

ZONING ORDINANCE OF THE CITY OF CORNELIA, GEORGIA

Adopted:

Wednesday, December 28th, 2005



Prepared Under Contract By:

Jerry Weitz & Associates, Inc.
Planning & Development Consultants
1225 Rucker Road
Alpharetta, Georgia 30004
770-751-1203

CORNELIA MAYOR AND CITY COMMISSION:

Don Higgins, Mayor
Bill Cuthbertson, Ward 1
George McEntire, Ward 2
Margaret Ballard, Ward 3
Tony Cook, Ward 4

MUNICIPAL PLANNING BOARD:

J. W. Kennedy, Chairperson
Earl Gober
Merlene Hogsed
Shirley Smith
Bill Strickland
Jean Strickland

CITY STAFF:

Tom Patton, City Manager
Steve Campbell, City Attorney
Janie Henderson, City Clerk
Jeffery R. Barron, City Planner

Approved and Adopted by:
THE CITY COMMISSION OF THE CITY OF CORNELIA
Wednesday, December 28, 2005

**ARTICLE 1
PREAMBLE, ENACTMENT, AND
LEGAL STATUS PROVISIONS**

Section 101. Preamble.

WHEREAS, the Constitution of the State of Georgia, effective July 1, 1983, provides in Article IX, Section II, Paragraph IV thereof, that the governing authority of the City may adopt plans and exercise the power of zoning; and

WHEREAS, the Georgia General Assembly has enacted the Georgia Planning Act of 1989, (Georgia Laws, 1989, pp. 1317-1391, Act 634) which among other things provides for local governments to adopt plans and regulations to implement plans for the protection and preservation of natural resources, the environment, vital areas, and land use; and

WHEREAS, the Georgia Department of Community Affairs has promulgated Minimum Standards and Procedures for Local Comprehensive Planning (Chapter 110-3-2 of Rules of the Georgia Department of Community Affairs) to implement the Georgia Planning Act of 1989, said standards and procedures were ratified by the Georgia General Assembly, and have since been amended, and said rules require local governments to describe regulatory measures and land development regulations needed to implement local Comprehensive Plans; and

WHEREAS, the Georgia Department of Natural Resources has promulgated Rules for Environmental Planning Criteria, commonly known as the "Part V" Standards, said rules were ratified by the Georgia General Assembly, and said rules require local governments to plan for the protection of the natural resources, the environment, and vital areas of the State; and

WHEREAS, the Governing Body has adopted a Comprehensive Plan in accordance with the requirements of the Georgia Planning Act of 1989, Rules of the Georgia Department of Community Affairs, and Rules of the Georgia Department of Natural Resources, and said plan has been revised from time to time; and

WHEREAS, the Comprehensive Plan specifies a number of goals and policies that are not currently implemented by the Governing Body's land use regulations; and

WHEREAS, the Governing Body desires to help assure the implementation of its Comprehensive Plan; and

WHEREAS, the Governing Body desires to promote the health, safety, welfare, morals, convenience, order, and prosperity of the citizens;

WHEREAS, the Governing Body has undertaken an audit of how current regulations promote quality growth, and it desires further to promote responsible, quality growth, lessen congestion in the public thoroughfares, secure safety from fire and health dangers, and promote desirable living conditions; and

WHEREAS, the Governing desires to regulate the height, bulk, and the size of buildings and structures; and

WHEREAS, the Governing Body desires to classify land uses, establish procedures for the handling of certain land use matters, and regulate the distribution and density of uses on the land to avoid both the undue concentration of population and the inappropriate dispersion of population, prevent the encroachment of incompatible land uses within residential areas, and preserve property values; and

WHEREAS, the Governing Body desires to provide for economically sound and stable land development by assuring the provision in land developments of adequate streets, utilities, services, traffic access and circulation, public open spaces, and maintenance continuity; and

WHEREAS, the Governing Body finds that the regulations contained in this ordinance are the minimum necessary to accomplish the various public purposes; and

WHEREAS, the General Assembly of the State of Georgia enacted Ga. Laws 1985, page 1139, Act. No. 662, providing for an amendment to Title 36 of the Official Code of Georgia Annotated, codified as O.C.G.A. sections 36-66-1 et seq., so as to provide procedures for the exercise of zoning powers by cities and counties; and

WHEREAS, appropriate public notice and hearing have been accomplished; and

WHEREAS, the municipal planning board has considered this matter;

NOW THEREFORE BE IT ORDAINED by the Governing Body and it is hereby ordained by the authority of the same, that the following articles and sections known collectively as the "Zoning Ordinance of the City of Cornelia, Georgia," are hereby enacted into law.

Section 102. Jurisdiction.

Unless this ordinance clearly indicates otherwise, this ordinance shall apply within the incorporated limits of the City of Cornelia, Georgia.

Section 103. Conflict with Other Laws.

Whenever the regulations of this ordinance require or impose more restrictive standards than are required in or under any other ordinance, the requirements of this ordinance shall govern. Whenever the provisions of any state or federal statute require more restrictive standards than are required by this ordinance, the provisions of such statute shall govern.

Section 104. Validity and Severability.

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 105. Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict herewith are repealed to the extent necessary to give this ordinance full force and effect, except that any ordinances or resolutions repealed by this provision shall not limit or impair the city's authority to enforce such ordinances or resolutions to the extent that violations thereof occurred prior to repeal.

Section 106. Codification.

It is the intention of the Governing Body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the official code of the City of Cornelia, and the sections of this ordinance may be renumbered or reorganized to accomplish such intention.

Section 107. Adoption and Effective Date.

This ordinance is hereby adopted this ____ day of _____, _____, and shall be effective immediately upon its adoption, the public welfare demanding it.

MAYOR AND CITY COMMISSION OF CORNELIA, GEORGIA

_____, Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

City Attorney

ARTICLE 2 DEFINITIONS

Section 201. Interpretations.

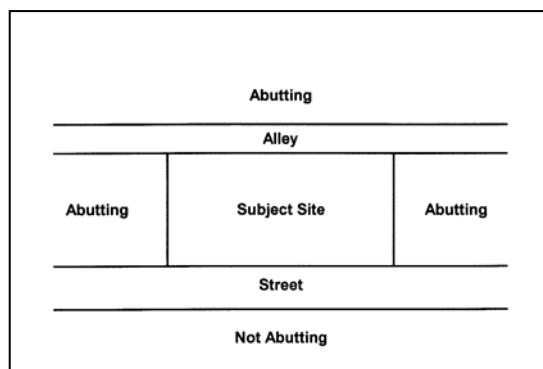
Except as specifically defined herein, or in other sections of this ordinance containing definitions, all words used in this ordinance have their customary dictionary definitions. Unless otherwise expressly stated, the following words shall have the meaning herein indicated.

- (a) Words used in the present tense include the future tense.
- (b) Words used in the singular number include the plural and words used in the plural number include the singular.
- (c) The word "person" includes a firm, association, organization, partnership, corporation, trust and company as well as an individual.
- (d) The word "lot" includes the word "plot" or "parcel."
- (e) The word "building" includes the word "structure."
- (f) The word "shall" is mandatory, not directory.
- (g) The words "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."
- (h) The word "zoning map" or "Cornelia Zoning Map" shall mean the "Official Zoning Map of the City of Cornelia, Georgia."
- (i) In cases where another chapter of this ordinance contains a section on definitions, the definitions of this chapter shall still apply, unless the context clearly indicates otherwise.

Section 202. Definitions.

Abutting: Having property lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.

Accessory apartment, attached: A second dwelling unit that is added to the structure of an existing site-built single family dwelling, for use as a complete, independent living facility for a single household, with provision within the attached accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling.



Accessory apartment, detached: A second dwelling unit that is added to an existing accessory structure (e.g., residential space above a detached garage), or as a new freestanding accessory building, for use as a complete, independent living facility for a single household, with provision within the attached accessory apartment for cooking, eating, sanitation and sleeping. Such a dwelling is considered an accessory use to the principal dwelling.



Adaptive reuse: Rehabilitation or renovation and occupancy of an existing building(s) or structures for use(s) other than the present use(s).

Adult entertainment: As defined in the Cornelia City Code, adult entertainment.

Adult entertainment facility: Any establishment in the City of Cornelia where adult entertainment is sponsored, allowed, encouraged, condoned, presented, sold, or offered to the public.

Agriculture: The cultivation or growth of a field or horticultural crop, farm forestry, and raising of livestock, but specifically excluding poultry, swine, sheep, and cattle.

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

Alteration: Any change in the supporting members of a building or structure such as bearing walls, columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use; or, any movement of a building from one location to another.

Amenity: Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities, pedestrian plazas, views, streetscape improvements, special landscaping, or attractive site design.

Animal hospital: An establishment designed or used for the care, observation, or treatment of domestic animals. This definition includes veterinary clinics and animal day care facilities.

Animal shelter: Any premises designed or operated for impounding and caring for stray, homeless, abandoned, or unwanted animals (usually primarily cats and dogs), or that are otherwise subject to impoundment. An animal shelter is usually intended to provide only temporary kenneling of such animals until a permanent home is found.

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

Apartment: A building designed for or occupied exclusively by two (2) or more families with separate housekeeping facilities for each family for rent or lease.

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

Arcade, amusement: A place or facility where pinball or electronic games are played for amusement. Amusement arcades are indoor commercial recreation facilities.

Art gallery: An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art. This use does not include libraries and museums. An art gallery is an enclosed retail trade establishment unless operated by a public entity in which case it is considered a public use.

Assisted living facility: Residences for the frail elderly that provide rooms, meals, personal care, and supervision of self-administered medication. They may provide other services incidental to the above. For purposes of this ordinance, assisted living facilities are considered institutionalized residential living and care facilities.

Auction house or auction yard: Any building, structure, enclosure, or place where goods or livestock are sold by auction (i.e., through bid in competition with others).

Automated teller machine: A mechanized consumer device that is operated by a customer and which performs banking and financial functions at a location remote from the controlling financial institution. An automated teller machine is an accessory use.

Automobile sales and service establishment: New and used car, truck, tractor, trailer, and motorcycle sales, leasing, rental, and service, and agricultural implement and equipment. This definition includes automotive services such as rental car facilities, top and body, paint, automotive glass, transmission, and tire repair shops, car washes, including automated and staffed facilities, and oil change and lubrication facilities.

Automobile sales: A premises designed or used for storage and display for sale of cars, trucks, tractors, trailers, and motorcycles all of which are complete and operable. Motorized vehicles for sale will typically be stored outside. All other activities must be in an enclosed building.

Automobile service station: See service and fuel filling station.

Bank or financial establishment: A business that accepts money for deposit into accounts from the general public or other financial institutions, and which may include personal or business loans, wire transfers and safe deposit boxes. Such uses include but are not limited to banks, savings and loan institutions and credit unions, and security and commodity exchanges.

Basement: That portion of a building having its lowest floor subgrade (below ground level) on two or more sides.

Bed and breakfast inn: A facility where overnight accommodations not exceeding six rooms are provided to transients for compensation, with or without a morning meal, and which may include afternoon and/or evening meal for guests, and where the operators of the facility live on the premises. A bed and breakfast inn does not include retail uses, public bar, conference center, or special event facilities.

Board of Adjustment: The body established by this ordinance and appointed by the Governing Body which has authority to take action on appeals and variances as established in this zoning ordinance.

Borrow site: A site used for the extraction of earthen materials such as sand, gravel, rock, dirt, etc. where the material is removed from the site.

Broadcasting studio: A building or structure operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs, and usually including satellite dishes, microwave dishes, and/or other communications equipment.

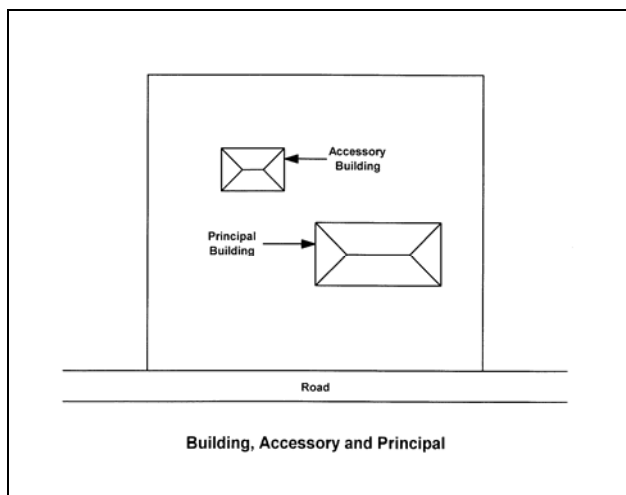
Buffer: A strip of land located between a side or rear property line and a building, structure, or use, intended to separate and obstruct the view of the site on which the buffer is located from an abutting property. A buffer is a natural area consisting of trees and other vegetation, undisturbed except for approved access and utility crossings, and replanted where sparsely vegetated. A buffer may be used for screening as may be required by this ordinance.

Buildable area: The portion of a lot which is not located within any minimum required yard, landscape strip/area or buffer; that portion of a lot wherein a building or structure may be located.

Building: Anything attached to the ground having a roof supported by columns or by walls and intended for shelter, housing or enclosure of persons, animals or personal property. For purposes of this ordinance, the term "building" includes "structure", as defined.

Building and selected vehicle sales: The sale, leasing, or rental of vehicles other than cars, trucks, tractors, trailers, and motorcycles. This use includes the sale leasing, and rental of recreational vehicles, campers, park trailers, truck campers, motor homes, and custom van conversions, other craft used for recreational purposes such as boats with or without trailers, wave runners, and water-borne craft, and includes the sale of mobile and manufactured home and modular buildings.

Building, accessory: A building subordinate to the main building on a lot and used for purposes incidental to the main or principal building and located on the same lot therewith.



Building, height of: The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the deck lines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof. Grade is defined as the average elevation of the ground on all sides of a building.

Building, principal: A building in which is conducted the principal use of the lot on which said building is situated. In any residential district, any structure containing a dwelling unit shall be defined to be the principal building on the lot on which same is situated.

Building coverage: The horizontal area measured within the outside of the exterior walls of the ground floor of all principal buildings, accessory buildings, and accessory structures on the lot, not including steps, terraces, and uncovered porches.

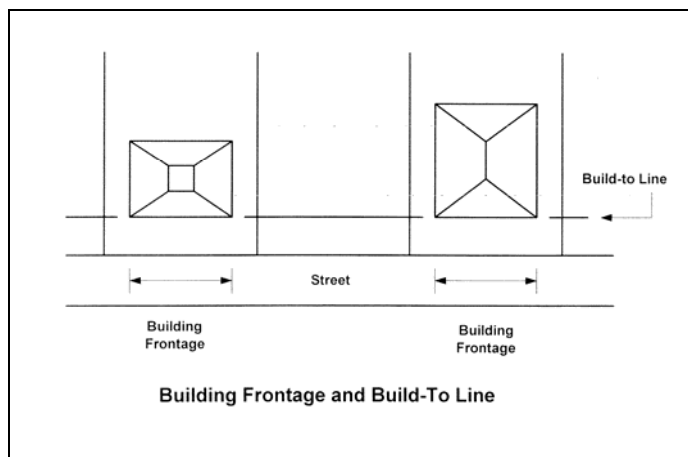
Building frontage: The width in linear feet of the front exterior wall of a particular establishment.

Building Inspector: The city official responsible for implementing and enforcing the applicable building codes and standards of the city.

Building materials sales: An establishment offering lumber or other construction materials used in buildings for sale to contractors or the general public. When operated in whole or part outside the confines of a building, a building materials sales establishment is an open air business.

Building setback line: A line establishing the minimum allowable distance between the main or front wall of a principal building and the street right-of-way line or another building wall and a side or rear property line when measured perpendicularly thereto. Covered porches, whether enclosed or not, shall be considered as a part of the building and shall not project into any required yards. For purposes of this ordinance, a building setback line and minimum required yard shall be considered the same.

Build-to-line: A condition of setbacks in which a continuous building line creates a consistent street edge and provides a positive visual image to pedestrians and motorists. The uniform building line enhances open space by defining setbacks and landscaping and increasing pedestrian and motorist comfort within the area.



Bulk storage: The storage of chemicals, petroleum products, or similar materials in above ground or below-ground storage containers designed for wholesale distribution or mass consumption. This includes fuel oil distributors with storage of products.

Business service establishment: A business activity engaged in support functions to establishments operating for a profit on a fee or contract basis, including but not limited to: advertising agencies, photocopying, blueprinting and duplication services, mailing agencies, commercial art and graphic design; personnel supply services and employment agencies, computer and data processing services, detective, protective, and security system services, accounting, auditing, and bookkeeping services, publications and business consulting firms, food catering, interior decorating, and locksmiths.

Camp or campground: Any place established or maintained for two or more individual spaces or sites for temporary living quarters in cabins, structures, or tents for recreation or vacation purposes for a fee.

Canopy: A roof-like structure, supported by a building and/or columns, poles, or braces extending from the ground, including an awning, that projects from the wall of a building over a sidewalk, driveway, entry, window, or similar area, or which may be freestanding. This term is not intended to refer to or be confused with a tree canopy.

Car wash: The use of a site for washing and cleaning of passenger vehicles, other vehicles, or other light duty equipment. Car washes consist of self-service, staffed, or mechanically automated facilities.

Caretaker's residence: A dwelling unit within a principal building or any freestanding building or structure that is an accessory use which is used for occupancy as a dwelling by an owner, security agent, or caretaker.

Carnival: Any use which constitutes a traveling or transportable group or aggregation of rides, shows, gaming booths, and concessions and where the public either pays admission or participation fees. A carnival is a temporary use.

Catering service: An establishment that serves and supplies food to be consumed off-premises. A catering service is a business service establishment.

Cemetery: The use of property as a burial place.

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, right-of-way edges, or pavement edges of such street.

Certificate of occupancy: A document issued by the building inspector allowing the occupancy or use of a building or land and certifying that the structure, use, or land has been constructed or erected or will be used in compliance with all applicable city codes and ordinances.

Church: A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for conducting organized religious services. Associated accessory uses include but are not limited to: schools, meeting halls, indoor and outdoor recreational facilities, day care, counseling, and kitchens.

Christmas tree sales facility: A facility conducted on a temporary basis during holiday season, generally conducted wholly outdoors but which may involve a tent or other temporary structure, that offers for sale Christmas trees and incidental holiday items such as wreaths and Christmas tree stands. Such facility is a temporary open-air business establishment.

City Engineer: The City Engineer, or his or her designee.

Clinic: An institution or professional office, other than a hospital or nursing home, where persons are counseled, examined, and/or treated by one or more persons providing any form of healing or medical health service. Persons providing these services may offer any combination of counseling, diagnostic, therapeutic or preventative treatment, instruction, or services, and which may include medical, physical, psychological, or mental services and facilities for primarily ambulatory persons.

Club or lodge, nonprofit: A building or premises, used for associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include Elks, Veterans of Foreign Wars, and Lions. The term shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

College or university: An educational use that provides training beyond and in addition to that training received in the 12th grade (i.e., undergraduate and graduate), and which has students regularly attending classes, and which confers associate, bachelor, master, or doctoral degrees.

Commercial recreational facility, indoor: A use that takes place within an enclosed building that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: assembly halls, auditoriums, meeting halls, art galleries and museums, billiard halls and pool rooms, amusement halls, video arcades, ice and roller skating rinks, fully-enclosed theaters, physical fitness centers and health clubs.

Commercial recreational facility, outdoor: A use of land and/or buildings that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: stadiums, amphitheaters, circuses and carnivals, fairgrounds, drive-in theaters, golf driving ranges, miniature golf courses, batting cages, race tracks for animals or motor-driven vehicles, unenclosed firearms shooting ranges and turkey shoots, trout ponds, equestrian centers and horse and pony riding rinks, botanical and zoological gardens, recreational vehicle

parks, ultra-light flight parks, and bungi jumping. A golf course and private club that is built as part of a single-family residential subdivision and that operates in a quasi-public manner is not considered to be an outdoor commercial recreational facility.

Common area: Land within a development, not individually owned or dedicated to the public, and designed for the common usage of the development. These areas include green open spaces and yards and may include pedestrian walkways and complimentary structures and improvements for the enjoyment of residents of the development. Maintenance of such areas is the responsibility of a private association, not the public.

Community recreation: A private recreational facility for use solely by the residents and guests of a particular residential development, including indoor facilities such as community meeting rooms and outdoor facilities such as swimming pools, tennis courts, and playgrounds. These facilities are usually proposed, planned, and provided in association with a development and are usually located within the boundaries of such development.

Compatibility: With regard to development, the characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict. With regard to buildings, harmony in appearance of architectural features in the same vicinity.

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 land in the interest of public health, safety, and welfare.

Conditional use: A use that would not be appropriate generally or without restriction throughout the particular zoning district and is not automatically permitted by right within a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood, may be found to be compatible and approved by the Governing Body within a particular zoning district as provided in certain instances by this ordinance. An approved conditional use runs with the property.

Conditional zoning: The granting or adoption of zoning for property subject to compliance with restrictions as to use, size, density, or actions stipulated by the Governing Body to mitigate adverse impacts that are anticipated without imposition of such conditions.

Condominium: A form of ownership as defined by state law in which common elements are jointly owned.

Condominium building: A building containing one (1) or more individually owned units or building spaces and related, jointly-owned, common areas as defined by laws of the State of Georgia. When a building on property under condominium ownership contains only one dwelling unit, that building is considered a detached, single-family condominium building. When a building on property under condominium ownership contains two dwelling units, that building is considered a duplex. When a building on property under condominium ownership contains more than two dwelling units, that building is considered an attached, multi-family condominium building.

Connectivity: Development achieves "connectivity" when one or more land uses and parcels within the development have direct accommodations for both vehicles and pedestrians to travel between or among those land uses, and direct vehicular and pedestrian connections with

compatible land uses on abutting properties. Direct accommodations for vehicles means that there is one or more alley, road, or driveway connection between the uses on the development site and among compatible uses on abutting sites (parcels), so that a vehicle can exit one development and enter the other development (i.e., cross property lines) without exiting onto a public street that provides principal access to the developments. Direct accommodations for pedestrians means that there are one or more sidewalks or other approved paths that allow a pedestrian to go from one development or parcel to another without using the sidewalk along a public street that provides principal access to the developments.

Construction field office: A manufactured home, travel trailer, truck trailer, and/or other structure used as an office in conjunction with a construction project. A construction field office is a temporary use.

Continuing care retirement community: A residential facility providing multiple, comprehensive services to older adults. For purposes of this ordinance this type of facility is an institutionalized residential living and care facility.

Contractor's establishment: An establishment engaged in the provision of construction activities, including but not limited to, plumbing, electrical work, building, grading, paving, roofing, carpentry, and other such activities, including the storage of material and the overnight parking of commercial vehicles. Also, this definition includes landscaping companies, as defined herein.

Convenience store: A small retail store that sells convenience goods, such as prepackaged food items and a limited line of groceries. Convenience stores may or may not sell gasoline, diesel, and kerosene but do not include automotive services.

Cottage industry: An individually-owned craft shop that produces on the premises through hand-made workmanship craft one or more goods for retail sale, such as candle-making, glass blowing, pottery making, weaving, woodworking, sculpting, and other similar or associated activities. A cottage industry has no more than 1,500 square feet of space and no more than five (5) employees.

Crematorium: An establishment, distinguished from a cemetery or funeral home, which involves a furnace used to reduce human remains to ash by burning.

Crisis center: A facility or portion thereof and premises that are used for the purposes of emergency shelter, crisis intervention, including counseling, referral, hotline response, and similar human social service functions. Said facility may include meal preparation, distribution, or service for residents of the center as well as nonresidents, merchandise distribution, or shelter, including boarding, lodging, or residential care. This term includes domestic violence and centers, homeless shelters, and halfway houses.

Curb cut: The providing of vehicular ingress and/or egress between property and an abutting street.

Day care center: Any place operated by a person, society, agency, corporation, institution or group, and licensed or registered by the State of Georgia and licensed by the City of Roswell as a group day care home or day care center, wherein are received for pay for group supervision and care, for fewer than twenty-four (24) hours per day, seven (7) or more children under eighteen (18) years of age.

Density: The number of dwelling units developed, or to be developed, per gross acre of land, or the gross square footage of a building per acre of land.

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

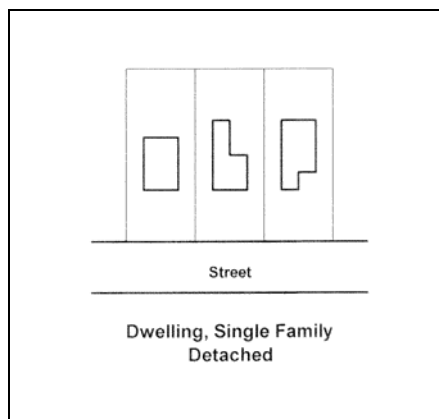
Distribution center: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

Driving range: An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, and which may include a snack bar and pro-shop. A driving range is an outdoor commercial recreation facility.

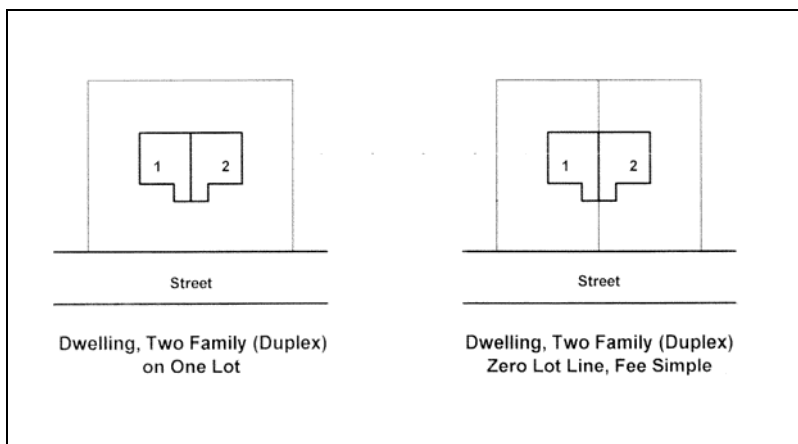
Dumpster: A container designed to hold refuse that has a hooking connection that permits it to be raised and dumped into a sanitation truck for disposal.

Dwelling: A building, other than a manufactured home, mobile home, or house trailer, designed, arranged or used for permanent living, and/or sleeping quarters.

Dwelling, single-family detached, fee-simple: A building designed or arranged to be occupied by one (1) family only and where each dwelling is located on its own lot in fee-simple title.



Dwelling, two-family (duplex): A building designed or arranged to be occupied by two (2) families living independently of each other and where each building is located on its own lot. Each unit of a duplex building may be fee-simple title, where the two dwelling units are attached along a common property line.



Dwelling, multi-family: A building other than a duplex, designed for or occupied exclusively by three (3) or more families with separate housekeeping facilities for each family.

Dwelling unit: A building, or portion thereof, designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

Exterminator: An establishment engaged in pest control for businesses, institutions, residences, or industries. This is a business service establishment.

Extraction: Removal or recovery by any means whatsoever of sand, gravel, soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, exposed or submerged. This term includes gravel pits, mines, quarries, and similar operations, but not "borrow site" as defined herein.

Fairgrounds: An area of land use including, but not limited to: agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales and auctions. Fairgrounds are considered outdoor commercial recreation facilities unless they are public uses.

Family: An individual; or two (2) or more persons related by blood, marriage, or guardianship, limited to the occupant, his or her spouse, and their parents and children; or a group of not more than five (5) persons, who need not be related by blood, marriage, or guardianship, living together in a dwelling unit as a family or household.

Family day care home: A private residence in which a business is operated by any person who receives therein (for pay) for supervision and care for fewer than twenty-four (24) hours per day, three (3) to not more than six (6) children under eighteen (18) years of age who are not residents in the same private residence. For purposes of this ordinance, a family day care home may be operated as a home occupation, subject to the requirements of this ordinance.

Fee simple: The owner is entitled to the entire property with unconditional power of disposition during his life and which descends to his heirs and legal representatives upon his death intestate.

Fence: An enclosure or barrier, composed of wood, masonry, stone, wire, iron, or other materials or combination of materials used as a boundary, means of protection, privacy screening, or confinement, including brick or concrete walls but not including hedges, shrubs, trees, or other natural growth.

Fence, barbed wire: One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals, including vertical supports.

Fence, chain-link: An open mesh fence made entirely of wire woven in squares of approximately 1.5 inches with vertical supports, usually spaced at an interval of six (6) feet, usually at a height of three (3) or more feet.

Fence, solid: A fence, including entrance and exit gates where access openings appear, through which no visual images can be seen.

Festival: The sale of ethnic, specialty, regional, and gourmet foods, art and crafts, and the provision of live entertainment in an outdoor setting. A festival is a temporary use.

Finance, insurance, and real estate establishment: Such uses include but are not limited to banks, savings and loan institutions and credit unions, security and commodity exchanges, insurance agents, brokers, and service, real estate brokers, agents, managers, and developers, trusts, and holding and investment companies.

Flea market: The use of land, structure, or building for the sale of new or used goods, usually of second quality or at cut-rate prices, in which two (2) or more vendors are accommodated in spaces on the same lot or within the same structure or building.

Floor area: The sum of all square footages (areas) of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The following areas are excluded from the measurement of floor area: unfinished attics, attached garages or spaces used for off-street parking and loading, breezeways, and enclosed or unenclosed decks and porches.

Funeral home: A building used for human funeral services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, the indoor storage of funeral vehicles.

Gas tank sales: The retail sale of bulk storage tanks for flammable and combustible liquids, compressed gases or liquefied petroleum (LP) gas. Gas tank sales are considered open air business uses.

Golf course: A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse and shelters as accessory uses. A golf course is not considered an outdoor commercial recreation facility.

Glare: A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Governing Body: The City Commission of the City of Cornelia, duly elected by the citizens within the jurisdiction.

Grade, natural: The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling, or excavating.

Group home: A single household of more than two or more unrelated persons, whether or not they are developmentally disabled, under the supervision of a resident manager.

Guest house: A lodging unit for temporary guests in an accessory building. No guest house shall be rented or otherwise used as a separate dwelling.

Health spa: An establishment which for profit or gain provides as one of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. The term includes establishments designated as "reducing salons," "exercise gyms," "health studios," "health clubs," and other terms of similar import. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility, hospital, intermediate care facility, or skilled nursing care facility.

Home occupation: Any use, occupation or activity conducted entirely within a dwelling by the residents thereof, which is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof.

Hospital: An institution licensed by the state and providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity or other abnormal physical or mental conditions, and including as an integral part of the institution, such related facilities as laboratories, outpatient facilities, or training facilities.

Hotel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via a central lobby.

Impervious surface: A man-made structure or surface, which prevents the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

Industrialized building: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Also known as modular building.

Inn: A lodging service with 20 or less rooms in a single building, and which may include full dining facilities. An inn does not include retail uses, public bar, conference center, or special event facilities.

Inoperable vehicle: Any motorized vehicle, other than those vehicles temporarily disabled incapable of immediately being driven. Any motorized vehicle without a current vehicle

registration tag shall be considered an inoperable vehicle.

Institutional residential living and care facilities: An umbrella term that encompasses the following uses as specifically defined in this ordinance: assisted living facility, intermediate care home, nursing home, skilled nursing care facility, and personal care home.

