

subdivision sites review applications approved prior to February 7, 2017 shall be eligible to have a minimum rear setback of 10 feet.

(Ord. of 12-5-2000, § 1; Ord. of 11-6-2001, § 2; Ord. of 2-6-2007, § 2; Ord. of 4-3-2007, § 1; Ord. of 4-7-2009, § 2; Ord. of 12-7-2010, § 1; Ord. of 12-7-2010, § 4 ; Ord. of 2-7-2017(2) , § 3; Ord. of 12-1-2020(1) , § 1; Ord. of 6-1-2021(1) , § 1; Ord. of 12-2-2021(1) , § 1)

**Sec. 9-10-2. Permitted uses.**

The following uses and their accessory uses are permitted as shown in the use table below:

Commercial Zoning Districts	C-G General	C-D Downtown	C-O Office	C-N Neighborhood	C-R Rural
<i>Residential Categories</i>					
Agriculture	N	N	N	N	P
Single-Family Dwellings	S, L(11)	S, L(11)	S, L(11)	S, L(11)	S, L(11)
Accessory Dwelling Units	S	S	N	S	S
Dwellings Above or Below Businesses	P, L(1)	P, L(1)	P, L(1)	P, L(1)	P, L(1)
Duplexes	N	N	N	N	N
Personal care homes, individual	S, L(12)	S, L(12)	S, L(12)	S, L(12)	S, L(12)
Personal care homes, family	S, L(12)	S, L(12)	S, L(12)	S, L(12)	S, L(12)
Personal care homes, group	P, L(12)	P, L(12)	P, L(12)	P, L(12)	P, L(12)
Personal care homes, congregate	P, L(12)	P, L(12)	P, L(12)	P, L(12)	P, L(12)
Multifamily Dwellings	P, L(1)	P, L(1)	P, L(1)	P, L(1)	P, L(1)
Class "A" Manufactured Homes	N	N	N	N	P, L(10)
Class "B" Manufactured Homes	N	N	N	N	N
Boarding House, Rooming House	S	S	S, L(13)	S	S
Dormitory	S	S	S, L(13)	S	S
Halfway House	S, L(15)	S, L(15)	S, L(15)	S, L(15)	S, L(15)
Community Garden	P	P	P	P	P
<i>Commercial Categories</i>					

Home Occupation	P	P	P	P	P
Sales of products grown on site	N	N	N	N	P
Hostels	P	P	P	P	P
Hotels	P	P	N	L(4)	N
Motels	P	N	N	N	N
Bed and Breakfast	P	P	P	P	P
Retail Sales and Service	P	P	L(2)	L(3)	L(4)
Convenience Store	P, L(8)	S	S	P, L(8)	P, L(8)
Theaters (less than 1,000 seats)	P	P	N	N	N
Restaurant or Bar	P	P, L(16)	N	P	P
<i>Commercial Categories</i>					
Drive-Through Facility	P, L(7)	N	N	S, L(7)	N
Professional Services and Office	P	P	L(4)	L(3)	L(4)
Quick Vehicle Servicing	P	N	N	N	N
Vehicle Repair	P	P	N	P, L(2)	P
Auto and RV Sales	P, L(8)	N	N	N	N
Laundry Facilities	P, L(8)	P	S	P, L(8)	P
Equestrian Facilities	N	N	N	N	P
Commercial Outdoor Recreation	S	N	N	N	P
Indoor Recreation	P	P	N	N	N
Major Event Entertainment	S	S	N	N	S
Commercial Parking Structures or Lots	S	S, L(5)	N	N	N
Administrative or Research Facilities	P	P	P	L(4)	L(4)
Broadcasting or production Studios	P	P	N	P	P
Temporary Uses	P	P	P	P	P
Temporary Special Event	P, L(14)	P, L(14)	N	N	P, L(14)
<i>Industrial Categories</i>					
Printing/Publishing	P	P	N	N	N
Bakeries	P	P	N	L(2)	L(2)
Bottling Plants	P	P	N	L(2)	L(2)

