
See Figure 1: Accessory Structure.

Accessory Use. A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

Factors used to determine if a use of land or of a building is accessory to the principal use shall include:

a. Area devoted to the accessory use
b. Frequency of the use
c. Active versus passive activities associated with the use
d. Number of employees and hours of operation; and
e. Whether the use is subordinate to the principal use, or is a different, alternative or additional use (Ord. No. 2015-O-008, 10-06-15)

Alley. A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alternative Tower Structure. Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of towers or antennas.

Animal Hospital. A building used for the treatment, housing or boarding of small domestic animals such as dogs, cats, rabbits, and birds or fowl by a veterinarian**.**

Animal Husbandry. The production of animals (livestock) and/or the by-product thereof. It does not include pets, such as dogs and cats.

Animal Quarters. Any open space or structure used to shelter, care for, house, feed, exercise, train, exhibit, display or show any animals, other than fenced pasture land for grazing. (Ordinance No. 2021-O-010, 08-02-21)

Antenna. Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Bed and Breakfast Inns. 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).

Berm. A mound of earth, or the act of pushing earth into a mound. See Figure 2: Buffer.

Block: An area of land within a subdivision that is entirely surrounded by public streets, public lands, railroad rights-of-way, watercourses, or other well defined and fixed boundaries. See Figure 4.3-1.

Buffer. A buffer is a portion of lot set aside for open space and/or screening purpose, to shield or block noise, light, glare, or visual or other nuisances, to block physical passage to dangerous areas; or to reduce air pollution, dust, dirt, and litter. A buffer may contain a barrier, such as a berm, wall or fence, where such additional screening is necessary to achieve the desired level of buffering between various activities.

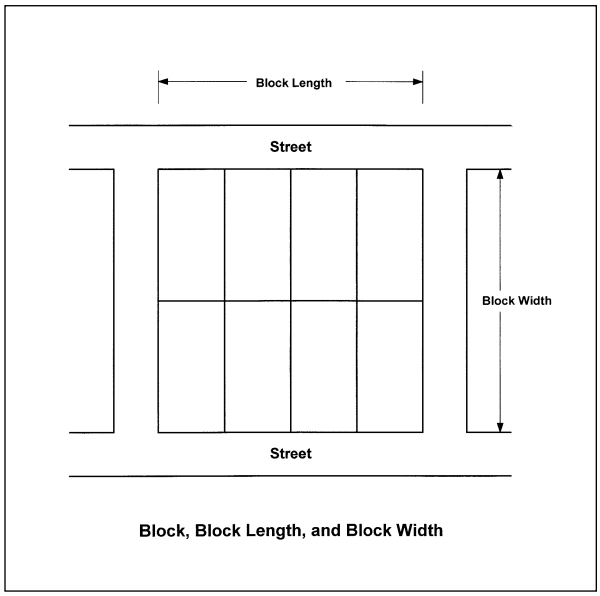


Figure 4.3-1

Building. Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals or property of any kind.

Building Line. A line parallel to the street line at a distance there from equal to the depth of the front yard required for the zoning district in which the lot is located (See Setback Line).

Building Height. The vertical distance measured from the threshold of the front door entrance to the highest point of roof. Chimney, flues, and other structures or equipment incidental to the primary use of the building or site shall not be used in determining building height. (Ordinance No. 2021-O-010, 08-02-21)

Cattery. Any place that regularly breeds, boards, trains, buys, sells, or trades any cat. A cattery is also a kennel.

Central Loudspeaker. A long throw speaker horn, permanently fixed in location to a structure, such as a pole, fence, or building. (Ordinance No. 2019-O-010, 05-21-19)

Clinic. A building or a portion of a building where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing together.

Cluster Development. A form of development for residential subdivisions that permits a reduction in lot area requirements, provided there is no increase in the number of lots that would normally be permitted under conventional zoning and subdivision requirements and the resultant land area is devoted to open space.

Comprehensive Plan: Any plan adopted by the Cherokee County Board of Commissioners, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or written

recommendation pertaining to subjects normally within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989, if formally adopted by the local governing body.

Condominium. A condominium is a multiple dwelling in which each dwelling unit is owned or financed by the occupant, but in which halls, entrance ways and underlying lands are owned jointly.

Conservation Subdivision: A subdivision, as defined by Article 23 of the Cherokee County Zoning Ordinance, where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary and all or some of the secondary conservation areas within the boundaries of the subdivision.

Contiguous common parcels: Parcels adjoining or touching other land at a common point and having a common owner, regardless of whether or not portions of the parcels have separate tax lot numbers, or were purchased in different land lots, or were purchased at different times.