Intermediate care home: A facility which admits residents on medical referral; it maintains the services and facilities for institutional care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "intermediate care" means the provision of food, including special diets when required, shelter, laundry and personal care services, such as help with dressing, getting in and out of bed, bathing, feeding, medications and similar assistance, such services being under appropriate licensed supervision. Intermediate care does not normally include providing care for bed patients except on an emergency or temporary basis.

Junk: Scrap or waste material of any kind or nature collected for resale, disposal, or storage, or by accumulation.

Junk/salvage yard: Any property involving the abandonment, parking, storage or disassembly of junked or inoperable vehicles or junked machinery, the abandonment, storage, sale, or resale of used auto parts, tires, scrap iron, metal, used plumbing fixtures, old stoves, refrigerators and/or other old household appliances, used brick, wood, or other building/structural materials, used paper, rags or other scrap materials.

Kennel: Any facility used for the purpose of commercial boarding or sale of domestic animals or pets such as dogs and cats, and any other customarily incidental treatment of the animals such as grooming, cleaning, selling of pet supplies, or otherwise.

Kitchen: Any room or part of a room designed, built, used, or intended to be used for cooking, the preparation of food, or dishwashing. The presence of a range, oven, or dishwasher, or utility connections suitable for serving a range or oven, shall normally be considered as establishing a kitchen.

Landfill, construction and demolition: A disposal facility accepting waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings, and other structures. Such wastes include, but are not limited to, asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material and other inert wastes which have a low potential for groundwater contamination.

Landfill, sanitary: The burial of non-hazardous waste where such waste is covered on a daily basis, as distinguished from a construction and demolition landfill.

Landscape strip: That portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established as a landscaped open space, the width of which is measured from a given property line and extending the developed portion of the property line. A landscape strip, as distinguished from a buffer, may be disturbed by grading or site development but is maintained as landscaped open space. A landscape strip may consist of grass lawns, decorative planting, berms, walls, fences, or other features designed and arranged to produce an aesthetically pleasing effect within and outside the development.

Landscaping company: A business engaged in the provision of landscaping services and/or the wholesale or retail sale of landscaping products including but not limited to sod, trees, landscaping timbers, and earth covering materials. The processing of wood into timbers, mulch, and/or chips is considered an incidental use of a landscaping company whose primary purpose is the wholesale or retail sale of landscaping products.

Laundromat: A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron. A laundromat is considered a personal service establishment.

Lodging service: A facility that offers temporary (15 days or less in one room) shelter accommodations, or place for such shelter, open to the public for a fee, including "hotel" and "motel" as defined. "Bed and breakfast inn" and "inn" are defined separately.

Logging yard: Areas where logs of wood are stored on a regular basis before transfer by truck or railroad.

Lot: A parcel of land occupied or capable of being occupied by a use, building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

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

Lot coverage, maximum: The percentage of a given lot that may be occupied by all principal and accessory buildings and structures on said lot, measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings and structures on the lot.

Lot, double frontage: Any lot, other than a corner lot, which has frontage on two (2) streets.

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

Lot line, front: The front property line coincident with a street right-of-way line.

Lot of record: A lot which is part of a subdivision, a plat of which has been recorded in the records of the Clerk of Superior Court of Habersham County; or a parcel of land, the deed of which has been recorded in the same office as of the effective date of this ordinance.

Lot width: The distance between side lot lines measured at the front building line.

Lumber yard: A facility where wood materials such as lumber, plywood, panels or other wood products are processed and sold for retail sale or wholesale. Such use may involve performing millwork, planning, cutting, and other customizing processes.

Manufactured home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, when erected on site, is three hundred twenty (320) or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; or a structure that otherwise comes within the definition of a "manufactured home" under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445).

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.

Marquee: A roofed structure and attached to and supported by a building and projecting over public or private sidewalks or rights-of-way.

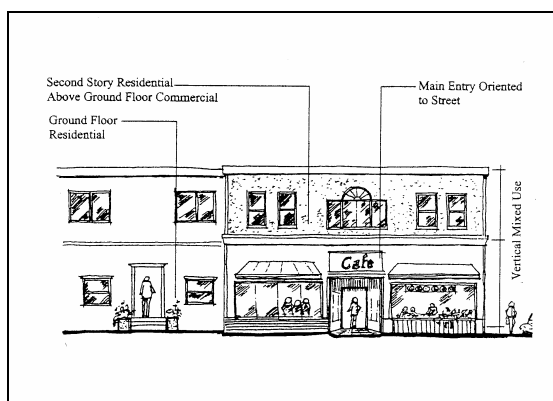
Materials recovery facility: A solid waste handling facility that provides for the extraction from solid waste of recoverable material, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

Metes and bounds: A system of describing and identifying land by a series of lines around the perimeter of an area; “metes” means bearings and distances and “bounds” refers to monuments both physical and legal.

Mini-warehouse: (see self-service storage facility).

Mining: All or any part of the process involved in the mining of aggregates and/or minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger methods, dredging, and quarrying, underground mining, and surface work incidental to such activities. See also the term, “extraction.”

Mixed-use development: A single building containing more than one type of land use; or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified complementary whole.



Mobile home: A moveable dwelling unit, equipped with wheels, skids or rollers, which may be mounted on a stationary foundation, which is used or designed to be used for permanent living or sleeping quarters.

Modular structure: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or

processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Such structure is used for residential or commercial purposes and bears a seal of compliance with the Georgia Industrialized Building Act or which complies with the Building Code of the State of Georgia or the City of Cornelia Building Code. Because modular structures meet the local building code or a state code or industrialized building act, they are regulated the same as “stick built” structures.

Motel: A commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via the exterior of the building rather than through a central lobby. A motel may include as accessory uses the following: full dining, public bar, retail uses up to 2,500 square feet or less of retail uses, and 7,500 square feet or less of special event or conference center facilities.

Museum: A building having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public with or without an admission fee, and which may include as an accessory use the sale of goods to the public as gifts or for their own use.

Neotraditional development: A residential or mixed-use development that incorporates design features and pedestrian access and scale typical of cities or neighborhoods which existed prior to the widespread use of the automobile. These developments typically incorporate a diversity of housing types and land uses, narrow streets, smaller front setbacks, alleys, and garages that are not visible from the street that create a livable or inviting atmosphere and greater walkability. Neotraditional development generally follows principles of “new urbanism.”

New urbanism: A school of thought that espouses principles for development, including generally that activities of life (housing, workplace, shopping, and recreation) should be combined into compact, pedestrian-friendly, mixed-use neighborhoods linked by transit and set in a larger open space network.

Nonconforming building or structure: A building or structure that does not meet one or more setbacks for the zoning district in which said building or structure is located, or a building or structure that exceeds the maximum lot coverage for the zoning district in which said building or structure is located, or a principal building or accessory structure that that otherwise does not comply with dimensional requirements established by this ordinance for the particular principal building or accessory structure or for the zoning district in which the nonconforming building or structure is located.

Nonconforming lot: A lot which does not conform to the lot requirements of the zoning district in which the lot is located as established by this ordinance but which was a lot of record prior to the effective date of this ordinance or its amendment.

Nonconforming use: Any building or use of land or building lawfully existing on or before the effective date of this ordinance or as a result of subsequent amendments to this ordinance, which does not conform to the use provisions of the zoning district in which it is located.

Nursery or kindergarten school: Any building used routinely for the daytime care or education of preschool age children and including all normal accessory and play areas. For purpose of this ordinance, a nursery or kindergarten school is considered to be a day care center.

Nursing home: A 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 nursing care, and has a satisfactory 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 home; it complies with rules and regulations of the Georgia Department of Human Resources.

Office: A building or portion thereof wherein services are performed involving predominantly administrative, professional or clerical operations and not involving retail sales or other sales of any kind on the premises.

Office park: Two or more buildings which are clustered together in which professional services are primarily engaged.

Open air business: Any commercial establishment with the principal use of displaying products in an area exposed to open air, including but not limited to rock yards, nurseries and garden supply stores, lumber and building materials yards, statuary and monument sales establishments, liquid petroleum dealers and tank sales.

Open space, landscaped: That portion of a given lot, not covered by buildings, parking, access and service areas, that is designed to enhance privacy and the amenity of the development by providing landscaping features, screening and buffering for the benefit of the occupants or those in neighboring areas, or a general appearance of openness. Landscaped open space may include, but need not be limited to, grass lawns, decorative planting, berms, walls and fences, sidewalks/walkways, ornamental objects such as fountains, statues and other similar natural and man-made objects, wooded areas, and water courses, any or all of which are designed and arranged to produce an aesthetically pleasing effect within the development.

Outdoor storage: The keeping of any goods, junk, material, merchandise, or commercial vehicles in the same outdoor place for more than twenty-four (24) hours.

Parcel: Any plot, lot or acreage shown as a unit on the latest county tax assessment records.

Parking lot, off-site: A parcel of land or portion thereof principally used for the parking or storage of motor vehicles whether or not a fee is paid for parking, not located on the same site as the destination of the motor vehicle operator.

Parking space: An area of at least 160 square feet, and having dimensions of not less than three hundred (300) square feet including driveway and maneuvering area, to be used exclusively as a temporary storage space for a private motor vehicle.

Parking structure: A structure or portion thereof composed of one or more fully or partially enclosed levels or floors used for the parking or storage of motor vehicles. This definition includes parking garages, deck parking, and underground or underbuilding parking areas.

Pawn broker: A person or business who lends money on a deposit or pledge or who takes other things into possession as security, including but not limited to vehicle titles, for money advanced or who makes a public display or other public exhibition that money is to be loaned on things on deposit.

Pawn shop: Any location at which, or premises upon which, a pawnbroker regularly conducts business.

Pedestrian-scale development: Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street.

Pedestrian friendly: A term which refers to development and features of developments that are designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than an exclusive focus on auto access and parking. Buildings are generally placed close to a street, and the main entrance is oriented to a street sidewalk. Building facades and other development features along a street are oriented and scaled to the pedestrian.

Permitted use: A use by right which is specifically authorized in a particular zoning district, or permitted by right in a particular overlay district.

Personal care home: Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for two or more adults who are not related to the owner or administrator by blood or marriage. Personal care tasks include assistance with bathing, toileting, grooming, shaving, dental care, dressing, and eating.

Personal service establishment: A facility engaged in the provision of services to persons and their apparel, including but not limited to barber and beauty shops, coin-operated and full service laundries and dry cleaners, photographic studios, shoe repair and shoeshine shops, and travel agencies.

Planning Board: The Cornelia Municipal Planning Board as previously established by City Charter.

Public use: Any building, structure, or use owned and/or operated by the federal government, state of Georgia, Habersham County or other County, the city of Cornelia or other municipality, or any authority, agency, board, or commission of the above governments, that is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, post offices, police and fire stations, libraries and publicly operated museums, public health facilities and public hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage intake, collection, pumping, treatment, and storage facilities, emergency medical facilities, and jails and correctional facilities.

Rail yard: An area of land, a portion of which is covered by a system of railroad tracks, that provides for switching, storing, moving, repairing, and weighing of railroad cars, trains, engines, locomotives, and similar stock designed to roll on a track.

Railroad freight terminal: A facility for freight pick-up or distribution by railroad.

Recreational vehicle: Any vehicle, including motorized homes, campers, travel trailers, and camping trailers, park trailers, truck campers, motor homes, and custom van conversions, designed and/or used for temporary living or sleeping quarters or recreational purposes and equipped with wheels to facilitate movement from place to place.

Recreational vehicle park: Any lot of land upon which two or more recreational vehicles are located, established, or maintained for occupancy on a temporary basis by recreational vehicles for use by the general public as temporary living quarters by campers, vacationers, travelers, or residents.

Recreational vehicle space: A plot of ground within a recreational vehicle park intended for the accommodation of a recreational vehicle, as defined, on a temporary basis. Spaces shall be rented by the day or week only, and the occupant of the space shall not remain in the same recreational vehicle park for more than 30 days in a 60 day period.

Redevelopment: The reuse of existing developed property. Redevelopment typically requires demolition or rehabilitation of existing buildings or structures on the site or changes to the site itself to accommodate reuse. Redevelopment of a former commercial site for office or residential uses is an example, although redevelopment does not always imply a change in use.

Redevelopment block: A unit of land, usually square or rectangular in shape, but which may be of triangular or an irregular shape, that is: (a) bounded on all sides by one or more public or private streets; or (b) in the case of a square or rectangular block, is bounded on three sides by one or more public or private streets and one or more other sides by a property boundary.

Residence for caretaker or nightwatchman: An accessory residence, located inside or in addition to the principle structure of a parcel of land, designed or occupied by security personnel for security reasons only.

Residential zoning district: Any property zoned A-1, R-1, R-1A, R-1B, or R-2 as indicated on the Official Zoning Map.

Restaurant: An establishment where food and beverage is sold for consumption on the premises, generally in an enclosed building. A snack bar or refreshment stand at a public or non-profit community swimming pool, playground, or park operated solely for the convenience of patrons of the facility is not a restaurant.

Restaurant, fast-food: An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

Retail trade establishment, enclosed: Any business offering goods and products for sale to the public, which may include the incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during business hours and accessory storage in enclosed, subordinate buildings. These include but are not limited to the following: convenience stores including the sale of gasoline, hardware, paint, glass and wallpaper stores, grocery and miscellaneous food stores including retail bakeries, apparel, shoe, and accessory clothing stores, furniture, upholstery, floor covering, household appliance and home furnishing stores, musical instrument stores, radio, television, and computer stores, record, tape, and compact disc stores, eating and drinking places not involving drive-in or drive-through facilities, drug stores, apothecaries and proprietary stores, liquor stores and bottle shops, used merchandise stores and pawn shops, sporting goods stores and bicycle shops, art and stationery stores, hobby, toy, and game shops, jewelry, gift, novelty, souvenir and antique shops, camera and photographic supply stores,

luggage and leather goods stores, sewing, needlework, and piece goods stores, catalogue and mail order stores, news stands, florists, tobacco shops, automotive parts stores not involving repair, video rental and sales stores, and watch and clock sales and repair shops.

Retreat center: A facility used for professional, educational, or religious meetings, conferences, or seminars and which may provide meals in a single building, lodging, and recreation for participants during the period of the retreat or program only. Such center may not be utilized for the general public for meals or overnight accommodations. Housing is usually in lodges, dormitories, sleeping cabins or other such temporary quarters, which do not contain kitchens.

Roof: The cover of a building, including the eaves and similar projections.

Rooming house: A residential building in which three or more rooms are rented but are not open to the public or overnight guests. Includes the term boarding house.

Salvage yard: A place of business primarily engaged in the storage, sale, dismantling or other processing of uses or waste materials which are not intended for reuse in their original forms. Typical uses include paper and metal salvage yards, used tire storage yards, or retail and/or wholesale sales of used automobile parts and supplies. This term includes junk yards.

School for the arts: An educational use not operated by the Habersham County Board of Education that offers or provides instruction to more than two students at a time in dance, singing, music, painting, sculpting, fine arts, or martial arts.

School, private, elementary, middle, or high: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, not operated by the Habersham County Board of Education, which has a curriculum at least equal to a public school with regard to the branches of learning and study required to be taught in the public schools of the state of Georgia.

School, professional: An educational use not operated by the Habersham County Board of Education and having a curriculum devoted primarily to business or professions, including barbers and beauticians, dentists, and real estate.

School, public: An educational use for students in grades one through twelve or for only certain ranges of grades one through twelve, operated by the Habersham County Board of Education.

School, special: An educational use not operated by the Habersham County Board of Education that provides special education to more than two students at a time, including but not limited to the training of gifted, learning disabled, and mentally or physically handicapped persons.

School, trade: An educational use not operated by the Habersham County Board of Education and having a curriculum devoted primarily to business (including barbers and beauticians), industry, trade, or other vocational-technical instruction.

Screening: A method of visually shielding or obscuring one abutting or nearby building, structure, or use from another by fencing, walls, berms, densely planted vegetation, or some combination thereof, according to specifications of this ordinance.

Self-service storage facility: A structure, building or group of buildings divided into separate compartments, spaces, or stalls, which may be of different sizes and which may or may not be

climate controlled, and which are leased or rented on an individual basis to businesses and residents for temporary storage needs, but where no commercial transactions or activities take place other than the rental of the storage units.

Service and fuel filling station: Any building, structure or land use for the retail sale of motor vehicle fuel, oil accessories and which may include the servicing of motor vehicle, except that major repairs, body repairs and painting of motor vehicles shall not be considered servicing of motor vehicles.

Setback: A line demarcating that portion of the lot specified by this ordinance that must remain devoted to a yard, and the buildable portion of the lot. Between the building setbacks and the property lines, principal buildings are not permitted. Principal building setbacks and "yard" requirements are considered one and the same. See definitions of yard (front, rear, and side). In cases where buffer or landscape strips requirements are specified, said buffer or landscape strip requirements are also considered setbacks for both principal buildings and accessory buildings and structures.

Shopping center: A group of commercial establishments, planned, developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area which the unit serves.

Showroom: A principal or accessory use where wholesale or retail goods are displayed.

Site plan: A graphic illustration, two-dimensional, prepared to an engineering scale, showing accurately and with complete dimensioning, the boundaries of a lot or tract and the location of all buildings, structures, uses and principal site development features proposed for a specific lot or tract of land.

Skilled nursing care facility: A facility which admits residents on medical referral; it maintains the services and facilities for skilled nursing care and has a satisfactory agreement with a physician and dentist who will provide continuing supervision including emergencies; it complies with rules and regulations of the Georgia Department of Human Resources. The term "skilled nursing care" means the application of recognized nursing methods, procedures, and actions directed toward implementation of the physician's therapeutic and diagnostic plan, detection of changes in the human body's regulatory system, preservation of such body defenses, prevention of complications and emotional well-being, including but not limited to the following:

- (a) The administration of oral or injectable medications which cannot be self-administered. Other examples include the administration of oxygen, the use of suction, the insertion or changing of catheters, the application of medicated dressings, the use of aseptic technique and preparation of the patient for special procedures;
- (b) Observation in the care of the patient for symptoms and/or physical and mental signs that may develop and which will require attention of the physician and a revision in the patient's treatment regimen.

Solid waste transfer facility: A fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

Special event facility: A facility or assembly hall available for lease by private parties.

Story: That portion of a building compromised between a floor and the floor or roof next above. The first floor of a two (2) or multi-story building shall be deemed the story that has no floor immediately below it that is designed for living quarters or for human occupancy. Those stories above the first floor shall be numbered consecutively.

Street: A dedicated and accepted public right-of-way, or a private street approved by the city, which affords the principal means of access to abutting properties.

Street, major: An existing or proposed street or highway designated in the comprehensive plan as an arterial or collector street.

Structure: Anything built, constructed or erected, or established or composed of parts joined together in some definite manner, the use of which requires location on the ground or which is attached to something having permanent location on the ground. For purposes of this ordinance, swimming pools, tennis courts, dog houses, and outdoor fenced animal runs are considered structures. Tents, vehicles, trailers, and play equipment attached to the ground in some permanent or temporary way shall be considered structures. A structure may or may not be easily moved from a given location on the ground. Walls and fences are considered structures but are subject to setback regulations for walls and fences rather than principal or accessory building setback regulations.

Substantial accordance: Strong, yet not precise, conformity such that an ordinary person would conclude that all essential elements are met.

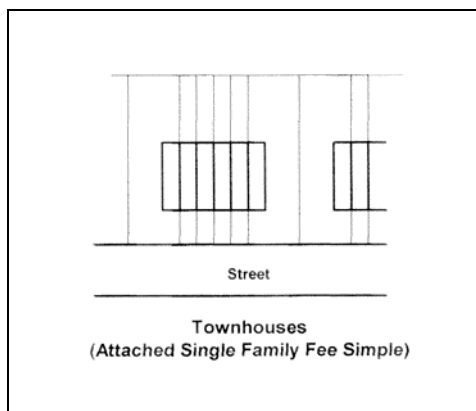
Taxi-cab or limousine service: Any place used to dispatch motor vehicles with drivers for hire.

Temporary use: A prospective use, intended for a specified limited duration.

Therapeutic camp: A child-caring institution which provides a variety of outdoor activities taking place in a wilderness or camp environment that are designed to improve the emotional and behavioral adjustment of the residents participating in the activities; it is regulated by the Georgia Department of Human Resources.

Tow service: An establishment that dispatches towing vehicles and which provides for the temporary storage of vehicles but does not include disposal, disassembly, salvage, or accessory storage of inoperable vehicles. This term is distinguished from "wrecked motor vehicle compound" and "salvage yard" as defined herein.

Townhouse: One (1) of a group of three or more single-family, attached dwelling units under fee simple ownership.



Trash enclosure: An accessory use of a site where trash and/or recyclable material containers, or any other type of waste or refuse container is stored.

Use, accessory: A use of land subordinate to the principal building or use on a lot for purposes incidental and related to the principal building or use and located on the same lot therewith.

Variance: A grant of relief from the requirements of this ordinance which permits construction or use in a matter otherwise prohibited by this ordinance; A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading, or other regulations which are dimensional in nature 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.

Warehouse: A use involving the storage of products, supplies, and equipment, and which typically involve truck transportation to and from the site.

Wireless telecommunication equipment: Any equipment used to provide wireless telecommunication service, but which is not affixed to or contained within a wireless telecommunication facility, but is instead affixed to or mounted on an existing building or structure that is used for some other purpose. Wireless telecommunication equipment also includes a ground mounted base station used as an accessory structure that is connected to an antenna mounted on or affixed to an existing building.

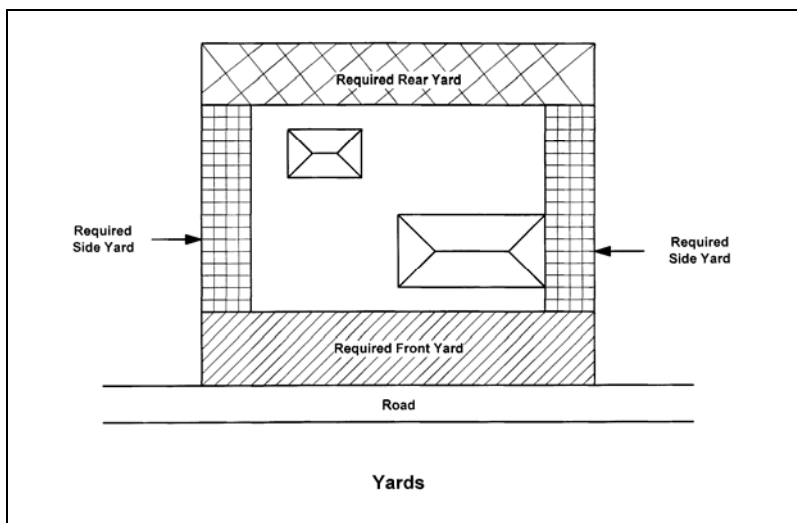
Wireless telecommunication facility: Any freestanding facility, building, pole, tower, or structure used to provide wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

Wholesale trade establishment: An establishment engaged in the selling or distribution of merchandise to retailers, to industrial, commercial, institutional or professional business users, or to other wholesalers.

Wrecked motor vehicle compound: An area used to store disabled motor vehicles until such time as their disposition (either by junk, salvage, or repair) has been determined by the insurance company, the owner of the vehicle, or his or her legal representative.

Xeriscaping: Landscaping characterized by the use of vegetation that is drought-tolerant or a low water use in character.

Yard: A space on the same lot with a principal building, open unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.



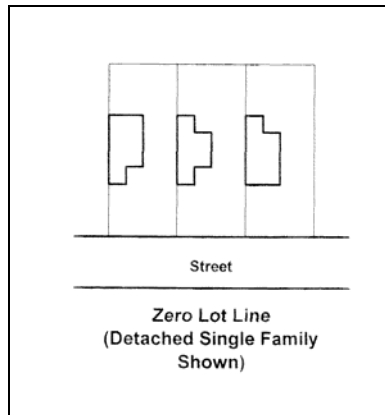
Yard, front: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot.

Yard, rear: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard sale: The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard, carport or garage, or other part of the building or lot, usually as a result of the occupant moving/relocating to another place of residence. Yard sales which do not take place on the premises on which such occupant resides are considered open-air businesses.

Yard, side: An open, unoccupied space on the same lot with the principal building, situated between the building 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: The location of a building on a lot in such a manner that one or more building sides have no (zero) side or rear building setback (or yard requirements) and rests directly on a side or rear lot line. A zero lot line development is one where houses in the development on a common street frontage are shifted to one side of their lot.



Zone, floating: A zoning district that is described in the text of the zoning ordinance but not applied to specific property as shown on the official zoning map except by application that is approved by the Governing Body.

Zoning: A legislative act representing a legislative judgment as to how the land within a city should be utilized and where the lines of demarcation between the several use zones or districts should be drawn. An exercise of local government's police power wherein the local government attempts to balance the interest of promoting the public health, safety, morality or general welfare against the property owner's right to the unrestricted use of his property.

Zoning Administrator: The city planner or other city staff person responsible for administering, interpreting, and enforcing this zoning ordinance, or his or her designee.

ARTICLE 3 ESTABLISHMENT OF DISTRICTS AND OFFICIAL ZONING MAP

Section 301. Zoning Districts.

For the purpose of this Ordinance, the City of Cornelia is hereby divided into zoning districts as set out below:

A-1	Agricultural District
R-1	Single-Family Residential District
R-1A	Single-Family Residential District
R-1B	Single-Family Residential District
R-2	Multiple-Family Residential District
TND	Traditional Neighborhood Development District
O-P	Office-Professional District
B-1	Neighborhood Business District
B-2	General Business District
CBD	Central Business District
LI	Light Industrial District
HI	Heavy Industrial District

Section 302. Official Zoning Map.

302.1. Adoption. The location and boundaries of the above listed districts are hereby established as shown on a map entitled Official Zoning Map of the City of Cornelia, Georgia. Said map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

302.2. Certification. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City or that of a Notary Public under the following words: "This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance, City of Cornelia, Georgia", together with the date of the adoption of the Ordinance.

302.3. Retention by Clerk and Availability. A copy of the Official Zoning Map as initially adopted by the Governing Body shall be kept in the Office of the City Clerk. The Official Zoning Map may be kept electronically in a geographic information system and such electronic data shall constitute an integral part of the Official Zoning Map, but said maps shall be produced in paper copy and made available to the general public for viewing during regular city business hours in the office of the City Clerk. The Zoning Administrator may make copies of the Official Zoning Map available to the public for a reasonable fee.

302.4. Amendments. If, in accordance with the provisions of this zoning ordinance, changes are made in the district boundaries or other subject matter portrayed on the Official Zoning Map, such changes shall be made promptly after the amendment has been approved by the Governing Body.

Section 303. Interpretation of District Boundaries.

303.1. Streets. Where boundaries are indicated as approximately following the centerline of streets or highways, street right-of-way lines or such lines extended, such centerline, street right-of-way lines or lines extended shall be construed to be such boundaries.

303.2. City Limits. Where boundaries are indicated as approximately following the corporate limit line of the city, such corporate limit line shall be construed to be such boundaries.

303.3. Property Lines. Where boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended, as indicated by boundary survey, deed or legal description maintained in the official file of said zoning adoption or amendment, if available, shall be construed to be such boundaries.

303.4. Streams and Rivers. Where boundaries are indicated as approximately following the centerline of stream beds or river beds, such centerline shall be construed to be such boundaries.

303.5. Centerlines. Where boundaries are indicated as approximately paralleling the centerline of streets or highways, the location of said boundaries shall be determined by using an engineering scale on the official zoning map.

303.6. Abandonment or Vacation of Right-of-Way. Where a public street or other right-of-way is officially vacated or abandoned, and said street or right-of-way is also a zoning district boundary, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned public street or right-of-way.

303.7. Determinations, Interpretations, and Appeals. In the case where the exact location of a boundary cannot be determined by the foregoing methods, the Zoning Administrator shall determine the location of the boundary. Any such administrative determination is subject to appeal as an administrative decision in accordance with this zoning ordinance.

Section 304. Use Prohibited When Not Specified.

Any use not specifically permitted as a use by right or specifically indicated as a conditional use in any given zoning district of this zoning ordinance shall be prohibited in that zoning district.

Section 305. Zoning of Annexed Lands.

Property annexed into the municipal limits of the City of Cornelia after the effective date of this zoning ordinance shall be zoned in accordance with the Zoning Procedures Law, O.C.G.A. 36-66, and this zoning ordinance, and such property annexed may be zoned by the Governing Body to any zoning district or districts established in this zoning ordinance.

ARTICLE 4 NONCONFORMING SITUATIONS

Section 401. Nonconforming Lots.

A lot of record, as defined by this ordinance, that does not conform to the minimum lot size or minimum lot width for the zoning district in which it is located may be used as a building site, provided that the access, height, buffer, setback, and other dimensional requirements of the zoning district in which the lot of record is located are complied with or a variance is obtained from the Board of Adjustment, and, provided further, that the lot meets all the current standards and requirements of the Habersham County Health Department.

Section 402. Nonconforming Buildings and Structures.

A nonconforming building or structure, as defined by this Ordinance, may be expanded, enlarged, or extended if such expansion, enlargement, or extension is for a use that conforms to the use requirements for the zoning district in which the building or structure is located. Any such expansion, enlargement, or extension of a nonconforming building or structure shall meet the minimum yard, setback, buffer, height, bulk, and other dimensional requirements for the zoning district in which said nonconforming building or structure is located, and all other requirements of this zoning ordinance.

Section 403. Nonconforming Uses.

403.1. Generally. A nonconforming use, as defined by this zoning ordinance, may be continued even though such use does not conform with the use provisions of the zoning district in which said use is located, except as otherwise provided in this Chapter. It shall be the responsibility of the owner of a nonconforming use to prove to the Zoning Administrator that such use was lawfully established and existed on the effective date of adoption or amendment of this ordinance.

403.2. Change of Use. A nonconforming use shall not be changed to another nonconforming use. A change in tenancy or ownership shall not be considered a change to another nonconforming use, provided that the use itself remains unchanged.

403.3. Discontinuance. A nonconforming use shall not be reestablished after discontinuance for one (1) year. Vacancy and/or non-use of the building, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision. If a business registration is required for said nonconforming use and the business registration pertaining to said use has lapsed in excess of six (6) months, said lapse of business registration shall constitute discontinuance.

403.4. Expansion. A nonconforming use shall not be expanded, enlarged, or extended, in land area or in floor space or volume of space in a building or structure, except for a use which complies with the zoning district in which said use is located.

403.5. Repair. A nonconforming use shall not be rebuilt, altered or repaired after damage exceeding fifty (50) percent of its replacement cost at the time of damage as determined by the building inspector, except for a use which conforms with the zoning district in which said use is located, and provided such rebuilding, alteration or repair is completed within one (1) year of such damage.

ARTICLE 5 GENERAL PROVISIONS

Section 501. Use, Occupancy and Erection.

No building, structure, land, or water shall hereafter be used or occupied, and no building or structure or part hereof shall be erected, constructed, reconstructed, moved or structurally altered except in conformity with the regulations of this ordinance or amendments thereto, including the use provisions for the zoning district in which it is located. In addition, the following requirements shall apply:

No building, structure or land shall be occupied for residential purposes unless such building or structure has been approved by the Zoning Administrator as a lawfully established dwelling unit or other permitted use. In instances where an existing single-family dwelling unit has been damaged and is not habitable due to such damage, the Zoning Administrator is authorized to permit, in the rear yard on the lot of such existing but damaged dwelling unit, a recreational vehicle for temporary occupancy of the household while the damaged unit is being repaired. Said permission by the Zoning Administrator shall not exceed ninety (90) days initially, but the permission can be renewed up to two times for consecutive ninety (90) day periods for good cause shown.

