

## 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."

## Chapter 707- OVERLAY DISTRICTS

### 707.1 - Overlay districts established.

The following overlay districts (or zones) are hereby established in the city, as set forth more fully in

- Downtown Overlay District (Overlay District 1)
- North Main Street Overlay District (Overlay District 2)
- Level Grove Overlay District (Overlay District 3)

### 707.2 - Overlay zone maps and boundaries.

The boundaries of overlay districts are established in keeping with the Overlay District Map which is hereby approved, a copy of which shall be set forth in Chapter 711 of this Ordinance.

The overlay district maps may be kept electronically in a geographic information system and such electronic data shall constitute an integral part of the overlay zone maps. The director may make copies of the overlay zone maps available to the public for a reasonable fee.

### 707.3 - Revisions to overlay zone maps.

No changes of any nature shall be made to any of the overlay zone maps except in conformity with amendments to the map approved by the governing body and the requirements of this Code for their amendment (see Article 3, Section 302.4). If, in accordance with the provisions of this Code, the governing body approves changes to any overlay zone boundaries or other subject matter portrayed on an overlay zone map, such changes shall be made promptly after the amendment has been approved by the governing body.

SECTION 2. That the Zoning Ordinance of the City of Cornelia, Georgia, adopted December 28, 2005, and as heretofore amended, be, and the same is hereby amended, so as to amend Article 11, Signs of said ordinance for the purposes of creating specific provisions for the Downtown Overlay District and approving the Overlay Map setting forth the boundaries of the Downtown Overlay District, which shall read as follows, subject to appropriate numbering in keeping with the Zoning Ordinance of the City of Cornelia:

## Chapter 708 - DOWNTOWN OVERLAY DISTRICT

### 708.1 - Purpose and intent.

The purpose of the Downtown overlay district (or zone) is to protect the health, safety, and general welfare of the public and promote economic prosperity in Downtown Cornelia. The intent of the overlay district is to set higher standards for the appearance and functionality of the land uses, initially through regulated sign requirements in the overlay district, and upon proper consideration and development,

through appropriate regulations that encourage development and the creation of more housing, employment, and recreational opportunities in Downtown.

#### 708.2 - Boundaries and map.

The Downtown overlay district is hereby designated and shall consist of the land areas further delineated and defined on the Downtown Overlay Zone Map, which is hereby approved, incorporated and made a part of this chapter by reference, and which may be amended from time to time as set forth in this Ordinance.

#### 708.3 - Effect of overlay zone provisions.

The Downtown overlay district is supplemental to the zoning district classifications and any locally designated historic landmark or district established in this Code. The provisions of this overlay district apply to all applications for zoning matters, land disturbance permits, plat approval, and building permits for all property and rights-of-way within the boundaries of the Downtown overlay zone; except locally designated historic landmarks and districts which must comply with design guidelines for that historic landmark and/or district. All plan reviews, plat approval, and permits for parcels located within this overlay zone shall meet all the requirements of the base zoning district in which it is located and, in addition, shall meet the requirements of the overlay zone applicable to the parcel. In any case where the standards and requirements of the overlay zone conflict with those of the base zoning district, the standards and requirements of the overlay zone shall govern.

#### 708.4 - Signs.

Signs in the Downtown Overlay District shall be as permitted in Article 11 – Signs, of the zoning ordinance, and, in addition, compliance with the following regulations shall be required:

- (a) *Prohibited signs.* Pole signs and Pylon Signs are prohibited. Freestanding (ground) signs are prohibited.
- (b) *Materials.* All signs shall be compatible with the architectural design of associated building, including colors and materials; unless the existing building is of metal construction, in which case the signage shall be constructed of wood, brick, stone or masonry units.
- (c) *Setback.* All signs shall be setback five (5) feet from the street right-of-way, unless the front of the building is within the setback, for which then the sign may be attached to the building.
- (d) *Height.* Maximum sign height shall be ten (10) feet.

