

ARTICLE II: DEFINITIONS

Section 201: Interpretation of Certain Terms and Words

For the purposes of this ordinance, certain words or terms used herein are interpreted as follows: Additional definitions may be found in individual Articles.

- A. The words "shall," "must," and "will," are mandatory in nature, implying an obligation or duty to comply with the particular provision.
- B. The word "may" is permissive in nature.
- C. Words used in the present tense include the future tense.
- D. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.
- E. Words used in the masculine gender include the feminine gender.
- F. The word "person" includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
- G. The word "lot" includes the words "plot" or "parcel".
- H. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended", "arranged", or "designed to be used or occupied".
- I. Any act authorized by this ordinance to be carried out by a specific official or agency of the City is impliedly authorized to be carried out by a designee of such official or agency. Any transfer of duties to a different official impliedly transfers the authority to carry out acts under this ordinance.
- J. The time within which an act is to be done shall be computed by excluding the first and including the last day; if the last day is a Saturday, Sunday or a legal holiday, that day shall be excluded.
- K. Any words and terms not defined herein shall have the meaning indicated by common dictionary definition.
- L. Any reference to State of Georgia or Federal statutes shall be construed to be a reference to the most recent enactment of such statute, and shall include any amendments as may from time to time be adopted.

Section 202: Definitions

Except as specifically defined herein, all words used in this ordinance have their customary dictionary definition. Additional definitions may be found in individual Articles.

Access: A way or means of approach or entrance by which pedestrians, vehicles, or both shall have safe, adequate, and usable ingress/egress to a property or use. A private access is an access not in public ownership and controlled by means of deed, dedication, or easement.

Abutting: Having property boundaries or lot lines in common with no separating by a street, alley or other right-of-way.

Acre: A measure of land equating to 43,560 square feet.

Adequate channel: A natural or man-made channel or pipe that is capable of conveying the runoff from the applicable storm design without overtopping its banks or eroding, after development of the site in question.

Adjacent/adjoining: Abutting or being directly across a street, alley, other rights-of-way or waterways.

Administrative Officer: The City Manager of the City of Cornelia, or his or her duly authorized representative.

Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.



ANSI: The American National Standards Institute, Inc.

Appeal: A request for a review of an Administrative Officer's interpretation of any provision of this ordinance, or an action taken by an Administrative Officer in the application or enforcement of this ordinance.

Applicant: A person seeking any determination or approval under, or permits required by this ordinance.

Application: An application for development approval that contains the supporting documentation required by this ordinance.

Arborist: A professional in the practice of arboriculture, which is the cultivation, management, and study of individual trees, shrubs, vines, and other perennial woody plants.

Architect: A person who, by reason of his knowledge of the mathematical and physical sciences and the principles of architecture and architectural design, acquired by professional education, practical experience or both, is qualified to engage in the practice of

architecture as attested by the issuance to said person of a license as an architect by the State of Georgia.

Area: The area of a property shown to the nearest whole square foot.

Area of Special Flood Hazard: The land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Arterial Street: A major highway with full or partial control of access.

ASCE: The American Society of Civil Engineers.

ASSHTO: The American Association of State Highway and Transportation Officials.

ASTM: The American Society of Testing and Materials.

AWWA: The American Water Works Association.

Base Flood (100-year Flood): A flood having a one (1) percent chance of being equaled or exceeded in any given year.

Base Flow: The normal flow in a stream after the impact of any specific rainfall event has dissipated.

Basement: That portion of the building having its floor sub-grade (below ground level).

Bench: The space left between the upper edge of a cut and toe of an embankment to break the continuity of an otherwise long slope.

Berm: A mound of earth or embankment, linear in dimension, which intercepts or diverts the flow of water down a slope, or visually interrupts the line of sight to provide visual interest, screen views, reduce noise or fulfill other such purposes..

Bike Lane: Paved and marked lane on the side of a roadway or other path designed and marked specifically for bicycle traffic.

Block: A piece or parcel of land or multiple parcels, entirely surrounded by public highways or streets.

BMP or Best Management Practice: An effective practicable means of reducing the amount of pollution generated by nonpoint sources, which may be structural or nonstructural practices or a combination of practices.

Board of Adjustments: The body established by the Zoning Ordinance and appointed by the Governing Body which has authority to take action on appeals and variances as established in the City's Zoning Ordinance.

Buffer: That portion of a lot or area set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate residential zoning districts from other zoning districts, or to protect and/or preserve environmentally sensitive areas and allow them to be maintained in an undisturbed and natural condition. In the event that insufficient existing vegetation or trees exist in the buffer zone, planting, fencing, or other supplemental screening shall be required, with a density or opacity to accomplish buffering as required by all approved ordinances. Roads, parking areas, above ground stormwater retention facilities, recreational facilities, or other above ground construction shall not be permitted within the required buffer area. Public rights-of-way and utility easements shall not be considered part of the buffer area. Required buffer areas are in addition to required yard areas.