Each dwelling unit in the City of Cornelia shall have at least 300 square feet of habitable floor area per adult occupant, and occupancy by more than one adult per 300 square feet of habitable floor area shall be unlawful.

Section 502. Minimum Requirements.

Within each district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land.

Section 503. Every Use Must Be Upon a Lot.

No building or structure shall be erected or use established unless upon a lot of record as defined by this ordinance unless specifically provided otherwise in this ordinance.

Section 504. One Principal Building on a Lot.

Except as otherwise specifically provided in this Ordinance, only one principal building and its accessory buildings may hereafter be erected on any one lot intended for such use; provided, however, that more than one multiple dwelling, office, institutional, commercial or industrial building may be located upon a lot, subject to setbacks and separation as provided in this ordinance.

Section 505. Height Limitations.

Except as exempted in this section, no building or structure shall hereafter be erected, constructed, reconstructed, or altered, to exceed the maximum height of buildings and structures or the number of stories specified in this ordinance; provided, however, the Governing Body may upon application and approval of a conditional use permit buildings and structures to exceed these height limitations, subject to procedures for conditional uses established in this ordinance.

The height limitations established herein shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, non-commercial radio and television towers, electricity transmission towers, utility poles and similar structures.

Section 506. Maximum Density, Minimum Lot Size, and Minimum Lot Width.

No lot shall hereafter be developed with a number of housing units that exceeds the residential density for the zoning district in which the lot is located as established by this ordinance. No lot shall hereafter be developed that fails to meet the minimum lot size and minimum lot width for the zoning district in which the lot is located as established by this ordinance, except as otherwise specifically provided. No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the minimum lot size or minimum lot width of the zoning district in which said lot and building are located are not maintained.

Section 507. Minimum Floor Area Per Dwelling Unit.

No dwelling shall hereafter be constructed or occupied that fails to meet the minimum floor area for a dwelling unit as established by the zoning district in which the property is located. No existing dwelling shall be reduced in size so that its floor area fails to meet the minimum floor area for a dwelling unit as established by the zoning district in which the property is located.

Section 508. Minimum Required Yards and Building Setbacks.

No building shall hereafter be erected in a manner to have narrower or smaller rear yards, front yards, or side yards than specified for the zoning district in which the property is located, or for the specific use if yards and setback regulations pertain to a specific use in this ordinance. The buffer requirements established by this ordinance may supersede these minimum required yards.

No lot shall be reduced in size, and no principal building shall hereafter be constructed, so that the front, side, or rear yards of the zoning district in which said lot and building are located are not maintained. This section shall not apply to portions of lots affected by public acquisition of part of the lot. No part of a yard shall be included as a part of the yard required for another building.

Section 509. Principal Building Separation.

On lots where more than one principal building is permitted on a lot, no principal building shall be located closer than twenty (20) feet to another principal building on the lot; provided, however, that this shall not apply to buildings in the CBD, Central Business District.

Section 510. Coverage Requirements.

No lot shall hereafter be developed to exceed the maximum lot coverage as specified for the zoning district in which it is located. No lot shall be developed with less than the minimum landscaped open space specified for the zoning district in which said lot is located.

Section 511. Street Frontage Requirement.

No building or structure shall hereafter be erected on a lot, and no lot shall hereafter be created or subdivided, that does not abut for at least thirty (30) feet on a public street, or an approved private street.

Section 512. Visibility at Intersections.

No fence, wall, sign, hedge or planting which obstructs the sight lines at elevations between two (2) and twelve (12) feet above any roadway shall be placed or permitted to remain on any corner lot within the triangular area formed by the street right-of-way lines, or such lines extended, and a line connecting such right-of-way lines at points twenty-five (25) feet from the intersection of the right-of-way lines. In such cases as right-of-way lines do not exist or cannot be determined, said measurements shall be made from points fifteen (15) feet from the centerline of the existing road or ten (10) feet from the existing pavement or roadbed, whichever is greater.

ARTICLE 6 RESIDENTIAL ZONING DISTRICT REGULATIONS

Section 601. A-1, Agricultural District.

601.1. Purpose and Intent. The Agricultural District is established to maintain those areas in the city where urbanization has not yet occurred. It is appropriate for lands that need to be protected for food production or other agricultural uses from encroachment by untimely or unplanned development. This district may also be applied to rural fringe areas annexed into the city which at the present time are not ready for urban or suburban development.

601.2. Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Residential Zoning Districts."

601.3. Dimensional Requirements. Height, area, setback, lot width, and other dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Residential Zoning Districts."

Section 602. R-1, Single-Family Residential District.

602.1. Purpose and Intent. The R-1, Single-Family Residential District is established to preserve quiet, stable single-family residential neighborhoods at low densities (up to approximately 2.4 units per acre), free from other uses except those which are compatible with and convenient to the residents of such a district.

602.2. Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Residential Zoning Districts."

602.3. Dimensional Requirements. Height, area, setback, lot width, and other dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Residential Zoning Districts."

Section 603. R-1A, Single-Family Residential District.

603.1. Purpose and Intent. The R-1A, Single-Family Residential District is established to preserve quiet, stable single-family residential neighborhoods at low-moderate densities (up to approximately 3.6 units per acre), free from other uses except those which are compatible with and convenient to the residents of such a district.

603.2. Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Residential Zoning Districts."

603.3. Dimensional Requirements. Height, area, setback, lot width, and other dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Residential Zoning Districts."

Section 604. R-1B, Single-Family Residential District.

604.1. Purpose and Intent. The R-1B, Single-Family Residential District is established to preserve quiet, stable single-family residential neighborhoods at moderate densities (up to

approximately 4.4 units per acre), free from other uses except those which are compatible with and convenient to the residents of such a district.

604.2. Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Residential Zoning Districts."

604.3. Dimensional Requirements. Height, area, setback, lot width, and other dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Residential Zoning Districts."

Section 605. R-2, Multiple-Family Residential District.

605.1. Purpose and Intent. The R-2, Multiple-Family Residential District is established to provide for a variety of dwelling types at high densities (up to 12 units per acre) in areas served by public water and sanitary sewer.

605.2. Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Residential Zoning Districts."

605.3. Dimensional Requirements. Height, area, setback, lot width, and other dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Residential Zoning Districts."

Section 606. TND, Traditional Neighborhood Development District.

606.1. Purpose and Intent. The Traditional Neighborhood Development District is intended to provide for predominantly residential but mixed-use developments that are designed according to the principles of "new urbanism" with a grid or modified-grid street network, pedestrian scale and orientation, shallow front yards, relatively narrow local streets planted with shade trees and provided with wide sidewalks, and with automobile garages accessed via alleys or located to the rear of residential lots. TND districts are further distinguished from conventional suburban subdivision developments in their provision of public greens or common areas. TND districts are considered appropriate adjacent to the central business district. Because the principles of TND design cannot be accomplished to any significant degree on very small sites, a minimum size for TND development is established.

606.2. Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 6.1, "Permitted and Conditional Uses for Residential Zoning Districts."

606.3 Dimensional Requirements. Height, area, setback, lot width, and other dimensional requirements shall be as provided in Table 6.2, "Dimensional Requirements for Residential Zoning Districts."

606.4 Site Plan Approval Required. Development within this district requires site plan approval by the Governing Body after recommendation by the Planning Commission. The site plan approval may take place during the process of considering an application for rezoning to this district, or upon an application for development, whichever occurs first. In addition, the applicant for site plan approval shall also submit illustrative front, rear, and side architectural elevations drawn to an architectural scale of all new types of buildings, and major accessory structures if any, including parking structures.

606.5 Design and Development Requirements. Development in the Traditional Neighborhood Development zoning district shall comply with the following standards and regulations.

- (a) Pedestrian access and sidewalks. The site plan must demonstrate that the project will be designed in a way that gives preference to pedestrian (including transit users) versus vehicular access. To this end, the applicant shall identify all existing sidewalks within 500 feet of the development area and present a pedestrian access plan that provides pedestrian access connections to compatible adjacent properties and the public sidewalk system. Sidewalks meeting or exceeding the construction specifications of the city shall be provided by the developer along all streetscapes abutting road corridors to specifications meeting or exceeding the standards of the city's downtown streetscape improvements. Sidewalks meeting said city specifications shall also be required to be installed by the developer along all other streets abutting the development area and along public and private through streets within the developments.
- (b) Streetscape improvements. The site plan of said development must demonstrate that the redevelopment project will comply with the following streetscape improvements. The first ten (10) feet of private property abutting the right-of-way of road corridor shall be improved as a streetscape with an appropriate combination of the following elements: one or more pedestrian plazas or public use areas containing benches and shelters; development amenity features such as low-lying walls or fountains; landscaping including street/shade trees; pedestrian-scale signage and development identification monuments; bicycle parking facilities; and steps or landings leading to buildings with retail or office-institutional uses on the ground floor with store-front windows. The city may require a general purpose utility and streetscape easement of ten (10) feet in width if needed along the road right-of-way if additional right-of-way is needed and cannot be acquired.
- (c) Building placement. Buildings shall be placed close to (with little if any setback from) streets internal to the development, or along public streets abutting the development area, as determined in the site plan review and approval process. When a single building occupies a lot, said building shall be setback from the right-of-way no more than fifteen (15) feet.
- (d) Residential uses and open spaces. Residential areas should be designed in a grid-like pattern of blocks and interconnecting streets. Block length should not exceed 800 feet without intervening (mid-block) pedestrian access ways. Central residential areas should be designed in a grid-like pattern of blocks and interconnecting streets and alleys, and block length should not exceed 500 feet. Open spaces, such as town greens and public squares, should be located and designed to add to the visual amenities of the development. Greens and squares should be spatially defined and distributed throughout the village so that no lot is more than a walking distance of 1,350 feet from a green, square, or park. Greens and squares should not be less than 8,000 square feet in area.
- (e) Nonresidential uses. Enclosed retail trade establishments, personal service establishments, and related non-residential uses, if proposed and permitted, shall be located in careful relation to other land uses within and outside of the development. Such uses must be scaled to the pedestrian and to the district itself so that they predominantly if not exclusively serve the occupants of the district. The storefront area should contain

retail uses, professional offices, and personal or professional services in one-and-one-half story buildings where each individual establishment is 1,500 square feet or less, and up to 3,500 square feet when in buildings of two or more stories. Buildings containing residential units, usually on an upper story (i.e., vertical mixed use development) are particularly encouraged. Storefront buildings should have at least sixty (60) feet of their front façade coincident with their street frontage. Preferably, storefront buildings fronting the same street and located on the same block should be attached on the sides, except as necessary to accommodate pedestrian ways. The amount of land in the development devoted to enclosed retail trade establishments, personal service establishments, civic, and institutional residential uses shall not exceed twenty (20) percent of the total site area of the property included in the site plan.

- (f) Parking decks. Parking decks shall be no more than two stories or no taller than the height of the tallest principal building in the development, whichever is less. Parking decks shall be located near the center of the development and as far as is practicable shall be screened from view from abutting street rights-of-ways. Parking structures may be constructed underneath one or more principal buildings, with a ground-level, first-story, or subterranean elevation. Parking decks are encouraged to be constructed in a manner that includes ground floor retail or office use within the deck structure. To avoid a monotonous appearance, and to break up extensive wall space, parking decks shall incorporate design features such as recesses, projections, façade treatments, and planter boxes with landscaping integrated into exterior walls of the parking decks.

Table 6.1 Permitted and Conditional Uses for Residential Zoning Districts
P = Permitted Use C = Conditional Use X = prohibited

Use	A-1	R-1	R-1A	R-1B	R-2	TND
1. Accessory apartment, attached	X	C	C	C	P	P
2. Accessory apartment, detached	C	X	C	C	C	P
3. Accessory building, structure, or use	P	P	P	P	P	P
4. Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	X	X	X	X	X	P
5. Agriculture, production of field crops, fruits, nuts, and vegetables	P	X	X	X	X	X
6. Agriculture, raising of poultry or livestock	C	X	X	X	X	X
7. Bed and breakfast inn	C	X	X	X	C	P
8. Cemetery	P	P	X	X	X	X
9. Church, temple, synagogue, or place of worship, including cemetery as accessory use	P	C	C	X	P	P
10. Club or lodge, nonprofit, sponsored by a civic or similar organization	C	C	C	C	P	P
11. College or university	X	X	X	X	X	C
12. Communication tower and antenna	C	X	X	X	X	X
13. Community recreation	P	P	P	P	P	P
14. Conservation areas and passive recreational facilities	P	P	P	P	P	P
15. Conservation subdivision	P	P	P	P	P	P
16. Construction field office (temporary use)	X	P	P	P	P	P
17. Cottage industry	X	X	X	X	X	P
18. Day care center serving no more than 17 persons	X	X	X	X	C	P
19. Day care center serving 18 persons or more	X	X	X	X	X	C
20. Dwelling, single-family detached, fee-simple	P	P	P	P	P	P
21. Dwellings, single-family detached, condominium	X	P	P	P	P	P
22. Dwelling, townhouse (single-family attached, fee-simple)	X	X	C	X	P	P
23. Dwelling, two-family (duplex)	X	X	X	C	P	P

Use	A-1	R-1	R-1A	R-1B	R-2	TND
24. Dwelling, multi-family (apartment, attached residential condominium), existing on the effective date of this ordinance	X	X	X	X	P	N/A
25. Dwelling, multi-family (apartment, attached residential condominium), established after the effective date of this ordinance	X	X	X	X	C	C
26. Dwelling, located within a building containing a nonresidential principal use	X	X	X	X	X	P
27. Family day care home (accessory use/home occupation) in a single-family detached dwelling only	P	P	P	P	X	P
28. Garden, non-commercial, accessory to single-family residential use	P	P	P	P	P	P
29. Golf course	P	P	P	P	C	X
30. Greenhouse, non-commercial, accessory to single-family residential use	P	P	C	C	X	X
31. Guest house (accessory building/use)	P	P	P	P	P	P
32. Home occupation	P	P	P	P	P	P
33. Horse stables, non-commercial, as accessory to single-family residential use	P	P	X	X	X	X
34. Hospital or clinic	X	X	X	X	X	C
35. Institutional residential living and care facility, serving no more than 17 persons	X	X	X	X	P	P
36. Institutional residential living and care facility, serving 18 persons or more	X	X	X	X	C	C
37. Leasing or sales office for a subdivision or residential development (accessory or principal use)	P	P	P	P	P	P
38. Manufactured home, subject to the requirements of Section 832	X	X	X	P	P	X
39. Mobile or manufactured home, within an existing mobile home park only	X	X	X	X	P	X
40. Model home for single-family subdivision (temporary)	P	P	P	P	P	P
41. Modular home (single-family, detached)	P	P	P	P	P	P
42. Museum	X	X	X	X	X	P
43. Office	X	X	X	X	X	P
44. Personal service establishment	X	X	X	X	X	C

Use	A-1	R-1	R-1A	R-1B	R-2	TND
45. Public or semi-public use	P	P	P	P	P	P
46. Retail trade establishment, enclosed	X	X	X	X	X	C
47. Roadside stands for the sale of produce and agricultural products produced on the premises	P	X	X	X	X	X
48. Rooming or boarding house	X	X	X	X	C	C
49. School for the arts	X	X	X	X	X	C
50. School, private, elementary, middle, or high	P	C	C	C	C	P
51. School, public	P	P	P	P	P	P
52. School, special	C	C	C	C	C	C
53. School, professional	X	X	X	X	X	C
54. School, trade	X	X	X	X	X	C
55. Special event facility	C	X	X	X	X	P
56. Temporary use, subject to the requirements of Section 833	P	P	P	P	P	P
57. Therapeutic camp	C	X	X	X	X	X
58. Zero lot line housing	X	X	X	C	P	P

Table 6.2 Dimensional Requirements for Residential Zoning Districts

Requirement (measurement unit)	A-1	R-1	R-1A	R-1B	R-2	TND
1. Minimum lot area to rezone to the district (acres)	5	None	None	None	1	5
2. Maximum height (feet)	35	35	35	35	35	45
3. Maximum height (number of stories)	3	3	3	3	3	4
4. Maximum density (units per acre)	0.5	2.42	3.63	4.36	12	12
5. Minimum lot size for detached single family dwelling (square feet)	87,120	20,000	15,000	10,000	10,000	6,000
6. Minimum lot size for two family dwelling (square feet)	N/A	N/A	N/A	20,000	20,000	12,000
7. Minimum lot size for other uses (square feet)	87,120	15,000	10,000	6,000	6,000	5,000
8. Minimum lot width (feet)	200	100	75	60	50	50
9. Minimum heated floor area per dwelling unit (square feet) (1)	700	1,800	1,440	1,080	550	550
10. Minimum front yard setback (feet)	25	25	25	25	20	None
11. Minimum side setback, interior lot line (feet)	25	10	10	10	10	None
12. Minimum side setback, corner lot (feet)	25	15	15	15	15	None
13. Minimum rear setback (feet)	25	15	15	15	10	None
14. Minimum setback abutting an R-1, R-1A, or R-1B district (feet)	None	None	None	None	35	35
15. Minimum width of natural buffer abutting R-1, R-1A, or R-1B district (feet)	None	None	None	None	25	25
16. Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	None	10	10	10	10	None
17. Minimum landscape strip required along side property lines for any nonresidential or multi-family use (width in feet)	None	5	5	5	5	None
18. Maximum coverage of principal and accessory buildings (percent of lot)	35	35	35	35	45	90
19. Minimum landscaped open space (percent)	None	None	None	None	20	10

(1) See also Section 507 of this zoning ordinance for additional requirements.

ARTICLE 7 NON-RESIDENTIAL ZONING DISTRICT REQUIREMENTS

Section 701. O-P, Office Professional District.

701.1. Purpose and Intent. The Office-Professional zoning district is intended to establish and preserve a compatible land use arrangement and provide suitable areas for the development of offices and professional enterprises, medical and dental facilities, and institutions. This district is intended also to apply to areas with a transitional character, where such permitted uses provide a transition between more intensive non-residential and residential districts.

701.2. Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Non-residential Zoning Districts."

701.3. Dimensional Requirements. Height, area, setback, lot width, and other dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Non-residential Zoning Districts."

Section 702. B-1, Neighborhood Business District.

702.1. Purpose and Intent. The Neighborhood Business zoning district is intended to provide areas for limited, small-scale commercial uses of a convenience nature serving nearby residential neighborhoods as opposed to a regional market. The district is not intended to accommodate automotive or other types of more intensive commercial activities that are of such magnitude that would result in the generation of excessive traffic, noise, odors, pollution, safety hazards, or other adverse impacts which would detract from the desirability of adjacent properties for residential use. In general, the Neighborhood Business zoning district includes offices and retail and personal service establishments but excludes highway-oriented uses which involve the use of chemicals and outside storage and display.

702.2. Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Non-residential Zoning Districts."

702.3. Dimensional Requirements. Height, area, setback, lot width, and other dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Non-residential Zoning Districts."

Section 703. B-2, General Business District.

703.1. Purpose and Intent. The B-2, General Business zoning district is intended to provide adequate space along major highways for various types of general business uses that serve residents on a community or regional level, including the retailing of major goods and services, automotive-related uses, and commercial activities and establishments that rely on highway-oriented, passer-by traffic. Compatible light industrial and heavy commercial uses with potential nuisance characteristics are conditional uses in this district.

703.2. Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Non-residential Zoning Districts."

703.3. Dimensional Requirements. Height, area, setback, lot width, and other dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Non-residential Zoning Districts."

Section 704. CBD, Central Business District.

704.1. Purpose and Intent. The CBD, Central Business District is intended to establish and maintain a compact area containing a mixture of retail, service, restaurants, government, residential, institutional, and other uses where, due to the close proximity of buildings and uses, pedestrian travel is encouraged in favor of vehicle trips made from one destination to another. While some commercial uses targeted at the highway traveler may be conditionally permitted in this district, the intent is that automotive-related establishments be excluded, due to their encouragement of automobile rather than pedestrian travel. The CBD is unique in that the existing development pattern consists of buildings covering very large percentages of the lot, little if any building setbacks on front, side, and rear property lines, and a lack of off-street parking sufficient to meet the requirements of other commercial zoning districts. This zoning district is appropriate only in the existing downtown area with the above-mentioned development characteristics.

704.2. Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Non-residential Zoning Districts."

704.3. Dimensional Requirements. Height, area, setback, lot width, and other dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Non-residential Zoning Districts."

Section 705. LI, Light Industrial District.

705.1. Purpose and Intent. The Light Industrial zoning district is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets for industrial operations, but where such areas' proximity to residential and other districts makes it desirable to limit industrial operations to those that are not objectionable due to generation of noise, vibration, smoke, dust, gas, fumes, odors, or radiation and that do not create fire or explosion hazards or other objectionable conditions. Uses within this district do not require substantial quantities of water for manufacturing operations and do not necessarily require rail, air, or water transportation. Certain commercial uses having an open storage characteristic, or which are most appropriately located adjacent to industrial uses, are also included within this zoning district.

705.2. Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Non-residential Zoning Districts."

705.3. Dimensional Requirements. Height, area, setback, lot width, and other dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Non-residential Zoning Districts."

Section 706. HI, Heavy Industrial District.

706.1. Purpose and Intent. The HI, Heavy Industrial zoning district is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets for industrial operations which may be

objectionable due to the emission of noise, vibration, smoke, dust, gas, fumes, odors, or radiation and that may create fire or explosion hazards or other objectionable conditions. Uses within this district may require substantial quantities of water for manufacturing operations and may require rail, air, or water transportation. Conditional uses in this district are those primarily known to create a severe safety hazard or to be major producers of air pollution, thus being subject to state and/or federal environmental controls.

706.2. Permitted and Conditional Uses. Permitted and conditional uses shall be as provided in Table 7.1, "Permitted and Conditional Uses for Non-residential Zoning Districts."

706.3. Dimensional Requirements. Height, area, setback, lot width, and other dimensional requirements shall be as provided in Table 7.2, "Dimensional Requirements for Non-residential Zoning Districts."

Table 7.1 Permitted and Conditional Uses in Non-Residential Zoning Districts
P = Permitted Use C = Conditional Use X = prohibited

Use	O-P	B-1	B-2	CBD	LI	HI
1. Accessory building, structure, or use	P	P	P	P	P	P
2. Adaptive reuse of a detached single-family dwelling for a personal service establishment or enclosed retail establishment	P	P	P	P	X	X
3. Adult entertainment facility	X	X	C	X	X	X
4. Animal hospital or veterinary clinic	X	X	P	C	P	X
5. Animal rendering, slaughtering, and recycling plant	X	X	X	X	X	P
6. Animal shelter	X	X	P	X	P	P
7. Apparel manufacturing	X	X	X	X	P	P
8. Asphalt plant	X	X	X	X	X	C
9. Auction house or auction yard	X	X	P	C	P	P
10. Automated teller machines (accessory use)	P	P	P	P	P	X
11. Automobile sales and service establishment	X	X	P	X	C	X
12. Automobile sales without service	X	C	P	X	C	X
13. Automobile service establishment without sales	X	X	C	X	P	X
14. Bank or financial institution	P	P	P	P	X	X
15. Bed and breakfast inn	P	P	P	P	X	X
16. Bottling or canning plant	X	X	X	X	P	P
17. Borrow site	X	X	C	X	P	P
18. Brewery or distillery	X	X	X	X	X	C
19. Broadcasting studio	C	C	P	P	P	P
20. Building and selected vehicle sales	X	X	P	X	C	X
21. Bulk storage	X	X	X	X	P	P
22. Business service establishment, not exceeding 2,500 square feet of gross floor area	P	P	P	P	P	X
23. Business service establishment, more than 2,500 square feet of gross floor area	C	P	P	P	P	X
24. Camp or campground	X	X	C	X	X	X
25. Car wash	X	X	P	X	P	X
26. Caretaker's residence	X	X	C	X	P	P
27. Carnival	X	X	P	X	P	X
28. Cemetery or mausoleum	X	X	C	X	C	C

Use	O-P	B-1	B-2	CBD	LI	HI
29. Church, temple, synagogue, or place of worship, including cemetery as accessory use	P	P	P	P	P	X
30. Club or lodge, nonprofit, sponsored by a civic or similar organization	P	P	P	P	P	X
31. Cold storage plant or frozen food locker	X	X	C	X	C	P
32. College or university	C	C	P	P	P	X
33. Commercial recreational facility, indoor	X	X	P	P	C	X
34. Commercial recreational facility, outdoor	X	X	C	X	C	X
35. Communication tower and antenna	X	X	X	X	P	P
36. Conservation areas and passive recreational facilities	P	P	P	P	P	P
37. Construction field office (temporary use)	P	P	P	P	P	P
38. Contractor's establishment	X	X	P	X	P	P
39. Convenience store, with or without gasoline pumps	X	P	P	C	X	X
40. Cottage industry	X	X	P	P	X	X
41. Crematorium	X	X	P	X	P	X
42. Crisis center	X	X	P	X	X	X
43. Day care center serving no more than 17 persons	P	P	P	P	P	X
44. Day care center serving 18 persons or more	X	C	P	P	P	X
45. Distribution center, including truck terminals	X	X	X	X	P	P
46. Dwelling, single-family detached, fee-simple	P	P	P	P	X	X
47. Dwelling, multi-family	X	X	C	C	X	X
48. Dwelling, located within a building containing a nonresidential principal use	P	P	P	P	X	X
49. Explosives storage	X	X	X	X	X	C
50. Exterminating and pest control business or disinfecting service	X	X	P	C	P	P
51. Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals	X	X	X	X	C	P
52. Finance, insurance, and real estate establishment, including bank, 2,500 square feet or less of gross floor area per establishment	P	P	P	P	X	X
53. Finance, insurance, and real estate establishment, including bank, more than 2,500 square feet of gross floor area per establishment	X	X	P	P	X	X
54. Fuel oil distributor	X	X	X	X	P	P

Use	O-P	B-1	B-2	CBD	LI	HI
55. Funeral home or mortuary	X	X	P	P	P	X
56. Group home	C	X	P	C	X	X
57. Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage	X	X	X	X	X	C
58. Health spa	X	C	P	P	P	X
59. Hospital or clinic	C	P	P	P	P	X
60. Incinerator	X	X	X	X	X	C
61. Institutional residential living and care facility, serving no more than 17 persons	P	P	P	P	X	X
62. Institutional residential living and care facility, serving 18 persons or more	C	C	P	P	X	X
63. Inn	X	X	P	P	X	X
64. Junk/salvage yard	X	X	X	X	P	P
65. Kennel	X	X	C	X	P	X
66. Landfill	X	X	X	X	X	C
67. Landscaping company	X	X	P	X	P	P
68. Lodging service (hotel, motel, motor hotel)	X	X	P	P	X	X
69. Logging yard	X	X	X	X	P	P
70. Lumber yard	X	X	P	X	P	P
71. Machine shop	X	X	P	C	P	P
72. Manufacturing, ceramics	X	X	X	X	X	P
73. Manufacturing, cosmetics or toiletries	X	X	X	X	X	P
74. Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling	X	X	X	X	X	P
75. Manufacturing, electronics, camera, or photographic or communication equipment	X	X	X	X	P	P
76. Manufacturing, instrument assembly	X	X	X	X	P	P
77. Manufacturing, metal products	X	X	X	X	C	P
78. Manufacturing, pharmaceuticals and medical supplies	X	X	X	X	P	P
79. Manufacturing, textiles	X	X	X	X	P	P
80. Manufacturing, wood products (including lumber mill, sawmill, etc.)	X	X	X	X	C	P

Use	O-P	B-1	B-2	CBD	LI	HI
81. Manufacturing, processing, and assembling, within buildings, not otherwise specified	X	X	X	X	C	C
82. Materials recovery facility	X	X	X	X	C	C
83. Museum	P	P	P	P	P	X
84. Office	P	P	P	P	P	P
85. Open air business	X	X	P	X	P	P
86. Open storage yard (principal use)	X	X	X	X	P	P
87. Pawn shop	X	X	P	X	X	X
88. Parking lot, deck, or structures, off-site	C	C	P	P	P	P
89. Personal service establishment	C	P	P	P	X	X
90. Petroleum bulk storage site	X	X	X	X	X	P
91. Public or semi-public use	P	P	P	P	P	P
92. Radio and television station, studio, or offices, excluding transmission towers and dishes	C	C	P	P	P	X
93. Rail yard	X	X	X	X	P	P
94. Railroad freight terminal	X	X	X	X	P	P
95. Recreational vehicle park	X	X	C	X	X	X
96. Recycling and recovery facilities	X	X	X	X	C	P
97. Residence for caretaker or nightwatchman	X	X	C	C	P	P
98. Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined	X	P	P	P	X	X
99. Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined	X	C	P	C	X	X
100. Retail trade establishment, enclosed	X	P	P	P	X	X
101. Retreat center	C	C	P	P	X	X
102. Rooming or boarding house	C	X	P	C	X	X
103. Salvage yard	X	X	X	X	P	P
104. School for the arts	C	X	P	P	X	X
105. School, private, elementary, middle, or high	C	P	P	P	X	X
106. School, public	P	P	P	P	P	P
107. School, professional	P	P	P	P	P	X
108. School, special	X	X	P	P	P	X
109. School, trade	X	X	P	P	P	X

Use	O-P	B-1	B-2	CBD	LI	HI
110. Self-service storage facility (mini-warehouse)	X	X	P	X	P	X
111. Service and fuel-filling station	X	X	P	C	P	X
112. Solid waste transfer facility	X	X	X	X	C	C
113. Showroom	X	X	X	X	P	X
114. Special event facility	C	C	P	P	X	X
115. Taxi cab and limousine service	X	X	P	C	P	X
116. Temporary use approved by the Zoning Administrator	P	P	P	P	P	P
117. Tow service	X	X	X	X	P	P
118. Warehouse or storage building	X	X	X	X	P	P
119. Wholesale trade establishment	X	X	X	C	P	X
120. Wireless telecommunications equipment	X	X	C	X	C	C
121. Wireless telecommunications facility	X	X	C	X	C	C
122. Wrecked motor vehicle compound	X	X	X	X	P	P

Table 7.2 Dimensional Requirements for Non-Residential Zoning Districts

Dimensional Requirement (Unit Measure)	O-P	B-1	B-2	CBD	LI	HI
1. Minimum lot area to rezone to the district (acres)	0.5	None	None	None	1	2
2. Maximum height (feet)	35	35	35	50	50	75
3. Maximum height (number of stories)	3	3	3	4	4	4
4. Maximum density (units per acre)	2.9	2.9	2.9	12	N/A	N/A
5. Minimum lot size for detached single family dwelling (square feet)	10,000	10,000	10,000	5,000	N/A	N/A
6. Minimum lot size for other uses (square feet)	10,000	None	None	None	None	None
7. Minimum lot width (feet)	100	75	100	None	100	200
8. Minimum heated floor area per dwelling unit (square feet)	1,200	900	700	550	N/A	N/A
9. Minimum front yard setback (feet)	25	25	25 (1)	None	25	25
10. Minimum side setback, interior lot line (feet)	10	10	10 (1)	None	10	10
11. Minimum side setback, corner lot (feet)	15	15	15	None	15	15
12. Minimum rear setback (feet)	20	20	20	None	25	25
13. Minimum setback abutting an R-1, R-1A, or R-1B district (feet)	25	30	35	None	40	50
14. Minimum width of natural buffer abutting R-1, R-1A, or R-1B district (feet)	15	20	25	None	30	40
15. Minimum setback abutting an R-2 or TND district (feet)	15	20	25	None	30	40
16. Minimum width of natural buffer abutting an R-2 or TND district (feet)	10	15	20	None	25	35
17. Minimum landscape strip required along right-of-ways for any nonresidential or multi-family use (width in feet)	10	10	10	None	15	20
18. Minimum landscape strip required along side property lines for any nonresidential or multi-family use (width in feet)	5	5	5	None	None	None
19. Maximum lot coverage (percent)	35	40	45	None	45	None
20. Minimum landscaped open space (percent)	25	20	15	None	15	10

(1) If buildings constructed on both abutting lots on the same side of the street fail to meet this front yard setback, then a building or building addition may be erected which observes the least building setback on said abutting lots.