(Ord. No. 2009-47, § XIII, 12-15-09)

SECTION 3. That the Zoning Ordinance of the City of Cornelia, Georgia, adopted December 28, 2005, and as heretofore amended, be, and the same is hereby amended, so as to amend Article 11, Signs of said ordinance for the purposes of creating the North Main Street Overlay District and approving the Overlay Map setting forth the boundaries of the North Main Street Overlay District, which shall read as follows, subject to appropriate numbering in keeping with the Zoning Ordinance of the City of Cornelia:

### Chapter 709 – NORTH MAIN STREET OVERLAY DISTRICT (Overlay District 2)

#### 709.1 - Purpose and intent.

The purpose of the North Main Overlay District or zone (also known as Overlay District 2) is to protect the health, safety, and general welfare of the public and promote economic prosperity in that part of the City of Cornelia that extends from the Downtown area out North Main Street to Camp Creek Road. The intent of the overlay district is to set higher standards for the appearance and functionality of the land uses, initially through regulated sign requirements in the overlay district, and upon proper consideration and development, through appropriate regulations that encourage development and the creation of more housing, employment, and recreational opportunities in the City of Cornelia.

#### 709.2 - Boundaries and map.

The North Main Overlay District is hereby designated and shall consist of the land areas further delineated and defined on the North Main overlay zone map, which is hereby incorporated and made a part of this chapter by reference, and which may be amended from time to time

#### 709.3 - Effect of overlay zone provisions.

The North Main overlay district is supplemental to the zoning district classifications and any locally designated historic landmark or district established in this Code. The provisions of this overlay district apply to all applications for zoning matters, land disturbance permits, plat approval, and building permits for all property and rights-of-way within the boundaries of the North Main overlay zone; except locally designated historic landmarks and districts which must comply with design guidelines for that historic landmark and/or district. All plan reviews, plat approval, and permits for parcels located within this overlay zone shall meet all the requirements of the base zoning district in which it is located and, in addition, shall meet the requirements of the overlay zone applicable to the parcel. In any case where the standards and requirements of the overlay zone conflict with those of the base zoning district, the standards and requirements of the overlay zone shall govern.

#### 709.4 - Signs.

Signs in the North Main Overlay District shall be as permitted in Article 11 - Signs of the Zoning Ordinance of City of Cornelia, Georgia, and, in addition, compliance with the following regulations shall be required:

- (a) *Prohibited signs.* Pole signs and Pylon Signs are prohibited. Freestanding (ground) signs shall be monument style only.
- (b) *Materials* All signs shall be compatible with the architectural design of associated building, including colors and materials; unless the existing building is of metal construction, in which case the signage shall be constructed of wood, brick, stone or masonry units.
- (c) *Setback.* All signs shall be setback five (5) feet from the street right-of-way, unless the front of the building is within the setback, for which then the sign may be attached to the building.
- (d) *Height.* Maximum sign height shall be ten (10) feet.

SECTION 4. That the Zoning Ordinance of the City of Cornelia, Georgia, adopted December 28, 2005, and as heretofore amended, be, and the same is hereby amended, so as to amend Article 11, Signs of said ordinance for the purposes of creating the Level Grove Overlay District and approving the Overlay Map setting forth the boundaries of the Level Grove Overlay District, which shall read as follows, subject to appropriate numbering in keeping with the Zoning Ordinance of the City of Cornelia:

### Chapter 710 – LEVEL GROVE OVERLAY DISTRICT (Overlay District 3)

#### 710.1 - Purpose and intent.

The purpose of the Level Grove Overlay District or zone (also known as Overlay District 3) is to protect the health, safety, and general welfare of the public and promote economic prosperity in that part of the City of Cornelia that extends from the Downtown area out Level Grove Road to Highway 441. The intent of the overlay district is to set higher standards for the appearance and functionality of the land uses, initially through regulated sign requirements in the overlay district, and upon proper consideration and development, through appropriate regulations that encourage development and the creation of more housing, employment, and recreational opportunities in City of Cornelia.

