

12-9.4. Site development regulations.

As provided in chapter 12, article X.

(Ord. No. 87, 1-11-2006)

TABLE 12.1
PERMITTED USES IN COMMERCIAL AND OFFICE DISTRICTS

P = Permitted

C = Conditional

X = Not Permitted

Use	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Accessory uses and structures determined by the director to be normally incidental to one or more permitted principal uses	P	P	P	P	P	P	P	P	P
Adult entertainment and adult materials establishments	X	X	X	X	X	X	X	X	X
Apiaries	P	P	P	P	P	P	P	P	P
Automobile service establishment, major	X	X	X	C	P	X	X	X	X
Automobile service establishment, minor	X	X	C	P	P	X	X	X	X
Bar, lounge, nightclub	X	C	C	C	X	X	X	X	X
Bed and breakfast inns	X	C	C	C	X	X	X	X	C
Bowling alley	X	C	C	C	X	X	X	X	X
Build-to-rent	X	C	C	X	X	X	C	X	X
Business service establishments, not exceeding 2,500 square feet of gross floor area	P	P	P	P	X	P	C	C	P
Business service establishments of 2,500 square feet or more of gross floor area	C	P	P	P	X	P	X	X	P
Campgrounds	X	X	C	C	X	X	X	X	X
Car wash	X	X	C	C	P	X	X	X	X
Cemeteries	X	X	P	P	X	X	X	X	X
Clinics	X	P	P	P	X	C	P	C	P
Club or lodge, nonprofit 10,000 square feet or less in aggregate size	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)

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Club or lodge, nonprofit more than 10,000 square feet in aggregate size	C (Note 1)	C (Note 1)	P (Note 1)	P (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)
Colleges, universities, and trade and technical schools 10,000 square feet or less in aggregate size	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)
Colleges, universities, and trade and technical schools more than 10,000 square feet in aggregate size	C (Note 1)	C (Note 1)	P (Note 1)	P (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)
Commercial athletic fields, outdoor	X	X	C	C	C	X	X	X	C
Commercial recreational facility, indoor	X	P (Note 1)	P (Note 1)	P (Note 1)	X	C (Notes 1 and 2)	C (Notes 1 and 2)	X	P (Note 1)
Commercial recreational facility, outdoor	X	X	C (Note 1)	C (Note 1)	C (Note 1)	X	X	X	C (Note 1)
Communication towers and antennas	C	C	C	C	C	C	C	C	C
Conservation areas	P	P	P	P	P	P	P	P	P
Conservation subdivisions	X	X	X	X	X	X	X	X	X
Contractor's establishments	X	X	C	C	C	C	X	X	X
Convenience stores, with or without gasoline pumps	C	C	C	C	X	X	X	X	C
Day care centers	P	P	P	P	X	P	P	P	P
Drive-through facilities	C	C	P	P	X	X	X	X	C
Dwellings, single-family detached	X	X	X	X	X	X	X	X	X
Dwellings, single-family attached (townhouses)	X	X	X	X	X	X	X	X	X
Dwellings, two-family (duplexes)	X	X	X	X	X	X	X	X	X
Dwellings, multi-family	X	X	X	X	X	X	X	X	X
Electronic game playing centers	X	C	C	C	X	X	X	X	X
Finance, insurance and real estate establishments, less than 5,000 square feet of gross floor area per establishment	P	P	P	P	X	P	P	X	P

Finance, insurance and real estate establishments of 5,000 square feet or more of gross floor area per establishment	X	P	P	P	X	P	P	X	P
Fuel stations	C	C	C	C	C	X	X	X	C
Heliports and helipads	X	X	C	C	C	X	X	X	X
Hospitals and related health services not otherwise specified	X	X	P	P	X	X	C	X	P
Hotel	X	C	C	C	X	X	X	X	C
Hotel or Motel, Extended Stay	X	C	C	C	X	X	X	X	C
Junk yards	X	X	X	X	C	X	X	X	X
Kennels, animal hospitals and veterinary clinics with outdoor facilities such as pens, kennels, runs, etc.	X	X	C	C	C	X	X	X	X
Kennels, animal hospitals and veterinary clinics without outdoor facilities	X	X	P	P	P	X	X	X	X
Machine shops	X	X	C	P	P	P	X	X	X
Major subdivisions for non-residential uses	P	P	P	P	P	P	P	P	P
Manufacturing, processing and assembling	X	X	C	C	C	P	X	X	X
Massage parlor	C	C	C	C	X	X	C	C	C
Minor subdivisions for non-residential uses	P	P	P	P	P	P	P	P	P
Micro-brewery	X	X	P	C	C	X	X	X	X
Micro-distillery	X	X	P	C	C	X	X	X	X
Miscellaneous service establishments	X	C	C	C	X	C	X	C	C
Motel	X	C	C	C	X	X	X	X	C
Offices	P	P	P	P	P	P	P	P	P
Open air businesses	X	C	C	C	P	X	X	X	X
Open storage yards	X	X	C	C	C	C	X	X	X
Pawn shops	X	C	C	C	C	X	X	X	X
Personal care homes and institutionalized living facilities, serving ten persons or less	C	P	P	P	X	X	C	C	P
Personal care homes and institutionalized living	X	P	P	P	X	X	C	X	P