ARTICLE 8 SPECIFIC USE PROVISIONS

Section 801. Accessory Apartment, Detached or Attached.

In zoning districts where permitted, attached accessory apartments shall meet the following requirements:

- (a) Only one accessory apartment shall be permitted on a lot, and an accessory apartment shall not be permitted in conjunction with a home occupation or detached accessory apartment.
- (b) One additional off-street parking space is required and shall be provided, which must be located in a side or rear yard.
- (c) At least three hundred (300) square feet of heated floor area shall be provided per occupant. The heated floor area for an accessory apartment shall be at least 300 square feet and shall not exceed 1,000 square feet or the size of the principal dwelling, whichever is less.
- (d) The entrance to the accessory apartment shall be from a rear or side yard and shall not face the street to which the principal dwelling is oriented.
- (e) Any additions to accommodate accessory apartments shall have exterior finishes or architectural treatments (e.g., brick, wood, stucco, etc.) of an appearance substantially similar to those on the principal dwelling.
- (f) The Zoning Administrator must certify that existing or proposed water, sanitary sewer, and/or septic tank facilities are adequate to serve both the principal dwelling and the accessory apartment.
- (g) Either the accessory apartment or the principal dwelling unit shall be owner-occupied.

Section 802. Accessory Use or Structure.

Customary residential accessory buildings and uses are permitted in residential districts, provided they meet the following requirements:

- (a) Accessory uses, excluding accessory structures specifically designed for the parking and storing of motor driven vehicles, shall be located in a rear yard or side yard and no closer than ten (10) feet to a principal building.
- (b) Accessory buildings shall not exceed twenty-four (24) feet in height and shall conform to the Property Appearance Standards set forth in Article 12 of this Ordinance.
- (c) Accessory buildings and structures shall be located a minimum of ten (10) feet from any side or rear property line.
- (d) In no case shall an accessory building or structure exceed 75 percent of the square footage of the principal building or structure to which it is accessory.

- (e) In all residential zoning districts, accessory structures must be constructed in conjunction with or after a building permit for the principal building is lawfully approved; further such structures shall not be used for any type of commercial operation.

Section 803. Automobile Sales Establishments.

Establishments that sell, rent, or lease automobiles or other vehicles, including “building and selected vehicle sales” as defined, must provide parking specifically identified and devoted to customers. Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles brought to the site by truck or car carrier. It shall be a violation to park vehicles for sale, rent, or lease in designated customer parking or unloading areas. When abutting a residential zoning district or office-professional district, automobile sales establishments shall require submittal to and approval by the Zoning Administrator of a photometric plan for lighting to ensure compatibility with adjacent land uses. Establishments that will not operate during darkness and that have no outdoor lighting other than incidental security lighting shall not be required to submit a photometric plan. Outside loudspeakers shall not be permitted on lots abutting residential zoning districts; digital pagers or other means must be used to communicate between employees in the office and on the premises. All outside display, storage, customer parking, load and unloading and repair areas, for the display of vehicles for sale, rent, or lease, must be properly paved in accordance with the provisions of this ordinance.

Section 804. Bed and Breakfast Inn.

In districts where permitted, bed and breakfast inns shall have a minimum of two guest rooms and a maximum of five guest rooms, one of which shall be occupied by the inn-keeper.

Section 805. Caretaker Residence.

Where permitted by the zoning district use requirements, a residence for a night watchman, accessory to a business or industrial operation, may be established in a single-family detached dwelling or as a unit located within a commercial or industrial building. The Zoning Administrator may approve one residence or dwelling within a principal building or in an accessory housing unit, on the site of a commercial or industrial establishment as an accessory use, provided that the applicant supplies evidence to the Administrative Officer of need for full-time security or 24-hour on-site management.

Section 806. Church, Temple, Synagogue, or Place of Worship.

In districts where permitted, churches and their customary accessory buildings shall be set back a minimum of fifty (50) feet from any side or rear property line, and within the fifty foot setback required along side and rear property lines, a minimum twenty-five (25) foot wide natural buffer shall be provided.

Section 807. Commercial Recreational Facilities, Outdoor.

Outdoor commercial recreational facilities are typically accompanied by substantial off-site impacts. Such uses require a minimum lot area of two acres, a minimum building setback of one hundred (100) feet, and a natural undisturbed buffer replanted where sparsely vegetated of at least fifty (50) feet adjacent to side and rear property lines. Uses that propose night lighting other than incidental

security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination. A written evaluation of noise impacts is required at the time the following conditional uses are considered: stadiums, amphitheaters, firearms shooting ranges and turkey shoots, and race tracks for animals and motor driven vehicles; such projects may be required to construct noise attenuation walls or otherwise address off-site noise impacts. Traffic impact statements are required for stadiums, amphitheaters, racetracks for animals or motor-driven vehicles, and recreational vehicle parks.

Section 808. Community Recreation.

- (a) Uses that propose night lighting other than incidental security lighting shall be required to submit a photometric plan to enable the evaluation of impacts from illumination..
- (b) Swimming pools and tennis courts shall be setback a minimum of fifty (50) feet from the property line of the tract of land devoted to community recreation, with a minimum twenty-five (25) foot wide buffer.
- (c) Buildings shall be setback a minimum of twenty-five (25) feet from the property line of the tract. If outdoor patio or decks are provided, they shall be located no closer than twenty-five feet from the property line of the tract and a minimum twenty-five (25) foot wide buffer shall be provided between said outdoor patio or deck and the property line of the tract.
- (d) Parking shall be provided per the requirements of Article 9 (see community center, swimming pool-subdivision amenity, tennis court, etc.).

Section 809. Construction Field Office.

Manufactured homes or other temporary structures shall not be occupied as a permanent office or for any other use in any district; provided, however that such manufactured homes or structures may be used for a temporary office or other permitted non-residential use, subject to the following:

- (a) Approval by the Zoning Administrator and issuance of a permit by the Building Official;
- (b) Said permit shall be temporary but renewable once after a period of six (6) months;
- (c) Said permit shall only be issued if plans and permit(s) have been approved for one or more permanent buildings on the subject property;
- (d) Adequate water and sewage disposal for the structure(s) is approved by the Habersham County Health Department; and
- (e) Said manufactured home(s) or temporary structure(s) shall be removed upon the establishment of the permanent building(s) or structure(s) intended for such use.

Section 810. Day Care Center.

In districts where permitted, day care centers and nursery schools shall have at least one hundred and fifty (150) square feet of outdoor play area and at least thirty-five (35) square feet of indoor space provided for each child or other person served. The outdoor play area shall be enclosed by a fence with a minimum height of four (4) feet.

Section 811. Drive-Through Facilities.

In districts where permitted, drive-through facilities shall not be located within fifty (50) feet of public right-of-ways or within fifty (50) feet of a residential zoning district. Stacking lanes for drive-through facilities must be designed in a manner so that vehicle queuing does not interfere with access driveways, interparcel connections, or maneuverability in and out of off-street parking spaces. Stacking lanes shall be clearly identified through the use of striping, landscaping, and/or signs, and stacking lanes for fast-food establishments shall provide a means for vehicles to escape from the drive-through queuing stream.

When a drive-through operation is located adjacent to a residential zoning district or residential use and it involves an exterior loud speaker, volumes must be monitored and controlled so as to minimize audible sound from the loud speaker at the property line. Prior to operation, or to mitigate unwanted noise after commencement of a drive-through operation, the Zoning Director may require noise attenuation be installed on the site with the exterior loudspeaker, if volumes cannot be reduced below those audible at the property line or if buffers are inadequate to mitigate noise from the exterior loud speaker.

Section 812. Dwelling, Single-Family Attached (Townhouses).

Notwithstanding dimensional requirements to the contrary, in zoning districts where permitted, fee simple townhouses shall meet the following requirements:

- (a) Each platted lot shall have a minimum of twenty (20) feet of frontage on a public road or private road that meets public street standards of the city.
- (b) The minimum lot size shall be 2,000 square feet.
- (c) Zero lot line between units within the same building shall be permitted, subject to applicable fire and building codes.
- (d) Each townhouse development or phase thereof shall require subdivision plat approval in accordance with the Cornelia subdivision regulations.

Section 813. Dwelling, Two-Family (Duplex).

Property containing a two-family dwelling may be subdivided in a manner so that each dwelling unit is located on its own lot, with zero lot line in between the units, subject to compliance with applicable building codes and subject to compliance with the Cornelia subdivision regulations.

Section 814. Fences and Walls.

All fences and walls shall conform to the following:

- (a) No wall, fence, or other obstruction to vision shall be placed or maintained within the triangular area formed by the intersection of street right-of-way lines and a straight line connecting points on said street lines, each of which is twenty-five (25) feet distant from the point of intersection.
- (b) A permit shall be obtained from the Building Official.

- (c) No fence or wall shall exceed eight (8) feet in height, except for required retaining walls.
- (d) No fence or wall, except for required retaining walls, shall be erected closer than two (2) feet from a public right-of-way or in such a manner as to obstruct vision on a public right-of-way.
- (e) Barbed wire top strands may be permitted in A-1, LI, and HI zoning districts only.
- (f) These requirements shall not apply to temporary fencing erected around a lot during construction of a building for security or safety or code compliance reasons. All such temporary fencing shall be approved by the Building Official upon issuance of a building permit and shall be removed upon completion of construction.

Section 815. Gasoline Pumps.

Gasoline pumps and pump islands shall be setback a minimum of twenty-five (25) feet from any public right-of-way or property line. Canopies or structures over gasoline pumps and pump islands shall be setback a minimum of ten (10) feet from any public right-of-way or property line.

Section 816. Guest House.

Guest houses shall comply with the following

- (a) Accessory Use. The guest house must be an accessory use to a single-family detached dwelling already existing on the lot.
- (b) Lot Area Requirement. A guest house shall be permitted only on a lot having at least 15,000 square feet in area.
- (c) Location. The guest house must be placed to the rear of the main house (principal building) separated by a distance of at least 20 feet. No more than one guest house may be located on any lot.
- (d) Maximum Floor Area. The gross building floor area of the guest house may not exceed 50 percent of the floor area of the main house (principal building).
- (e) Use. Guest houses shall not be rented or otherwise occupied separately from the main residence, except for non-paying guests or domestic employees residing on the premises and sharing meals in the principal dwelling.

Section 817. Home Occupation.

A home occupation as defined by these regulations shall conform to the following requirements:

- (a) Employment of person(s) not residing in the dwelling is limited to one full-time employee or two part-time employees.
- (b) The home occupation shall be clearly incidental and secondary to the residential use of the dwelling and shall not change the residential character of the building or lot.

- (c) No storage or display of products or materials shall be visible from the adjoining street or adjacent properties, and only products produced on the premises may be sold on the premises.
- (d) Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of a home occupation.
- (e) No external alterations of the dwelling solely for the accommodation of a home occupation are permitted.
- (f) No chemical, electrical, or mechanical equipment that is not normally a part of domestic or household equipment shall be used primarily for commercial purposes, other than equipment approved by the Zoning Administrator for permitted home occupations.
- (g) A single attached business identification sign not to exceed four (4) square feet shall be permitted.
- (h) Use of a building for a home occupation shall not exceed fifty (50%) percent of one (1) floor of the principal building. Home occupations are not permitted, in whole or part, within accessory buildings.
- (i) A business license shall be obtained from the City prior to the operation of any home occupation. Said business license shall require approval by the Zoning Administrator.
- (j) The following uses are allowed as home occupations (not all inclusive): Tutoring, consultation and instruction in music, dance, arts, crafts and similar subjects, limited to two (2) students at one time; family day care homes; professional services (i.e., attorneys, architects, accountants, realtors, insurance and travel agents; secretarial services and answering services; mail order and general offices not involving storage of equipment, materials or vehicles; phone solicitations; beauty salons and barber shops limited to two patrons at a time; food catering.
- (k) The following uses are specifically prohibited as home occupations (not all inclusive): cabinet shops and or metal cutting; doctors, dentists or other medical professions; automobile repair or related work; small engine repair shops, and landscaping/nursery/ greenhouse operations.
- (l) Trip generation uniquely attributed to the home occupation, as opposed to the normal vehicular traffic related to domestic use of the dwelling, and shall not exceed ten (10) vehicle trips per day.
- (m) The failure of a home occupation licensee to comply with any of the above conditions shall be reasonable grounds for revocation of a home occupation business license.

Section 818. Inoperable Vehicle or Storage of Scrap Material

Except for junk/salvage yards and wrecked motor vehicle compounds, it shall be unlawful to park or continuously store abandoned, wrecked, junked or inoperable vehicles, power-driven construction equipment, used lumber or metal, used appliances, tires, auto parts, pipes, or any other miscellaneous material that is visible from a public road or adjacent or abutting property. Such vehicles or materials shall be enclosed in a building or in a side or rear yard with a minimum

six (6) foot high opaque fence surrounding the storage area, if buildings do not screen such vehicles or scrap materials from view.

Section 819. Manufacturing and Fabrication Accessory to Retail.

A manufacturing or fabrication activity may be approved as an accessory use to a retail use permitted by right provided that it occupies no more than 1,000 square feet of floor area, and provided that all products made on the premises are sold on the premises as a retail activity.

Section 820. Model Home.

A dwelling unit may be constructed and used as a model home or temporary office for the sale of lots under the following conditions:

- (a) The model home is typically constructed before approval of a final plat, and hence the model home is the principal use of the entire unsubdivided parcel until the final plat is approved. The model home shall be placed on a lot designated on the approved preliminary plat and shall be placed in a manner that meets the applicable zoning district dimensional requirements so that it complies at the time it is erected and when it is sold and/or converted for single-family residential use.
- (b) Sales shall be limited to the lots and buildings within the subdivision where the model home is located.
- (c) The use of the model home for a sales office shall be discontinued within 30 days of the time all of the lots in the subdivision have been sold.

Section 821. Multi-Family Development.

Any development containing one or more multi-family dwellings, as defined by this Zoning Ordinance, shall comply with the following provisions:

821.1 Site Plan Approval Required. Development within this district requires site plan approval by the Governing Body after recommendation by the Planning Commission. The site plan approval may take place during the process of considering an application for rezoning to this district, or upon an application for development, whichever occurs first.

821.2. Condominiums. If a condominium form of ownership is proposed, the development shall meet all applicable state laws including the Georgia Condominium Act. Proposed bylaws shall be submitted with the application for site plan approval.

821.2 Amenities. All developments containing fifty (50) or more dwelling units shall have a clubhouse and swimming pool. The size of the swimming pool shall be a minimum of 800 square feet of water surface for developments with 50 to 125 units and a minimum of 1200 square feet of water surface for developments with 126 or more units.

821.3 Laundry facilities. On-site principal or accessory laundry facilities are prohibited. Each multi-family unit must be constructed to accommodate washer and dryer appliances.

Section 822. Outdoor Storage.

Except for open air business establishments, outdoor storage shall be screened from view by an opaque fence or freestanding wall or building no less than six (6) feet in height. The outside storage of products in conjunction with an enclosed retail trade establishment shall be limited to a maximum of twenty (20) percent of the lot, which shall not occur in front yards.

Section 823. Parking or Storage of Recreational Vehicles.

Recreational equipment such as boats, boat trailers, travel trailers, recreational vehicles, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other similar vehicles may be parked or stored only in side yards, rear yards, carports, or in an enclosed building, provided however, that such equipment may be parked or stored anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading.

Section 824. Relocated Residential Structure.

A relocation permit shall be required to relocate a residential structure on a lot in Cornelia. The applicant shall include the following with the application for the relocation permit:

- (a) A photograph of the structure at its present location.
- (b) The current location (address and tax parcel number) where the structure is now located.
- (c) The proposed location (address and tax parcel number) of the structure. To ensure compliance with the applicable land use district dimensional requirements, when the relocated residential structure is proposed to be located within the city, the Zoning Administrator shall require submission of the proposed location (address and tax parcel number) and a copy of the recorded plat of the lot on which the structure will be placed (if none exists the applicant shall be required to comply with subdivision Regulations of the City of Cornelia).
- (d) An agreement that the structure shall meet all new construction requirements set forth in this ordinance for the zoning district and all exterior improvements to the structure once relocated shall be completed within six months of relocation.

Section 825. Self-Service Storage Facility (Mini-Warehouse).

825.1 Area. The minimum lot size for a mini-warehouse development shall be two acres, and the maximum developed area for a mini-warehouse shall be four acres.

825.2 Storage Unit Specifications and Uses. Individual storage units shall not exceed eight hundred (800) square feet and may not be used for the storage of hazardous materials or toxic substances. The use of individual storage units for living, sales, or hobbies is prohibited. No individual mini-warehouse building shall be more than two hundred (200) feet long. Mini-warehouses, where permitted, are limited to single-story buildings.

825.3 Access. Access to mini-storage developments is limited to passenger vehicles and two-axle trucks (no semis are permitted). Interior drives between buildings shall be a minimum of twenty (20) feet wide.

825.4 Parking. Leasing office parking shall be provided at a standard of one space per (forty) 40 mini-storage units, plus one space for the facility manager, with a minimum of two on-site parking spaces.

825.5 Right-of-Way Screening Required. When located within sight of a public right-of-way, fencing adjacent to said right-of-way shall be required in the form of an architecturally finished wall or solid, opaque wooden fence.

825.6 Outdoor Storage. Outdoor storage is prohibited unless an open storage yard is permitted in the zoning district in which the development is located.

825.7 Hours of Operation. Mini-warehouse developments shall not be accessible to the general public (excluding on-site managers) between the hours of midnight and 5:00 a.m.

Section 826. Service and Fuel Filling Station.

- (a) All buildings and accessory structures must be located at least one hundred (100) feet from any residential land use district boundary. All fuel must be stored underground outside of any public right-of-way.
- (b) Pumps that dispense gasoline, kerosene, propane, natural gas or diesel fuels shall be set back at least twenty-five (25) feet from any road right-of-way line.
- (c) Uses permissible at a service and fuel filling station shall not include major mechanical and body work, straightening of body parts, painting, welding, or storage of automobiles not in mechanically operable condition. No emissions of noxious odors, dust, fumes, gas, noise, or vibration shall be allowed outside of any building.

Section 827. Swimming Pool.

Swimming pools accessory to residences shall be enclosed by a security fence a minimum of four (4) feet in height. Said fence shall provide security against unauthorized use of the swimming pool. All swimming pools shall meet the requirements of the Standard Swimming Pool Code as adopted. Swimming pools which are operated as an accessory use to hotels, motels, or other uses shall be restricted to use by the patrons/guests of the principal use on the subject property and shall not be opened to the general public for a fee.

Section 828. Towers and Wireless Telecommunications Facilities.

828.1. Purpose and Intent. The purpose of this chapter is to establish guidelines for the siting of all wireless telecommunication equipment and facilities, microwave towers, common carrier towers, cellular, television and radio telecommunications towers and antennae. The regulations and requirements of this Section are adopted for the following purposes:

- (a) To provide for the location of communication towers and communication antennas; and to protect residential areas and land uses from potential adverse impacts of

communication towers, poles, and antennas by restricting them in accordance with the restrictions of this Section.

- (b) To minimize adverse visual impacts of communication towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques.
- (c) To accommodate the growing need for communication towers and antennas while minimizing the total number of towers within the community necessary to provide adequate personal wireless services to residents.
- (d) To promote and encourage shared use/co-location of existing and new communication towers (i.e., the use of multiple antennae operated by different providers on a single tower) as a primary option rather than construction of additional single-use towers or poles.
- (e) To promote and encourage placement of antennae on existing towers, where such siting options exist, and on buildings, where such siting options exist.
- (f) To consider public health, safety, and welfare in the siting of new towers, and to avoid potential damage to adjacent properties from tower or pole failure through engineering and careful siting of tower structures.

It is also the intent of this ordinance to limit the siting of telecommunications facilities and towers where they will have the least adverse impact on the community and still comply with the requirements of the Telecommunications Act of 1996 (Public Law No. 104-104, 47 U.S. C. Section 332(c)(7)). These intentions are accomplished with restriction of locations and by enacting controls on height, setbacks, screening, color, and materials in order to minimize visibility and promote public safety and welfare. The regulations in this Section are reasonably related to the valid public purposes described in this Section.

It is not the intent of the Governing Body to discriminate among providers of functionally equivalent services or to prohibit or have the effect of prohibiting the provision of wireless services in the County. It is also the intent of the city that applications to place, construct, or modify personal wireless service facilities will be acted upon within a reasonable period of time.

828.2. Applicability. All new communication towers, poles, and communication antennas shall be subject to this Section, except that this Section shall not govern the following:

- (a) Any tower, or the installation of any antenna, that is seventy (70) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator or ham radio operator from the operator's residence.
- (b) Antennae or towers located on property owned, leased, or otherwise controlled by Habersham County, City of Cornelia, or other municipality, provided that a license or lease authorizing such antenna or tower has been approved by the government.
- (c) Monopole towers 100 feet or less in height located within electrical substations and antennae attached to existing transmission towers.

828.3. Performance and Construction Standards.

- (a) Structural Design. New communication towers or poles and antennae, and modifications to existing structures including, without limitation, the addition of height, antennae or providers, shall be constructed in accordance with applicable federal, state and local regulations.
- (b) Placement Restrictions. Towers occupying a lot as a principal use shall at minimum meet the minimum lot size and setback requirements for the zoning district in which the lot is located. Towers shall be a minimum of three-hundred (300) feet from any residential zoning district and a minimum of five-hundred (500) feet from any single-family residence not on the site in which the tower is located. The tower shall also be set back from property lines and road rights-of-ways a distance equal to or greater than the tower height. When the tower is on leased property, the setbacks shall apply to the lot of record, not the lease boundaries.
- (c) Screening. The visual impacts of a communication tower at the ground level shall be mitigated by landscaping. All towers and accessory structures shall be surrounded on the ground by a minimum ten (10) foot wide landscape strip or buffer that forms a hardy screen dense enough to interrupt vision and shield the base and accessory structures from public view and view from the surrounding properties. The buffer shall consist of evergreens that will reach a minimum height of at least six (6) feet within three (3) years.
- (d) Fencing. A black vinyl-coated chain link fence or wall not less than six (6) feet in height from finished grade shall be provided around each communication tower or pole. Access to the tower or pole shall be through a locked gate. The tower or pole shall be equipped with an appropriate anti-climbing device, unless the Zoning Administrator waives this requirement for alternative tower structures.
- (e) Height. Through approval of a conditional use application, when one is required, the height of the tower may exceed the maximum height limit of the zoning district in which it is located, up to a height of two hundred (200) feet, subject to the limitations of this paragraph. Towers shall be the minimum height necessary to provide parity with existing similar tower-supported antenna. No tower, pole, or antenna, whether freestanding or attached to a building or structure, shall exceed two-hundred (200) feet in height from ground level unless a variance is obtained. To prevail in any variance application to exceed established maximum height limitations of this paragraph, the applicant must successfully demonstrate why the prescribed maximum height is insufficient to provide adequate service, or that a taller tower will be in the community's interest by avoiding the construction of one or more additional towers at a new location.
- (f) Illumination. Communication towers, poles, or antennae shall not be lighted except to assure human safety or as required by the Federal Aviation Administration, Federal Communications Commission, or other federal agency with jurisdiction. Lighting shall be restricted to dual lighting, medium intensity white strobe lights (daylight mode), and red obstruction lights (nighttime mode), unless the FAA or state aeronautics division requires another type of lighting.

- (g) Color and Material. Towers clustered at the same site shall be of similar height and design. Communication towers not required to be painted or marked by the Federal Aviation Administration shall have either galvanized steel finish or be painted a non-contrasting color approved by the Governing Body to minimize the equipment's visibility. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (h) Signs and advertising. No advertising is permitted on a tower or antenna. However, towers shall have mounted in a conspicuous place a sign of not more than one (1) square foot in area, identifying the facility's owner and providing a means of contact in the event of an emergency.
- (i) Co-location. Proposed communication antennas may and are encouraged to co-locate onto existing communication towers. New or additional conditional use approval is not required for the addition of an antenna to an existing approved tower or pole. All towers over one-hundred (100) feet in height shall have structural capacity and ground or interior space to accommodate multiple users. Towers up to one-hundred sixty (160) feet shall accommodate at least three users, and towers over one-hundred sixty (160) feet shall accommodate at least five users.
- (j) Noninterference. No communication tower or antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety system and/or public safety entities.

828.4. Application Requirements. Each application for conditional use approval shall include the following, which are in addition to the information required for conditional use applications generally, if required:

- (a) A recorded plat or boundary survey.
- (b) A site plan, based on with topographical information.
- (c) An elevation view, perspective drawing, or simulated photograph of how the proposed telecommunication tower will look from public rights-of-way and surrounding residential streets from which it will be visible once constructed.
- (d) Supporting engineering calculations and information which provide evidence of need and document radio frequency range, coverage area, and tower height requirements. The application must specifically address whether there is a technically suitable space available on an existing tower or other location within the search area (i.e., the grid for the placement of the antenna), and such information shall specifically include the location of all existing towers within a one-mile radius of the site proposed.

828.5. Application Processing. Decisions on applications for wireless service facilities shall be made within a reasonable period of time, which shall mean generally that such decisions shall be processed in roughly the same amount of time required for other conditional use applications; provided, however, that the Planning Board and Governing Body shall each table an application for conditional use for a wireless service facility no more than once before

making a recommendation and decision, respectively, unless the applicant does not object to additional continuances.

828.6. Criteria to Consider in Acting Upon Applications. In addition to the criteria for determining whether to approve or deny conditional uses, as specified in this Zoning Ordinance, when an application for wireless telecommunication facilities or equipment is considered, the Planning Board and the Governing Body shall consider the following without limitation:

- (a) Impacts on surrounding properties with regard to aesthetics and fit with the context of its surroundings, considering the location, height, type of facility, color and materials proposed.
- (b) Whether impacts on surrounding properties on aesthetics can be mitigated by a monopole tower, or by a camouflaged tower (e.g., disguised as a pine tree), or by using stealth technology (i.e., making the tower resemble common features such as church steeples, bell towers, clock towers, grain silos, gateway elements, and monuments), or by requiring greater setback from impacted properties.
- (c) Whether the tower or wireless facility would pose an unreasonable risk to adjoining properties, including consideration of a fall area where ice or other debris may fall off the tower without harm.
- (d) The appropriateness of the location of existing towers, poles, and buildings, including electric transmission towers, that might serve as alternative locations to construction of a new tower or pole or placement on a building in a new location. It is the intent that new antennae where possible shall be co-located on existing towers and poles, placed on existing buildings, or be within a concealed support structure (e.g., camouflaged as an artificial pine tree, church steeple, clock tower, grain silo, flagpole, etc.), prior to authorizing the installation of a new non-camouflaged pole or tower. The failure to consider or unwillingness to accept viable options as described in this paragraph may be grounds for denial of a conditional use application for a new tower or pole.
- (e) Whether the application demonstrates compliance with the regulations established in this Section.
- (f) Whether the tower would be engineered and constructed to accommodate additional communication service providers (i.e., whether the application provides for co-location as required by this Section).
- (g) Whether a denial of the application would have the effect of prohibiting wireless services in the jurisdiction or area or would unduly restrict competition among wireless providers.

In addition, the Governing Body shall make a decision on the application based on substantial evidence to allow a reviewing court to understand the reasoning behind the decision and whether that reason comports with the evidence presented. To this end, for each application for wireless service facilities, the Governing Body shall rely on findings of fact in making a decision on said application. Such findings may be part of the recommendation and report of the Zoning Administrator, the recommendation of the Planning Board, the application and supporting materials submitted by the applicant, testimony from interested individuals, professionals, and

the applicant, and any additional findings of fact the Governing Body may itself determine. Generalized community concerns, unaccompanied by supporting documentation, do not constitute substantial evidence under Section 704 of the Telecommunication Act of 1996 or this Chapter.

Section 829. Utility Substation or Installation.

Public utility facilities such as electric substations, shall meet the following:

- (a) Materials storage shall not be permitted.
- (b) Vehicles shall not access the site except for purposes of maintenance, repair, and inspections.
- (c) Structures and uses shall be set back a minimum of fifty (50) feet from any property line, and within the fifty foot setback required along side and rear property lines, a minimum twenty-five (25) foot wide natural buffer shall be provided. Said buffer shall not extend nearer than fifteen (15) feet to any street right-of-way line.
- (d) All apparatus that are considered dangerous by the Zoning Administrator shall be enclosed by a chain link fence of at least eight (8) feet in height, which shall be screened.

Section 830. Yard Sales.

- (a) Yard sales, as herein defined, are permitted uses in any residential district, subject to the following requirements:
- (b) A yard sale on a particular property shall not occur more frequently than four (4) times annually.
- (c) The duration of such yard sale shall not exceed seventy-two (72) hours; and
- (d) Sales must be operated in a manner so as not to be a nuisance to the neighbors or obstruct driveways or sidewalks, etc.
- (e) A permit shall be required.
- (f) Other requirements as specified in Chapter 25 of the City of Cornelia Code of Ordinances.

Section 831. Conservation Subdivision.

- (a) Subdivision Regulations. Conservation subdivisions shall be considered and processed in accordance with preliminary and final plats requirements for major subdivisions as specified in the Cornelia Subdivision and Land Development Regulations and shall comply with Article X of the Cornelia Subdivision and Land Development Regulations.
- (b) Where permitted. Conservation subdivisions are permitted within residential zoning districts as more fully shown in Table 6.1 of this ordinance.

- (c) Densities. Conservation subdivisions shall not exceed the residential density in units per acre as established for the residential zoning district in which the conservation subdivision is located, as specified in Table 6.2 of this ordinance.
- (d) Lot Size and Width. Minimum lot sizes, minimum lot widths, and building setbacks of the residential zoning district in which the conservation subdivision is located, as specified in Table 6.2 of this ordinance, shall not apply to open space conservation subdivisions, except that no lot shall be platted in a conservation subdivision that is less than seventy-five percent (75%) of the required lot size or lot width for the zoning district in which it is located.
- (e) Other Dimensional Requirements. Building setbacks and maximum building coverage shall be proposed on the preliminary plat and shall be subject to the approval of the Governing Body.

Section 832. Manufactured Home.