Building: Any structure, either temporary or permanent, above or below ground, having a roof or other covering, and designed, built, or used as a shelter or enclosure for persons, animals or property of any kind, including tents, awnings, or vehicles used for purposes of a building.

Building Official: The person or persons designated by the City of Cornelia to be responsible for the administrative functions required in connection with the enforcement of the Minimum Development Standards Ordinance of the City of Cornelia.

Building Setback Line: A line establishing the minimum allowable distance between the buildings, including any covered porches, and the street right-of-way or property line when measured perpendicularly thereto. In the case of corner lots or double frontage lots, front yard requirements shall be observed for those areas adjacent to street right-of-ways.

Caliper: A standard of measure of tree diameter of new or replacement plantings. It is defined by the American Association of Nurserymen. Caliper is the diameter of the trunk measured six (6) inches above the ground for up to and including four (4) inches caliper size in diameter and twelve (12) inches above the ground for larger sizes.

Catchment area or basin: Watershed; drainage basin; also, the area of such a basin.

Cemetery: A place used or to be used and dedicated or designated for earth interments of human remains.

Centerline of Street: That line surveyed and monumented by the Governing Body and designated as the center of a public street. If a centerline has not been surveyed, it shall be the line running midway between the outside curbs, ditches or pavement/improvement ends of such street, or such midway line extended.

Channel: Elongated open depressions in which water may, or does, flow. An elongated depression, either naturally or artificially created and of appreciable size, which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water. It must have a definite bed and bank that serve to confine the water.

Clearing: The selective removal of vegetation from a property, whether by cutting or other means.

Clear-Cutting: The clearing or removal of all trees from a site larger than one (1) acres in a manner contrary to the Best Management Practices of the Georgia Forestry Commission, except as authorized by a development permit or building permit. This definition does not include clear-cutting necessary to install required infrastructure such as roads and utilities.

City: The City of Cornelia, Georgia.

City Attorney: The City Attorney of the City of Cornelia.

City Commission: The governing body of the City of Cornelia, Georgia.

City Engineer: The Engineer of the City of Cornelia, or his authorized representative.

Comprehensive Plan: Those coordinated plans or portions thereof which have been prepared by or for the Governing Body for the physical development of the jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

Concept Plan: A drawing which shows the overall concept (e.g., a concept plan) of a proposed development, and which may include lots and streets in a subdivision or the general location of buildings and improvements for a residential or non-residential project.

Conduit: A general term for any channel intended for the conveyance of water, whether open or closed; any container for flowing water.

Conservation: The management of natural resources to prevent waste, destruction, or degradation.

Conservation areas, primary: Any property qualifying as conservation use property under O.C.G.A. § 48-5-7.4; and any steep slopes, floodplains, wetlands, water bodies, upland buffers around wetlands and water bodies, critical wildlife habitat, and sites of historic, cultural, or archaeological significance, located outside of building envelopes and lots established for building purposes.

Conservation areas, secondary: Prime farmland, natural meadows, mature woodlands, farm fields, localized aquifer recharge areas, and lands containing scenic views and sites, located outside of building envelopes and lots established for building purposes.

Conservation easement: A legally enforceable agreement between a property owner and the holder of the easement, with content meeting requirements of Georgia law and in a form acceptable to the City Attorney and recorded in the office of the Clerk of Superior Court of Habersham County. A conservation easement restricts the existing and future use of the defined tract or lot to conservation use, agriculture, passive recreation, or other use

approved by the Governing Body and prohibits further subdivision or development. Such agreement also provides for the maintenance of open spaces and any improvements on the tract or lot. Such agreement cannot be altered except with the express written permission of the easement holder and any other co-signers. A conservation easement may also establish other provisions and contain standards that safeguard the tract or lot's special resources from negative changes.

Conservation subdivision: A subdivision where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary conservation areas and all or some of the secondary conservation areas within the boundaries of the subdivision.

Construction, continual: Construction performed by a full complement of workers and equipment mobilized at the project site, actively engaged in incorporating materials and equipment into the building or structure each normal working day.

Construction Costs: The total value of the construction of, or reconstruction work on structures, as determined by the Administrative Officer or their designee, in issuing a building, or other type, permit for construction or reconstruction.

Construction Entrance: A temporary access for the ingress and egress of construction vehicles.

Construction, Existing: Any structure for which the “start of construction” commenced before the effective date of the initial adoption of this ordinance.