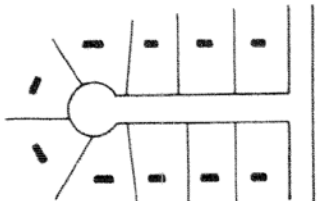
Cremation: The reduction of the dead human body to residue by intense heat or any mechanical, chemical, thermal, or other professionally accepted process. Cremation also includes any other mechanical, chemical, thermal, or other professionally accepted process whereby human remains are pulverized, burned, re-cremated, or otherwise further reduced in size or quantity.

Crematory: Any place where cremation is performed, other than a hospital, clinic, laboratory, or other facility authorized by the Department of Community Health for such purposes.
(Ord. No. 2015-O-008, 10-06-15)

Cul-de-sac: A street with only one outlet closed and terminated with a vehicular turnaround. See Figure 4.3-2.

Cul-de-sac, temporary: A nonpermanent vehicular turn around located at the termination of a street or alley.

Cultural Facility. A structure or portion of a structure used as art gallery, museum, historical display, legitimate theater, library, and other uses similar in character to those listed.



Cul-de-sac

Figure 4.3-2

Day Care Facility. A structure or portion of a structure wherein is provided care and supervision of persons away from their place of residence for less than twenty-four (24) hours per day on a regular basis for compensation. For the purposes of this Ordinance, the term “daycare” shall include but not be limited to the terms “nursery school,” “early learning center,” “pre-kindergarten,” “private kindergarten,” “play school,” and “pre-school.”

Day care facilities for children are defined by the number of children and the type of structure in which they are located as shown in the table below:

Types of Day Care Facilities for Children	# of children
Family Day Care Home *(In-Home)*	1 - 6
Group Day Care Home *(Residential-Style Structure)*	7 – 18

Commercial Day Care Center *(Commercial Building)*	19 +

A day care facility for children may offer educational programs up through Kindergarten, as well as before and after-school programs for school age children.

Deceleration lane: An added roadway lane, of a specified distance and which may include a taper, as approved by the County Engineer that permits vehicles to slow down and leave the main vehicle stream.

Density. The number of dwelling units per acre of land. Gross density refers to the number of units per acre of the total land to be developed. Net density refers to the number of units per acre of land devoted to residential use.

Dedication: The deliberate appropriation of land by an owner for any general and public use or purpose, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Dedication plat: A plat that indicates property to be dedicated for public right-of-way or land for public use.

Development: Any man-made change on improved or unimproved real estate, including but not limited to, buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling, or permanent storage of materials or equipment.

Director: The Director of Planning and Zoning, or his designee.

District. A section or sections of Cherokee County for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards and the intensity of use are uniform.

Double Frontage Corner Lot. See “Lot, Corner, Double Frontage”.

Duplex. See “Dwelling, Duplex”.

Dwelling. A building which is designed or used exclusively for residential purposes, including single-family, duplex and multi-family residential buildings, rooming and boarding houses, fraternities, sororities, dormitories, manufactured homes, and industrialized home but not including hotels and motels. Except as otherwise provided in the regulations, only one dwelling shall be allowed on each lot of land located in a district which allows residences.

Dwelling, Attached. A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, Detached. A dwelling which is not attached to any other dwellings by common vertical walls.

Dwelling, Duplex. A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof of an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Dwelling, multifamily. A dwelling containing more than two dwelling units.

Dwelling, quadruplex. Four attached dwellings in one structure in which each unit has two open space exposures and shares one or two walls with adjoining unit or units.

Dwelling, Single-Family. A building containing one dwelling unit.

Dwelling, Townhouse. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Dwelling, Triplex. A dwelling containing three dwelling units, each of which has direct access to the outside or to a common hall.

Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking, and sanitation, designed for the exclusive use of a family maintaining a household. (Ordinance No. 2021-O-010, 08-02-21)

Dwelling, Zero-Lot-Line. A development of single-family detached residences in which one interior side yard may be lawfully reduced to zero on any lot for the purpose of creating larger, more usable, and more easily maintained yard spaces, particularly on smaller lots.

Easement: A grant of one or more of the property rights, or for the use of land for a specific purpose or purposes, by the property owner to and/or for use by the public, a corporation, or another person or entity. The purpose of the easement on or across a property shall be described in text and its exact physical location described by its survey measurement. See Figure 4.3-3.