In districts where permitted, manufactured homes (except for those located within mobile home parks existing on the effective date of this ordinance) shall be subject to the following:

- (a) Foundation. The building shall be attached to a permanent foundation constructed in accordance with the Building Code or state and federal regulations, as applicable.
- (b) Installation regulations. The manufactured home shall be installed in accordance with the installation instructions from the manufacturer, as appropriate.
- (c) Hauling mechanisms removed. The transportation mechanisms, including wheels, axles, and hitch, must be removed prior to occupancy
- (d) Tie-Downs. Each manufactured home shall have tie-downs or other devices securing the stability of the manufactured home and shall be installed in accordance with the requirements of the manufacturer and the regulations of the Georgia Safety Fire Commissioner.
- (e) Skirting. The area beneath the ground floor of the dwelling shall be either a slab foundation or enclosed around the exterior of the building with a foundation wall or non-load-bearing wall constructed of masonry (stone or brick), cast in place concrete, or concrete block finished with stucco or similar architectural treatment, penetrated by openings only for ventilation and access.
- (f) Width. The manufactured home shall consist of two fully enclosed parallel sections and a total width of at least twenty (20) feet.
- (g) Exterior finish. The exterior siding of the manufactured home shall consist of wood, hardboard, stucco, or vinyl siding material.
- (h) Roof pitch and materials. The manufactured home shall have a pitched roof with a slope of at least two (2) feet in height for each twelve (12) feet in width. Roof materials shall be wood shake, tile, asphalt shingle, standing seam/coated metal, or similar material.

- (i) Covered porch or deck. A covered porch, deck, or entry area at least six (6) feet by six (6) feet shall be added for each entrance to the manufactured home prior to occupancy.

Section 833. Temporary Use.

It is the intent of this Section to authorize the Zoning Administrator to permit temporary uses that are clearly compatible with the uses permitted in the zoning district in which the temporary use is located. To this end, the Zoning Administrator shall have broad latitude to determine when such temporary uses are compatible, appropriate, and can be approved in a given zoning district.

For any temporary use, the Zoning Administrator is authorized to require additional installation standards or conditions of establishing the temporary use to ensure compatibility of appearance and functional safety of the temporary use and the site on which it is located. Adequate parking and traffic maneuvering space must be located on the same property as the temporary use.

A special temporary outdoor event shall be considered and approved only on the basis of a site plan and letter of intent reflecting conformance to the above requirements. The application shall address hours of operation, placement of bathroom and other public facilities, parking, and security. The application shall also address whether amplifying equipment will be used and if so Police Department review and approval shall be required.

A special outdoor event may be authorized subject to permit approved by the Zoning Administrator, provided that the duration of the event does not exceed 15 consecutive days, and provided further that special outdoor events shall not take place more frequently than twice in any calendar year on the same premise. Any two special outdoor events on the same premise must be separated by at least 30 consecutive days.

On sites where educational or religious facilities are permitted, one or more temporary classrooms, which may be manufactured homes, may be permitted as temporary uses by the Zoning Administrator, upon application and after the issuance of a building permit, for a public school, private school, or church.

ARTICLE 9 OFF-STREET PARKING AND LOADING REQUIREMENTS

Section 901. Purpose and Intent.

The multiple purposes of this article are summarized as follows:

- (a) Establish requirements for multi-modal access to development sites, including vehicular, truck service, pedestrian, bicycle, and transit, as appropriate;
- (b) Establish on-site circulation patterns conducive to safe pedestrian as well as vehicular and truck access;
- (c) Establish minimum off-street parking and loading areas in proportion to the need created by each use, but considering reductions for the provision of alternative modes of travel;
- (d) Reduce congestion in the streets and ensure that uses and functions of public rights-of-ways are not interrupted;
- (e) Establish certain maximum as well as minimum requirements for parking spaces to reduce development costs and ensure that excess impervious surfaces are not constructed, while providing for additional parking spaces additions when a demonstrated need exists.
- (f) To promote flexible approaches to the provision of off-street parking, including in some cases, as appropriate, use of on-street parking, shared parking arrangements, smaller spaces for compact cars, and unimproved overflow or spillover parking areas;
- (g) To establish design and improvement specifications for the development of parking lots, loading areas, access aisles, parking decks, and connections of parking lots and decks to public streets;
- (h) To ensure that parking areas will be compatible with abutting residential districts; and
- (i) To provide for adequate off-street loading areas by applying loading regulations to specific developments at the site plan review stage.

Section 902. Applicability.

This article shall apply to any new building constructed; for new uses or conversions of existing, conforming buildings; and for enlargements of existing structures. This article shall not be construed as to require additional parking spaces to be furnished for an existing building which is repaired, altered, maintained, or modernized, where no structural alterations are made and the size of the building is not increased; provided, however, that when the occupancy of any building is changed to another use, parking shall be provided to meet the requirements of this article for the new use.

Section 903. Access.

All parking shall be provided with vehicular access to a street, and loading areas shall be provided with access to a street or alley; and such parking or loading area shall not thereafter be encroached upon or altered. Except for single-family and duplex dwellings, off-street parking and loading spaces shall have access so that their use will not require backing movements or other maneuvering within a street right-of-way. Access to office, commercial, and industrial zoning districts shall not be permitted to pass through residential zoning districts.

Section 904. Inter-Parcel Access.

In office and commercial zoning districts, abutting properties which do not provide interconnecting access to one another make it difficult and dangerous, if not impossible, for motorists to travel between those properties. In cases of new development or major building renovation and repaving projects in office, and commercial zoning districts, inter-parcel access for vehicles between abutting properties shall be provided so that access to individual properties can be achieved between adjacent developments as an alternative to forcing all movement onto abutting highways and public roads.

The location of vehicular connections across a property line should if possible be mutually determined and constructed by both property owners. Connection of parking areas for vehicular access should typically be provided in the front portion of the site. In cases where it is not possible to provide the connection in front, it may be provided in the rear portion of the site. In the case of coordination problems or any factors preventing construction of an inter-parcel connection, the Zoning Administrator will after recommendation from the City Engineer determine the location of connection to be constructed by property owners.

Section 905. Curb Cuts.

Curb cuts or access breaks for service drives, entrances, exits, and other similar facilities on public streets in other than residential zoning districts shall not be located within thirty (30) feet of any intersection or within forty (40) feet of another curb cut or access break. A curb cut shall be no greater than forty (40) feet in width and no closer than twenty-five (25) feet to any property line, unless approved by City Engineer. Service drives that serve office, commercial, or industrial zoning districts shall not be allowed to pass through residential zoning districts.

Section 906. Off-Street Parking Required.

Off-street automobile parking spaces shall be provided on every lot on which any building, structure, or use is hereafter established in all zoning districts except the CBD, Central Business District. Required parking spaces shall be available for the parking of operable passenger vehicles for residents, customers, patrons, and employees, as appropriate given the subject use.

Section 907. Location of Off-Street Parking Areas.

All parking spaces required by this article shall be provided on the same lot with the main building or use which it serves. Upon demonstration that the parking spaces required by this article are not available and cannot reasonably be provided on the same lot as the building, structure or use it serves, the Zoning Administrator may permit the required parking spaces to

be provided on any lot a substantial portion of which is within four hundred (400) feet of such building, structure, or use. This provision shall require submittal of evidence of ownership or valid agreement to lease the parking area off-site that is intended to be used to comply with this article.

Section 908. Parking Plan Required.

Before any building permit is issued, the parking lot layout and area must be found by the Zoning Administrator to be in compliance with all requirements of this article. The Building Official shall not allow occupancy or use of a building until advised by the Zoning Administrator that parking facilities are completed in accordance with the approved plan. A parking plan for all uses requiring less than five (5) spaces shall be submitted along with the building plans for approval of a building permit by the Building Official. No permit shall be issued for any parking area containing five (5) or more spaces until the plans and specifications, including required location, entrances, exits, aisles, landscaping, screening, surface materials and drainage, have been submitted for review and approval by the Zoning Administrator. Plans for such parking area containing five (5) or more spaces shall include proper drainage and retention, surface materials, curbing and screening as may be required, and they must clearly mark all parking areas, with handicapped and loading or other special (e.g., compact) spaces also designated.

Section 909. Minimum and Maximum Number of Parking Spaces Required.

On each lot where a building, structure, or use exists, off-street parking shall be provided in accordance with the requirements of Table 9.1. No existing facility used for off-street parking shall be reduced in capacity to less than the minimum required number of spaces, increased in capacity to more than the maximum number of spaces, or altered in design or function to less than the minimum standards, unless specifically provided for in this article.

Unless otherwise noted, the parking requirement shall be based on the gross square footage of the building or buildings devoted to the particular use specified.

Table 9.1
Minimum and Maximum Number of
Off-Street Parking Spaces Required

Use	Minimum Parking Required	Maximum Parking Permitted
COMMERCIAL USES		
1. Animal hospital; kennel	One per 400 square feet	One per 250 square feet
2. Appliance sales and repair	One per 500 square feet	One per 300 square feet
3. Art gallery	One per 400 square feet	One per 300 square feet
4. Automated teller machine, no drive-through	Two per machine	Three per machine
5. Auto parts store	One per 500 square feet	One per 300 square feet
6. Automobile sales	One per 200 square feet of repair space plus one per 400 square feet of showroom/office	One per 150 square feet of repair space plus one per 300 square feet of showroom/office
7. Automobile service and repair	One per 250 square feet	One per 200 square feet
8. Bank, credit union, savings and loan	One per 300 square feet (also see stacking requirements for drive-through facilities)	One per 200 square feet (also see stacking requirements for drive-through facilities)
9. Barber shop or beauty parlor	One per 300 square feet	One per 250 square feet
10. Bed and breakfast inn	Two for the owner-operator plus one per guest bedroom	Two for the owner-operator plus one per guest bedroom
11. Carpet or floor covering store	One per 300 square feet of retail sales and office area, plus if applicable, warehouse requirements for designated storage, receiving, and shipping area	One per 250 square feet of retail sales and office area, plus if applicable, warehouse requirements for designated storage, receiving, and shipping area
12. Car wash, staffed or automated	Two stacking spaces for each car wash lane plus two drying spaces per lane	Three stacking spaces for each car wash lane plus two drying spaces per lane
13. Contractor's establishment	One per 300 square feet of office space and one per 2,000 square feet of outdoor storage	One per 250 square feet of office space and one per 1,500 square feet of lot outdoor storage
14. Convenience store	One per 200 square feet	One per 150 square feet
15. Dance hall	One per 125 square feet	One per 75 square feet
16. Day care center	One per 500 square feet	One per 375 square feet
17. Funeral home or mortuary	One per four seats in largest chapel	One per three seats in largest chapel
18. Furniture and home furnishing store	One per 600 square feet	One per 300 square feet

Use	Minimum Parking Required	Maximum Parking Permitted
19. Grocery store	One per 300 square feet	One per 250 square feet
20. Hardware store	One per 400 square feet	One per 300 square feet
21. Health or fitness club	One per 200 square feet	One per 150 square feet
22. Hotel, extended stay	1.5 per unit lodging unit	Two per lodging unit
23. Hotel or motel	One per lodging unit, plus one per each 150 square feet of banquet, assembly, meeting, or restaurant seating area	1.2 per lodging unit, plus one per each 100 square feet of banquet, assembly, meeting, or restaurant seating area
24. Laundromat	One for each three washer/dryer combinations	One for each two washer/dryer combinations
25. Nursery or garden center	One per 300 square feet plus one per 1,500 square feet outdoor sales or display area	One per 250 square feet plus one per 1,000 square feet outdoor sales or display area
26. Office	One per 300 square feet	One per 250 square feet
27. Open air sales	One per 250 square feet of indoor floor space plus one per 600 square feet of outdoor sales	One per 200 square feet of indoor floor space plus one per 500 square feet of outdoor sales
28. Personal service establishment	One per 250 square feet	One per 200 square feet
29. Photofinishing laboratory	One per 250 square feet	One per 200 square feet
30. Photographic studio	One per 300 square feet	One per 250 square feet
31. Restaurant, bar, or tavern	One per 125 square feet	One per 75 square feet
32. Retail store	One per 275 square feet	One per 250 square feet
33. Self storage facility (mini-warehouse)	One per 40 storage units	One per 25 storage units
34. Service station	One per 250 square feet of office space plus two per service bay	One per 200 square feet of office space plus three per service bay
35. Shopping center	One per 275 square feet	One per 225 square feet
LIGHT INDUSTRIAL USES		
36. Manufacturing, processing, assembling	One per 1,300 square feet	One per 1,000 square feet
37. Warehouse	One per 2,000 square feet	One per 1,500 square feet
38. Wholesale	One per 1,000 square feet	One per 600 square feet
GOVERNMENT – INSTITUTIONAL USES		
39. Assembly hall; auditorium; nonprofit club or lodge	One per four seats in room with greatest seating capacity or one per 40 square feet in largest assembly area without fixed seating	One per three seats in room with greatest seating capacity or one per 30 square feet in largest assembly area without fixed seating

Use	Minimum Parking Required	Maximum Parking Permitted
40. Church, temple, synagogue and place of worship	One per four seats in room with greatest seating capacity or one per 40 square feet in largest assembly area without fixed seating	One per three seats in room with greatest seating capacity or one per 30 square feet in largest assembly area without fixed seating
41. Government office	One per 300 square feet	One per 250 square feet
42. Hospital	1.5 per bed	Two per bed
43. Library	One per 400 square feet	One per 300 square feet
44. Museum	One per 500 square feet	One per 300 square feet
45. Nursing home	One per four beds	One per three beds
46. Post office	One per 200 square feet	One per 150 square feet
47. School	One per 300 square feet	One per 200 square feet
48. School for the arts	One per 300 square feet	One per 200 square feet
49. School, trade or business	One per 200 square feet	One per 150 square feet
RESIDENTIAL USES		
50. Apartment, one bedroom	1.5 per unit plus 0.1 per unit for guest space	Two per unit plus 0.2 per unit for guest space
51. Apartment, two bedroom	1.5 per unit plus 0.1 per unit for guest space	Two per unit plus 0.2 per unit for guest space
52. Apartment, three bedroom	2 per unit plus 0.2 per unit for guest space	Three per unit plus 0.2 per unit for guest space
53. Home occupation	(see provisions for home occupations)	
54. Residence within building containing a non-residential use	One per unit	1.5 per unit
55. Single family detached or attached; duplex	Two per unit	Four per unit
RECREATIONAL FACILITIES		
56. Amusement park	Per parking generation study funded by applicant and approved by the Zoning Director	
57. Athletic field	20 spaces per field	25 spaces per field
58. Billiard hall/amusement arcade	One per 200 square feet	One per 150 square feet
59. Bowling alley	Two per each bowling lane (add parking for billiard hall/ amusement arcade, if provided)	Three per each bowling lane (add parking for billiard hall/ amusement arcade, if provided)
60. Community center	One per 300 square feet	One per 250 square feet
61. Golf course	2.5 per hole	Three per hole
62. Golf driving range, principal use	0.75 per tee	1 per tee
63. Ice or roller skating skating rink	One per 200 square feet	One per 150 square feet

64. Miniature golf	Two per hole	Three per hole
65. Stadium or sport arena	One per twelve feet of bench seating	One per ten feet of bench seating
66. Swimming pool – subdivision amenity	One per 150 square feet of surface water area	One per 100 square feet of surface water area
67. Swimming pool – public	One per 125 square feet of surface water area	One per 75 square feet of surface water area
68. Tennis or racquet ball court	Two per court	Three per court
69. Theater, cinema	One per four fixed seats	One per three fixed seats

Retail facilities with over 250 parking stalls shall require a minimum of one standard size stall clearly marked in yellow on pavement “EMERGENCY PARKING ONLY.” The location of the parking stall shall be as close as possible to major building entries.

Section 910. Number of Handicapped Parking Spaces Required.

Regulations and dimensions for handicapped parking spaces shall be per requirements of the Americans with Disabilities Act (ADA) (Public Law 101-136) and the State Building Code. The required number of handicapped accessible spaces, which must be provided on-site, shall be as provided in Table 9.2.

Table 9.2
Handicapped Parking Requirements

Total Required Parking Spaces	Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

Section 911. Interpretations of Parking Requirements.

911.1. Fractions. Where a fractional space results during the calculation of required parking, the required number of parking spaces shall be construed to be the next highest whole number.

911.2 Parking Space Requirement Not Specified. Where the parking requirement for a particular use is not described in this article, and where no similar use is listed, the Zoning Administrator shall determine the number of spaces to be provided based on requirements for

similar uses, location of the proposed use, the number of employees on the largest shift, the total square footage, potential customer use, and other expected demand and traffic generated by the proposed use.

Section 912. Reduction of Required Parking for Off-Site Arrangements.

Off-site parking may be used in combination to meet minimum parking space requirements; a reduction of required off-street parking spaces on a given site may be permitted by the Zoning Administrator in cases where additional off-street, off-site, parking area in sufficient quantity and availability in conformity with this article compensates for the reduction, subject to the following:

- (a) The property is under one ownership, or a valid agreement exists between the two property owners for use of the parking area.
- (b) Off-site parking shall not exceed fifty (50) percent of the required parking for a building or buildings.
- (c) Off-site parking shall be located within four hundred (400) feet of the building or buildings in which it is leased to serve.
- (d) Safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the structure or use to the off-site parking lot.

Section 913. Reduction of Parking for Mixed or Joint Use of Parking Spaces.

When more than one use is provided on a lot, and such uses operate more or less simultaneously, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses computed separately. The Zoning Administrator may authorize a reduction in the total number of required off-street parking spaces for two or more uses jointly providing parking facilities when their respective hours of need of maximum parking do not normally overlap, provided that the developer submits sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap. The required spaces assigned to one use may not be assigned to another use at the same time, except that one-half (1/2) of the parking spaces required for churches, theaters or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

Section 914. Compact Parking.

Compact auto parking spaces may be used in commercial parking uses when more than twenty (20) parking spaces are required, provided the area for compact parking is clearly marked and not more than twenty (20) percent of the number of parking spaces in the entire parking area is designated compact auto parking. Compact auto parking spaces shall be not less than eight (8) feet wide by seventeen (17) feet long.

Section 915. Off-Street Loading Areas Required.

- (a) On the same lot with every building, structure or part thereof, erected or occupied for manufacturing, storage, warehouse, truck freight terminal, department store, wholesale store, market, hotel, hospital, mortuary, dry cleaning plant, retail business, or other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise, there

shall be provided and maintained adequate space for the standing, loading and unloading of such materials to avoid undue interference with public use of streets, alleys, and parking areas.

- (b) Unless otherwise approved by the Zoning Administrator, loading spaces shall be a minimum of fourteen (14) feet wide, forty (40) feet long, with fourteen (14) feet of height clearance. Said loading area shall be located to the rear of the building unless site design precludes a rear location, in which case loading shall be to the side of a building.
- (c) One off -street loading space shall be provided for the first 10,000 square feet of gross floor area or fractional part thereof for light industrial use and one off-street loading space for the first 5,000 square feet of gross floor area or fractional part thereof for retail or other non-industrial use for which a loading space is required. One additional space shall be required for each additional 25,000 square feet of gross floor area or fractional part thereof for light industrial use and for each additional 10,000 square feet of gross floor area or fractional part thereof for retail or other non-industrial use.

Section 916. Accessory Uses of Parking Lots and Loading Areas.

Parking facilities and loading areas shall be operated and maintained in accordance with the following:

- (a) Parking and loading areas shall not be used for the repair or dismantling of any vehicle, equipment, materials, or supplies.
- (b) Parking and loading areas shall not be used to store vehicles for sale, except in cases where the property owner owns the vehicle(s), provided auto sales is a permitted use in the district in which the property is located. This provision shall not apply to the placing of a "For Sale" sign on or in one licensed vehicle, boat, or other vehicle located in a private residential driveway and which licensed vehicle, boat, or other vehicle is owned by an occupant of said private residence.
- (c) An attendant's shelter building which does not contain more than fifty (50) square feet of gross floor area and which is set a distance of not less than twenty (20) feet from any boundary of the parking lot may be permitted.
- (d) Upon application, the Zoning Administrator may approve temporary structures and uses such as tent sales within required parking spaces that are not used on a continuous basis, provided that such uses are moveable from the site upon order by the Zoning Administrator.

Section 917. Parking and Loading Area Improvement Requirements.

917.1 Access. All parking shall have access to a public street. All loading areas shall have access to a public street or alley.

917.2 Drainage. Parking and loading areas shall be properly graded for drainage, and they shall be drained so as to prevent damage to abutting properties or public streets. Curbing shall be installed as required by the City Engineer when considered necessary for drainage, although water quality effectiveness shall be a consideration in determining curbing requirements.

917.3 Surfacing. Parking and loading areas shall be surfaced with concrete, asphaltic concrete, asphalt, or other dust-free surface; provided, however, that porous pavement parking spaces may be substituted for standard dust free pavements subject to the approval of the City Engineer according to standards that may be adopted by the City Engineer.

917.4 Striping. All parking and loading spaces must be striped with paint lines, lined with curbstones, or otherwise permanently marked to designate the space, except in cases where the materials used are not conducive to striping or lining with permanently marked materials.

917.5 Lighting. Adequate lighting shall be provided if the facilities are to be used at night or if necessary for security purposes. All lighting facilities shall be so arranged to prevent the direct illumination of adjacent properties or public streets.

917.6 Signs. Signs essential to the proper functioning of the parking lot and loading areas shall be installed. Such signs shall not be illuminated, shall not exceed four feet in area, or nine feet in height.

Section 918. Stacking Spaces for Drive-Through Facilities.

Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas in accordance with the following. Financial institutions with drive-through windows, restaurants with drive-through facilities, car washes (automated or staffed facilities), drive-through photo finishing booths, coffee kiosks, and any other uses with drive-through facilities shall provide three stacking spaces for each window or drive-through service facility. Stacking spaces shall begin at the window or communication/mechanical device (e.g., order board) first encountered by the vehicle user. The following general standards shall apply to all stacking spaces and drive-through facilities:

- (a) Stacking spaces and lanes for drive-through stations shall not impede on and off site traffic movements, shall not cross or pass through off street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
- (b) Drive-through lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked or otherwise distinctly delineated.
- (c) All drive-through facilities shall be provided with a bypass lane with a minimum width of ten (10) feet.

ARTICLE 10 TREE PROTECTION AND LANDSCAPING

Section 1001. Purpose and Intent.

Trees improve air and water quality, reduce soil erosion, reduce noise and glare, provide habitat for desirable wildlife, moderate the climate, and enhance community image and property values. Therefore, it is the intent of these regulations to encourage the protection and provision of trees through sound, responsible land development practices. Landscaping enhances a community's environmental and visual character and improves the overall quality of life. Vegetation can also improve air and water quality, reduce soil erosion, reduce noise and glare, provide habitat for wildlife, moderate the climate, and enhance property values, thus protecting the health, safety, and welfare of the community.

It is the purpose of this article to provide environmentally sound landscape amenities and buffers which promote a positive community image by promoting quality development, enhancing property values, providing for landscape improvements in the city, and promoting orderly growth and aesthetic quality in the city. It is also the intent to promote a healthy, natural environment whenever possible by protecting and enhancing existing vegetation.

This article also establishes standards for buffers and landscape strips. Buffers between two incompatible uses minimize harmful impacts such as transmission of noise, dust, and glare. Buffers can also lessen visual pollution, establish a greater sense of privacy from visual or physical intrusion, and thus protect the public health, safety, and welfare of the community.

Section 1002. Definitions.

Berm: An earthen mound or embankment, usually two to six feet in height, designed to provide visual interest, screen views, reduce noise, or fulfill other such purposes.

Deciduous: A plant with foliage that is shed annually.

Diameter Breast Height (dbh): The standard measure of tree size for those trees existing on a site that are at least four (4) inch caliper at a height of four and one-half (4.5) feet above the ground. If a tree splits into multiple trunks below four and one-half (4.5) feet, then the trunk is measured at its most narrow point beneath the split.

Evergreen: A plant with foliage that persists and remains green year-round.

Ground Cover: Living material planted in such a way as to form a sixty (60) percent or more ground cover at the time of planting and a continuous cover over the ground that can be maintained at a height of not more than eighteen (18) inches.

Hedge: An evenly spaced planting of shrubs that forms a compact, dense, visually opaque living barrier. Hedges inhibit passage or obscure views.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass, and which may include natural features such as rock, stone, bark chips or shavings, and structure features, including but not limited to fountains, pools, outdoor artwork, screen walls, fences, or benches.

Landscape Plan: A graphic and written document containing criteria, specifications and detailed plans to arrange and modify the effects of natural features. A landscape plan consists of a site plan showing the boundaries of the property and the location of proposed plant materials, in relation to surroundings and improvements, along with a planting schedule and any additional specifications required by the Zoning Administrator.

Natural Area: An area containing natural vegetation that will remain undisturbed when the property is fully developed.

Revegetation: The replacement of trees and landscape plant materials.

Screen: A method of reducing the impact of noise and unsightly visual intrusions with plants, berms, fences, walls, or any appropriate combination thereof, to provide a less offensive or more harmonious environment in relation to abutting properties.

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground, and generally obtaining a height less than eight (8) feet; a shrub may be deciduous or evergreen.

Tree: Any self-supporting, woody perennial plant usually having a single trunk diameter of three (3) inches or more that normally attains a mature height of a minimum of fifteen (15) feet.

Woodland: A tract of land or part thereof dominated by trees but usually also containing woody shrubs, grasses, and other vegetation.

Section 1003. Tree Protection During Development.

1003.1 Applicability. The terms and provisions of this section shall apply to any activity that requires the issuance of a land disturbance or development permit, with the exception of lots less than one acre in size. No land disturbance or development permit shall be issued until it is determined that the proposed development is in conformance with the provisions of this Article.

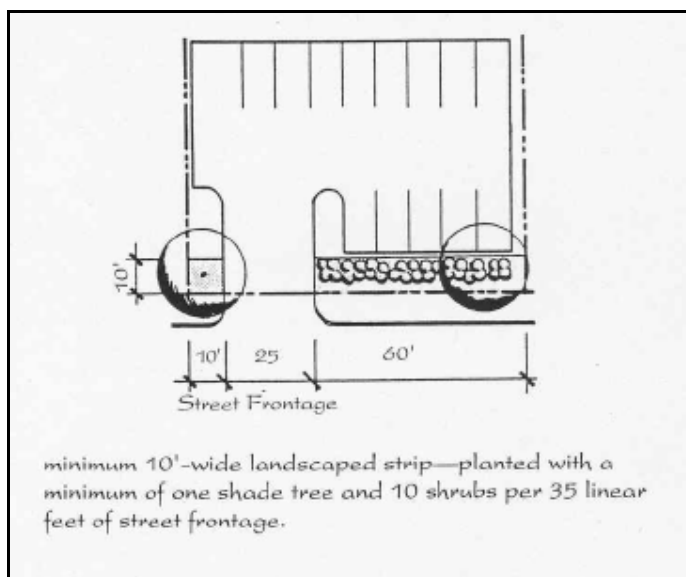
1003.2. Tree Save Areas. All buffers with existing trees that may be required by this code or provided by a development shall be delineated on plans as tree save areas, unless the applicant clearly demonstrates the need for disturbance.

1003.3. Protection of Trees During Construction. Developers shall make all reasonable efforts to protect retained trees during the construction process, including but not limited to the following measures: (1) placing protective barriers around trees, and marking such areas with "tree save area" signs; (2) not grading, excavating, or locating utilities near the root zones of trees. Tree protection devices shall be installed prior to the issuance of a land disturbance or development permit for any clearing and/or grading. Tree protection shall consist of chain link fencing, orange laminated plastic fencing supported by posts, rail fencing, or other equivalent restraining material. Tree protection devices shall remain in functioning condition throughout all phases of development and shall be subject to inspection by the Zoning Administrator.

Section 1004. Landscaping Requirements.

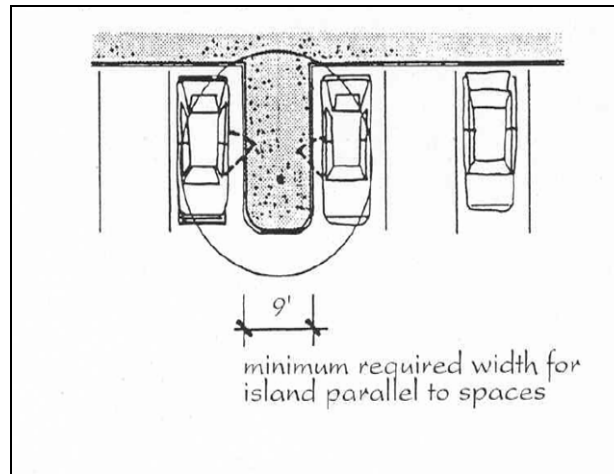
Developers of new, nonresidential buildings shall provide landscaping within landscape strips along the property frontage and along side property lines as may be required by this ordinance.

1004.1. Front landscape strips. The following planting specification shall apply to all landscape strips adjacent to the right-of-way of a public or private street as may be required by this ordinance. The landscape strip requirement shall not apply to vehicle access areas, pedestrian sidewalks, or trails but shall not include any other paved surfaces. The minimum 10-foot wide landscape strip shall be planted with a minimum of one shade tree and 10 shrubs per 35 linear feet of street frontage, excluding vehicle access areas (driveway openings), pedestrian sidewalks, or trails.



1004.2. Side Landscape Strips. Along all property lines not abutting a street right-of-way, or along the perimeter of the developed portion of the lot in case the development does not extend to a property line, parking lots subject to the requirements of this subsection shall include a perimeter landscape strip at least five (5) feet wide. The landscape strip requirement shall not apply to vehicle access areas, pedestrian sidewalks, or trails but shall not include any other paved surfaces. Within the perimeter landscape strip, the applicant shall install one (1) tree and three (3) shrubs for each 35 linear feet of property boundary along the perimeter to which the side landscape strip applies, unless the Zoning Administrator approves the use of existing woodlands or other vegetation as meeting the intent of this Section.

1004.3. Parking Lot Interior Landscaping. Interior lot landscaping shall be required for any parking lot with twenty (20) or more spaces. An interior parking lot landscape island at least nine (9) feet wide and at least 150 square feet in area shall be provided for every ten (10) spaces in each row of parking spaces abutting the perimeter or within the interior of the parking lot. Within each interior parking lot landscape island, a minimum two-inch (2") caliper tree shall be required to be planted.



Section 1005. Screening and Buffer Specifications.

Screening shall be established within all buffers that are required by this ordinance along side and rear lot lines. Landscaping shall be used whenever possible to screen objectionable views or nuisances, such as service areas, refuse containers, air conditioning units, transformers, etc.

All required screening shall consist of shrubs and/or trees but may be supplemented with walls, fences, or earth berms. Screening shall be of such nature and density to screen activities on the lot from view from the normal level of a first story window on an abutting lot and shall provide year-round maximum opacity from the ground to a height of at least six (6) feet. Trees and shrubs shall be installed to not only provide maximum opacity, but to allow for proper plant growth and maintenance.

To achieve maximum opacity within buffers, the following alternatives, or combination thereof, shall be considered by the applicant and applied, subject to the approval of the Zoning Administrator:

- (a) Six-foot-high evergreen screening shrubs planted four (4) feet on center.
- (b) Tall evergreen trees stagger planted with branches touching ground.
- (c) Combination of small shrubs planted thirty inches (30") on center, small trees planted thirty (30) feet on center, and large trees planted forty (40) feet on center.
- (d) Six-foot (6') high masonry wall.