Manufacture of Non-Odiferous Foods	N	N	N	N	N
Feed Lots and Slaughterhouses	N	N	N	N	N
Food Processing	L(6)	N	N	N	N
Light Manufacturing	L(6)	L(6)	N	N	L(6)
Heavy Manufacturing	N	N	N	N	N
Wholesale Sales	P	P	N	N	P
Wholesale Nurseries	N	N	N	N	P
Distribution Center	P	N	N	N	P
Outdoor Storage	N	N	N	N	N
Wholesale Storage And Distribution	N	N	N	N	N
Self-Service Storage	P	N	N	N	N
Construction Materials Sales	P	N	N	N	N
Junk Yards and Auto Wrecking	N	N	N	N	N
Kennels	P	N	N	N	P
Veterinary Clinics	P	N	S	S	P
Transfer Stations	N	N	N	N	N
Sanitary Landfills, Landfills, Commercial Incinerators	N	N	N	N	N
Asphalt Plants	N	N	N	N	N
Mines, mining, surface mining, quarries, gravel pits, sand pits	N	N	N	N	N
<i>Institutional Categories</i>					
Basic Utilities	P, L(9)	P	P	P	P
Community Service	P, L(9)	P	P	P	P
Parks And Open Areas	P, L(9)	P	P	P	P
Churches	P, L(9)	P	P	P	P
Business/Trade Schools	P, L(9)	P	L(4)	L(4)	P
Day Care, Kindergarten,	P, L(9)	P	P	P	P

Elementary, Middle, and High School					
Colleges	P, L(9)	P	L(4)	L(3)	P
Nursing Homes	P, L(9)	P	P	P	P
Hospital	P, L(9)	P	P	P	P
Medical Centers	P, L(9)	P	P	P	P
Cemeteries	P, L(9)	P	P	P	P
Mortuaries	P, L(9)	P	P	P	P
Fraternity or Sorority	S	S	S, L(13)	S	S
Semi-Public Halls, Clubs, or Lodges	S, L(9)	S	S, L(13)	S	S
Drug Rehabilitation Center or Other Facility for Treatment of Drug Dependency	P	P	N	N	N

Legend:

P = Permitted outright

S = Subject to approval under the special use procedures section

N = Prohibited use

L(1) = Permitted only on second story and above or in the basement level of the structure. At least 50 percent of the ground floor shall be leasable commercial space not used for parking, none of the ground floor shall be used for self-service storage, and the commercial space shall be accessed only through a publicly accessible building entrance. Access to residential dwellings shall not be through the designated area comprising the minimum 50% commercial space. Multifamily residential uses arranged in any other manner on a commercially-zoned property are permitted only as a special use permit. For C-D zone properties in the North Downtown Design Area, ground floor dwellings are permitted subject to the associated design standards and limitations found in section 9-10-6(D)(7) and are not subject to the commercial standards noted above in L(1).

L(2) = Uses are limited to no more than 2,500 square feet of gross floor area per lot.

In addition, Retail Sales and Service uses in the Milledge Avenue Corridor Special District Overlay shall be permitted only on lots with Milledge Avenue street frontage equal to or greater than the minimum lot width and only in buildings with primary orientation toward Milledge Avenue.

L(3) = Uses are limited to no more than 10,000 square feet of gross floor area per lot, except grocery stores and colleges, which may have 36,000 square feet of gross floor area per lot; provided, however, multifamily dwellings and dwellings above businesses are permitted under L(1) above. Any development exceeding these parameters shall be subject to approval under the special use procedures section.

L(4) = Uses are limited to no more than 10,000 square feet of gross floor area per lot.

L(5) = Parking in more than 50 percent of the ground floor in a parking structure is not permitted.

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L(6) = Light manufacturing of products sold on site permitted, area of manufacture not to exceed 1,500 square feet.

L(7) = Drive-through facilities are not permitted in these zones when located on Level One corridors, based on the Athens-Clarke County Corridor Designations Chart, as provided in section 9-25-8 J.

L(8) = Parking areas are permitted between the building and the street, provided that landscaping is included adjacent to the street pursuant to subsection 9-30-9 E.6. of this title.

L(9) = No more than 25 percent of required parking spaces are permitted between the building and the street.

L(10) = Class "A" Manufactured Homes on individual lots are permitted, subject to the following criteria:

1. The portion of the lot upon which the manufactured home is to be located shall not exceed a slope of ten percent following excavation or fill.
2. The manufactured home shall be multi-sectional, no less than 24 feet in width, and have a minimum enclosed floor area of 1,000 square feet.
3. The manufactured home shall have a roof pitch of a minimum of three feet in height for each 12 feet in width.
4. The manufactured home shall have no metal siding and shall have wood, wood-product, or vinyl siding and composition or metal roofing.
5. The manufactured home shall be placed on an excavated and back-filled foundation, and the foundation shall be fully enclosed.
6. The foundation area of the manufactured home shall be fully skirted in masonry.