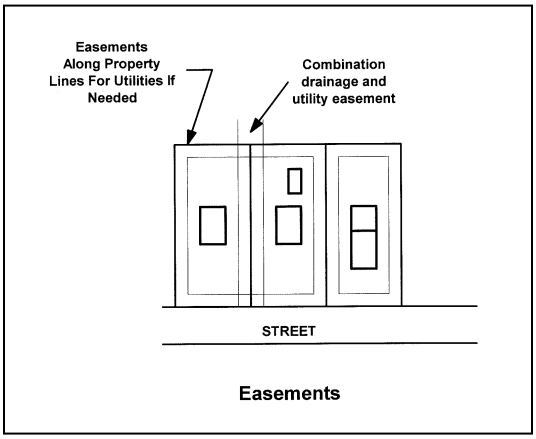


Figure 4.3-3

Escrow account: A type of subdivision improvement guarantee where the sub-divider deposits cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the County Engineer to cover the costs of required improvements.

Family. An individual, or two or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four unrelated persons, occupying a single dwelling unit; provided however that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. The term “family” does not include any organization or institutional group.

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

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

FAA. Federal Aviation Administration.

FCC. Federal Communications Commission.

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

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

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

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

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

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

Funeral Establishment. A place where the embalming or funeral directing is practiced and which is open to the public and transacting business related to funeral services.
(Ord. No. 2015-O-008, 10-06-15)

Garage, General Service. A building or portion thereof, other than a private, storage or parking garage, designed or used for equipping, servicing, repairing, hiring, selling or storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles.

Garage, Parking. A building or portion thereof designed or used for the storage of motor-driven vehicles.

Garage, Private. An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the buildings to which it is accessory.

Governing Authority. Board of Commissioners of Cherokee County or its designee.

Gross Floor Area. See “Floor Area, Gross.”

Habitat for endangered or threatened species: An area verified by the Georgia Department of Natural Resources as; 1) actually containing naturally-occurring individuals of a species that has been listed as endangered or threatened under the Federal Endangered Species Act, as amended, and, 2) being likely to support the continued existence of that species by providing for a significant portion of that species' biological requirements, and that meets the definition of "natural conditions" as defined by this Ordinance.

Health Clubs. A facility designed for the major purpose of physical fitness or weight reducing which includes, but is not limited to, such equipment as weight resistance machines, whirlpools, saunas, showers, and lockers. This shall not include municipal or privately owned recreation buildings.

Home Occupation. An occupation customarily carried on within a dwelling unit or within an enclosed accessory building or detached garage for gain or support involving the sale of only those articles, products or services produced on the premises, with equipment customarily used for household purposes and involving no display of articles or products. (Ord. No. 2017-O-004, 04-18-17)

Home Owners Association: An organization formed for the maintenance and operation of the common areas of a development, where membership in the association is automatic with the purchase of a dwelling unit or lot within the development, with the ability to legally assess each owner of a dwelling unit or lot and which has authority to place a lien against all dwelling units and lots within the development.

Inert Waste Landfill. A disposal site accepting only wastes that will not or are not likely to cause production of leachate or environmental concern. Such wastes are limited to dirt, concrete, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition wastes.

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

Industrialized Home. A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes. A modular home or industrialized home shall be certified by the manufacturer to meet the approval of the State Building Administrative Board (SBAB) to meet the same requirements as an on site-built home within Cherokee County. The term “Industrialized Home” includes the term “Modular Home”.

Junk Vehicle. Any vehicle which either does not have lawfully affixed on it an unexpired license plate or tax stamp, or which vehicle is wrecked, dismantled, or partially dismantled to the extent it may not be lawfully driving on the public roads. (Ord. No. 2009-Z-006, 10-20-09)

Junk Yard. A property used for indoor or outdoor storage, keeping or abandonment, whether or not for sale or resale, or junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Kennel. Any place which regularly breeds, boards, trains, buys, sells, or trades any dog. A kennel is a commercial activity. Structures housing more than eight (8) [dogs] over eight (8) months of age are presumed to be kennels.

Kindergarten. Any premises or portion thereof used for educational work or parental care of children of less than the age required for enrollment in the public school system.

Land-disturbing activity: means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in paragraph (5) of Code section 12-7-17.

Land suitability analysis: A method used by land planners, in preparing land use plans at a community wide scale or land plans at a site development scale, to evaluate the fitness of land for various uses based at least partially on environmental criteria. The end product of land suitability analysis is typically a map or set of maps depicting the appropriateness of land areas for various land uses.

Larger common plan of development or sale: means a contiguous area where multiple separate and distinct construction activities are occurring, or are intended to occur, under one plan of development or sale. For purposes of this article, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Exempted from this definition is the construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre.

Letter of credit: A type of subdivision improvement guarantee whereby a sub-divider secures an instrument from a bank or other institution or from a person with resources sufficient to cover the cost of improvements required by the County. The instrument pledges the creditor to pay the cost of improvements in case of default by the sub-divider.