Construction, New: Structures for which the “start of construction” commenced on or after the effective date of this ordinance.

Contractor: A person, firm or corporation who the owner of a property has employed, or contracted to perform, construction activity associated with a development. For purpose of this ordinance, the term contractor shall include all subcontractors who are under separate contract or agreement with the contractor for performance of a part of the work at the site.

Corridor Map: A map adopted by the City which designates land to be reserved for the construction of future or improvement of existing transportation facilities and future parks, open spaces, and green spaces.

County: Habersham County, Georgia

Critical Root Zone: An area of root space that is within a circle circumscribed around the trunk of a healthy tree corresponding to the drip line.

Cross-section: A profile of the ground surface perpendicular to the center line of a road, stream, or other feature.

Cul-de-sac: A street having one end open to traffic and being permanently terminated at the other end by a vehicular turn-around.

Cul-de-sac, Temporary: A non-permanent vehicular turn-around located at the termination of a street.

Culvert: A closed conduit of waterway carrying water through or under a driveway, fill area, street, highway, or railroad. A culvert is distinguished from a bridge by certain characteristics: (a) a culvert is typically monolithic in cross-section, and has a regular, symmetrical shape; a bridge is typically constructed such that the span is separate from and supported by abutments and/or piers; (b) a culvert usually has a large ratio of length to width.

Curb: A boundary, usually constructed of concrete, usually marking the edge of a roadway or paved area, which is designed to channel stormwater to drainage inlets and/or prevent or deter access.

Curb Cut: A provision for vehicular ingress and/or egress between property and an abutting street.

Curb Radius: The curved edge of a street at street intersections.

(DBH) Diameter Breast Height: Diameter at breast height is a standard of measure or tree size, and is the trunk diameter measured in inches a height of 4.5 feet above the ground. If the tree splits into multiple trunks below 4.5 feet, then each trunk is measured as a separate tree. If a tree splits above 4.5 feet, it is measured as a single tree.

Dead-End Street: A street, other than a cul-de-sac, with only one outlet. Dead-end streets are not allowed within the City.

Debris: Any material, including floating trash, suspended sediment or bed load moved by a flowing stream; detritus. This term also includes those materials that may be disposed of in a debris landfill. Also includes trash, garbage, junk, building material, or plant material left or deposited on a site or street, or disposed of improperly.

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

Deciduous Tree: Any plant or tree which drops its leaves annually at the end of the growing season.

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.

Demolition: The razing of any structure above or below the existing grade.

Design Professional: An individual who meets State licensure requirements applicable to the profession or practice in which he or she is engaged in.

Detention: The temporary retraining of stormwater on-site.

Detention Pond: A pond or pool used for the temporary storage of stormwater runoff and which provides for the controlled release of such stormwater.

Developer: Any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit who directs the undertaking or proposes to undertake development as herein defined, whether the development involves the subdivision of the land for sale, the construction of buildings or other improvements on a single land ownership, or both.

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

Development Department: Administrative Officer and staff responsible for the processing and review of all plans related to new construction and redevelopment.

Development Permit: Approval by the Administrative Officer to proceed with development. For purposes of this ordinance, the development permit required by this ordinance shall be the same as (or coordinated with) the permit required for compliance with Soil Erosion and Sedimentation Control regulations of the Code of Ordinances of the City of Cornelia and the development permit required by the City of Cornelia Zoning Ordinance.

Development Plan: Any plan containing substantial information required to be filed by this ordinance, which shows how the property to be affected by the development will be changed and improved in a specific manner, including the installation of roads and utilities and the erection of buildings and structures, among other specific requirements.

Dike: An embankment to confine or control water, especially one built along the banks of a river to prevent overflow of lowlands; a levee.

Discharge: The act involved in water or other liquid passing through an opening or along a conduit or channel; and/or the water or other liquid which emerges from an opening or passes along a conduit of channel.

Disturbed Area: Disturbed area is defined as the entire limits of the site project activity, outside of the buffer area.

Ditch: An artificial channel, usually distinguished from a canal by its smaller size.

Drainage Area: The contributory area of a stream at a specified location, measured in a horizontal plane, which is enclosed by a topographic divide such that direct surface runoff from precipitation normally would drain by gravity into the river basin above the specified point.

Drainage Structure: A device composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

Easement: A non-possessory interest in land; a grant by a property owner for the use by the public, a corporation or persons, of a portion of land for a specified purpose or purposes. Historically, easements may have been descriptive or prescriptive, may or may not be recorded in the public land record in the Habersham County Courthouse. The lack of record of or specificity in a historic easement does not reduce its validity. Any historic easement to the interest of the City shall be construed to the maximum benefit of the City. It is the intent of this ordinance that all easements (new or historic) shall be made a part of the public record and shall be recorded in the Habersham County Courthouse.