#### 710.2 - Boundaries and map.

The Level Grove Overlay District is hereby designated and shall consist of the land areas further delineated and defined on the Level Grove overlay zone map, which is hereby incorporated and made a part of this chapter by reference, and which may be amended from time to time.

#### 710.3 - Effect of overlay zone provisions.

The Level Grove overlay district is supplemental to the zoning district classifications and any locally designated historic landmark or district established in this Code. The provisions of this overlay district apply to all applications for zoning matters, land disturbance permits, plat approval, and building permits for all property and rights-of-way within the boundaries of the Level Grove overlay zone; except locally designated historic landmarks and districts which must comply with design guidelines for that historic landmark and/or district. All plan reviews, plat approval, and permits for parcels located within this overlay zone shall meet all the requirements of the base zoning district in which it is located and, in addition, shall meet the requirements of the overlay zone applicable to the parcel. In any case where the standards and requirements of the overlay zone conflict with those of the base zoning district, the standards and requirements of the overlay zone shall govern.

#### 710.4 - Signs.

Signs in the Level Grove Overlay District shall be as permitted in Article 11 - Signs of the Zoning Ordinance of City of Cornelia, Georgia, and, in addition, compliance with the following regulations shall be required:

- (a) *Prohibited signs.* Pole signs and Pylon Signs are prohibited. Freestanding (ground) signs shall be monument style only.
- (b) *Materials* All signs shall be compatible with the architectural design of associated building, including colors and materials; unless the existing building is of metal construction, in which case the signage shall be constructed of wood, brick, stone or masonry units.
- (c) *Setback.* All signs shall be setback five (5) feet from the street right-of-way, unless the front of the building is within the setback, for which then the sign may be attached to the building.
- (d) *Height.* Maximum sign height shall be ten (10) feet.

#### Chapter 711 – Overlay Map

#### Section 712. AH, Airport Hazard Overlay District.

**A. Short Title; Jurisdiction.** This resolution shall be known and may be cited as the Airport Hazard Overlay District for the City of Cornelia, Georgia. The description of airport zones is comprehensive for the Habersham County Airport airspace requirements.

**B. Authority; Findings; Policy.** This resolution is adopted pursuant to the authority conferred by article 9, section 2, paragraph 4 of the constitution of the state [Ga. Const. art. IX, § II, ¶ IV]. It is hereby found that an obstruction has the potential for endangering the lives and property of users of the Habersham County Airport and property or occupants of land in its vicinity; that an obstruction may affect existing and future instrument approach minimums of Habersham County Airport; and that an obstruction may reduce the size of areas available for the landing, takeoff, and maneuvering of aircraft, thus tending to destroy or impair the utility of Habersham County Airport and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an obstruction has the potential of being a public nuisance and may injure the region served by Habersham County Airport;
2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of obstructions that are a hazard to air navigation be prevented; and
3. That the prevention of these obstructions should be accomplished, to the extent legally possible, by the exercise of the police power.

It is further declared that the prevention of the creation or establishment of hazards to air navigation; the elimination, removal, alteration or mitigation of hazards to air navigation; and the marking and lighting of obstructions are public purposes for which a political subdivision may raise and expend public funds and acquire land or interests in land.

**C. Definitions.** As used in this resolution, unless the context otherwise requires, the following definitions shall apply:

1. **Airport:** The Habersham County Airport.
2. **Airport elevation:** The highest point of an airport's usable landing area measured in feet from sea level, which is 1,448 feet for the Habersham County Airport.
3. **Approach surface:** A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section 407(E).
4. **Approach and transitional zones:** These zones are defined as set forth in Section 407(D).
5. **Hazard to air navigation:** An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
6. **Height:** For the purpose of determining the height limits in all zones set forth in this resolution and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
7. **Heliport primary surface:** The area of the primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.
8. **Larger than utility runway:** A runway that is constructed for and intended to be used by propeller-driven aircraft of greater than 12,500 pounds maximum gross weight and jet-powered aircraft.
9. **Nonconforming use:** Any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of this resolution or an amendment thereto.
10. **Nonprecision instrument runway:** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.
11. **Obstruction:** Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in Section 407(E).
12. **Person:** An individual, firm, partnership, corporation, company, association, joint-stock association, or governmental entity; such term includes a trustee, a receiver, an assignee, or a similar representative of any of them.
13. **Planning Board:** A board consisting of seven members appointed by the City Commission for the City of Cornelia.
14. **Precision instrument runway:** A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), global positioning system (GPS), a precision approach radar (PAR), or any precision approach system adopted by the Federal Aviation Administration. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.
15. **Primary surface:** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface the primary surface ends at each end of that runway. The width of the primary surface is

set forth in Section 407(D). The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

16. **Runway:** A defined area on an airport prepared for landing and takeoff of aircraft along its length.
17. **Structure:** An object, including a mobile object, constructed or installed by man including, but without limitation, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.
18. **Transitional surfaces:** These surfaces extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach. Transitional surfaces for those portions of the precision approach surfaces extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.
19. **Tree:** Any object of natural growth.
20. **Utility runway:** A runway that is constructed for and intended to be used by propeller-driven aircraft of 12,500 pounds maximum gross weight and less.
21. **Visual runway:** A runway intended solely for the operation of aircraft using visual approach procedures.
22. **Zoning Administrator:** Individual responsible for the management, administration, and enforcement of the Code of Ordinances for the City of Cornelia, Georgia.

**D. Airport Zones.** In order to carry out the provisions of this resolution, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces; as they apply to the Habersham County Airport. Such zones are shown on the Habersham County Airport zoning map consisting of one sheet, prepared by the Habersham County Community Planning and Development Department, which is, by this reference, made a part of this resolution. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. **Utility runway visual approach zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 100 feet wide. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
2. **Utility runway nonprecision instrument approach zone:** The inner edge of this approach zone of this approach zone coincides with the width of the primary surface and is 500 feet wide. The approach zone expands outward uniformly to a width of 2,000 feet at a horizontal distance 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
3. **Runway larger than utility visual approach zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 100 feet wide. The approach zone expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
4. **Runway larger than utility with a visibility minimum greater than three-fourths-mile nonprecision instrument approach zone:** The inner edge of this approach zone coincides with the width of the primary surface and is 100 feet wide. The approach zone expands outward uniformly to a width of



3,500 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.

5. Runway larger than utility with a visibility minimum as low as three-fourths-mile nonprecision instrument approach zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
6. Precision instrument runway approach zone: The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.
7. Transitional zones: The transitional zones are the areas beneath the transitional surfaces.

**E. Airport Zone Height Limitations.** Except as otherwise provided in this resolution, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this resolution to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Utility runway visual approach zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
2. Utility runway nonprecision instrument approach zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
3. Runway larger than utility visual approach zone: Slopes twenty (20) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
4. Runway larger than utility with a visibility minimum greater than three-fourths-mile nonprecision instrument approach zone: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
5. Runway larger than utility with a visibility minimum as low as three-fourths-mile nonprecision instrument approach zone: Slopes thirty-four (34) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline.
6. Precision instrument runway approach zone: Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal

distance of 10,000 feet along the extended runway centerline; thence slopes upward forty (40) feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.

7. Heliport approach zone: Slopes eight (8) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a distance of four thousand (4,000) feet along the heliport approach zone centerline.
8. Transitional zones: Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 1,598 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
9. Heliport Transitional Zones: Slope two (2) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the heliport approach zones and extending a distance of 250 feet measured horizontally from and at 90 degree angles to the primary surface centerline and heliport approach zones centerline.
10. Excepted Height Limitations: Nothing in this Ordinance shall be construed as prohibiting the construction or maintenance of any structure to a height up to 35 feet above the surface of the land. Subject to approval and/or determination by the Federal Aviation Administration ("FAA"), structures and fixtures incidental to the use of the structure in excess of 35 feet which are in compliance with the Zoning Ordinance of the City of Cornelia may be allowed.