Livestock. The term “livestock” as used herein shall mean and include cattle, horses, goats, sheep, swine, poultry, ducks, geese and other fowl; and rabbits, minks, foxes and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale. “The term “livestock” does not include a Vietnamese pot-bellied pig. Vietnamese pot-bellied pigs are allowed in all residential districts, not to exceed one (1) per residence.”

Lot. A developed or undeveloped tract of land in one ownership legally transferable as a single unit of land.

Lot Area. The net area of any lot shall be the area bounded by the lot lines, the right-of-way line of any street adjoining the lot, and the center line of the right-of-way of any private access road adjoining the lot.

Lot area requirement. For the purpose of determining the lot area per dwelling unit, the total lot area shall be measured with the exclusion of land in the public or private streets right-of-way and land dedicated for park or school purposes.

Lot, Corner. A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees, or adjoining a curve street at the end of a block.

Lot Corner, Double Frontage. A corner lot which has frontage on three or more streets.

Lot Coverage. The area of a zoning lot occupied by the principal building or buildings and accessory buildings.

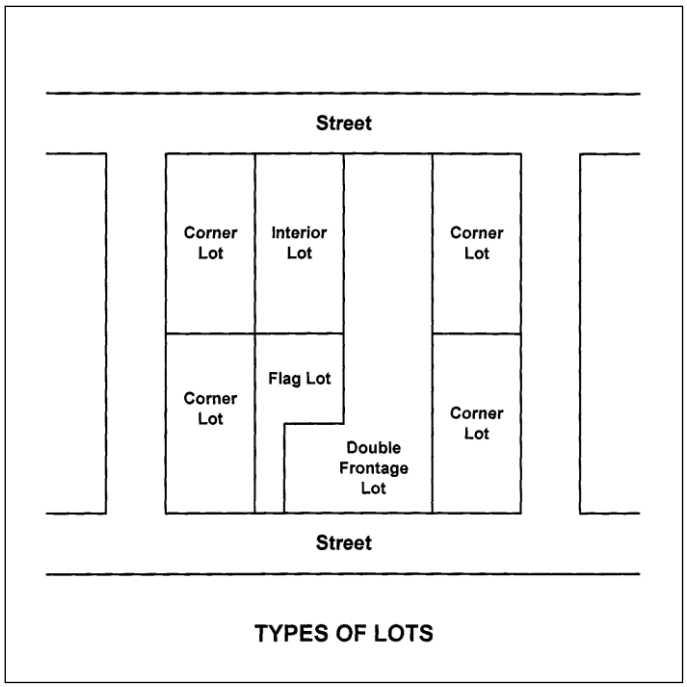


Figure 4.3-4

Lot Depth. The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

Lot, Double Frontage. See “Lot, Through”.

Lot, Flag: A tract or lot of land of uneven dimensions in which the portion fronting on a street is less than the required minimum width required for construction of a building or structure on that lot.

Lot Frontage: The width in linear feet of a lot where it abuts the right-of-way of any street.

Lot Line. A line record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Front. The lot line separating a lot with frontage on a street right-of-way or a landlocked lot with frontage on an access easement. (Ordinance No. 2021-O-010, 08-02-21)

Lot Line, Rear. The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line that is a minimum of 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

Lot Line, Side. Any lot line other than a front or rear lot line.

Lot of Record: A lot which is part of a subdivision approved in accordance with land subdivision requirements, a plat of which has been lawfully recorded in the records of the Clerk of the Cherokee County Superior Court; or a parcel of land, the deed of which was lawfully recorded in the same office prior to effective date of this ordinance