EPD: The Environmental Protection Division (EPD) of the Georgia Department of Natural Resources is a state agency charged with protecting Georgia's air, land and water resources through the authority of state and federal statutes. EPD issues and enforces all state permits related to air, land and water pollution and control and has full delegation for federal environmental permits except Section 404 (wetland) permits.

Escrow Account: A type of subdivision improvement guarantee where the subdivider deposits cash, a note, a bond, or some other instrument readily convertible to cash for specific face value specified by the Administrative Officer to cover the costs of required improvements.

Fill: A portion of land surface to which soil or other solid materials have been added; the depth above the original ground.

Final Plan: A detailed engineering drawing(s) showing the proposed improvements required in the development of a given parcel and demonstrating compliance with the requirements of this ordinance and other law, prepared by a qualified design professional (e.g., Professional Engineer) who is licensed to prepare such in accordance with State law.

Final Plat: A scale drawing showing the boundaries, dimensions, and features of real property. Plats submitted, or recorded in compliance with this ordinance shall meet the requirements of the Georgia Plat Act.

Finished Grade: The final elevation and contour of the ground after cutting and filling and conforming to the proposed design.

Fire Flow: The flow of water required to extinguish the largest probable fire served by a water utility service or company.

Flood Hazard Area: Any normally dry area that is susceptible to being inundated by water. The flood hazard areas include, but are not limited to, land subject to the 100-year flood.

Flood Hazard Boundary Map (FHBM): An official map of a community issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: Official report provided by the Federal Emergency Management Agency containing flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

Flood Peak: The maximum water level at the time of maximum discharge of a particular flood at a given point along a stream.

Floodplain: Area which borders a stream channel and is covered by its water in time of flood; also consists of stream bed areas subject to recurrent overflow, or inundation.

Floodway: The channel of a river, stream or other watercourse and the adjacent land area that must be reserved to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot (1 ft.) at any point.

Fps: Feet per second.

Frontage: Distance of lot as measured along the right-of-way.

Georgia DOT or GDOT: The (State of) Georgia Department of Transportation.

Gph: Gallons per hour.

Gpm: Gallons per minute.

Governing Body: The Mayor and City Commission of Cornelia, Georgia.

Gradient: The rate of vertical change between two distance points, determined by dividing the vertical distance by the horizontal distance (i.e., rise over run).

Grading: The movement, removal or addition of earth and the altering the shape of ground surfaces on a site by the use of mechanical equipment. This shall include stripping, cutting, filling, stockpiling and shaping or a combination thereof. Grading is a land disturbing activity.

Greenway: A linear park or open space conservation area that provides recreational opportunities, pedestrian and/or bicycle paths, and/or conservation and preservation of open spaces or natural areas.

Grubbing: The removal of stumps, roots and/or vegetation from the site by methods such as digging, raking, dragging or otherwise disturbing the roots of vegetation. Grubbing is a land disturbing activity.

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.

Headwater: The water upstream from a structure; or may also be the source of a stream.

Health Department: The Habersham County Health Department.

Homeowners 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. These associations are sometimes referred to as the HOA.

Hydrology: The science of dealing with the waters of the earth in their various forms, precipitation, evaporation, runoff and ground water.

Imperviousness: The quality or condition of a material that minimizes percolation.

Impervious Surface: Areas which do not permit natural infiltration of rainfall, including, but not limited to rooftops, paved parking lots, driveways, paved roads and streets, patios, paved sidewalks, swimming pools, paved tennis courts and basketball courts, and any other exposed area surfaced in concrete or asphalt, except of gravel and pervious or porous paving materials.

Invert: The floor, bottom or lowest part of the internal cross-section of conduit.

Land Disturbing Activity: Any activity including grading, scraping, clearing, dredging, excavating, and transporting or filling of land; clearing and grubbing of vegetation; any other alteration of land which that may cause land and stream bank erosion, siltation or water pollution from water or wind but not including agricultural practices; and any construction, rebuilding or alteration of a structure.

Land Disturbance Permit: A permit issued to authorize clearing, grading, excavating, transporting and filling of land.

Letter of Credit: A type of subdivision improvement guarantee whereby a subdivider 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 City. The instrument pledges the creditor to pay the cost of improvements in case of default by the subdivider.

Licensed Landscape Architect (LA): A person who, by reason of his special knowledge of natural, physical and mathematical sciences and the principles and methodology of landscape architectural design acquired by practical experience and formal education or both, is qualified to engage in the practice of landscape architecture, as attested by the issuance to said person of a license as a landscape architect by the State of Georgia.