facilities, serving more than ten persons									
Personal service establishments, not exceeding 2,500 square feet of gross floor area per establishment	P	P	P	P	X	P	C	C	P
Personal service establishments greater than 2,500 square feet of gross floor area per establishment	X	P	P	P	X	P	X	X	P
Place of worship 10,000 square feet or less in aggregate size (Note 5)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)
Place of worship more than 10,000 square feet in aggregate size (Note 5)	C (Note 1)	C (Note 1)	P (Note 1)	P (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)
Pool Hall	X	C	C	C	X	X	X	X	X
Public and semi-public uses	P	P	P	P	P	P	C	P	P
Residence for caretaker or night watchman	X	X	C	C	P	P	X	X	X
Restaurants, including outside seating areas but not including drive-ins or drive-through facilities	P	P	P	P	P	P	C	C	P
Retail trade establishments, enclosed	P	P	P	P	P	P	X	X	P
Schools, private and parochial, 10,000 square feet or less in aggregate size	X	C (Note 1)	C (Note 1)	C (Note 1)	X	X	C (Note 1)	X	C (Note 1)
Schools, private and parochial, more than 10,000 square feet in aggregate size	X	C (Note 1)	C (Note 1)	C (Note 1)	X	X	X	X	C (Note 1)
Schools for dance, martial arts, and other disciplines operated for profit or nonprofit, 10,000 square feet or less in aggregate size	P (Note 1)	P (Note 1)	P (Note 1)	P (Note 1)	C (Note 1)	P (Note 1)	P (Note 1)	C (Note 1)	P (Note 1)
Schools for dance, martial arts, and other disciplines operated for profit or nonprofit, more than 10,000 square feet in aggregate size	X	X	C (Note 1)	C (Note 1)	X	C (Note 1)	C (Note 1)	X	C (Note 1)

Schools for driving, DUI, or massage operated for profit or nonprofit, 10,000 square feet or less in aggregate size	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)	C (Note 1)
Schools for driving, DUI, or massage operated for profit or nonprofit, more than 10,000 square feet in aggregate size	X	X	C (Note 1)	C (Note 1)	X	C (Note 1)	C (Note 1)	X	C (Note 1)
Senior housing, assisted living facility	X	C	C	X	X	X	C	X	X
Senior housing, continuing care retirement community (CCRC)	X	C	C	X	X	X	C	X	X
Senior housing, senior independent living	X	C	C	X	X	X	C	X	X
Senior housing, skilled nursing facility	X	C	C	X	X	X	C	X	X
Shooting range, indoor	X	X	C (Note 3)	C (Note 3)	C (Note 3)	X	X	X	C (Note 3)
Shooting range, outdoor	X	X	C (Note 3)	C (Note 3)	C (Note 3)	X	X	X	C (Note 3)
Short-term rental	X	X	X	X	X	X	X	X	X
Smoke shops, vapor cigarette shops, or non-traditional tobacco paraphernalia shops	C	C	C	C	X	X	X	X	C
Specialty pharmacy	C	C	C	C	C	C	X	X	C
Storage, self-service, climate controlled	X	X	C	C	C	C	X	X	X
Storage, self-service, courtyard	X	X	C	C	C	C	X	X	X
Storage, self-service, mini-warehouse	X	X	X	X	C	X	X	X	X
Temporary structures and uses	C	P	P	P	P	P	C	X	P
Theater	X	C	C	C	X	X	X	X	X
Transportation, communication, and utility facilities	X	X	C	C	C	C	X	X	C
Uses not specified in this table	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)	(Note 4)
Vehicle rental establishment	X	X	C	C	P	P	X	X	X

Vehicle sales dealership, new	X	X	C	C	X	X	X	X	X
Vehicle sales dealership, used	X	X	C	C	X	X	X	X	X
Warehouses and storage buildings not exceeding 10,000 square feet on a given site	X	X	C	X	X	X	X	X	X
Wholesale trade establishments	X	X	C	X	X	P	X	X	X

* For any establishment conducting around the clock business hours, a conditional use permit is required.