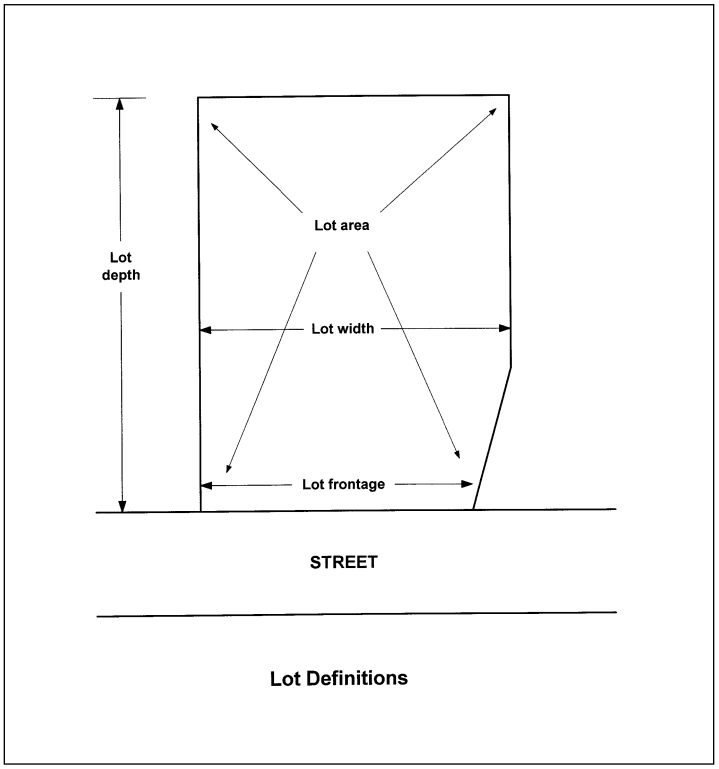


Figure 4.3-5

Lot, Through. A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

Lot Width. The horizontal distance between the side lot lines measured at right angles to the lot depth at the established front building line.

Lot Width (Cul-de-sac). For a lot having the majority of its frontage on a cul-de-sac, the lot width shall be the horizontal distance between the side lines of the lot, measured at the minimum required front yard (building setback) line or at a line parallel to said setback line which is no more than twice the minimum front yard setback distance from the street.

Loudspeaker. A non-portable device which converts electrical signals into sound as a part of a public address or sound system capable of producing or reproducing sound, such as music or a person's voice, from an amplified or combined sound source and is projected out to an audience. (Ordinance No. 2019-O-010, 05-21-19)

Manufactured Home. A dwelling defined in the Georgia Code as a manufactured home, subject to the standards and regulations of the Department of Housing and Urban Development adopted June 15, 1976 and as amended.

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.

Mobile Home. A dwelling defined in the Georgia Code as a mobile home, otherwise known as a "pre-HUD home" and constructed prior to June 15, 1976. Requirements for manufactured homes apply to mobile homes except where otherwise provided.

Modular Home. See "Industrialized Home."

Multi-family Dwelling. See "Dwelling, Multi-family."

Natural conditions: The flora, fauna, soil and water conditions that would develop on a specific tract of land if all human interference were to be removed. The tract of land must have been undisturbed for a sufficient period of time for natural processes to dominate the tract. This period of time will vary among environments.

Nuisance. An interference with the enjoyment and use of property.

Nursery School. See "Kindergarten."

Off-site: Beyond the boundaries of the property in question.

On-site: Within the boundaries of the property in question.

Office, Professional. Include offices for professional such as accountants, architect, attorneys, chiropractors, dentists, doctors, engineers, etc.

Office, Business. Include offices for general business, insurance, real estate etc.

Open Space. Uncovered area, open to the sky on the same lot with a building.

Open space, public: An area within a development or subdivision designed and intended for the use and enjoyment of all residents or for the use and enjoyment of the public in general.

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.

Original tract: A unit of land which the owner holds under single or unified ownership, or which the owner holds controlling interest on the effective date of this Resolution, where all land abutting said tract is separately owned by others, not related to or associated by business partnership with the owner.

Outdoor. Not within the confines of an enclosed building that substantially blocks the transmittal of sound. (Ordinance No. 2019-O-010, 05-21-19)

Parking Lot. An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles. See Garage, Parking.

Parsonage: A single-family residential structure intended for the occupancy of the spiritual leader of the Religious Organization occupying the Place of Worship and his/her family.
(Ord. No. 2018-O-014)

Pedestrian Way: A public right-of-way or private easement across a block or within a block to provide access for pedestrians.

Performance Guarantee: A bond, letter of credit, cash equivalent, or other instrument provided by the developer and approved by the Cherokee County Attorney that insures funds will be available to the County if required subdivision improvements are not completed.

Person: means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body, or any other legal entity

Pet (Household Pet). Any animal owned or kept for pleasure rather than sale, which is an animal of a species customarily bred and raised to live in the habitat of humans and is dependent upon them for food and shelter; except that livestock and wild animals shall not be deemed pets.

Place of Worship: A permanent structure built for the purpose of accommodating a Religious Organization in its exercise of religious worship, prayer, and/or religious instruction.
(Ord. No. 2018-O-014)

Planning Commission. The Cherokee County-Municipal Planning Commission.

Portable. Able to be easily transported, carried, and arranged by a person of average physical capabilities. (Ordinance No. 2019-O-010, 05-21-19)

Preliminary plat: A tentative drawing or map of a proposed subdivision. A preliminary plat is the basis for the approval or disapproval of the general layout of a land subdivision.

Premises. A lot, parcel, tract or plot of land together with all buildings and structures existing thereon.

Principal Use. The primary and predominant purpose for which a lot is occupied and/or used as such is listed and provided for in Table 7.2 Permitted Uses. There shall be only a single Principal

Use on each lot. Such Principal Use may be accompanied by accessory buildings and/or uses to the extent authorized in this Ordinance. (Ord. No. 2018-O-003, 04/03/2018)

Professional engineer: An engineer duly registered or otherwise authorized by the State of Georgia to practice in the field of civil engineering.