**F. Use Restrictions.** Notwithstanding any other provisions, no use may be made of land or water within any zone established by this resolution in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff or maneuvering of aircraft intending to use the airport.

**G. Nonconforming Uses.**

1. Regulations not retroactive. The regulations prescribed by this resolution shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this resolution, and is diligently prosecuted.

2. Marking and lighting. Notwithstanding the preceding provisions of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Habersham County Airport Commission to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of the airport commission.

#### **H. Permits.**

1. Future uses. Except as specifically provided hereunder, no material change shall be made in the use of the land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone created in this resolution unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this resolution shall be granted unless a variance has been approved in accordance with Section 407 (H) (4) of this section.
  - a. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any tree less than seventy-five (75) feet of vertical height above the ground, except when such tree would extend above the height limit prescribed for such approach zones.
  - b. In the areas lying within the limits of the transition zones, no permit shall be required for any tree less than seventy-five (75) feet of vertical height above the ground, except when such tree, because of terrain, land contour or topographic features, would extend above the height limit prescribed for such transition zones.

Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or growth of any tree in excess of any of the height limits established by this resolution.

2. Existing uses. No permit shall be granted that would allow the establishment or creation of an obstruction or permit a nonconforming use, structure or tree to become a greater hazard to air navigation than it was on the effective date of this resolution or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.
3. Nonconforming uses abandoned or destroyed. Whenever the Zoning Administrator determines that a nonconforming tree or structure has been abandoned or more than fifty (50) percent torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.
4. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property not in accordance with the regulations prescribed in this resolution, may

apply to the Board of Adjustments for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Such variances may be allowed where it is found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this resolution.

5. Obstruction marking and lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this resolution and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate and maintain, at the owner's expense, such markings and lights as may be necessary. If deemed proper by the Planning Board, this condition may be modified to require the owner to permit the Habersham County Airport Commission, at its own expense, to install, operate, and maintain the necessary markings and lights.

**I. Enforcement.** It shall be the duty of the Zoning Administrator to administer and enforce the regulations prescribed in this resolution. Applications for permits and variances shall be made to the Zoning Administrator upon a form published for that purpose. Applications required by this resolution to be submitted to the Zoning Administrator shall be promptly considered and granted or denied. Application for action by the Planning Board shall be forthwith transmitted by the Zoning Administrator. The City of Cornelia, Georgia shall have exclusive jurisdiction over the applicability, interpretation, and enforcement of this Ordinance

**J. Conflicting Laws and Regulations.** Where there exists a conflict between any of the regulations or limitations prescribed in this resolution and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

**K. Severability.** If any of the provisions of this resolution or the application thereof to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end, the provisions of this resolution are declared to be severable.

**L. Effectivity.** This ordinance will become effective upon its adoption.

**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. Body Art or Body Piercing Establishment  | X   | X   | C   | X   | X  | X  |
| 17. Bottling or canning plant  | X   | X   | X   | X   | P  | P  |
| 18. Borrow site  | X   | X   | C   | X   | P  | P  |
| 19. Brew Pub   | X   | X   | X   | P   | X  | X  |
| 20. Brewery or distillery  | X   | P   | P   | P   | P  | P  |
| 21. Broadcasting studio  | C   | C   | P   | P   | P  | P  |
| 22. Building and selected vehicle sales  | X   | X   | P   | X   | C  | X  |
| 23. Bulk storage   | X   | X   | X   | X   | P  | P  |
| 24. Business service establishment, not exceeding 2,500 square feet of gross floor area                                      | P   | P   | P   | P   | P  | X  |