Notes:

Table 12.1

- (1) Prior to development of any associated accessory uses, approval of the site plan must be granted by the board of commissioners. If the accessory use is a school, a conditional use permit is required and all requirements for a conditional use permit must be followed.
- (2) Within the business park (BP) and office and institutional (O&I) zoning districts, only the following indoor commercial recreational facilities shall be considered as conditional uses (C): assembly halls, auditoriums, meeting halls, art galleries and museums, physical fitness centers, and health clubs. All other indoor commercial recreational facilities are considered prohibited (X).
- (3) See Ordinance No. 103 (Shooting Range Ordinance).
- (4) In cases where a use is proposed but is not listed in this table, the director shall make an administrative determination as to whether or not the use is permitted in the zoning district or districts in question. The director will compare the proposed use to substantially similar uses to determine if the proposed use will be considered a prohibited, permitted, or conditional use. In making such determinations, the director shall consult the purpose and intent statements of the zoning district or districts in question, in addition to comparing the use in question to uses specifically listed in this table.
- (5) Places of worship for which a CUP, rezoning or development permit application is being processed, that have been approved but not constructed, that are under construction, or that have received a Certificate of Occupancy prior to February 2, 2017, are exempt from the size cap. In addition, property immediately adjacent to the property on which a place of worship that is exempt pursuant to this note is located, that is purchased after February 2, 2017, is also exempt from the size cap. For properties exempted from the size cap pursuant to this note, the requirements for places of worship 10,000 square feet or less in aggregate size (either conditional use permit (C) or not permitted (X)) shall apply for each zoning district. For purposes of this chart, "aggregate size" shall mean total square footage of all structures on the property on which the place of worship is located.
- (6) Within the UV, CBD, and O&I zoning districts, build-to-rent shall be considered as a conditional use only for senior housing as provided in section 16-4.9 of this Code. All other build-to-rent developments within these districts are considered prohibited.

(Amd. of 1-3-2013; Ord. of 3-3-2016(1), § 2; Amd. of 12-1-2016; Amd. of 12-20-2016; Amd. of 2-2-2017(7); Amd. of 9-7-2017(8); Amd. of 3-7-2019; Amd. of 4-18-2019; Amd. of 7-11-2019; Amd. of 11-7-2019; Amd. of 10-8-2020(1); Amd. of 12-3-2020(1); Amd. of 5-25-2021; Amd. of 9-2-2021; Amd. of 5-5-2022; Ord. of 10-6-2022, § 4)

TABLE 12.2
PERFORMANCE STANDARDS FOR COMMERCIAL AND OFFICE DISTRICTS

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Performance Standard	Commercial and Office Zoning Districts								
	NS	UV	CBD	HB	HC	BP	O&I	OR	OCMS
Minimum lot area for zoning to the district (Note 1)	1 acre	5 acres	None	None	0.5 acre	10 acres	2 acres	0.5 acre	15 acres
Maximum building coverage (% of lot)	23%	46%	70%	55%	55%	35%	35%	18%	55%
Maximum gross square footage per business establishment	10,000 square feet	60,000 square feet	No maximum	No maximum	40,000 square feet	10,000 square feet (Note 2)	10,000 square feet	2,500 square feet	25,000 square feet
Minimum landscaped open space (%)	20%	15%	15%	15%	15%	30%	20%	20%	25%
Minimum front yard landscape strip paralleling road frontage (feet) (note 4)	10 feet	10 feet	10 feet	10 feet	10 feet	25 feet	10 feet	10 feet	40 feet
Minimum front building setback/front yard from dedicated right-of-way (This setback is required on all property lines with road frontage)	10 feet	10 feet	40 feet	40 feet	50 feet	50 feet	40 feet	40 feet	10 feet of setback per story
Minimum buffer along side or rear yard abutting a residential, OR, A1 or AG-Res district	20 feet	30 feet	40 feet	40 feet	50 feet	50 feet	30 feet	15 feet	75 feet, plus 5 feet buffer per story
Minimum building setback along side or rear	30 feet	40 feet	50 feet (Note 7)	50 feet	60 feet	60 feet	40 feet	30 feet	85 feet, plus 5 feet