Professional surveyor: A surveyor duly registered or otherwise authorized by the State of Georgia to practice in the field of land surveying.

Protective covenants: Contracts made between private parties as to the manner in which land may be used, with the view toward protecting and preserving the physical and economic integrity of any given area.

Public Infrastructure: The basic facilities, and installations necessary for land development including but not limited to transportation and communications systems, water and power lines, stormwater facilities, whether owned by the County or privately owned but utilized by more than one property owner.

Putrescible Wastes. Wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, and garbage.

Quadruplex. See “Dwelling, Quadruplex”.

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.

Recreation, active: Leisure activities that are facility oriented, such as swimming pools, tennis courts, and ball fields.

Recreational Facilities, Indoor. Any commercial or noncommercial indoor facility such as bowling alley, shooting gallery, video game center etc.

Recreational Facilities, Outdoor. Any commercial or noncommercial outdoor facility such as miniature golf course, golf or baseball driving range, tennis court, swimming pool, drive-in theater etc.

Recreation, passive: Leisure activities that are natural resource oriented, such as hiking trails, conservation areas, and nature preserves.

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.

Religious Organization: An assembly of people: (1) whose members organize voluntarily as a distinct legal entity as a means of religious exercise, endorsing a recognized creed and form of worship; (2) which is organized and led by a licensed, commissioned, or ordained member of the organization; and (3) which convenes regular meetings that are regularly published to the general public in established places of worship for religious instruction, prayer, and/or worship.
(Ord. No. 2018-O-014)

Reservation: A method of holding land for future public use by showing proposed public areas on a subdivision plat.

Reserve strip: A strip of land across the end of, or along the edge of, a street, alley, or lot for the purpose of controlling access which is reserved or held until future street extension or widening.

Residential Care Facility. A licensed facility where 24 hour care is provided for residents. The different types of Residential Care Facilities are described by the number of residents and the type/level of care provided to residents, as shown in the following chart and as further defined in subsequent definitions by the respective treatment and/or care provided:

Type of Residential Care Facility	# of residents	Type/Level of Care
Small Personal Care Home *(In-Home)*	Up to six (6) ambulatory residents	• Assistance with essential activities of daily living • No medical or nursing care
Large Personal Care Home *(Commercial Building)*	Seven (7) or more	• Assistance with essential activities of daily living • No medical or nursing care
Assisted Living Community *(Commercial Building)*	Per state license	• Provision of personal services • Administration of medications • Provision of assisted self-preservation
Nursing Home *(Commercial Building)*	Per state license	• Admission of patients by medical referral only for continuous medical supervision • Provision of services and facilities for skilled and rehabilitative nursing care • Physician and dentist supervision of facility

The complete definitions for the types of Residential Care Facilities are as follows:

Personal Care Home. A licensed home where residents are provided with housing, meals and 24 hours per day assistance with essential activities of daily living, such as bathing, grooming, dressing, etc., supervision, and counseling services, as applicable, but no medical or nursing care is provided. A Small Personal Care Home may house up to six (6) ambulatory residents and a Large Personal Care Home may house seven (7) or more residents plus necessary staff. The term "Personal Care Home" shall include but not be limited to the term "Community Living Arrangement". A Personal Care Home includes Homes for the Elderly Without Nursing Care, Residential Mental Health Facility, Residential Mental Retardation Facility, Residential Substance Abuse Facility and Residential Care Facility, Other, as such terms are reflected in Table 7.2 and otherwised defined in this Ordinance.

Assisted Living Community. A licensed facility where twenty-five (25) or more residents receive 24 hour specialized care, which includes providing personal services, administering medications and providing assisted self-preservation.

Nursing Home. A licensed facility which admits patients on medical referral only and for whom arrangements have been made for continuous medical supervision; it maintains the services and facilities for skilled nursing care, rehabilitative care, and has an agreement with a physician and dentist who will be available for any medical and/or dental emergency and who will be responsible for the general medical and dental supervision of the facility.

Residential Care Facility, Other. A type of Residential Care Facility primarily engaged in providing residential care, supervision, and personal care services to children under the age of 18, however, age is not a limiting factor, unless expressly so provided by the facility, and except when such care and/or treatment is for mental retardation, mental health illness, or substance abuse illnesses, in which case the use shall be addressed under the respective, specific definition for that illness. Such Other Residential Care Facilities may include, but not be limited to, orphanages, homes for the visually or hearing impaired, endangered youth, delinquent youth, and unwed teen mothers. Shall function as a Small or Large Personal Care Home, depending on the number of residents.