In selecting materials and the size of plantings to be installed, the applicant and the Zoning Administrator shall consider the purpose of the landscape and the required materials shown in Table 10.1:

Table 10.1 Landscaping Purposes and Materials

Purpose	Materials
Very dense sight barrier	Evergreen trees, sight-obscuring fence
Visual separation between uses	Evergreen and deciduous trees, shrubs
Visual separation of uses	Evergreen and deciduous trees, shrubs, berms
Provide visual relief	Ground covers and shrubs lower than 36 inches
Visual relief/shade in parking areas	Trees, ground cover, decorative mulch, pavers

Section 1006. General Provisions.

1006.1. Visibility. Landscaping shall not restrict visibility of motorists or pedestrians (e.g., tall shrubs or low-lying branches of trees).

1006.2. Clearance. Trees must have a clear trunk at least six (6) feet above finished grade to allow a safe clearance beneath the tree.

1006.3. Curb Stops. A curb or wheelstop shall be provided along interior parking lot landscape islands, perimeter landscape strips, and landscapes adjacent to street rights-of-ways, to prevent cars from encroaching on trees, shrubs, and landscapes, as approved by the Zoning Administrator.

Section 1007. Landscape Plan.

A landscaping plan approved by the Zoning Administrator shall be required prior to the issuance of a land disturbance, development, or building permit to demonstrate compliance with the provisions of this Article. The landscape plan shall be based on an accurate boundary survey of the site or reasonable property description and shall include the following:

- (a) Location and general type of existing vegetation;
- (b) Existing vegetation to be saved;
- (c) Methods and details for protecting existing vegetation during construction;
- (d) Locations and labels for all proposed plants and a plant list or schedule showing the proposed and minimum required quantities;
- (e) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas;

Approval of all landscaping and other materials by the Zoning Administrator shall be required. The following general guidance is provided. The use of native plants as landscaping materials is encouraged wherever possible. Invasive or potentially invasive plants are not permitted. However, well-mannered non-native plants are acceptable if they are not considered invasive. Existing tree cover and natural vegetation shall be preserved, whenever possible, or replaced with suitable vegetation. Ground cover(s) should be used to supplement landscaping in appropriate areas to reduce the need for extensive grass lawns, which would require regular watering in drought conditions. Grass areas shall be sodded. However, if grass seed must be used, it shall be a variety suitable to the area that produces complete coverage. No artificial plants, trees, or other vegetation shall be installed.

Section 1008. Landscape Maintenance and Landscape Bond.

The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the maintenance and protection of all landscaping required to be installed pursuant to this Article. Prior to issuance of a certificate of occupancy, the developer or owner

may be required to post a performance bond or cash escrow guaranteeing all landscaping materials and work for a period of two (2) years after approval or acceptance thereof by the city in a sum established by the Zoning Administrator. The bond if required will be in the amount of 100 percent of the estimated cost of replacing all of the landscaping required by these specifications, unless otherwise specified by the Zoning Administrator. At the end of two years, the Zoning Administrator shall make an inspection and notify the owner or developer and the bond company of any corrections to be made. If no maintenance is required, or if maintenance is provided by said responsible party, the Zoning Administrator shall release the bond.

ARTICLE 11 SIGNS

Section 1101. Findings.

1101.1. Signs Perform Several Beneficial Functions. Signs provide directional and information messages in aid of safe wayfinding. Signs provide a visual, place-based medium by which to express both commercial and noncommercial messages. Signs are an effective, easily available, and cost-efficient way to inform consumers and aid their decision-making. As for political speech, signs are often the only effective and cost-efficient devices available to express opinion or support of political candidates and referenda.

1101.2. Signs are an Economic Investment. Signs represent an economic investment that brings economic value to businesses. They provide a point-of-purchase means for attracting consumers who are not otherwise familiar with the geographic area. And they provide assistance in making consumer selections among alternative choices. Furthermore, signs help certain locations work from a profitability standpoint that would otherwise likely fail without adequate signage. Signs that are designed with proper size, height, placement, and lighting with appropriate legibility can promote traffic safety.

1101.3. Sign Regulations Promote Public Safety. Sign regulations achieve public safety rationales not achieved by the standard building code. Without a sign ordinance, signs can pose a clear danger to public safety. It has long been recognized that signage controls are needed to promote traffic safety and avoid traffic accidents.

Signs too close to the road can impair visibility and cause traffic accidents. The placement of signs can interfere with the sight of motorists trying to exit a driveway onto a public road. Without regulation, signs can be placed dangerously close to rights-of-ways in locations where they might be struck by an oncoming vehicle using the road or having to veer off the road. These sign regulations contain location and other time, place, and manner restrictions that serve substantial public purposes of traffic safety.

Signs by their very nature are intended to gain the attention of motorists and therefore distract them from the primary purpose of maneuvering a vehicle along a road. To the extent that signage captures sight and attention, it distracts motorists. The regulation of signs is needed to ensure that signs can be read for their many beneficial public purposes but in a way that does not impair visibility and cause traffic accidents. Location, height, size, type, and other regulations contribute toward these substantial public purposes of promoting public safety.

Signs, if unregulated, can confuse motorists by mimicking traffic safety signals and signs. Motorists might confuse signs that contain flashing or blinking red, green, or yellow lights with roadway traffic signals. Signs constructed of shapes like an octagonal "stop" sign might also impair public safety by confusing the motorist. Therefore, there is a substantial public purpose served in prohibiting signs that mimic or would be confused with traffic safety signals and signs. Unregulated signage can also degrade the utility and reduce the visibility and effectiveness of public safety signs.

Limitations on window signs can increase visibility from outside a building and thus deter crime and robberies. Sign controls that limit the amount of storefront window and door areas that can be covered with signs enhance visibility of activities within the store or building. Limits on

window signs can provide for an appropriate minimum of exterior visibility and thus increase public safety of commercial areas through a reduction in crime potential.

1101.4. Sign Regulations Promote Public Health. Characteristics of the roadside landscape may influence the stress levels of motorists. Commercial signage contributes to the experiences of motorists. A study has shown that roadside blight can contribute to high stress levels of motorists (Meg Maguire, Ray Foote, and Frank Vespe. 1997. "Beauty As Well As Bread." *Journal of the American Planning Association* 63, 3: 317-328). Unregulated signage can contribute to the clutter and lack of organization in the wayfinding system of a community and thereby negatively influences the stress levels of motorists. Height, size, place, and other sign regulations serve substantial public purposes of bringing order to the wayfinding system that may help to avoid undue stress levels of motorists.

1101.5. Sign Regulations Promote the Public Welfare Signs can degrade property values. A principal purpose of land use regulations, including sign controls, is to protect and preserve property values. As planner Fred Bair notes, "There is no question that signs may affect the character of districts and the value of buildings, or that they are not appropriate in different parts of a town" (Bair Jr., Frederick H. 1979. *Planning Cities*. Chicago: American Planning Association, pp. 244-254).

The size, height, materials of construction, location, condition, and attributes of signs can have an impact on surrounding and nearby land uses. For instance, if signs were unregulated, large, tall signs could be erected in the city's single family residential districts. Such signs, if erected, would be out of character with residential neighborhoods and could result in the lowering of property values for residential use. As another example, blighted signs and antiquated signs and sign structures (e.g., a pole with a blank structure for a sign face) can contribute to an overall image of blight and a reduction of property values in declining areas, if not addressed and removed via sign controls. Sign regulations are needed to ensure that signage is compatible with its surroundings and does not take away from the character of particular districts.

Signage is a form of advertising. All other advertising mediums are regulated. There is little in the way of federal and state regulation of signs, despite a significant presence by the federal government in the regulation of other forms of communication. Signage is a type of advertising that cannot be turned off or rejected by the consumer, like other forms of communication. For instance, radio and televisions advertisements can be avoided by turning off the radio or television. With regard to signs, however, motorists must keep eyes open to drive and cannot block out signs from their peripheral vision. Absent federal and significant state regulation, it is in the public interest for local governments to control signage.

Signs derive their value in part from public improvements. Businesses exist and prosper in part because consumers have access to their locations via public rights-of-ways. Businesses locate, and signs are constructed, because of the access the community provides to business locations. The public way creates much of the value for the person erecting the sign, and visibility from the public way is what creates the problems which give rise to the need for sign controls. Because the public way contributes to value, the public therefore has a right, and indeed an obligation, to control the problems that arise from creating that value.

Unregulated signs adversely impact public investments. Sign regulations help to assure that public benefits derived from expenditures of public funds for the improvement and beautification

of streets and other public structures and spaces are protected. Unregulated signs can neutralize streetscape investments.

1101.6. Sign Regulations Promote Fair Competition Among Businesses. Sign regulations benefit businesses that seek to advertise. Unregulated commercial signage can be detrimental to individual businesses because business owners often feel compelled to erect larger and more costly signs to outdo their neighboring businesses. Such competition among business for visibility can result in too many signs, to a point of diminishing returns where individual business signs are not adequately visible. The competition for visual recognition can if unregulated defeat the purpose of the signs, which is to carry a message, usually a commercial one. If signs are left unregulated, patrons of individual businesses may miss their destinations because they cannot find the particular business in the sea of advertising devices.

1101.7. Sign Regulations Advance Community Aesthetics. Sign regulations promote and ensure the aesthetics of the community. The concept of public welfare is broad and inclusive, and the values it represents are spiritual as well as physical, aesthetic as well as monetary. Sign regulations serve the substantial public purposes of ensuring that the community is beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully controlled (Berman v Parker 348 U.S. 26, 75 S. Ct. 98, 99 L. Ed. 27 1954).

Sign regulations help communities maintain and protect the unique character of the community. The appearance of the community, which is substantially influenced by signs, is essential to the city's long-term economic viability and helps determine how residents and visitors alike perceive it. Sign controls, including regulations that go beyond simple size, height, location, and manner restrictions, are necessary to improve the visual character and quality of life of the community.

Section 1102. Objectives.

The objectives of this Article include but are not limited to the following:

1. Provide a reasonable balance between the right of an individual to identify his or her business and the right of the public to be protected against the visual discord resulting from the unrestricted proliferation of signs and similar devices.
2. To guard against an excess of large, aesthetically unappealing, intense signs which cause visual blight on the appearance of the city. Visual blight adversely affects the aesthetic quality of life and traffic safety in the city for residents, businesses, pedestrians, and persons in vehicles.
3. Protect the public health, safety and general welfare while protecting the rights of sign owners to expression and identification.
4. Promote economic development.
5. Protect property values by minimizing the possible adverse effects and visual blight caused by signs.
6. Insure that signs are compatible with adjacent land uses and with the total visual environment of the community.
7. Eliminate excessive and confusing sign displays.
8. Preserve and improve the appearance of the city as a place in which to live and to work and as an attraction to nonresidents who come to visit or trade.

Section 1103. Definitions.

For the purposes of this Article, certain terms and words are hereby defined. As used in this Article, unless the context otherwise indicates, the following words and terms shall have the meaning ascribed to them:

Abandoned sign: A sign that no longer identifies or advertising a location, product, or activity conducted on the premises on which the sign is located. For purposes of this definition, a business or activity shall be considered to have “ceased operations” when there is clear evidence that a business or activity has vacated the building or grounds; provided, however, that this definition shall not apply to any case where a business or activity is temporarily suspended and there is evidence that the business or activity will resume operations within a specifically designated period.

Advertising device: Any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property. For purposes of this article, an advertising device is a sign.

Accessory ground sign: A secondary ground sign, smaller in area than a principal ground sign, which is permitted by this Article and which is unrestricted as to its content.

Animated sign: A sign with action, motion, sound, or changing colors which accomplishes such action, motion, sound, or changing colors with or without electrical energy. This includes signs with lights or other illuminating devices that blink, flash, fluctuate, or have a changing light intensity, brightness or color; this definition does not include a “swinging sign” as defined by this Article.

Area of sign: The area within a continuous perimeter enclosing the limits of writing, representation, emblem, figure, or character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such writing, representation, emblem, figure, or character from the background against which it is placed. For double-faced signs, except for commercial off-premises signs, only the largest display face shall be measured in computing the sign area. The display of street address on a ground sign, wall, or window as required by this Article shall not be computed in determining the maximum allowable area of a ground, wall, or window sign.

Awning: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable.

Awning sign: An awning that contains letters, numbers, symbols, pictures, logos, and illuminated visual display, or other communication, attached, painted on, or made an integral part of an awning. For purposes of this Article, awning signs shall be considered wall signs.

Banner: A sign with or without characters, letters, illustrations, or ornamentation applied to cloth, paper, or fabric of any kind with only such material for a backing. For purposes of this Article, a banner is a sign.

Building marker: Any sign cut into a masonry surface or made of bronze or other permanent material and which includes the name of a building and date or incidental information, about its construction.

Canopy, attached: A multi-sided structure or architectural projection supported by attachment to a building on one or more sides and also supported by columns at additional points. Signs placed on attached canopies are considered wall signs for the purposes of this Article.

Canopy, freestanding: A multi-sided structure or architectural projection supported by columns. Signs placed on freestanding canopies are considered wall signs for the purposes of this Article.

Canopy sign: A sign on a canopy. For purposes of this Article, a sign on a canopy is a wall sign.

Directory sign: A wall sign which is allowed on a premise with more than one tenant or occupants of a building.

Double-faced sign: A sign which has two (2) display areas against each other or where the interior angle formed by the display areas is sixty (60) degrees or less, where one face is designed to be seen from one direction and the other face from another direction. Only one face shall be used in computing allowable sign area.

Flag: For purposes of this Article, except as otherwise provided herein, a “flag” is a “sign.”

Frontage, building: The width in linear feet of the front exterior wall of a particular establishment.

Frontage, road: The distance in linear feet of each lot where it abuts the right-of-way of any public street.

Ground sign: A permanently affixed sign which is wholly independent of a building for support (i.e., freestanding). A ground sign may consist of more than one sign panel, provided all such sign panels are attached to or integrated into one sign structure.

Height of sign: The distance in vertical feet from the ground to the highest point of the sign, whether that highest point is the frame of the sign face or panel or the support of the sign.

Holiday decorations: Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent and contain no commercial message.

Internally illuminated sign: A sign illuminated by an internal light source which is viewed through a translucent panel.

Inflatable sign: Any sign that is or can be filled with three (3) cubic feet or more of air or gas.

Licensee: A person and/or entity erecting a sign on property of the owner and/or permittee.

Marquee: A roof-like structure attached to and supported by a building wall (with no vertical supports) and that projects in a cantilever fashion from the wall of a building.

Marquee sign: A sign painted on, attached to, or hung from a marquee. For purposes of this Article, marquee signs shall be considered wall signs.

Master signage plan: A plan establishing parameters for the size, location, design, and color of signs on a property which contains multiple uses, buildings, or tenants but which is constructed or managed as a single development.

Nonconforming sign: Any sign which lawfully existed on the effective date of this article but which does not conform to the provisions of this article.

Pennant: A small, triangular or rectangular flag or multiples thereof, made of lightweight plastic, fabric, or other material, individually supported or attached to each other by means of a string, rope, or other material and meant to be stretched across or fastened to buildings, or between poles and/or structures, and which is designed to move in the wind. For purposes of this article, pennants are “signs.”

Portable sign: Any sign whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols (i.e., a changeable copy sign). Even though the wheels or supports of such sign should be removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, said sign shall retain its character as a portable sign.

Portico: A porch or walkway, open to the outside air, that is covered by a roof supported by columns or pillars, typically leading to the entrance of a building. A portico is considered a “canopy” for purposes of this Article.

Principal use sign: Any notice or advertisement, which is permitted in conjunction with a principal use or principal building or use located on the property, and which may display a noncommercial, commercial, or other message, the content of which is not regulated by this Article.

Projecting sign: A sign projecting more than fourteen (14) inches from the outside wall or walls of any building, or canopy, portico, or awning, upon which it is located.

Roof sign: A sign projecting higher than the front building wall or any sign supported by or attached to said roof.

Sidewalk sign: A movable sign not secured or attached to the ground or surface upon which it is located.

Sign: A lettered, numbered, symbolic, pictorial, or illuminated visual display, device, or communication designed or used for the purpose of identifying, announcing, directing, informing, or bring to the attention of others the subject thereon, that is visible from the public right-of-way, a driveway or parking lot with access to a public right-of-way, or from an adjacent property, except as specifically noted otherwise in this Article. For purposes of this article, the term “sign” includes “banners,” “balloons,” “flags,” “pennants,” “streamers,” “windblown devices,” and “advertising devices.” Furthermore, the term “sign” includes the sign structure, supports, lighting system, and any attachments, ornaments, or other features used to draw the attention of the observers.

Sign face: That part of a sign that is or can be used for advertising purposes.

Streamers: See “Pennants.”

Subdivision or multi-use sign: A freestanding monument sign pertaining to a subdivision designed for residences, offices, businesses, institutions, or light industries or combination thereof.

Temporary sign: A sign of a nonpermanent nature and erected for a limited duration.

Trailer sign: Any sign mounted on wheels and that may be moved from one location to another.

Wall sign: A single-sided sign with one visible face applied to or mounted to the wall or surface of a building or structure, the display surface of which if attached to a wall does not project more than fourteen (14) inches from the outside wall of such building or structure, or if on an awning, canopy, or portico, is flush with the material of said awning, canopy, or portico.

Windblown device: Any device not otherwise specifically defined in this Article, that is designed to inform or attract, whether or not such device carries a message, and which all or part of the device is set in motion by wind. For purposes of this Article, windblown devices are "signs."

Window sign: A sign installed on or within two (2) feet of an exterior window or door and intended to be viewed from the exterior of the building. Displays which show products or depict services sold on the premises are not to be classified as window signs.

Section 1104. Authority and Scope.

This Article is adopted pursuant to authority vested in the City of Cornelia pursuant to its city charter and home rule powers. This ordinance is adopted to serve substantial governmental interests of correcting and avoiding multiple problems that would occur without the regulation of signs. The regulations contained herein are no more extensive than necessary to serve the substantial governmental interests identified in this Article. It is not the intent of this Article to regulate the content of signs, but only their composition, type, location, distance from right-of-way, height, size, illumination, or other non-content based restriction implied in this Article. It is not the intent of this Article to foreclose important and distinct mediums of expression for political, religious, or personal messages, on any sign permitted to be erected by this Article. These regulations shall not be construed as limiting the message content of any sign.

Section 1105. Applicability.

No sign may be erected, placed, established, painted, created, or maintained except in conformance with this Article.

Section 1106. Exemptions.

The following types of signs are specifically exempted from compliance with this Article.

1. As many as three non-commercial flags on a lot, when designed to allow raising and lowering of the flags.
2. Street address identifiers and building identification numbers on multi-tenant buildings which are essential to the location of such buildings.
3. Signs not oriented or intended to be legible from a public right-of-way, private road or driveway, or other private property.
4. Signs erected more than two (2) feet inside a building.
5. Building markers and integral decorative or architectural features or works of art, so long as such features do not contain commercial messages, moving parts or lights.
6. Traffic safety and traffic directional signs, installed within the right-of-way of a public street.

7. Traffic safety and traffic directional signs along private streets and driveways, and in off-street parking lots that are installed per the requirements of the City Engineer or per city ordinance and which do not to exceed four (4) square feet each.
8. Directory signs, as defined by this Article, which do not exceed four (4) square feet each.
9. Signs of a public interest, erected by or on the order of a public officer in the performance of his duty, such as public notices, safety signs, memorial plaques, signs of historical interest, signs and banners pertaining to festivals, and the like.
10. Holiday lights and decorations, provided that they are removed within a reasonable period following the holiday season to which they pertain.
11. Public notice types signs.

In any case where a sign of a certain size is exempted by this Section, and an applicant desires to erect a larger size sign than the area of sign exempted but said sign is not allowed in the zoning district in which it is located, said sign shall only be permitted only upon approval of a variance in accordance with the provisions of this Article.

Section 1107. Noncommercial Messages.

Any sign allowed by this Article may contain a lawful noncommercial message. Noncommercial messages shall be regulated by this Article only as to the size, height, location, design, or other non-content based consideration.

Section 1108. Prohibited Signs.

The following types of signs or advertising devices are prohibited in all zoning districts of the city, except as otherwise specifically provided by this Article:

1. Abandoned signs.
2. Animated signs.
3. Inflatable signs, except as specifically provided by this Article.
4. Portable signs.
5. Roof signs.
6. Sidewalk signs.
7. Any sign illuminated at such an intensity or brightness which reasonably interferes with the peace, comfort, convenience, and general welfare of residents or occupants of adjacent properties, or which reasonably creates a hazard to operators of motor vehicles.
8. Pennants, streamers, and wind-blown devices.
9. Signs which imitate an official traffic sign or signal. This includes signs with colored lights and with shapes similar to those for traffic safety signs, used at any location or in any manner so as to be confused with or construed as traffic control devices or traffic safety signs.
10. Signs within the right-of-way, including those attached to traffic signs, utility poles, or guy wires, unless such signs are permitted according to state law.
11. Signs attached to trees.
12. Advertising displayed on benches, trash cans, telephone booths, and similar devices.
13. Trailer signs.
14. Strobe lights.
15. Any sign placed in such a manner that it obstructs the vision of pedestrians or traffic in a public right-of-way or the entrance of a private street or driveway to a public right-of-way.
16. Any sign not specifically permitted in a zoning district as provided under this Article shall be prohibited in that district, unless specifically otherwise provided for under this Article.

Section 1109. Nonconforming Signs.

1109.1. Replacement. A nonconforming sign shall not be replaced by another nonconforming sign, except that the substitution or interchange of poster panels, painted boards or dismountable material on nonconforming signs shall be permitted.

1109.2. Repairs and Maintenance. No structural repairs, change in shape, or size shall be permitted except to make the sign comply with all requirements of this Article. Minor repairs and maintenance of nonconforming signs shall be permitted. However, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the nonconforming sign comply with the requirements of this Article.

1109.3. Duration and Continuance. Nonconforming signs which met all requirements of this Article when erected may stay in place until one of the following conditions occurs:

- (1) The business, entity, or activity advertised ceases at that location;
- (2) The deterioration of the sign or damage to the sign makes it a hazard; or
- (3) The sign has been damaged to such extent that repairs equal to or exceeding fifty percent (50%) of the sign's current replacement value, as determined by independent appraisal and accepted by the Zoning Administrator, are required to restore the sign.
- (4) No conforming sign shall be permitted to be erected on the same property with an existing conforming sign until the nonconforming sign has been removed or made to conform to the provisions of this Article.

Section 1110. Permits.

1110.1. Building Permit Required. It shall be unlawful for any person to post, display, substantially change, or erect a sign in the city without first having obtained a building permit, if required by the Building Code as adopted by the city, for said sign. The applicant for a building permit shall submit application materials as specified by the Building Official, including a sketch or print drawn to an engineering or architectural scale showing pertinent information such as wind pressure requirements and display materials in accordance with the Building Code.

1110.2. Electrical Permit Required for Illuminated Signs. For any sign involving illumination, it shall be unlawful for any person to connect a sign to electrical power without first having obtained an electrical permit, if required by applicable city code. The applicant for an electrical permit shall submit application materials as specified by the Building Official.

1110.3. Sign Permit Required. Except as specifically excluded or exempted from the provisions of this Article, it shall be unlawful for any person to post, display, substantially change, or erect a sign or advertising device in the city without first having obtained a sign permit. For purposes of this Article, application for a sign permit and a building permit shall be made simultaneously, and unless otherwise specified on the sign permit, approval of a building permit shall constitute issuance of any required sign permit for said sign.

1110.4. Exemptions from Sign Permit. Any sign which is specifically exempted from the requirements of this Article shall be exempt from the requirement to obtain a sign permit. In addition, window signs and all signs four square feet or less in area shall be exempt from a sign permit.

1110.5. Sign Permit Application. Applications for sign permits shall be filed by the sign owner or his or her agent in the office of the Zoning Administrator upon forms furnished by said office. The application shall describe and set forth the following:

- (a) The type and purpose of the sign as defined in this Article.
- (b) A design of the sign which shows the height of the sign, the area of the face of the sign, the color scheme of the sign, and the structural supports of the sign, all drawn to an engineering or architectural scale.
- (c) The street address of the property upon which subject sign is to be located and the proposed location of subject sign on the subject property, and the suite number, where applicable.
- (d) A survey or tax plat of the property on which the sign will be located which shows where thereon the sign will be located and the distance from the property lines and the street right-of-way and street pavement.
- (d) The square foot area per sign and the aggregate square foot area if there is more than one (1) sign face. The application must also show the location and amount of existing signs and their locations.
- (e) The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located, and consent of the owner, or his agent, granting permission for the placement or maintenance of subject sign, which may include a copy of the lease or other document from the owner of the sign which authorized the erection thereof.
- (f) Name, address, phone number and business license number of the sign contractor.
- (g) The Zoning Administrator may require additional information as a part of the application to insure compliance with this Article.

1110.6. Process for Issuing Sign Permits. The Zoning Administrator shall be authorized to issue sign permits in accordance with the provisions of this Article. The city shall process all sign permit applications as quickly as possible but in no case more than ten (10) calendar days of the City's actual receipt of a complete sign permit application and a sign permit fee if required. For purposes of this Section only, the term "process" shall mean to make a decision on sign permit applications which can be administratively approved or denied.

Section 1111. Variances.

1111.1. Authority to Grant Variances. The Board of Adjustment shall have authority to grant variances to this Article, subject to compliance with applicable provisions of Article 15 of this zoning ordinance. The Governing Body shall have the authority to grant concurrent variances to this Article, upon application, subject to compliance with applicable provisions of Article 13 of this zoning ordinance relative to concurrent variances. In cases where an application for sign variance is not filed as a concurrent variance or as an application or certificate of appropriateness, it shall be considered and acted upon by the Board of Adjustment.

Section 1112. Maintenance.

All signs shall be maintained by the sign owner in good condition so as to present a neat and orderly appearance. Upon discovery of a sign in need of maintenance, the Zoning Administrator shall give written notice to the owner of the sign or the owner of the property on which the sign is located if the owner of the sign itself cannot be determined. Said notice shall state the item or items requiring repair or maintenance. The owner shall have thirty (30) days in which to repair or maintain the sign before a citation is issued. If the owner has failed to make repairs or the

necessary maintenance within that time, the Zoning Administrator shall cause a citation to be issued. The Zoning Administrator may cause to be removed after notice pursuant to this section any sign which shows gross neglect, is dilapidated, or in the opinion of the Building Official poses an imminent threat to public safety. It shall be unlawful, after the thirty (30) days notice has expired, for any person to display a sign in any of the following conditions:

- (a) Lettering or other elements of the sign have become detached or have fallen off the sign or become misaligned.
- (b) Painted surfaces on the sign or sign structure have begun to peel, flake over a significant portion of the sign, or have faded or oxidized to an extent that the sign no longer displays the message as originally intended.
- (c) A significant number of the bricks, stones, or other materials on the structural base of a sign have become detached or have fallen off, or have become misaligned.
- (d) Other similar conditions of disrepair or lack of maintenance as determined by the Zoning Administrator.
- (e) For lighted signs, one or more illumination devices are not working and have not been replaced.

Section 1113. Sign Height.

1113.1. Ground Signs. The maximum height of any ground sign regulated by this Article shall be ten (10) feet in the A-1, R-1, R-1A, R-1B, R-2, O-P, and CBD zoning districts and thirty (30) feet in the B-1, B-2, LI, and HI zoning districts, except as otherwise specifically provided in this section.

1113.2. Increase in Height of Ground Signs. The maximum height of any ground sign established for the zoning district in which the sign is located shall apply, except that for properties situated below road grade may, if the maximum height permitted would prevent adequate visibility, may increase ground sign height by up to 12 feet above the grade of the road. A ground sign within 1,000 feet of a divided federal or state highway may be erected to a height not to exceed one-hundred (100) feet.

1113.3. Wall Signs. No attached wall sign, except those exempted by this Article, shall exceed the height of the building on which it is placed.

Section 1114. Sign Setback.

No sign regulated by this Article shall be placed or erected closer than four (4) feet of a city, county, state, or federal road right-of-way.

Section 1115. Sign Allowances by Residential District.

1115.1. Number of Signs Limited. Except as specifically provided otherwise, a property shall be limited to only one (1) sign of the type permitted, as provided in this Article.

1115.2. Types of Signs Permitted. The types of signs permitted shall be as shown in Table 11.1, which also may show signs prohibited or conditionally permitted.

1115.3. Maximum Area of Sign. The maximum area of signs permitted shall be as shown in Table 11.1.

1115.4. Illumination. Signs in residential zoning districts shall not be internally illuminated. When allowed for a non-residential permitted use, such allowed sign be unlighted or if lighted shall be non-internally illuminated.

Section 1116. Sign Allowances by Non-Residential District.

1116.1. Number of Signs Limited. Except as specifically provided otherwise, a property shall be limited to only one (1) sign of the type permitted, as provided in this Article.

1116.2. Types of Signs Permitted. The types of signs permitted shall be as shown in Table 11.1, which also may show signs prohibited or conditionally permitted.

1116.3. Maximum Area of Sign. The maximum area of signs permitted shall be as shown in Table 11.1.

Section 1117. Additional Regulations.

Signs shall be subject to the requirements of Chapter 28 of the City of Cornelia Code of Ordinances. When the requirements of this Article and Chapter 28 conflict with one another, the more restrictive requirements shall apply.

Table 11.1. Signs Permitted and Size Allowances in Residential Districts

(X = Not Permitted; C = Conditional Use; P = Permitted)

Note: Any number provided in the table below is square feet maximum permitted and is a sign permitted)

Type of Sign/Use	A-1	R-1	R-1A	R-1B	R-2	TND
1. Principal use ground sign, lot containing a non-residential principal permitted use only	16	16	16	16	24	12
2. Accessory ground sign, single-family residential lot	4	4	4	4	4	4
3. Accessory ground sign, lot containing a non-residential or multi-family permitted principal use only (2 per lot permitted)	4	4	4	4	4	4
4. Wall sign, single-family residential lot	X	X	X	X	X	X
5. Wall sign, on building containing a non-residential permitted principal use only	4	4	4	4	4	4
6. Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction	4	4	4	4	8	8
7. Temporary wall or window sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction	4	4	4	4	4	4
8. Multi-tenant occupancy ground sign (not permitted for a single-family residential lot; 1 per lot containing multi-family or non-residential permitted use), in lieu of principal use ground sign allowed above	16	16	16	16	24	12
9. Subdivision or multi-use ground sign (2 per entrance to subdivision of permitted multi-use site)	36	36	36	36	36	36
10. Window sign, single-family residential lot (other than temporary wall or window sign during which a space, unit, building, or land is for sale, rent, or lease, or under construction)	X	X	X	X	X	X
11. Window sign, on building containing a non-residential permitted use	X	X	X	X	X	25% of window area
12. Other signs: per master signage plan approved as a part of a conditional use permit	C	C	C	C	C	C

Table 11.2. Signs Permitted and Size Allowances in Non-Residential Districts

(X = Not Permitted; C = Conditional Use; P = Permitted)

Note: Any number provided in the table below is square feet maximum permitted and is a sign permitted)

Type of Sign/Use	O-P	B-1	B-2	CBD	LI	HI
1. Principal use ground sign, lot containing a non-residential principal permitted use only	24	50	100	X	100	100
2. Accessory ground sign, single-family residential lot	4	4	4	4	X	X
3. Accessory ground sign, lot containing a non-residential or multi-family permitted principal use only (2 per lot permitted)	8	8	8	8	8	8
4. Wall sign, single-family residential lot	X	X	X	X	X	X
Wall sign, on building containing a non-residential permitted principal use only (2 per principal building, collectively not to exceed area shown) Ordinance Change: 06 – 06 – 01	12	24	50	12	50	50
5. Wall sign, on building containing a non-residential permitted principal use only (maximum 2 signs per establishment, collectively not to exceed area shown)(percent of the wall or surface of a building or structure)	20%	25%	25%	25%	30%	30%
6. Temporary ground sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction	12	16	24	12	36	48
7. Temporary wall or window sign during the time when a space, unit, building, or land is for sale, rent, or lease, or under construction	8	12	16	8	24	36
8. Multi-tenant occupancy ground sign, 1 per property frontage, in lieu of principal use ground sign allowed above	36 + 6 per occupant	72 + 8 per occupant	100 + 8 per occupant	36 + 6 per occupant	100	100
9. Subdivision or multi-use ground sign (2 per entrance to subdivision of permitted multi-use site)	36	48	100	36	100	100
10. Window sign, single-family residential lot (other than temporary wall or window sign during which a space, unit, building, or land is for sale, rent, or lease, or under construction)	X	X	X	X	X	X
11. Window sign, non-residential permitted use	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area	25% of window area
12. Directory (wall) sign, spaces or units with a single buildings	12	16	24	12	36	48
13. Other signs: per master signage plan approved as a part of a conditional use permit	C	C	C	C	C	C

ARTICLE 12 PROPERTY APPEARANCE STANDARDS

Section 1201. Purpose.