Licensed Land Surveyor/Registered Land Surveyor (RLS): A person who, by reason of his knowledge of the several sciences and of the principles of land surveying acquired by practical experience and formal education, is qualified to engage in the practice of land surveying as attested by the issuance to said person of a license as a land surveyor by the State of Georgia.

Licensed Engineer/Professional Engineer (PE): A person who, by reason of his knowledge of the several sciences and of the principles of engineering acquired by practical experience and formal education, is qualified to engage in the practice of engineering as attested by the issuance to said person of a license as a professional engineer by the State of Georgia.

Lot: A portion or parcel of land intended as a unit for transfer of ownership or for development or both, intended to be devoted to a common use or occupied by a building or group of buildings devoted to a common use, and having principal frontage on a public street or an approved private street. In determining the area and dimension of a lot, no part of the right-of-way may be included.

Lot of Record: A parcel of land within the city limits which was properly platted and recorded in the Superior Court Clerk of Habersham County's Plat and Deed records as of the effective date of this ordinance, or which was lawfully subdivided prior to annexation into the City limits.

Lot of Record, Nonconforming: A historically defined parcel of land that does not meet the current standards for a lot as defined by the Zoning Ordinance. Nonconforming Lots of Record may be allowed a function consistent with adjoining lots provided that in case of division, boundary adjustment, or consolidation, no lot shall be created which does not meet the requirements of the current Zoning Ordinance. The grant of an interest, for security or other purpose, in real property for less than an entire lot, or the foreclosure or sale of such interest, shall not be deemed to create a legal lot unless properly approved by, or a variance granted by the Board of Adjustments, in accordance with this ordinance and the Zoning Ordinance. Nonconforming Lots of Record may consist of:

- A single lot of record.
- A portion of a lot of record.
- A combination of complete lots of record or complete lots of record and portions of lots of record or of portions of lots of record.

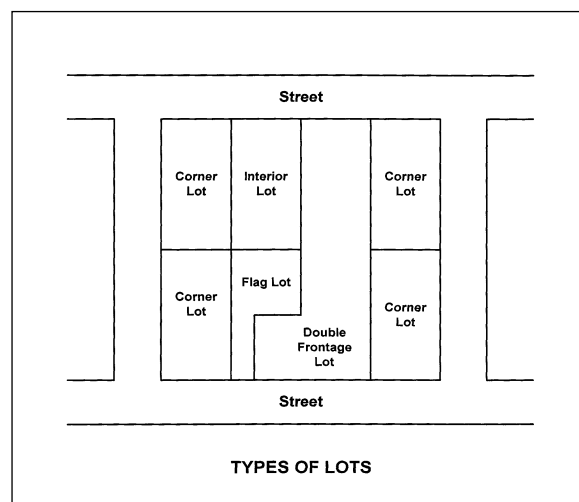
- A parcel of land described by metes and bounds.

Lot Area: The total horizontal area within the lot lines of a lot, exclusive of public street right-of-ways.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

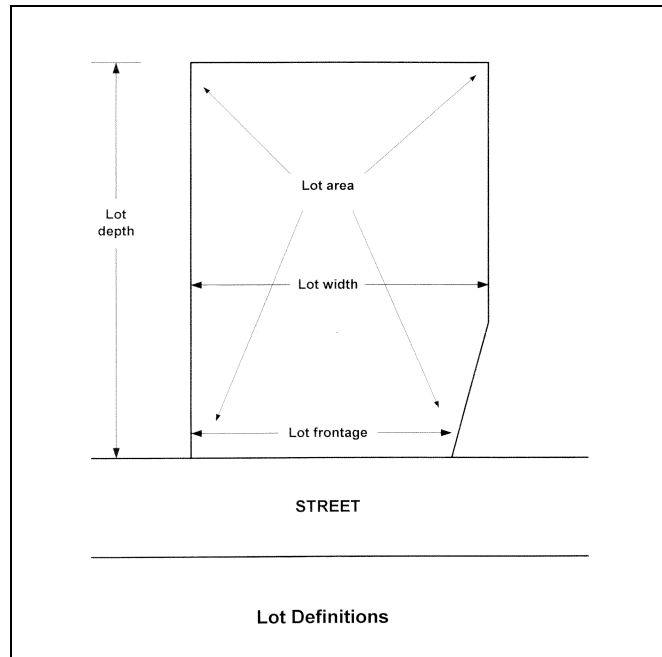
Lot, Depth: The average horizontal distance between the front and rear lot lines.

Lot, Double Frontage: A lot other than a corner lot which has frontage upon two or more streets that do not intersect at a point abutting the property.