Residential Mental Retardation Facility. A type of Residential Care Facility primarily engaged in providing residential care services for persons diagnosed with mental retardation, including such things as room, board, supervision, assistance with essential activities of daily living, and counseling services. Shall function as a Small or Large Personal Care Home, depending on the number of residents.

Residential Mental Health Facility. A type of Residential Care Facility primarily engaged in providing residential care and treatment for patients with mental health illnesses. These establishments provide such things as room, board, supervision, assistance with essential activities of daily living, counseling services, and may provide other social services in addition to counseling. Shall function as a Small or Large Personal Care Home, depending on the number of residents.

Residential Substance Abuse Facility. A type of Residential Care Facility primarily engaged in providing residential care and treatment for patients with substance abuse illnesses. These establishments provide such things as room, board, supervision, assistance with essential activities of daily living, counseling services, and may provide other social services in addition to

counseling. Shall function as a Small or Large Personal Care Home, depending on the number of residents. (Ord. No. 2018-O-003, 04/03/2018)

Riding Stable and Academy. An establishment where horses are kept for riding or driving or are stabled for compensation or incidental to the operation of any club, association, ranch, or similar establishment.

Right-of-way: An area or strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation, either public or private, intended to be occupied by a road, crosswalk, railroad, electric transmission line, oil or gas pipeline, water line, sanitary or storm sewer or other similar use, and where an irrevocable right of passage has been recorded for the use of vehicles, utilities or other similar use.

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.

Roof. The outside top covering of a building.

Salvage Yard. See "Junk Yard."

Sanitary Landfill. A disposal site where putrescible wastes are disposed of using sanitary landfilling techniques.

Sanitary Landfilling. An engineered method of disposing of putrescible wastes on land by spreading them in thin layers, compacting them to the smallest practical volume, placing an earth cover thereon, and such other measures as are necessary to protect human health and the environment.

Sawmill, Mobile or Portable. A sawing or cutting machine used to turn logs into lumber; whether trailered or truck-mounted; capable of easily being moved, set up and operated on a site; not attached or fixed in location. (Ordinance No. 2019-O-015, 10-15-2019)

Sawmill, Stationary. A fixed structure mounted on a foundation for the purpose of turning logs into lumber; includes the entire operational area: e.g. log sorting yard(s), milling machine(s), sorting and storage area(s); administration and maintenance area(s). (Ordinance No. 2019-O-015, 10-15-2019)

Scenic views and sites: Those geographic areas containing visually significant or unique natural features, as identified in the Comprehensive Plan, or by other reasonable means.

Schools, Private, Parochial and other Elementary. Any places for teaching children grades one to seven, inclusive, which are not a part of the State of Georgia, but which teach the subjects commonly taught in the common elementary schools of the state.

Schools, Public. Any places for teaching children grades one to twelve inclusive and no other, and a part of the public school system as defined by the law of the State of Georgia.

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

Sensitive natural areas: Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:

1. Habitat, including nesting sites, occupied by rare or endangered species;
2. Rare or exemplary natural communities;
3. Significant landforms, hydroforms, or geological features; and/or

Other areas so designated by the Department of Natural Resources that are sensitive or vulnerable to physical or biological alteration.

Septic tank: An approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewerage solids, and discharging sewage effluent to an absorption field or other management system.

Setback. See "Yard."

Setback Line. That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

Shopping Center. A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Shared driveway: A roadway serving no more than five lots on which homes exist or may be built under existing zoning and other regulations.

Sidewalk: A hard-surfaced pedestrian access area adjacent to or within the right-of-way of a public road.

Significant Groundwater Recharge Areas. Any area as designated on Hydrologic Atlas, No. 18, Maps of the Most Significant Groundwater Recharge Areas of Georgia; 1988, as published by the Georgia Geologic Survey, Environmental Protection Division, Georgia Department of Natural Resources.

Single-family Dwelling. See "Dwelling, Single-family".

Slope: Degree of deviation of a surface from the horizontal, usually expressed in percent or degree; the ratio of the difference in elevation between two points on the ground, and the horizontal distance between these two points. For purposes of determining steep slopes, slopes shall be measured between two points on the ground separated by 500 feet or more.

Solid Waste. Putrescible and non-putrescible wastes, except water-carried body waste, but shall include garbage, rubbish, ashes, street refuse, dead animals, sewage sludge, animal manures,

industrial wastes, abandoned automobiles, dredging wastes, construction wastes, hazardous wastes and any other waste material in a solid or semi-solid state not otherwise defined in these regulations.

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").