The purpose of this Article is to ensure that the physical and operational characteristics of proposed buildings and uses are compatible when considered within the context of the surrounding area. It is also the purpose of this Article to prevent monotonous repetition of building forms and to introduce variety and quality in building and development in Cornelia. To enforce this Article, an administrative site and design review process is established, whereby site and building plans are reviewed by the Zoning Administrator for compliance with the provisions of this Article, in addition to other requirements of this zoning ordinance, the city's subdivision and land development regulations, and building regulations.

Section 1202. Control of Vegetation on Larger Vacant Lots.

On any lot with an area of twenty (20) acres or more, or with a frontage of 600 feet or more on an existing city street or state highway, it shall be the responsibility of the property owner to mow or otherwise control the vegetation within ten (10) feet of the right-of-way of a city street or state highway so that the grass or other groundcover vegetation (excluding existing trees and shrubs) remains below a height of eight inches (8") and does not protrude or threaten to protrude onto public rights-of-ways. The city's Zoning Administrator will enforce this requirement where violations occur or are alleged to occur.

Section 1203. Parking of Vehicles on Vacant Lots.

Parking, whether displayed for sale or for storage of vehicles, shall not take place on any vacant lot, unless said lot is located within a zoning district that permits off-street parking lots and the use is approved by the Zoning Administrator. Only within a zoning district where the sale of vehicles is permitted and for no more than ten (10) hours of a 24-hour period, shall an individual park a vehicle for the sole purpose of the advertising and selling a vehicle. No commercial sales of any kind shall be permitted from a vehicle on a vacant lot unless the sales activity is permitted in the zoning district in which the sales activity is located and a valid business registration with the City of Cornelia is secured for the location at which sales activity occurs.

Section 1204. Parking in Front Yards on Single-Family Lots.

On lots containing detached, single-family residences, the parking of automobiles is permitted in garages, carports, or outdoors. Unenclosed parking shall not exceed four outdoor automobiles per single-family or two-family dwelling unit in any front yard of a lot containing a detached, single-family dwelling. Parking on lots with detached, single-family dwellings shall be permitted only in designated areas hard surfaced with concrete or asphalt and shall not be permitted outside such surfaced areas in the front yard of the lot. No front yard containing a detached, single-family residence shall be permitted to have more than 50 percent of its front yard area to be hard surfaced for parking.

Section 1205. Walls and Fences.

Walls and fences shall present a finished and attractive surface to the exterior of the property. Walls or fences composed or constructed of exposed concrete block (excluding decorative concrete blocks as approved by the Zoning Administrator), tires, junk, or other discarded materials shall not be permitted.

In all residential zoning districts, fences or walls erected within the required front yard shall be constructed of brick, stone, wood, stucco, wrought iron, or split rail. Fences made of chain link are prohibited in the front yards of residential zoning districts. Where chain link fences are permitted, except in industrial zoning districts, if erected they shall be coated with black vinyl.

Section 1206. Outdoor Lighting.

Any outdoor light that is aimed, directed, or focused so that the lamp is visible, or in a way that causes direct light from the lamp to be directed toward residential buildings on adjacent or nearby land, or that creates glare perceptible to persons operating motor vehicles on public ways, shall be redirected or its light output controlled as necessary to eliminate such conditions.

The following types of outdoor lighting are prohibited: Strobe lights, except as may be required for towers by a state or federal lighting requirement; laser lights or searchlight beams projected into the sky; and neon-lit signs, neon outdoor lights, and neon window or door outlining.

Section 1207. Underground Utilities.

For all new construction and redevelopment, utilities including water, sewer, cable, phone, gas, and electric power when connected from public streets to development on private property must be placed underground.

Section 1208. Architectural Requirements for All Buildings.

The following types of external building materials (siding and window and door frames) are prohibited: highly reflective, shiny, or mirror-like materials; mill-finish (non-colored) aluminum metal windows or door frames; exposed, unfinished walls; exposed plywood or particle board; and unplastered, exposed concrete masonry blocks. This provision applies also to accessory buildings and structures, including signs. No dwelling unit shall have exterior metal siding. If vinyl siding is used, it shall be installed in accordance with the most current edition of the International Building Code.

Section 1209. Residential Architectural Building Requirements.

When a new single-family or two-family dwelling is constructed, at least twenty-five percent (25%) of the front façade of each dwelling shall be brick masonry, stone masonry, or split-face block masonry. All other exterior wall materials of such new dwellings shall consist of brick masonry, stone masonry, or split-face block masonry, or wood clapboards or weather boarding, and appropriate architectural accents. Standing-seam or corrugated metal walls shall not be permitted. Roof materials shall be asphalt composition, wood shake, tile, or standing seam metal.

Section 1210. Housing Model Variety.

Any development of thirty (30) or more single-family detached or two-family dwelling units shall have at least four (4) different types of housing models. Any development of at least ten (10) but fewer than thirty (30) single-family or two-family dwelling units shall have at least three (3) different types of housing models. The applicant shall include documentation in the application for approval at the time of preliminary subdivision approval or if no subdivision is required, at the stage of development plan approval, that shows how the development will comply with this requirement.

Each housing model shall have at least three (3) characteristics that clearly and obviously distinguish it from the other housing models, including different floor plans, exterior materials, rooflines, garage placement, placement of the footprint on the lot, and/or building face.

When two or more dwellings are constructed on lots fronting an existing city street, each dwelling facing an existing city street shall have at least three (3) characteristics that clearly and obviously distinguish each new dwelling from the other housing models, including different floor plans, exterior materials, rooflines, garage placement, placement of the footprint on the lot, and/or building face.

Section 1211. Infill Residential Subdivision.

When a lot within the City of Cornelia's original one-mile circular city limits is subdivided for single-family or two-family residential use (i.e., infill residential subdivision), it may present certain characteristics that are highly incompatible with the existing character of the residential neighborhood. Accordingly, this section provides compatibility regulations for infill residential subdivisions.

1211.1. Architectural Compatibility. When a new dwelling is constructed that fronts on an existing city street or state highway within the original one-mile circular city limits of Cornelia, it shall be compatible with the established architectural character of such areas by using a design that is complementary. In areas where the existing architectural character is not definitively established, the architecture of new dwellings in infill areas of the city shall set an enhanced standard of quality for future projects or redevelopment in the area. Compatibility shall be achieved through techniques such as the repetition of roof lines, the use of similar proportions in building mass and outdoor spaces, similar relationships to the street, similar window and door patterns, and/or the use of building materials that have color shades and textures similar to those existing in the immediate area of the proposed infill development. Brick and stone masonry shall be considered compatible with wood framing and other materials.

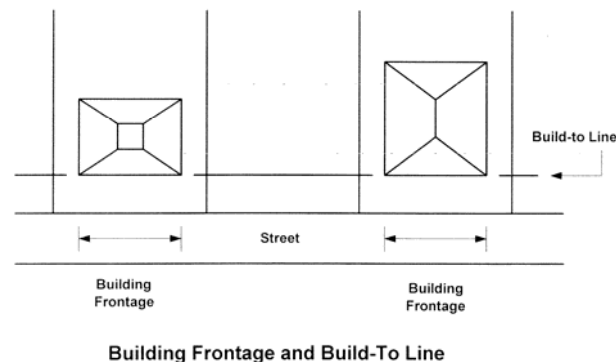
1211.2. Bulk and Scale. New dwellings erected within the original one-mile circular city limits of Cornelia shall either be similar in size and mass, or, if larger, shall be articulated and subdivided into massing that is proportional to the mass and scale of other dwellings on abutting and nearby lots.

1211.3. Height of Dwellings. When the heights of dwellings on lots abutting the infill residential subdivision are predominantly two stories, the height of dwellings constructed in the infill residential subdivision shall be no more than two stories excluding basement or daylight basement.

1211.4. Garages. To prevent residential streetscapes from being dominated by protruding garage doors, and to allow the active, visually interesting features of the house to dominate the streetscape, the following standards shall apply. Any garage doors facing an existing city street shall be recessed at least five (5) feet behind either the front facade of the ground floor living area portion of the dwelling or a covered porch. Garage doors may be located on another side of the dwelling ("side- or rear-loaded"), provided that the side of the garage facing the front street has windows or other architectural details that mimic the features of the living portion of the dwelling. Garage doors shall not comprise more than fifty (50) percent of the ground floor frontage of the building facing an existing city street.

1211.5. Placement on Lot Fronting Existing Street. This section shall apply to the erection of dwellings on lots within an infill residential development project that front on an existing street. The intent of this subsection is to ensure that dwellings are placed on the lot in a manner compatible with dwellings abutting to the side of the lot within the infill residential development project. Substantial deviations from the repetitive or prevailing pattern of building placement on the same existing street can result in an incompatible condition.

Therefore, dwellings within an infill residential development project on lots that front on an existing street shall not deviate from the build-to line by more than fifteen feet (15'). When a build-to line applies pursuant to this Section, it supersedes the front building setback requirement for the zoning district in which the property is located.



1211.6. Screening of Rear Yards of Lots Fronting an Interior Street. When a new subdivision street is proposed, the project often will result in the orientation of dwellings such that they form a line of rear yards abutting the side yard of a lot in the established residential area. To protect existing dwellings in the established residential area from exposure to residences, rear yards of the lots in the new subdivision shall be separated and screened along common lot lines of the established residential area with a solid wooden fence or masonry wall of six feet (6') in height and a minimum ten foot (10') wide vegetative buffer, or comparable screening approved by the Zoning Administrator.

1211.7. Entrance Landscaping for New Interior Streets. When a new subdivision street is proposed and the infill residential development project contains six (6) or more lots, the entrance to the project (where the new road intersects with the existing city street) shall be landscaped with a minimum twenty foot wide (20') landscape strip along the property frontage approved by the Zoning Administrator. If the landscape strip is platted as a part of a lot within the infill residential development project, a landscaping easement shall be provided over such lot or lots. A landscape maintenance bond shall be required for a period of two years as specified in Article 10 of this ordinance.

1211.8. Landscape Strips for New Interior Streets on Narrow Lots. When a new interior street serves an infill residential development and it traverses a lot or part of a lot that is one hundred feet (100') or less in width, the subdivider shall install prior to final plat approval a minimum ten-foot (10') wide landscape strip approved by the Zoning Administrator along both sides of street (at the inner edge of the street right-of-way) along the lot or portion thereof that is one-hundred feet (100') or less wide, so as to buffer the new street from residences on abutting lots.

1211.9. Landscape Strips for New Driveways Serving Infill Lots. Where a new driveway serving one or more dwellings within an infill residential subdivision traverses a lot or part of a lot that is sixty feet (60') or less in width, along both sides of the lot or portion thereof that is less than sixty feet (60') wide, the subdivider shall install prior to final plat approval a minimum five-foot (5') wide landscape strip approved by the Zoning Administrator, so as to buffer the driveway from residences on abutting lots. No such new driveway shall be constructed closer than fifteen feet (15') to a property line common with an abutting lot containing a single-family dwelling.

1211.10. Fences or Walls. Fences or walls within the front yards of lots containing single-family or two-family dwellings shall not be a height of greater than 42 inches, except for retaining walls where required by an approved grading plan or subdivision entrance monuments approved by the Zoning Administrator.

Section 1212. Commercial Building Standards.

This section shall apply to all new developments in the B-1, B-2, CBD, and O-P zoning districts, except as specifically provided otherwise in this Section.

1212.1. Screening of Certain Areas and Facilities. Service areas, including loading areas, loading entrances, dumpster pads, sites where trash or recycling containers or similar material are permanently stored, and heating, and ventilating, and air conditioning equipment on the ground shall be screened from view from adjoining properties, public and private streets, parking areas, and other areas open to the public. All rooftop mechanical equipment shall be screened from public view from views below by integrating it into building and roof design, or by screening with a parapet wall. Such screening is subject to the approval of the Zoning Administrator.

1212.2. Building Materials. Building materials on facades visible from a public street shall be composed of brick masonry or stone, textured masonry block, stucco; or wood siding.

1212.3. Building Walls. Except in the CBD zoning district, the walls of offices or commercial buildings visible from a city street or state highway shall not extend more than one-hundred (100) linear feet parallel (more or less) to a street unless the front façade of the building is designed in a way that breaks up the building face into discrete architectural elements, which can be accomplished through one or more of the following:

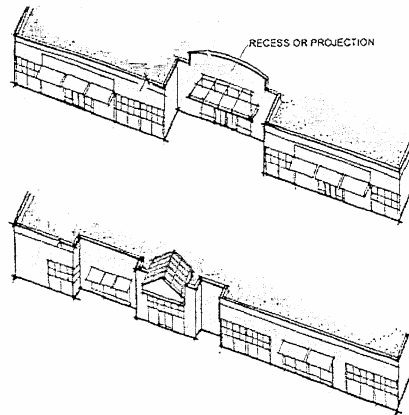
(a) Façade modulation: stepping back or extending forward a portion of the façade. Providing bay windows or repeating window patterns at regular intervals.

(b) Providing a porch, patio, deck, covered entry to portions of the façade at the ground level, or in the case of buildings containing two or more story, balconies.

(c) Changing the roofline by alternating dormers, or using stepped roofs, gables, or other roof elements.

(d) Changing materials with the change in building plane.

**Façade Modulation:
Recesses and Projections**

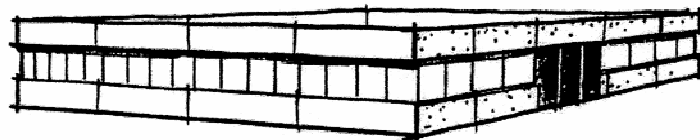


1212.4. Rooflines.

Roof planes shall be varied to increase visual interest, and awnings above windows and entrances are strongly encouraged (but not required) to help provide visual interest.



Flat roofs are not permitted.



1212.5. Colors. The use of high-intensity colors, metallic colors, black or fluorescent colors shall be prohibited.

ARTICLE 13 AMENDMENTS AND PROCEDURES

Section 1301. Purpose and Intent.

This Article is intended to provide certain procedures to govern: (1) processing of various applications for zoning text amendments, zoning map amendments, and conditional uses; (2) the calling and conducting of public hearings pertaining to said applications; and (3) establishing criteria for making decisions on such applications. This Article provides for the concurrent submittal, review, and approval of certain land use applications when the consideration of such applications by one review body at one time would be efficient in terms of process. It is also the intent of this Article to standardize procedures as much as possible so that they will be more readily understood by applicants and more easily administered by the Zoning Administrator.

Section 1302. Types of Applications.

The following types of applications are regulated by this Article:

- (a) Amendments to the text of this ordinance (i.e., "text amendment").
- (b) Amendments to the official zoning map (i.e., "rezonings" or "zoning map amendments").
- (c) Applications for conditional use approval.
- (d) Applications for concurrent variances.

Section 1303. Authority to Amend.

The Governing Body may from time to time amend the number, shape, boundary, or area of any zoning district or overlay district, or may amend any regulation pertaining to any district; or may amend any other Article or Section of this Zoning Ordinance.

Section 1304. Initiation of Proposals for Text and Map Amendments.

An application to amend the text of this Zoning Ordinance or the official zoning map, may be initiated by the Governing Body, or by any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which an amendment is sought. The application shall be accompanied by a payment of an application fee as established by the Governing Body and payable to the City of Cornelia to defray the normal cost of processing.

Section 1305. Application Compliance and Completeness.

No application described in this Article shall be processed by the Zoning Administrator unless it complies with the procedural requirements of this Article and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Article. If an application described and regulated by this Article does not comply with all provisions of this Article, the Zoning Administrator may reject the application and refuse to process it.

Section 1306. Application Requirements.

Applications to amend the text of this ordinance shall require submittal of an application fee, application form, and proposed text amendment in a form approved in advance by the Zoning Administrator. The Zoning Administrator shall waive the application fee required by this Section when an application is initiated by the Governing Body.

No application specified in this Article shall be processed by the Zoning Administrator unless it meets the requirements of this Article, including the specific requirements of Table 13.1. In cases where more than one application (rezoning, conditional use, concurrent variance) pertaining to a particular piece of property is filed simultaneously, the applicant must prepare separate applications and meet all application requirements for each application filed; provided, however, that the Zoning Administrator may waive separate site plan or letter of intent filing requirements when they would be unnecessarily duplicative.

Section 1307. Plan Requirements.

Applications required by this Article to include a site plan (see Table 13.1) shall at minimum include on the site plan information specified in Table 13.2. The Zoning Administrator may waive one or more of the requirements of this Article in individual cases when he/she determines that one or more elements of the required information specified in Table 13.2 are not essential to the review process.

Section 1308. Development Statistics Required.

Applications required by this Article to submit development statistics and specifications shall at minimum include on the site plan or in written form the information specified in Table 13.3. The Zoning Administrator may waive one or more of the requirements of this Article in individual cases when he/she determines that one or more elements of the required information specified in Table 13.3 are not essential to the review process.

Section 1309. Analysis Requirements for Map Amendments and Conditional Uses.

On the application form supplied by the city, or in a separate written document, applications to amend the official zoning map and applications for conditional uses shall provide a written analysis comparing the proposed action with the criteria in Table 13.4. A zoning map amendment or conditional use application may be justified only if it bears a reasonable relationship to the public health, safety, morality, or general welfare, and after consideration of the analysis requirements which may in individual cases be considered criteria relevant to staff and the Planning Board in making recommendations and by the Governing Body in the decision-making process.

Each applicant for an amendment to the text of this ordinance, an amendment to the official zoning map, or an application for conditional use, and each person speaking at a public hearing on such a matter, except the Governing Body or Planning Board, is responsible for complying with O.C.G.A. 36-67-1, "Conflict of Interest in Zoning Actions." The city assumes no responsibility for enforcing state law or informing applicants or speakers of the need to comply with said state law.

Table 13.1
Application Requirements

Application Requirement	Amendment to Text	Amendment to Official Zoning Map	Conditional Use	Concurrent Variance
1. Application fee as specified by this ordinance or established by resolution of the Governing Body	Required	Required	Required	Required
2. Application form furnished by the Zoning Administrator, including signature of property owner	Required	Required	Required	Required
3. Proposed amendment to this zoning ordinance	Required	No	No	No
4. Legal description of the property	No	Required	Required	No
5. Survey plat of the property	No	Required	Required	Required
6. Letter of intent describing the proposed use of the property or other action requested	No	Required	Required	Required
7. Written analysis of how the proposed action compares to decision criteria specified for deciding on the subject type of application (see Table 13.4)	No	Required	Required	Required
8. Site plan of the property at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements (see Section 13.2, "Plan Requirements")	No	Required	Required	Required
9. Statistics regarding the proposed development	No	Required	Required	Required
10. Description of any special conditions voluntarily made a part of the request	No	Required	Required	No

Table 13.2
Plan Requirements

Site Plan Requirement	Amendment to Official Zoning Map	Conditional Use	Concurrent Variance
1. Existing and proposed buildings and structures	Required	Required	Required
2. Parking and internal circulation	Required	Required	Required
3. Landscaping and buffers (existing and required or proposed)	Required	Required	Required
4. Preliminary grading and drainage (conceptual)	Required	Required	No
5. Provisions for outdoor lighting (see Article 18)	No	Required	No

Table 13.3
Development Statistics Required

Development Statistics Required: (Note: Percent = Percentage of Total Site Area)	Amendment to Official Zoning Map	Conditional Use	Concurrent Variance
1. Provision of zoning ordinance requested to be varied, and amount of variance(s) requested	No	No	Required
2. Maximum and proposed height of any structure	Required	Required	As determined to be appropriate by the Zoning Administrator
3. Maximum and proposed gross square footage of the building area (nonresidential only)	Required	Required	
4. Maximum and proposed number of dwelling units and minimum and proposed square footage of heated floor area for any dwelling unit (residential only)	Required	Required	
5. Maximum and proposed lot coverage of building area (square feet and percent)	Required	Required	
6. Minimum and proposed square footage of landscaped area (square feet and percent)	Required	Required	
7. Maximum and proposed impervious surface area (square feet and percent)	May Be Required	May Be Required	
8. Existing and proposed number of parking spaces	Required	Required	

Table 13.4
Analysis Requirements

Criteria Required to be Analyzed by Applicant and Review Bodies	Application to Amend the Official Zoning Map	Application for Conditional Use
1. Whether the proposal will permit a use that is suitable in view of the use, development, and zoning of adjacent and nearby property or whether it would result in an isolated zoning district unrelated to adjacent and nearby districts	Required	Required
2. Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property	Required	Required
3. Whether the property to be affected by the proposal has a reasonable economic use as currently zoned	Required	Required
4. Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools	Required	Required
5. Whether the proposal is in conformity with the policy and intent of the comprehensive plan including land use element	Required	Required
6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal	Required	Required
7. Whether the property can be used in accordance with the existing regulations	Required	No
8. Extent to which the property value of the subject property is diminished by the existing zoning district	Required	No
9. Suitability of the subject property under the existing zoning district	Required	Required
10. Length of time the property has been vacant or unused as currently zoned	Required	No
11. Whether a proposed zoning map amendment or conditional use approval will be a deterrent to the value or improvement of development of adjacent property in accordance with existing regulations	Required	Required
12. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality, and water quality	Required	Required
13. The amount of undeveloped land in the general area affected which has the same zoning classification as the map change requested	Required	No

Section 1310. Administrative Processing of Applications.

The Zoning Administrator is hereby authorized to establish administrative deadlines for the receipt of applications that require review in accordance with this Article. Upon a finding by the Zoning Administrator that an application is complete and complies with the requirements of this Article, including deadlines, the application shall be marked received and approved for initiation, and the date of such consideration shall be indicated in the file of the application.

Section 1311. Investigation and Recommendation.

Within a reasonable period of time after acceptance of a complete application, the Zoning Administrator, or designee, may send the application out for review by internal municipal departments and external agencies as may be appropriate (i.e., inter-agency review). Any written comments received in a timely manner shall be submitted to the review bodies for consideration and any such comments shall be public record.

With respect to each rezoning or conditional use application, and any concurrent variances filed, the Zoning Administrator or designee may investigate and make a recommendation regarding any or all of the relevant matters enumerated in Table 13.4, or in the case of a concurrent variance those criteria established for such applications in Article 15. Any such investigation and recommendation shall if in writing be made available to the applicant and Planning Board prior to the public hearing held by the planning commission and shall be public record. Copies of the Zoning Administrator's findings and recommendations shall be available upon request to interested members of the public by the time of the Planning Board's public hearing on the matter.

Section 1312. Planning Board Review and Recommendation.

The Planning Board will convene a meeting to consider all applications referred to it. The Zoning Administrator may advertise and the Planning Board may hold a public hearing on the matter. The Planning Commission shall make a recommendation after careful study of the application criteria specified in Table 13.4 as appropriate, and after review of any investigations and recommendations supplied by the Zoning Administrator.

The Planning Board's recommendations shall be submitted to the Governing Body, and its recommendations and, if any, its report, shall be available upon request to the interested members of the public at any public hearing on the matter held by Governing Body. The Planning Board shall have thirty two (32) calendar days from the date of its scheduled meeting on the matter within which to submit its recommendations. The Planning Board may submit any additional report it deems appropriate. The recommendations of the Planning Commission shall have an advisory effect only and shall not be binding on the Governing Body.

Section 1313. Action by Governing Body.

The Governing Body shall hold a public hearing on all applications specified in this Article. Within a period of sixty-five (65) calendar days from the date of the public hearing held by the Governing Body on any such application(s), the Governing Body shall render a decision on the application(s). In rendering a decision on any such application, the Governing Body shall consider all information supplied by the Zoning Administrator, the Planning Board, and any

information presented at its public hearing. In addition, the Governing Body may but is not required to consider relevant application criteria specified in Table 13.4. If the Governing Body fails to render a decision within sixty-five (65) calendar days from the date of the public hearing held by the Governing Body, the application shall be approved as conditioned by the Planning Board, or in lieu of no conditions specified by the Planning Board, as conditioned by the Zoning Administrator.

Section 1314. Public Hearing and Meeting Requirements.

The Planning Board will convene and conduct a meeting, which is not required to be a public hearing, on all applications specified by this Article that are referred to it as properly announced. The Governing Body will convene and conduct a public hearing on all applications specified by this Article that are referred to it. Said public hearing shall be scheduled during the month immediately following the public hearing of the Planning Board, or the following month if the Planning Board exercises its authority to consider the matter for a full or nearly full thirty-two (32) day review period.

Section 1315. Advertised Notice of Public Hearings.

At least fifteen (15) but not more than forty-five (45) days prior to the date of the public hearing before the Governing Body, the city shall cause to be published within a newspaper of general circulation within the city a notice of the public hearing before the Governing Body. The notice shall state the time, place, and purpose of the hearing.

If the zoning decision of a local government is for the rezoning of property and the rezoning is initiated by a party other than the local government, then the notice shall include the location of the property, the present zoning classification, and the proposed zoning classification of the property.

Each public notice sign pertaining to a conditional use shall state the existing or proposed zoning classification and the proposed use of the property. Each public notice sign pertaining to a concurrent variance shall state the proposed zoning classification and the section or sections of the Zoning Ordinance proposed to be varied.

Section 1316. Special Notice Requirements for Halfway Houses and Related Uses.

When a proposed zoning map amendment or conditional use application relates to or will allow a use that is specifically required by the Zoning Procedures Law to have special notice requirement, a duly noticed public hearing shall be held by the Governing Body on the proposed action in accordance with the procedures and requirements established in this Article, and in addition, the requirements of the Zoning Procedures Law shall apply.

Section 1317. Public Notice Signs.

For all applications involving an amendment to the official zoning map, application for conditional use, or application for a concurrent variance, the Zoning Administrator shall cause to have posted in a conspicuous location on said property one (1) or more signs(s). The public notice sign shall be erected not less than fifteen (15) calendar days prior to the public hearing before the Governing Body pertaining to said application. Each public notice sign shall state the

time, place, and purpose of the public hearing before the Governing Body, and the location of the property.

In addition, each public notice sign pertaining to an amendment to the official zoning map shall state the present zoning classification and the proposed zoning classification of the property. Each public notice sign pertaining to a conditional use shall state the existing or proposed zoning classification and the proposed use of the property. Each public notice sign pertaining to a concurrent variance shall state the proposed zoning classification and the section or sections of the Zoning Ordinance proposed to be varied.

Section 1318. Public Hearing Procedures.

Any public hearing required by this Article shall be called and conducted in accordance with the following procedures. For purposes of this Section, the term "hearing body" shall refer to both the Governing Body and the Planning Board. Nothing contained in this Section shall be construed as prohibiting a presiding officer or hearing body from conducting a public hearing in a fair, orderly, and decorous manner.

1318.1. Presiding Officer. The presiding officer shall preside over the respective public hearing. In the case of the Governing Body, the Mayor shall preside, or in the absence of the Mayor the Mayor Pro Tempore, another member of the Governing Body shall be designated to preside over the public hearing. In the case of the Planning Board, the chairman of said board shall preside, or in the absence of the chairman, the vice chairman if designated, or if neither is present to preside, another member of the board shall be designated to preside.

1318.2. Opening of Public Hearing. The presiding officer shall indicate that a public hearing has been called on one or more applications made pursuant to this Article and shall open the public hearing. Thereupon, the presiding officer shall call the first case and the hearing body shall consider each application on an individual basis in succession as printed on the published agenda or as otherwise approved by the hearing body; provided, however, that the presiding officer may at his or her discretion call and consider more than one application simultaneously when more than one application involves the same piece of property, and when proceedings would be efficiently completed by combining the hearing and discussion on more than one scheduled matter.

1318.3. Report of Zoning Administrator. Upon opening the public hearing, the presiding officer shall recognize the Zoning Administrator or designee, or other agents or representatives of the city, who may provide a summary of the application and present any recommendations or results of investigations. The Zoning Administrator may with respect to each zoning proposal investigate and make an oral statement of the findings regarding each of the matters enumerated in Table 13.4 of this Zoning Ordinance). In the case of public hearings before Governing Body, unless a member of the Planning Board is present and is authorized and willing to speak for the Planning Board on the subject application, the Zoning Administrator may also summarize the recommendations made by the Planning Board. Any member of the hearing body upon recognition by the presiding officer may ask questions of the Zoning Administrator designee or other city representative providing the report or recommendations.

1318.4. Applicant. When an individual application comes up for hearing, the presiding officer may ask for a show of hands of those persons who wish to appear in support of the application. If it appears that the number of persons wishing to appear in support of the

application is in excess of that which may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations. Following the report of the Zoning Administrator or designee, the presiding officer shall recognize the applicant or his or her agent, spokesperson, or each of them, who shall present and explain the application. There shall be a minimum time period of ten (10) minutes per application at the public hearing for the proponents to present data, evidence, and opinions; the city shall not be obligated to provide the full ten-minute period to the proponents if they elect not to use that much time. Any member of the hearing body upon recognition by the presiding officer may ask questions of the applicant or agent of the applicant, or both.

1318.5. Public. At the conclusion of the applicant's presentation, the presiding officer shall initiate the public comment portion of the public hearing. When an individual application comes up for review, the presiding officer may ask for a show of hands of those persons who wish to appear in opposition to, the application. If it appears that the number of persons wishing to appear in opposition to the application is in excess of that which may reasonably be heard, the presiding officer may request that a spokesperson for the group be chosen to make presentations. There shall be a minimum time period of ten (10) minutes per application at the public hearing for the opponents to present data, evidence, and opinions; the city shall not be obligated to provide the full ten-minute period to the opponents if they elect not to use that much time.

Prior to speaking, each speaker will identify him or herself and state his or her current address. Each speaker shall speak only to the merits of the proposed application under consideration and shall address his or her remarks only to the hearing body. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed application under consideration. The presiding officer may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this procedure. Any member of the hearing body upon recognition by the presiding officer may ask questions of the person giving testimony.

