

**Section 1. General Provisions****1.01. Short Title**

These regulations shall hereafter be known, cited and referred to as the Development Ordinance of Cherokee County, Georgia.

**1.02. Jurisdiction**

These regulations shall govern the development of land within the unincorporated areas of Cherokee County, Georgia as now or hereafter established.

**1.03. Purpose**

In recognition of the fact that the public health, safety and general welfare require the harmonious, orderly and progressive development of land, these development regulations are adopted for the following purposes:

- A. To encourage the development of an economically sound and stable community so as to help conserve and protect the natural, economic and other resources of Cherokee County, Georgia.
- B. To assure the provision of required streets, utilities, and other facilities and services to new land developments.
- C. To assure the provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in all new land developments.
- D. To assure that all building lots will be accessible to fire fighting equipment and other emergency and service vehicles.
- E. To insure the adequate drainage of storm water by providing for the proper layout of streets and lots, and assuring the provision of adequate storm water management facilities.
- F. To assure, in general, the wise development of the community in accordance with the Cherokee County Comprehensive Plan.

**1.04. Authority and Application**

- A. These regulations shall govern the subdivision and development of land in Cherokee County, Georgia, as established by law in the Georgia General Planning Enabling Act of 1957, as amended.
- B. Any development or subdivision of land must comply with any and all provisions of the Cherokee County Development Ordinance, the Zoning Ordinance of Cherokee County, and any other adopted rules and regulations of Cherokee County.
- C. For the purposes of these regulations, any division of a tract or parcel of land into three or more lots, building sites, or other divisions, and any development of land involving a new street or a change in existing streets must comply with all applicable provisions contained herein.

**1.05. Exemptions**

The following types of developments are required to submit only a final plat for approval by the Planning and Zoning Department and the Engineering Manager.

- A. Any combination or recombination of previously platted lots where the total number of lots is not increased and the resultant lots all meet the Development Standards of Cherokee County.
- B. Any division of land for the purposes of legacy, which is defined as a transaction between immediate family members (parents, children, grandparents, grandchildren, great grandparents, great grandchildren), as approved by the Engineering Manager.
- C. Certain developments may be exempt from these requirements if the project area being developed is comprised of less than one (1.0) acre and/or is not located within two hundred (200') feet of any State Waters. The Engineering Manager may require site plans if it is determined that the proposed facility will have a negative site impact, or are electrical substations, telecommunication towers, water and sewer pumping stations, and/or other similar facilities.

**1.06. Interpretation, Conflict, and Severability**

- A. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of public health, safety, and general welfare.
- B. Where any provision of these regulations imposes a condition either more restrictive or less restrictive than any other provision of these regulations or any other applicable law, ordinance, regulation or rule of any kind, whichever regulations are more restrictive or impose higher standards or requirements shall govern.
- C. The provisions of these regulations are separable. If a sentence, section, subsection or provision of these regulations, or the application of a provision of these regulations, be declared unconstitutional or invalid, such declaration shall not affect or impair the validity of the remaining portions of these regulations or the regulations as a whole, other than the part so declared unconstitutional or invalid.

**1.07. Effective Date**

These development regulations shall take effect and be in force the 16th day of March 2021.