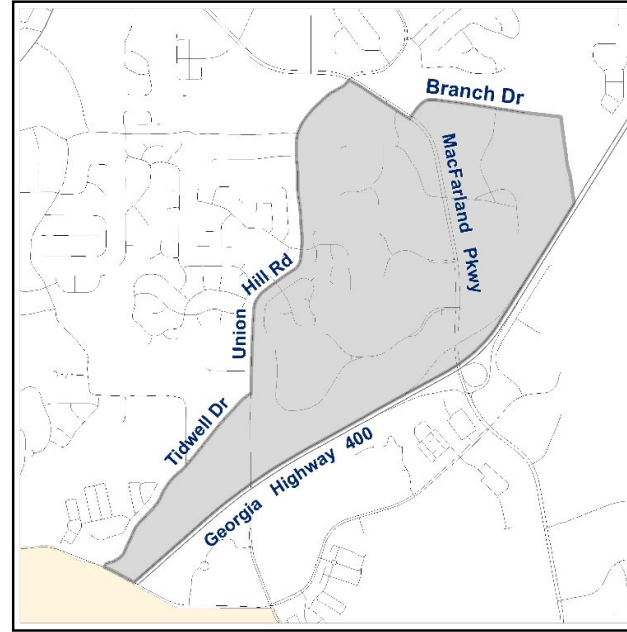
yard abutting a residential, A1, AG-Res, or OR district									setback per story
Minimum side building setback/side yard	10 feet (Note 5)	10 feet (Note 5)	10 feet (Note 5)	15 feet	30 feet	30 feet	25 feet	15 feet	50 feet
Minimum rear building setback/rear yard	25 feet	25 feet	25 feet	25 feet	30 feet	30 feet	25 feet	25 feet	75 feet
Minimum rear building setback abutting an alley	10 feet	10 feet	None	10 feet	30 feet	30 feet	25 feet	25 feet	75 feet
Maximum density, residential uses (units per acre)	4 units per acre	6 units per acre	10 units per acre	6 units per acre	Not permitted	Not permitted	Not permitted	4 units per acre	10 units per acre
Minimum heated floor space (Note 3)	1,000 square feet	900 square feet	900 square feet	900 square feet	700 square feet	700 square feet	900 square feet	900 square feet	700 square feet

	Character Areas																		
	McFarland		South GA 400		Big Creek		Haw Creek & Daves Creek		Lanier		Vickery Creek		Campground			North GA 400		Chestatee/Jot Em	
	McFarland	McFarland/Shiloh Road Regional Node	South GA 400	South GA 400/Highway 141 Regional Node	Big Creek	Peachtree Parkway Community Node	Haw Creek & Daves Creek	Haw Creek Community Node	Lanier	Lake Lanier/Mary Alice Park Community Node	Vickery Creek	Castleberry/Bethelview Community Node	Campground	Highway 20 Neighborhood Node	Highway 20 Community Node	North GA 400	Hammond's Crossing Regional Node	Chestatee/Jot Em Down	CH
Maximum Height	50'	Office Uses: 80' (Note 9) Mixed Use: 70' (Note 8)	50'	Office Uses and Mixed Use: 60' (Note 8)	40'	50'	40'	Non-residential Uses and Mixed Use: 50' (Note 8)	40'	60'	40'	Non-residential Uses and Mixed Use: 60' (Note 8)	30'	40'	50'	50'	Non-residential Uses and Mixed Use: 80' (Note 8)	30'	40'

Notes:

Table 12.2

- (1) A smaller area can be rezoned to this category if combined with an existing and when combined, the two parcels meet this minimum size.
- (2) This provision does not apply to manufacturing, processing, and assembling, office uses, and wholesale or warehousing uses, when permitted and located in the BP district.
- (3) The minimum heated floor area per dwelling unit excludes common areas such as common hallways and shared spaces. This performance standard is solely for those properties zoned commercial with a conditional use permit for residential dwellings approved prior to the May 17, 2004 amendments to the UDC. This performance standard should not be interpreted as permitting residential dwellings in a commercial district.
- (4) Measured from the dedicated right-of-way.
- (5) The side building setback/side yard in a NS, UV, or CBD zoning district may be reduced to zero setback on a side where an existing building(s) on property abutting the subject property is or will be constructed without a side building setback/side yard. The purpose of this provision is to allow for a continuous building façade across property lines to create a pedestrian-oriented streetscape that would otherwise be interrupted by a side setback requirement.
- (6) Where permitted, single family detached dwellings, single family attached dwellings, two family dwellings (duplexes), and multifamily dwellings within the NS, UV and CBD districts shall be limited to 25 percent of the total acreage. Such residential uses shall be connected to sewer. This performance standard is solely for those properties zoned commercial with a conditional use permit for residential dwellings approved prior to the May 17, 2004 amendments to the UDC. This performance standard should not be interpreted as permitting residential dwellings in a commercial district.
- (7) For individual retail 40,000 square feet or greater, see also article XI and article XII for minimum standards.
- (8) The maximum height for any use not referenced for this node shall be the maximum height allowed for the character area in which the node is located.
- (9) Height maximum of 125 feet for office uses is permitted within the portion of the McFarland/Shiloh Road Regional Node illustrated below:



(Amd. of 10-2-2008; Amd. of 7-1-2010; Amd. of 9-7-2017(8); Amd. of 6-7-2018; Amd. of 12-2-2021)