|   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| 25. Business service establishment, more than 2,500 square feet of gross floor area     | C | P | P | P | P | X |
| 26. Camp or campground  | X | X | C | X | X | X |
| 27. Car wash  | X | X | P | X | P | X |
| 28. Caretaker's residence   | X | X | C | X | P | P |
| 29. Carnival  | X | X | P | X | P | X |
| 30. Cemetery or mausoleum   | X | X | C | X | C | C |
| 31. Church, temple, synagogue, or place of worship, including cemetery as accessory use | P | P | P | P | P | X |
| 32. Club or lodge, nonprofit, sponsored by a civic or similar organization              | P | P | P | P | P | X |
| 33. Cold storage plant or frozen food locker  | X | X | C | X | C | P |
| 34. College or university   | C | C | P | P | P | X |
| 35. Commercial recreational facility, indoor  | X | X | P | P | C | X |
| 36. Commercial recreational facility, outdoor   | X | X | C | X | C | X |
| 37. Communication tower and antenna   | X | X | X | X | P | P |
| 38. Conservation areas and passive recreational facilities                              | P | P | P | P | P | P |
| 39. Construction field office (temporary use)   | P | P | P | P | P | P |
| 40. Contractor's establishment  | X | X | P | X | P | P |
| 41. Convenience store, with or without gasoline pumps                                   | X | P | P | C | X | X |
| 42. Cottage industry  | X | X | P | P | X | X |
| 43. Crematorium   | X | X | P | X | P | X |
| 44. Crisis center   | X | X | P | X | X | X |
| 45. Day care center serving no more than 17 persons                                     | P | P | P | P | P | X |
| 46. Day care center serving 18 persons or more  | X | C | P | P | P | X |
| 47. Distribution center, including truck terminals                                      | X | X | X | X | P | P |
| 48. Dwelling, single-family detached, fee-simple  | P | P | P | P | X | X |
| 49. Dwelling, multi-family  | P | C | C | C | X | X |

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|--|---|---|---|---|---|---|
| 50. Dwelling, located within a building containing a nonresidential principal use  | P | P | P | P | X | X |
| 51. Explosives storage   | X | X | X | X | X | C |
| 52. Exterminating and pest control business or disinfecting service  | X | X | P | C | P | P |
| 53. Extraction and removal of sand, gravel, top soil, clay, dirt, precious metals, gems, and minerals                                    | X | X | X | X | C | P |
| 54. 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 |
| 55. 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 |
| 56. Fuel oil distributor   | X | X | X | X | P | P |
| 57. Funeral home or mortuary   | X | X | P | P | P | X |
| 58. Group home   | C | X | P | C | X | X |
| 59. Hazardous waste receiving, handling, and/or disposal facility, or volatile organic liquid handling and storage                       | X | X | X | X | X | C |
| 60. Health spa   | X | C | P | P | P | X |
| 61. Hospital or clinic   | C | P | P | P | P | X |
| 62. Incinerator  | X | X | X | X | X | C |
| 63. Institutional residential living and care facility, serving no more than 17 persons  | P | P | P | P | X | X |
| 64. Institutional residential living and care facility, serving 18 persons or more   | C | C | P | P | X | X |
| 65. Inn  | X | X | P | P | X | X |
| 66. Junk/salvage yard  | X | X | X | X | P | P |
| 67. Kennel   | X | X | C | X | P | X |
| 68. Landfill   | X | X | X | X | X | C |
| 69. Landscaping company  | X | X | P | X | P | P |
| 70. Lodging service (hotel, motel, motor hotel)  | X | X | P | P | X | X |