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



Lot, Interior: A lot other than a corner lot with frontage on only one lot.

Lot, Width: The distance between side lot lines measured at the regulatory/required building line.

Manufactured Home: Manufactured home is commonly referred to as a “Mobile Home” and is only allowed to be placed into existing Manufactured House Developments within the City limits through the City Zoning Ordinance. A Manufactured Home is a new or used structure or dwelling unit, meeting the definition of “manufactured home” contained in O.C.G.A. § 8-2-160, fabricated in an off-site facility, transportable in one or more sections for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home Construction and Safety Standards Act, 41 U.S.C. § 5401 et seq., and meeting the following development standards:

1. A minimum width in excess of twenty-eight (28) feet
2. A minimum roof pitch of 5:12, which means having a pitch equal to at least five inches of vertical height for every twelve inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
3. A minimum roof overhang of 12-inches is required. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate or similar materials.

4. Exterior siding consisting of wood, hardboard, vinyl, brick, masonry, stone, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in site dwellings.
5. A curtain wall, unpierced except for required ventilation and access, must be installed so that it encloses the area located under the home to the ground level. Such a wall shall have a minimum thickness of four (4) inches and shall be constructed of masonry or similar material as approved by the Zoning Administrator.
6. The dwelling must be placed on a permanent foundation, either slab or pier, which meets the requirement of the Standard Building Code. In addition, the dwelling shall be completely under pinned with masonry, stone, or other similar materials for the purpose of underpinning as approved by the Zoning Administrator.
7. Utility meters must be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus must be removed before occupancy.
8. A landing must be installed at each doorway. The minimum size of the landing shall be four feet by six feet (excluding steps) at each doorway. The structure must include steps which lead to ground level, and both landing and steps must meet the requirements of the most recently adopted Building Code of the city of Cornelia Code of Ordinances.
9. The dwelling must be installed in accordance with O.C.G.A. § 8-20-160 et seq. and the rules promulgated thereunder.

Manufactured Housing Development: A development or subdivision also known as a “Mobile Home Park” intended for use as a residential area occupied by multiple manufactured homes. New Manufactured Housing Developments are not allowed within the City limits through the City Zoning Ordinances.

Mass Grading: The grading of two (2) acres or more, for residential development, or twenty-five (25) acres or more, for Non-residential development, at one time to prepare multiple lots for construction, rather than lot-by-lot grading at the time of building construction. This definition does not include grading necessary to install required infrastructure such as roads and utilities.

Master Plan: A comprehensive plan, which may consist of multiple maps, data and other descriptive matter guiding the physical development of the City or any portion thereof. This includes any amendments, extensions or additions thereof recommended by the City Manager and adopted by the City Commission indicating the general location for major roads, parks or other public open spaces, public building sites, routes for public utilities, zoning districts or other similar information.

Mean Sea Level: The average height of the sea for all states of the tide. It is used as a reference for establishing various property elevations, and for other purposes. For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

Metes and Bounds: A system of describing and identifying land by distances or measures (metes) and bearings or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the corner of intersecting streets.

Municipal Planning Board: Citizens of the City of Cornelia appointed by the City Commission who have the authority to review and recommend the City Commission whether preliminary plats and final plats should be approved, conditionally approved or denied.

National Geodetic Vertical Datum (NGVD): Vertical control used as a reference for establishing varying elevations including areas within the floodplain as corrected in 1929.

Open Space: Land and water areas retained for use as passive recreation areas or for resource protection or conservation in an essentially undeveloped state. In the context of Article XI of this ordinance, open space shall mean any combination of primary conservation areas and secondary conservation areas, as defined in this Article, that together form a permanent, undivided or relatively undivided, undeveloped area.

Owner(s) of Record: The owner(s) of property as specified on the deed of the lot of record.

Parking Lot: A ground level open area that is used for the temporary parking of vehicles and does not include entry roads.

Pavement width: The width of a given lane, road, or other road pavement width, measured from back-of-curb to back-of-curb, or to the edge of pavement where no curbs are required or exist.

Pedestrian Way: Crosswalk or other areas designed and marked specifically for pedestrian traffic.

Performance bond: A type of subdivision improvement guarantee in the form of a bond, secured by the subdivider from a bonding company, in an amount specified by the City Engineer to cover the costs of required improvements, and payable to the City. The City may call in the performance bond in the event the subdivider defaults on required improvements.

Person: Any individual, partnership, firm, association, public or private corporation, trust, joint venture, estate, cooperative, political subdivision or other instrumentality of this state or other legal entity.

Plat, Final: A finished drawing of a subdivision showing completely and accurately all legal and engineering information, certification, and all other elements and requirements set

forth in this ordinance and O.C.G.A. 15-6-7, prepared for filing for record with the Clerk of the Habersham County Superior Court.