1318.6. Applicant's Rebuttal. At the conclusion of public testimony, or upon the expiration of time allotted for public testimony, the applicant or his or her agent, or both, shall be allowed a short opportunity for rebuttal and final comment, and the time devoted to any rebuttal shall be counted toward the total ten (10) minutes allotted to the applicant under paragraph 4. of this Section. Any member of the hearing body upon recognition by the presiding officer may ask questions of the applicant, his or her agent, or both.

1318.7. Close of Hearing. After the above procedures have been completed, the presiding officer will indicate that the public hearing is closed. Upon the closing of the public hearing, the applicant or his agent and any member of the public shall no longer address the hearing body in any way, including hand waving or motions for attention; provided, however, that at any time considered appropriate the presiding officer may reopen the public hearing for a limited time and purpose.

1318.8. Decision. After the public hearing is closed, the hearing body may either vote upon the application or may delay its vote to a subsequent meeting, provided that notice of the time, date and location when such application will be further considered shall be announced at the meeting during which the public hearing is held.

After hearing evidence, in making a decision, the hearing body shall apply the evidence to the criteria specified in this Article for the application in question and other considerations and recommendations as may be considered appropriate. At any public hearing or meeting at which there is under consideration a zoning proposal, the analysis of the subject application submitted by the initiating party, if any, shall be reviewed. In addition, the record prepared by the Zoning Director and the planning commission or other group, if any, shall be reviewed. It will not be required that the hearing body consider every criterion specified in this Article. It shall be the duty of the applicant to carry the burden of proof that approval of the proposed application will promote the public health, safety, morality or general welfare.

If the hearing body determines from the evidence presented that the applicant has shown that the proposed application promotes the health, safety, morals, and general welfare under applicable criteria, then the application shall be granted, subject to those reasonable conditions as may be imposed by the hearing body on its own initiative or as recommended by the Zoning Administrator or Planning Board. Otherwise, such application shall be denied. In cases where one or more companion applications are submitted and the Governing Body attach conditions to the application, such conditions shall unless otherwise specifically stated otherwise become conditions of approval for each companion application.

Section 1319. Withdrawal of Application.

Any application for an amendment to the text of this zoning ordinance may be withdrawn at any time at the discretion of the person or agency initiating such a request, upon written notice to the Zoning Administrator.

Any application regulated by this Article, other than a text amendment, may be withdrawn at the discretion of the applicant in accordance with this Section. When any application is withdrawn not later than ten (10) calendar days from the date of approval for initiation by the Zoning Administrator, one half (1/2) of the entire application fee paid by the applicant shall be refunded to the applicant. The City shall refund that portion of the application fee within thirty (30) calendar days of the date of withdrawal of the application. No portion of a required application fee shall be refunded on any application withdrawn by an applicant later than ten (10) calendar days from the date of approval for initiation by the Zoning Administrator. Any application that is withdrawn by the applicant after a public hearing has been held on the matter shall be withdrawn "with prejudice" and shall be subject to the limitations on the frequency of filing and consideration established in this Article.

Section 1320. Limitations on the Frequency of Filing Applications.

No application regulated by this Article and affecting the same or any portion of property which was denied by the Governing Body shall be accepted for filing by a property owner until twelve (12) months shall have elapsed from the date said application was denied by the Governing Body.

The same or any portion of property previously considered in a zoning map amendment or conditional use application which was denied by the Governing Body may not again be initiated by the Governing Body until the expiration of at least six (6) months immediately following the final decision rendered on the application by the Governing Body.

Section 1321. Site Plan Revisions.

For any application specified in this Article which requires a site plan, the site plan that is the subject of such application may be revised and resubmitted by the applicant, but in no event shall a revised site plan submitted by an applicant be accepted or considered less than seven (7) calendar days prior to the public hearing by the Governing Body; provided, however; the Governing Body may direct an applicant to submit a revised site plan to the Zoning Administrator for its consideration, in which case, the revised site plan shall be submitted to the Zoning Administrator at least seven (7) calendar days prior to any final action being taken on the proposed zoning amendment or conditional use by the Governing Body. At its discretion the Governing Body may refer the site plan back to the Planning Board for additional study and recommendation, subject to the time initiations established in this Article.

The Governing Body may require, as a condition of approving a zoning map amendment or conditional use, a revised site plan to be approved at a later date by the Governing Body or the Zoning Administrator. Unless otherwise specified in the approval, the site plan submitted as a part of the application shall be considered "binding" on the property owner.

Section 1322. Regulations That Cannot Be Varied.

Concurrent variances shall not be granted to the following regulations:

- (a) Minimum lot sizes.
- (b) Minimum heated floor areas per dwelling unit.
- (c) Use variances that would permit a use which is not permitted in the zoning district in pertaining to the subject property.

Section 1323. Authority to Grant Concurrent Variances.

The intent of this Section is to permit the filing of an application for variance simultaneously with another type of application and have both the concurrent variance and companion application considered at the same time by the Governing Body.

The Governing Body may consider and approve, approve with conditions, or deny an application for variance when such application is made simultaneously (i.e., concurrent variance) with an application for a zoning map amendment and/or conditional use. In such cases, the Planning Board shall provide a recommendation on the concurrent variance in addition to the companion application(s). The Planning Board shall recommend and Governing Body shall act on any concurrent variance in a separate motion after recommending or acting, respectively, on the other companion application(s). Any application for a variance not filed simultaneously with another application for discretionary approval shall be heard by the Board of Zoning Adjustment.

Section 1324. Application for Concurrent Variances.

Any applicant requesting consideration of a concurrent variance to any provision of the Zoning Ordinance shall make application for said variance in accordance with the requirements of this Article.

Section 1325. Criteria to Consider for Concurrent Variances.

Any applicant requesting consideration of a concurrent variance to any provision of the Zoning Ordinance shall provide a written justification that one or more of the following condition(s) exist. The Governing Body shall not approve the concurrent variance application unless it shall have adopted findings that one or more of the following conditions exist.

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Section 1326. Incorporation Clause.

This Chapter is intended to comply with the provisions of the Georgia Zoning Procedures Act, O.C.G.A. § 36-66 et. seq., which Act is incorporated by reference in its entirety into this ordinance. Where any provision of this Article is in conflict with any provision of the Act, the Act shall control. Or where this Article is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Act, such provision of the Act, so as to meet the mandate of the Act, shall be fully complied with.

ARTICLE 14 PERMITS AND CERTIFICATES

Section 1401. Development Permit.

A development permit shall be required for any proposed use of land(s) or building(s), to indicate and insure compliance with all provisions of this Zoning Ordinance before any building permit is issued or any improvement, grading or alteration of land(s) or building(s) commences, except as otherwise exempted by this Article. This permit may be evidenced by a letter from the Zoning Administrator, or by a signature on any land disturbance permit issued by the city.

Section 1402. Exemptions from Development Permit.

A development permit shall not be required for individual structures within approved subdivisions, nor shall a development permit be required for a detached, single-family dwelling unit on an individual lot.

Section 1403. Application for Development Permit.

All applications for a development permit shall be made to the Zoning Administrator and shall be accompanied by three (3) complete sets of plans drawn to scale, signed and stamped by an engineer registered in Georgia who has authority to produce such plans. Applications shall be made in accordance with application requirements specified by the Zoning Administrator.

Section 1404. Review and Issuance of Development Permit.

The Zoning Administrator and City Engineer shall review the application for development permit, and upon completion of the review, one copy of such plans shall be returned to the owner along with notice of a decision to approve or deny the development permit. All development permits shall be issued by the Zoning Administrator, who shall in no case grant any development permit for the use, construction or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of this Zoning Ordinance.

If the development permit is denied, the Zoning Administrator shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all development permits shall be kept on file in the office of the Zoning Administrator and shall be available for public inspection.

Section 1405. Duration of Validity of Development Permit.

A development permit shall expire two (2) years after its issuance. If the work described in any development permit has not been begun within one hundred twenty (120) days from the date of issuance thereof, said permit shall expire, and if work described in any development permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire. Written notice of the expiration shall be given to the persons affected, only if the permit is being revoked prior to the two-year expiration date.

Section 1406. Building Permit.

The Building Official is hereby authorized to issue building permits in accordance with all provisions of this Zoning Ordinance and only after the Zoning Administrator has issued a development permit or if no development permit is required, after review of said building permit for compliance with the provisions of this Zoning Ordinance.

No building, or other structure shall be erected, moved, extended or enlarged, or structurally altered, nor shall any excavation, grading, or filling of any lot for the construction of any building or structure be commenced until the Building Official has issued a building permit for such work in conformity with the provisions of this ordinance.

Approval of a building permit shall require an application to the Building Official as specified in the building and related codes of the city. If the building permit is denied, the Building Official shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all building permits shall be kept on file in the office of the Building Official and shall be open to public inspection.

Any building permit issued shall become invalid unless the work authorized by it shall have been commenced within one-hundred-twenty (120) days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six (6) months.

Section 1407. Certificate of Occupancy.

A certificate of occupancy issued by the Building Official is required in advance of occupancy or use, any building or structure hereafter erected, or a change in the use of an existing building or structure. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Zoning Ordinance. If the certificate of occupancy is denied, the Building Official shall state in writing the reason for the denial and the applicant shall be notified of the denial. A record of all certificates shall be kept on file in the office of the Building Official and shall be open to public inspection.

ARTICLE 15 APPEALS AND VARIANCES

Section 1501. Board of Adjustment.

The Board of Adjustment as it existed on the effective date of this chapter, and as established by Charter of the City of Cornelia, shall continue in its present form and function. The Board of Adjustment shall perform all of its duties and exercise all of its powers in such a way that the purpose and intent of the zoning regulations shall be accomplished, public health, safety and welfare secured and substantial justice done.

Section 1502. Composition of Board.

The Board of Adjustment shall consist of five (5) members who shall be appointed by the Governing Body for a term of five (5) years or until a successor is appointed. Any vacancies in the membership shall be filled via appointment by the Governing Body for the unexpired term of the initial appointments. Members may be reimbursed for any authorized or pre-approved expenses incurred while representing the Board.

Section 1503. Qualifications; Removal; Officers.

None of the members shall hold any other public office (elected position) or staff position in the municipality, except that one member may also be a member of the Planning Commission. The Board of Adjustment shall consist of members who are qualified by experience and/or training to pass on matters pertaining to building construction, land development and/or planning. Members shall be removable for cause by a majority vote of the Mayor and City Council. The Board of Adjustment shall elect a chairman and a vice chairman from its members who shall serve one (1) year or until re-elected or until their successors are elected.

Section 1504. Meetings; Rules; Proceedings.

The board shall set a regular monthly meeting date and time; provided, however, that the board shall not be required to meet if the Chairman determines that there is no business to transact. Meetings of the Board shall be also held at the call of the chairman, and at such other times as the board may determine. A quorum shall consist of a majority of all members. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Zoning Administrator and shall be public record.

The Board shall adopt rules and bylaws for the transaction of business. In lieu of adopting its own public hearing procedures, the Board should follow the public hearing procedures specified in Article 13 of this Zoning Ordinance in the case of its deliberations on variances and appeals.

Section 1505. Power to Subpoena Witnesses.

The chairman, or in his absence the vice-chairman, may administer oaths and compel the attendance of witnesses by subpoena.

Section 1506. Power to Hear and Decide Administrative Appeals.

The Board of Adjustment shall be authorized and directed to hear and decide appeals, in accordance with the provisions of this Article, where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator, Building Official, or other administrative official in the administration, interpretation, or enforcement of this Zoning Ordinance.

It is the intention of this Section that all questions arising in connection with the administration, interpretation, and enforcement of this Zoning Ordinance shall be presented first to the Zoning Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from decision of an administrative official.

In exercising these powers, the Board may, in conformity with the provisions of this Zoning Ordinance, reverse or affirm, wholly or partly, or may modify an administrative order, requirement, decision or determination, and to that end shall have all of the powers of the Zoning Administrator, Building Official, or other administrative official and may issue or direct the issuance of a building permit, certificate of occupancy, or other administrative permit required by this Zoning Ordinance that will effectuate the Board's action, or may direct the issuance of such administrative permit.

The concurring vote of three (3) members of the Board shall be necessary to reverse any administrative order, requirement, decision or determination of the Zoning Administrator, Building Official, or other administrative official.

Section 1507. Who May Appeal.

Any person who alleges there is an error in, or who is aggrieved by a decision of the Zoning Administrator, Building Inspector, or other administrative official in the administration, interpretation, or enforcement of this Zoning Ordinance, may file an appeal with the Board, stating the grounds for such appeal. Appeals of administrative decisions may also be filed for consideration by the Board of Adjustment by any officer, department, or Board or Commission of the City, affected by any such administrative decision. Said appeal application shall be filed within thirty (30) days of the date of decision of the administrative official.

Section 1508. Procedures for Appeals.

Any appeal received and all papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted by the Zoning Administrator to the Board of Adjustment. Such appeal shall be taken to the Board of Adjustment for hearing within thirty (30) days of receipt by the Zoning Administrator.

A reasonable time for the hearing of appeals shall be fixed, and there shall be at least fifteen (15) days public notice thereof and due notice to the parties in interest. Specifically, the appeal hearing shall follow public hearing procedures specified in Article 13. At a hearing, any party may testify in person, or by agent or by attorney.

Section 1509. Stay of Proceedings.

The filing of an appeal stays all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment after the notice of appeal shall have been filed, that by any reason of acts stated in the certificate a stay would, in his or her opinion, cause eminent peril to life and property. In such case, proceedings shall not be stayed.

Section 1510. Fee.

A fee as established by the Governing Body shall be paid to the city at the time the notice of appeal is filed, which fee shall be credited to the general revenue fund of the city.

Section 1511. Finality of Decision.

Decisions of the Board of Adjustment shall be final; there shall be no appeal to the Governing Body, but any party aggrieved by a decision of the Board of Adjustment may pursue appeals to Habersham County Superior Court.

Section 1512. Power to Grant Variances.

The Board of Adjustment shall have the power to authorize upon application in specific cases such variances from the terms of this Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance will in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of this Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

In granting a variance, the Board may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth in this Zoning Ordinance, as may be deemed necessary for the protection of adjacent properties and the public interest.

Section 1513. Application Compliance and Completeness.

No variance shall be processed by the Zoning Administrator unless it complies with the procedural requirements of this Article and is found to be complete with regard to application materials, payment of fees, supportive materials, and any other application requirements specified by this Article. If a variance application described and regulated by this Article does not comply with all provisions of this Article, the Zoning Administrator may reject the application and refuse to process it.

Section 1514. Variance Application Requirements.

All applications for a variance shall be made as required by the Zoning Administrator and shall at minimum contain the following information:

- (a) Application fee as specified by resolution of the Governing Body.
- (b) Application form furnished by the Zoning Administrator, which at minimum shall describe the requested variance and zoning district in which the subject property is located.

- (c) Survey plat of the property showing all property lines with metes and bounds and dimensions.
- (d) Site analysis and topographic map at an appropriate scale, including information on significant man-made and natural features, historic and archaeological sites, and features to be retained, moved or altered.
- (e) Written analysis of how the proposed development compares favorably with the criteria for granting variances as established in this Article.
- (f) Site plan of the subject property at an appropriate engineering scale showing the proposed use and relevant information regarding the proposed variance.
- (g) Other information as may be required by the Zoning Administrator.

Where in the opinion of the Zoning Administrator the requested variance involves a minor change, the Zoning Administrator may vary or waive any of the information requirements of this Section for variance applications.

Section 1515. Public Hearing and Procedures.

The Board of Adjustment shall hold a public hearing on each application for variance submitted under the terms of this Article. Public hearings required by this Article shall be called and conducted in accordance with procedures adopted by the Board of Adjustment; provided, however, that unless the Board shall have adopted its own public hearing procedures, it should follow the procedures established in Article 13 of this Zoning Ordinance.

Section 1516. Advertised Notice of Public Hearing.

For any variance application, a public notice shall be published in the official paper of the City of Cornelia or in a newspaper of general circulation in the municipality at least fifteen (15) days but not more than forty-five (45) days prior to the scheduled hearing by the Board of Adjustment. Said public notice shall state the purpose, location, time and date of the hearing, location of the property being considered, the existing zoning classification of the property, and the provision(s) of the zoning ordinance requested to be varied.

Section 1517. Public Notice Signs.

For all applications involving a variance, the Zoning Administrator shall cause to have posted in a conspicuous place on said property one (1) or more signs(s). Each public notice sign shall contain information as to the proposed action with the same content as specified for public notices required to be published in the newspaper.

Section 1518. Criteria for Approval of Variances.

Any applicant requesting consideration of a variance to any provision of the Zoning Ordinance shall provide a written justification that one or more of the following condition(s) exist. The Board shall not approve the variance application unless it shall have adopted findings that one or more of the following conditions exist.

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.
- (e) The special circumstances are not the result of the actions of the applicant.
- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- (g) The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Section 1519. Board Action.

The Board of Adjustment shall take final action on the variance application at the meeting said application is originally scheduled, unless the agenda item is continued at a later meeting either at the request of the applicant, because of failure of the applicant to be represented, or upon mutual agreement between the Board and applicant.

The Board shall take action by rendering one of the following decisions on the variance application:

- (a) Approval as submitted. The application is approved as submitted, and the applicant shall be authorized to file for appropriate development and building permits in accordance with approved plans.
- (b) Approval with conditions. The application is conditionally approved, and the applicant shall be authorized to file for appropriate development, building permit, and/or certificate of occupancy as appropriate, subject to compliance with approved conditions. Conditions imposed by the Board shall be limited to those that achieve public purposes yet still permit development as accorded similar properties within similar zoning or overlay districts.
- (c) Denial. The application for variance is denied, and the applicant shall not be granted a development permit, building permit, and/or certificate of occupancy, as appropriate. The Board shall specify in writing to the applicant the reasons for denial.

Section 1520. Regulations That Cannot Be Varied.

Variances shall not be granted to the following regulations:

- (a) Minimum lot sizes.
- (b) Minimum heated floor areas per dwelling unit.
- (c) Use variances that would permit a use which is not permitted in the zoning district in pertaining to the subject property.

Section 1521. Notice of Action.

The Zoning Administrator shall notify the applicant of the action taken by the Board on the variance application no later than five (5) working days from the date the Board took action on said application.

Section 1522. Remedies After Final Decision.

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment with regard to a variance under the terms of this Chapter may take an appeal to Habersham County Superior Court.

ARTICLE 16 ADMINISTRATION AND ENFORCEMENT

Section 1601. Zoning Administrator.

This Ordinance shall be administered and enforced by the Zoning Administrator, who shall have the duties and authority with respect to this ordinance as provided in the various Articles and Sections of this Ordinance and those necessarily implied by said provisions.

Section 1602. Building Official.

The Building Official is hereby authorized to enforce and administer the following provisions of this ordinance:

- (a) Issue building permits in accordance with all provisions of this Ordinance and only after the Zoning Administrator has issued a development permit or approved the building permit as meeting the requirements of this Ordinance.
- (b) Make field inspections to determine that the building or structure being constructed, reconstructed or structurally altered or used is being pursued in accordance with the site plan for which a development and building permit has been issued. Such inspections and report of findings shall be made within two (2) working days of the date an inspection is requested by the developer. When a violation is found to exist, the Building Official shall immediately advise the Zoning Administrator of the violation so that appropriate legal action may be taken to insure compliance, and;
- (c) Insure that all construction has been completed in accordance with all applicable city code requirements prior to allowing occupancy.

Section 1603. Violations, Remedies and Penalties.

1603.1. Generally. Any action or inaction which violates the provisions of this Zoning Ordinance or the requirements of an approved site plan or permit may be subject to any or all of the enforcement actions and remedies described in this Section.

1603.2. Stop Work Order. The Zoning Administrator, Building Official or other enforcement official of the city upon learning or discovering a violation of this Zoning Ordinance or any approved site plan or permit issued pursuant to this Zoning Ordinance may immediately issue a stop work order which shall be posted on the job site and mailed to the applicant shown on the permit or approved site plan. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

1603.3. Notice of Violation. Prior to or concurrent with the issuance of a Stop Work Order, if the Zoning Administrator, Building Official, or other officer responsible for inspection and enforcement of the terms of this Zoning Ordinance determines that an applicant or other responsible firm, person or corporation has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this Zoning Ordinance, said officer shall issue

a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this Zoning Ordinance without having first secured the appropriate permit there for, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

1603.4. Content of Notice of Violation. Notices of violation shall contain the following:

- (a) The name and address of the owner or the applicant or the responsible person;
- (b) The address or other description of the site upon which the violation is occurring;
- (c) A statement specifying the nature of the violation;
- (d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the approved site plan or this Zoning Ordinance and the date for the completion of such remedial action, and a date set forth for completion of remedial measures, after which further enforcement action will be taken;
- (e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,

1603.5. Failure of Remedial Measures. In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more actions or penalties described in this Section as appropriate may be taken or assessed against the person to whom the notice of violation was directed.

1603.6. Withholding or Revocation of Certificate of Occupancy. The Building Official or any other enforcement officer of the city may at any time refuse to issue, or revoke, a certificate of occupancy for the building or other improvements constructed or being constructed on the site in violation of this Zoning Ordinance until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

1603.7 Suspension, Revocation or Modification of Permit. The Zoning Administrator, Building Official, or other enforcement officer of the city may suspend, revoke or modify any permit or approval authorizing an activity or land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the enforcement officer may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

1603.8. Denial of Additional Permits. The City is authorized and directed to deny and withhold permits or permissions on any new project or application pursuant to this Zoning Ordinance where the applicant, applicant's business or agent has failed or refused to comply with this Zoning Ordinance.

1603.9. Suspension or Revocation of Business Registration. The City may revoke business registrations, work permit or other authorization for the unlawful conduct of any activities within the jurisdictional boundaries of the City.

1603.10. Withholding of Utility Service. Any enforcement officer of the City may request or direct any utility service provider to withhold utility service to any property on which a violation is alleged to have occurred.

1603.11. Penalty Assessed Administratively. The City of Cornelia through authorized enforcement personnel may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremediated after receipt of the notice of violation.

1603.12. Citation. Any enforcement officer of the City shall have authority to issue citations and to prosecute violations before a court of competent jurisdiction.

1603.13. Civil Penalties. Any person, firm or corporation violating, neglecting or refusing to comply with any of the provisions of this Zoning Ordinance, or any site plan approval or permit issued pursuant to this Zoning Ordinance shall be guilty of a misdemeanor. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance. any violation of any such provision of this Zoning Ordinance shall be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding six months, or by a combination of such punishments. Each day any violation of this Zoning Ordinance shall continue shall constitute a separate offense.

ARTICLE 17 WATERSHED AND WETLAND REGULATION

Section 1701. Purpose and Intent.

The quality of public drinking water supplies, including the small reservoir and intake site on the upper reach of Hazel Creek, and the Hazel Creek Watershed in central Habersham County must be assured. Land-disturbing activities associated with development can increase erosion and sedimentation, which threaten the storage capacity of reservoirs and impair the quality of public drinking water supplies. Stormwater runoff, particularly from impervious surfaces, can introduce toxins, nutrients, and sediments into drinking water supplies, making water treatment more complicated and expensive and rendering waters resources unusable for recreation. Industrial land uses that involve the manufacture, use, transport, and storage of hazardous or toxic waste materials result in potential risks of contamination of nearby public drinking water supplies. Therefore, land use activities within water supply watersheds must be regulated to ensure that public water supplies remain clean. This Article establishes standards, consistent with the Georgia Department of Natural Resources' Rules for Environmental Planning Criteria (Rule 391-3-16) to ensure water quality in the watershed system is not compromised by land activities such as grading, septic systems, and accidental release of contaminants. The intent of this Article is to minimize the transport of pollutants and sediment to the water supply, to maintain the yield of water supply watersheds, and to ensure water can be treated to meet federal and state drinking water standards.

Wetlands are indispensable and fragile natural resources with significant development constraints due to flooding, erosion, and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the well being of communities in the State of Georgia. Nationally, a considerable number of wetlands have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other activities. Without additional regulation, piecemeal or cumulative losses of wetlands will continue to occur over time. Therefore, it is in the interest of public safety and the general welfare to avoid damage or destruction to wetlands. The purpose of this Article is to promote wetlands protection by providing for the withholding of land use and building permits in areas designated as wetlands until a jurisdictional wetland determination is completed, and establishing permitted and prohibited land uses within wetlands.

Section 1702. Definitions.

Buffer: A natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas, located adjacent to water supply reservoirs, perennial streams, and/or wetlands.

Corridor: All land within the buffer areas established by this Article and within other setback areas specified in this Ordinance.

Generalized Wetlands Map: A derived map of wetlands provided in the city's comprehensive plan, or any U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) map showing wetlands within the city, or any other reputable source of information pertaining to the location of

wetlands.

Impervious surface: A man-made structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools, and patios.

Jurisdictional wetland: An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Jurisdictional wetland determination: A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. § 1344, as amended.

Large water supply watershed: A watershed containing 100 square miles or more of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

Perennial stream: A stream that flows throughout the whole year as indicated by a solid blue line on a United States Geological Survey Quadrangle map.

Regulated activity: Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

Reservoir boundary: The edge of a water supply reservoir defined by its normal pool level.

Small water supply watershed: A watershed that contains less than 100 square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

Stream, perennial: A stream, which flows throughout the whole year as indicated on the latest 7.5. Minute Series Quadrangle Map prepared by the United States Department of the Interior Geological Survey (USGS Quadrangle Map)

Utility: A public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads or other utilities identified by a local government.

Water supply reservoir: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water supply watershed: The area of land upstream of a governmentally owned public drinking water intake.

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. 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.

Section 1703. Applicability.

This Article shall apply to all lands within small water supply watersheds, large water supply watersheds, and to water supply reservoirs and their immediate surroundings. This Article shall not apply to watersheds not used for public drinking water supply. This Article shall also apply to all wetlands as defined in this article as shown on a generalized wetlands map as defined herein.

No development permit shall be issued by the Zoning Administrator and no building permit shall be issued by the Building Official for a land use, building, structure, or manufactured home, nor shall any regulated activity as defined by this Article commence, unless the land use, building, structure, manufactured home or regulated activity conforms to the requirements of this Article. Prior to a development permit or building permit being issued, the Zoning Administrator shall require a site plan or subdivision plat in sufficient detail to review the proposed development for compliance with the provisions of this Article.

Section 1704. Exemptions to Watershed Protection Requirements.

The following land uses and activities are exempted from compliance with the water supply watershed requirements of this Article:

- (a) Land uses existing prior to the adoption of this Ordinance.
- (b) Mining activities permitted by the Department of Natural Resources under the Surface Mining Act.
- (c) If utilities cannot feasibly be located outside the buffer or setback areas required by this Article, such utility locations can be exempted from the stream corridor buffer and setback area provisions subject to the following conditions:
 - 1. The utilities shall be located as far from the stream bank as reasonably possible.
 - 2. The installation and maintenance of the utilities shall be such to protect the integrity of the buffer and setback areas as best as reasonably possible.
 - 3. The utilities shall not impair the quality of the drinking water stream.
- (d) Specific forestry and agricultural activities in the stream corridor buffer and setback areas in accordance with the following conditions.
 - 1. The activity shall be consistent with best management practices established by the Georgia Forestry Commission or the Georgia Department of Agriculture.
 - 2. The activity shall not impair the quality of the drinking water stream.

Section 1705. Hazardous Materials Handling Facilities.

New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more on any one day, and which will locate in a small water supply watershed or within seven (7) miles upstream of a water supply intake or a water supply reservoir of a large water supply watershed, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and the requirements of any adopted Fire Prevention Code.

Section 1706. Requirements for Large Water Supply Watersheds with Reservoirs.

The following regulations shall apply to all lands within any large water supply watersheds with a water supply reservoir identified on the watershed protection map.

- (a) Maintain a buffer with a minimum width of 100 feet on both sides of all perennial streams, as measured from the stream banks, within a seven (7) mile radius upstream of a water supply reservoir boundary.
- (b) No impervious surface shall be constructed within a 150-foot setback area on both sides of all perennial streams, as measured from the stream banks, within a seven (7) mile radius upstream of a water supply reservoir boundary.
- (c) Septic tanks and septic tank drainfields are prohibited in the required 150- foot setback area on both sides of all perennial streams, as measured from the stream banks, within a seven (7) mile radius upstream of a water supply reservoir boundary.

Section 1707. Requirements for Small Water Supply Watersheds.

The following regulations shall apply to all lands within the Camp Creek/Hazel Creek small water supply watershed (also see stream buffers delineated in the natural resources element of the city's comprehensive plan.

- (a) Maintain a buffer with a minimum width of 100 feet on both sides of all perennial streams (note: this applies to the Cornelia Branch of Camp Creek, unless otherwise shown), as measured from the stream banks, along all perennial streams within a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir.
- (b) No impervious surface shall be constructed within a 150-foot setback area on both sides of all perennial streams, as measured from the stream banks, within a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir boundary.
- (c) Septic tanks and septic tank drainfields are prohibited in the required 150- foot setback area on both sides of all perennial streams, as measured from the stream banks, within a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or a water supply reservoir boundary.
- (d) Maintain a buffer with a minimum width of 50 feet on both sides of all perennial streams, as measured from the stream banks outside a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir.
- (e) No impervious surface shall be constructed within a 75-foot setback area on both sides of all perennial streams, as measured from the stream banks, outside a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or water supply reservoir boundary.
- (f) Septic tanks and septic tank drainfields are prohibited in the required 75- foot setback area on both sides of all perennial streams, as measured from the stream banks, outside a seven (7) mile radius upstream of a governmentally owned public drinking water supply intake or a water supply reservoir boundary.
- (g) New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems. New hazardous waste treatment or disposal facilities are prohibited.
- (h) The impervious surface area, including all public and private structures, utilities, or facilities, of the entire small water supply watershed shall be limited to twenty-five (25) per cent, or existing use, whichever is greater.

Section 1708. Water Supply Reservoirs.

A buffer shall be maintained for a distance of 150 feet from any water supply reservoir boundary as measured from the normal pool elevation. All development within the 150-foot buffer from any water supply reservoir boundary, and any uses of the reservoir itself including docks, shall comply with a reservoir management plan adopted by the City and approved by the Georgia Department of Natural Resources, which if applicable shall be adopted by reference as if fully set forth herein.

Section 1709. Jurisdictional Wetland Determination Required.

If an area proposed for development is located within fifty (50) feet of a wetland as shown on the Generalized Wetlands Map or other pertinent and reliable information, as determined by the Zoning Administrator, no development permit or building permit on said wetland shall be issued until a jurisdictional wetland determination has been completed and either of the following occur:

The U.S. Army Corps of Engineers determines that there are jurisdictional wetlands present on the proposed development site, a Section 404 permit is required, and either a Section 404 Permit or a letter of permission is issued by the Corps for the proposed development; or the U.S. Army Corps of Engineers determines that jurisdictional wetlands are not present on the proposed development site, and no Section 404 permit or letter of permission is required.

Section 1710. Uses Permitted Within Delineated Wetlands.

Uses of a delineated wetland shall be limited to those specified in the permit, or if no limitations are specified, shall be limited to the following: Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided it does not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.

- (a) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
- (b) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.
- (c) The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- (d) The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are followed.
- (e) Educational or interpretive areas, places for scientific research, and nature trails.

Development in or adjacent to delineated wetlands shall be evaluated and should be consistent with typical wetland mitigation measures as specified in the city's comprehensive plan, natural resources element.