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|---|---|---|---|---|---|---|
| 71. Logging yard  | X | X | X | X | P | P |
| 72. Lumber yard   | X | X | P | X | P | P |
| 73. Machine shop  | X | X | P | C | P | P |
| 74. Manufacturing, ceramics   | X | X | X | X | X | P |
| 75. Manufacturing, cosmetics or toiletries  | X | X | X | X | X | P |
| 76. Manufacturing, coating of cans, coils, fabrics, vinyl, metal furniture, appliance surfaces, wire, paper, and flat wood paneling | X | X | X | X | X | P |
| 77. Manufacturing, electronics, camera, or photographic or communication equipment  | X | X | X | X | P | P |
| 78. Manufacturing, instrument assembly  | X | X | X | X | P | P |
| 79. Manufacturing, metal products   | X | X | X | X | C | P |
| 80. Manufacturing, pharmaceuticals and medical supplies   | X | X | X | X | P | P |
| 81. Manufacturing, textiles   | X | X | X | X | P | P |
| 82. Manufacturing, wood products (including lumber mill, sawmill, etc.)   | X | X | X | X | C | P |
| 83. Manufacturing, processing, and assembling, within buildings, not otherwise specified  | X | X | X | X | C | C |
| 84. Materials recovery facility   | X | X | X | X | C | C |
| 85. Museum  | P | P | P | P | P | X |
| 86. Office  | P | P | P | P | P | P |
| 87. Open air business   | X | X | P | X | P | P |
| 88. Open storage yard (principal use)   | X | X | X | X | P | P |
| 89. Pawn shop   | X | X | P | X | X | X |
| 90. Parking lot, deck, or structures, off-site  | C | C | P | P | P | P |
| 91. Personal service establishment  | C | P | P | P | X | X |
| 92. Petroleum bulk storage site   | X | X | X | X | X | P |
| 93. Public or semi-public use   | P | P | P | P | P | P |
| 94. Radio and television station, studio, or offices, excluding transmission towers and dishes                                      | C | C | P | P | P | X |



|   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| 95. Rail yard   | X | X | X | X | P | P |
| 96. Railroad freight terminal   | X | X | X | X | P | P |
| 97. Recreational vehicle park   | X | X | C | X | X | X |
| 98. Recycling and recovery facilities   | X | X | X | X | C | P |
| 99. Residence for caretaker or night watchman   | X | X | C | C | P | P |
| 100. Restaurant, excluding drive-ins or drive through facilities and fast-food restaurants as defined | X | P | P | P | X | X |
| 101. Restaurant, including drive-ins or drive through facilities and fast-food restaurants as defined | X | C | P | C | X | X |
| 102. Retail trade establishment, enclosed   | X | P | P | P | X | X |
| 103. Retreat center   | C | C | P | P | X | X |
| 104. Rooming or boarding house  | C | X | P | C | X | X |
| 105. Salvage yard   | X | X | X | X | P | P |
| 106. School for the arts  | C | X | P | P | X | X |
| 107. School, private, elementary, middle, or high   | C | P | P | P | X | X |
| 108. School, public   | P | P | P | P | P | P |
| 109. School, professional   | P | P | P | P | P | X |
| 110. School, special  | X | X | P | P | P | X |
| 111. School, trade  | X | X | P | P | P | X |
| 112. Self-service storage facility (mini-warehouse)   | X | X | P | X | P | X |
| 113. Service and fuel-filling station   | X | X | P | C | P | X |
| 114. Solid waste transfer facility  | X | X | X | X | C | C |
| 115. Showroom   | X | X | X | X | P | X |
| 116. Special event facility   | C | C | P | P | X | X |
| 117. Tasting Room   | X | X | X | P | X | X |
| 118. Taxi cab and limousine service   | X | X | P | C | P | X |
| 119. Temporary use approved by the Zoning Administrator   | P | P | P | P | P | P |
| 120. Tow service  | X | X | X | X | P | P |
| 121. Warehouse or storage building  | X | X | X | X | P | P |
| 122. Wholesale trade establishment  | X | X | X | C | P | X |

|   |   |   |   |   |   |   |
|---|---|---|---|---|---|---|
| <b>123.</b> Wireless telecommunications equipment | X | X | C | X | C | C |
| <b>124.</b> Wireless telecommunications facility  | X | X | C | X | C | C |
| <b>125.</b> Wrecked motor vehicle compound        | X | X | X | X | P | P |

**Table 7.2 Dimensional Requirements for Non-Residential Zoning Districts**

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