Speaker. Any electric powered device designed for the conversion of electrical signals into sound. (Ordinance No. 2019-O-010, 05-21-19)

Steep slopes: Lands with slopes of at least 35 percent which can be calculated with aid of a United States Geological Survey 1:24,000, 7.5 minute quadrangle topographic map or other available topographic information.

Stockyard. A place where transient cattle, sheep, swine, or horses are kept temporarily for slaughter, market or sleeping.

Street: Any vehicular way, other than an alley, that:

1. is an existing federal, state, county or municipal roadway;
2. is constructed as shown upon a plat approved pursuant to law and is open to vehicle travel;
3. is constructed and open to vehicle travel as approved by other official action of the Board of Commissioners; or
4. is constructed and open to vehicle travel and shown on a plat duly filed and recorded in the Clerk's Office, Cherokee County Superior Court prior to the effective date of this Ordinance. Land between the street lines, whether improved or unimproved, shall be considered part of the street.

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.

Street, private: A street which is privately owned and maintained, over which the general public has no right of use. (See also, Cherokee County Development Regulations 4.09 *Private Streets*)

Structure. Anything constructed or erected on the ground or attached to something on the ground.

Sub-divider: Any person, as defined by this Ordinance, who undertakes the subdivision of land, and any person having such a proprietary interest in land to be subdivided as will authorize the maintenance of proceedings to subdivide such land under this Ordinance, or the authorized agent of such person.

Subdivision: A division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, whether immediate or future, of sale or building development is considered a subdivision. The term subdivision includes all divisions of land involving a new street or a change in existing streets, includes re-subdivision and, where appropriate to the context, relates either to the process of subdividing or to the actual land area subdivided.

Subdivision, Major: A division of a tract or parcel of land into 11 or more lots, and/or includes the construction of public improvements.

Subdivision, Minor: A division of a single tract or parcel of land into not more than 10 individual tracts of land.

Tasting Room. An outlet for the promotion of a farm winery's wine by providing samples of such wine to the public and for the sale of such wine at retail for consumption on the premises and for sale in closed packages for consumption off the premises. Samples of wine can be given free of charge or for a fee. (Ordinance No. 2019-O-010, 05-21-19)

Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and similar telecommunication towers or antennas.

Tower and Tower Structure Height. The distance measured from ground level to the highest point on the tower or tower structure including antennas.

Triplex. See "Dwelling, Triplex."

Use. General category of use such as commercial, industrial and residential.

Utility: Public or private services including, water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel or gas pipelines, telephone lines, roads, cable telephone line, fiber optic cable, driveways, bridges, river/lake access facilities, storm water systems and drainage ways, and railroads or other utilities identified by the County. As appropriate to the context, the term "utility" may also include all persons, companies, or governmental agencies supplying the same.

Variance: A grant of relief from the strict requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Code; a minimal relaxation or modification of the strict terms of this Ordinance as applied to specific property when, because of

particular physical surroundings, shape, or topographical condition of the property, compliance would result in practical difficulty or hardship.

Vehicle. Any means of conveyance, whether self-propelled or not, that is designed to travel on the ground or on water or in the air, including, but not limited to, automobiles, buses, motorbikes, motorscooters, trucks, tractors, go-carts, golf carts, campers, recreational vehicles, boats, airplanes, train cars, and any means of conveyance which are designed to be pulled by motorized vehicles upon the roadway such as boat trailers, wagons, balers, motorcycle trailers, auto transport trailers, and any other trailer designed to haul specific items attached to motor vehicles on the roadway. (Ord. No. 2009-Z-006, 10-20-09)

Wild Animal. Any living member of the animal kingdom, including those born or raised in captivity; but excluding human beings, livestock, dogs and cats, rodents, hybrid animals that are part wild, captive-bred species of common cage birds and aquarium-kept fish, amphibians and reptiles.

Yard. An open space on a lot situated between the principal building or use on the lot and a lot line and unoccupied by any structure except as otherwise provided herein.
See Figure 9: Yard.

Yard, Front. An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the street line and the front line of the building projected to the side lines of the lot. On corner lot, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear. An open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

Yard, Side. An open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Zero-Lot-Line. See “Dwelling, Zero-Lot-Line”.

Zoning. The power of Cherokee County to provide within its territorial boundaries for the zoning and districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which said zones or districts were established.

(Ord. No. 96-15, § 1, 10-25-96; Ord. No. 98-0-11, 8-28-98; Ord. No. 2008-Z-003, 12-16-08; Ord. No. 2011-Z-001, 03-01-11)

4.4 It shall be unlawful to park or let stand any junk vehicle in violation on the said provision in Article 4, of such Zoning Ordinance, and violations shall subject the owner to penalties as provided by Georgia Law. Amendment enacted on August 8th 1995 by Ordinance 95-0-9.