Plat, Preliminary: A drawing which shows the proposed layout of a subdivision in sufficient detail to indicate its general design.

Pre-Application Conference: An initial and informal stage of development review at which the developer may make known concept plan proposals and the Project Review Team may respond and/or advise the developer concerning the development regulations.

Professional or Design Professional: An individual who meets state licensure requirements applicable to the profession or practice in which he/she is engaged.

Professional Engineer: See “Licensed Engineer”.

Project: A principal building or structure or group of buildings or structures planned and designed as an interdependent unit together with all accessory uses or structures, utilities, drainage, access and circulation facilities, whether built in whole or phases. Examples include: a principal building on a lot, a residential subdivision, a multi-family development, a shopping center or an office park.

Project Review Team: A team of individuals, consultants, professionals, and City employees representing the City in the review and approval of proposed developments. The Project Review Team is composed of the Administrative Officer as well as others including, but not limited to, the Public Works Director, the City Engineer, City Planner/Zoning Administrator, Fire Marshall, Municipal Planning Board, Building Inspector, Economic & Community Development Manager as well as other stakeholders.

Property Owner: Any person who owns fee title to a given area of land, excluding, however, any recorded easement or right-of-way.

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.

Protected Zone: All lands that fall outside the buildable area of a parcel; all areas of a parcel required to remain in open space, and/or all areas required as yard areas, buffers, or landscaped areas according to provisions of the City of Cornelia Zoning Ordinance or by conditions of zoning and variance approval.

Psi: Pounds per square inch.

Rational Formula: A method of calculating the total amount of stormwater runoff a given project will generate within a certain period of time, represented by the following formula:

$Q = CIA$, where

Q = maximum amount of runoff in cubic feet per second (Q accounts for both

quantity and rate)

C = average runoff coefficient for the entire site

I = intensity of rainfall in inches per hour

A = total area to be drained in acres

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

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

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.

Responsible party: In the context of enforcement procedures, a person who is alleged to have committed, causes, continued or created a violation of the terms, requirements, regulations, or provisions of this ordinance whether as a direct act, through lack of action or neglect, or at the direction of or on behalf of others. A responsible party may be the owner of a premises where a violation has occurred; an occupant whether through ownership, lease or other tenancy; a contractor, building or developer; an agent of or person otherwise acting on behalf of the aforementioned parties; or other person acting in violation of this ordinance.

Re-subdivision: The act of changing an existing lot created by a plat and recorded in the Office of the County Superior Court Clerk of Habersham County, Georgia.

Retention: The permanent maintenance of stormwater on-site.

Retention pond: A pond or pool used for the permanent storage of stormwater runoff.

Right-of-way, public: That area, distinguished from an easement or private road right-of-way, which is owned in fee-simple title by the Governing Body or other government, for the present or future use of roads, roads and highways, together with its drainage facilities and other supporting uses and structures.

Right-of-way, private: That area, distinguished from an access easement or public right-of-way, dedicated to property owners of the subdivision involved or to other individuals, and which affords permanent access to abutting property or properties. A private right-of-way is distinguishable from a public road right-of-way in that maintenance and ownership of the road and accessory improvements is by private individuals or an association rather than the Governing Body or another government.

Riprap: Rocks, rubble, or stones, irregularly shaped and at least six inches in diameter, used for erosion control and soil stabilization.

Road Classification Map: Comprehensive plan of arterial, collector and minor streets and roads for all or a portion of the City.

Roadway drainage structure: A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Runoff coefficient: Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which runoff can be calculated.

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

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, water, ice or gravity as product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

Sensitive natural areas: Any area, as identified now or hereafter by the Georgia Department of Natural Resources, which contains one or more of the following: habitat, including nesting sites, occupied by rare or endangered species; rare or exemplary natural communities; significant landforms, hydroforms, or geological features; or other areas so designated by the Department of Natural Resources; and which is 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.

Sewer: A pipe located in a public right-of-way or easement which transports sewage, including manholes, connections, and all other appurtenances.

Sewer, storm: A sewer that carries storm, surface, and ground water drainage but excludes sewage and residential, commercial, and industrial wastes.

Shade Tree: A tree in a public place, street right-of-way, or special easement, planted to provide canopy that will obscure the sun and heat from the ground.

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

Site: Any tract, lot or parcel of land where development is to be performed.

Site Work: Development activity to prepare a property for construction of buildings or finished structures, including clearing, grubbing, grading and installation of soil erosion and sedimentation control facilities.

Soil and Water Conservation Commission: The Soil and Water Conservation Commission of the State of Georgia.

Soil and Water Conservation District: The Upper Chattahoochee River Soil and Water Conservation District.

Soil Erosion and Sedimentation Control Regulations: Regulations promulgated by the State of Georgia through the Georgia Erosion and Sedimentation Act of 1975 as amended to date.

Specimen Tree: Any deciduous tree which has been determined to be of high value by the Zoning Administrator because of its species, size, age or other distinctive criteria.

Stream Bank Buffer: Georgia law requires a 25 foot undisturbed buffer, parallel to the stream, along both banks of all "Waters of the State" as measured from the "point of wrested vegetation". The City may have Stream buffers greater than what Georgia law requires.

Street: A public or private thoroughfare which is open to the general public and which affords the principal means of access to abutting property. Private streets are not allowed in new Development.

Street, Arterial: Unless otherwise specified by the Comprehensive Plan, transportation element of the Comprehensive Plan or Major Thoroughfare Plan, arterial streets are those streets and highway facilities, including full and partial access controlled highways and major urban area entrance highways, which are designed to carry the highest traffic volumes and the longest trips through and within an urban area.

Street, Collector: Unless otherwise specified by the Comprehensive Plan, transportation element of the Comprehensive Plan or Major Thoroughfare Plan, collector streets are those streets that collect traffic from minor streets or other collector streets and channel it to the arterial system. Collector streets provide land access and traffic circulation within commercial and industrial areas.

Street, Local: Unless otherwise specified by the Comprehensive Plan, transportation element of the Comprehensive Plan or Major Thoroughfare Plan, local streets are used primarily for direct access to residential, commercial industrial or other abutting property.

Street, Private: A road or street that has not been accepted for maintenance by the City and that is not owned and maintained by a state, county, city, or another public entity. Private Streets are not allowed in new Developments.

Street, Public: A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties. See definition for Local Street.

Storm Drainage System: Any structure used principally to retain, detain, collect, direct, transfer, carry, convey, distribute or treat, singularly or in combination, storm water or other surface water, including, but not limited to, aprons, basins, berms, BMP facilities, catchments, conduits, culverts, dams, dikes, ditches, drains, drops, filters, grates, infiltration devices, inlets, manholes, man-made channels, outlets, pipes, ponds, rip-rap, risers, spillways, storm sewers, swales and trenches; and also including any maintenance areas needed for such structures.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something having more or less permanent location on the ground, not including utility poles.

Subdivision: The division of a parcel or tract of land into two (2) or more lots for the purposes of creation of lots for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership.

Subdivision, Consolidation: The removal of common property lines between abutting lots in the same ownership. (See also boundary adjustment subdivision).

Subdivision, Consolidation Plan: A legal document, prepared by a qualified professional licensed to prepare such in the State of Georgia, for the purpose of the legal removal of common property lines between abutting lots in the same ownership.

Subdivision, major: Any subdivision which involves the construction of a new public or private street; and any subdivision, regardless of whether or not it involves a new public or private street, which contains more than three (3) lots.

Subdivision, minor: The subdivision of a tract of land into not more than three (3) lots, where each lot has minimum required frontage on an existing public street.

Time of concentration: The time it takes for runoff to travel from the hydraulically most distant part of the watershed to the point of reference. In hydrograph analysis, it is the time from the end of excessive rainfall to the point of inflection on the falling limb in the hydrograph.

Topography: The configuration of surface features of a region, including its relief, rivers, lakes, and showing relative elevations.

Tract: An area, parcel, site, piece of land or property that is subject of a development application.

Traffic Study: An analysis conducted to assess the impact of vehicular traffic generated by a new use or change in use on existing or future road network and to obtain the required information in evaluating any potential road network improvements.

Utilities: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information,

telecommunication and telephone cable, and including facilities for the generation of electricity.

Vacation: The termination of, or termination of interest in, an easement, right-of-way, or public dedication of land.

Variance: 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 a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

Vicinity map: A map, not necessarily to scale showing the general location of the proposed subdivision or land development in relation to major roads and/or natural features.

VPD: Vehicles per day.

Waters of the State: "Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation." As defined by the Erosion and Sedimentation Act of 1975. O.C.G.A. §12-7-3

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. . Wetlands generally include swamps, marshes, bogs and similar areas. (33 CFR 32.93) The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation. Freshwater wetlands do not include any areas defined as "coastal marshlands" by the State Coastal Marshlands Protection Act.

Zoning Administrator: The City Planner or other city staff person designated by the City Manager responsible for administering, interpreting, and enforcing the City's Zoning Ordinance, or his or her designee.

Zoning Ordinance: The zoning ordinance adopted by the City Commission that govern all property located within the limits of the City of Cornelia.

END ARTICLE II