L(11) = Shall follow the general regulations found in table 9-7-3 under the RS-5 zoning regulations, RS-5 tree canopy standards found in 8-7-15, RS-5 standards found in 9-26-3, and reviewed under 9-25-8.B standards. Lots of record existing prior to February 6, 2007 and subdivision plats submitted for approval prior to February 6, 2007 shall be exempt from the special use requirement.

L(12) = Refer to section 9-15-19 for regulations governing personal care homes.

L(13) = Special use approval in the Milledge Avenue Corridor Special District Overlay is not required for expansion of less than 40% of the heated floor space existing on April 6, 2010 for existing legal nonconforming uses on existing lots of record. Multiple expansions over time shall be added together to determine the percentage of expansion. The exception for expansion of less than 40% does not apply to currently existing special uses with binding site plans. In addition to the approval criteria for special uses provided in section 9-20-5, in evaluating the effect of a 40% or more expansion of an existing use or establishment of a new use in the Milledge Avenue Corridor Special District Overlay, the proximity to similar uses shall be a relevant factor to be considered in review of the proposed use.

L(14) = Temporary special events, as defined in section 9-2-1, are subject to, but not limited to, the following conditions:

1. The boundary of the temporary special event, as described on the approved site plan, shall not be located within 300 feet of any RS (Single-Family Residential) zone or RM (Mixed Density Residential) zone.
2. A temporary special event shall have a duration of not more than 72 consecutive hours, including setup and breakdown of the event.
3. No more than two temporary special events may occur for any one property in each calendar year; a temporary special event shall not occur more frequently than once in a three-month period on the subject property.

4. Sufficient improved or unimproved off-street parking, to be approved by the Planning Director, with access to be approved by the Department of Transportation and Public Works, shall be provided.
5. All temporary special events shall apply for and obtain, if required, an Athens-Clarke County Special Events Permit per Chapter 6-5 and shall comply with all applicable local, state, and federal regulations.

L(15) = Refer to section 9-15-21 for more information concerning halfway houses.

L(16) = A bar, as defined in Section 9-2-1, is a permitted use if the maximum occupancy, as determined by the fire marshal, is 100 or fewer persons. A proposed bar occupancy exceeding this maximum occupancy shall be subject to approval under the Special Use procedures section.

(Ord. of 12-5-2000, § 1; Ord. of 5-7-02, § 1; Ord. of 4-1-2003, § 1; Ord. of 12-2-2003, § 3; Ord. of 8-2-2005, § 1; Ord. of 8-1-2006, § 8; Ord. of 8-1-2006, § 5; Ord. of 12-06-2006, § 1; Ord. of 2-6-2007, § 1; Ord. of 4-3-2007, § 5; Ord. of 6-5-2007, § 1; Ord. of 6-3-2008, § 1 Ord. of 4-6-2010, §§ 2, 3; Ord. of 4-5-2011, § 6; Ord. of 7-5-2011, § 1; Ord. of 10-2-2012, § 2; Ord. of 12-4-2012, § 8; Ord. of 2-5-2013, § 6; Ord. of 2-4-2014, § 6; Ord. of 2-3-2015, § 1 ; Ord. of 7-3-2018(3), § 3 ; Ord. of 12-4-2018(6), § 1 ; Ord. of 10-6-2020(1), § 1 ; Ord. of 2-2-2021(1), § 2 )

### Sec. 9-10-3. General regulations.

General regulations for all C zones are contained in the table below:

Table 9-10-3	C-G General	C-D Downtown	C-O Office	C-N Neighborhood	C-R Rural
Maximum residential density (bedrooms per gross acre) <sup>3</sup>	24	200	16	16	16
Minimum lot area	2,500 sq. ft.	None	5,000 sq. ft.	5,000 sq. ft.	20,000 sq. ft.
Minimum lot width <sup>2</sup>	50 ft.	None	50 ft.	50 ft.	100 feet
Minimum lot depth	50 ft.	None	50 ft.	50 ft.	200 feet
Minimum front yard <sup>1</sup>	None	None	10 ft.	10 ft.	20 feet
Minimum side yard	None	None	6 feet	6 feet	6 feet
Minimum side yard, adjacent to street	None	None	6 feet	6 feet	6 feet
Minimum yard when abutting residential zone	10 feet	None	10 feet, plus one foot for each foot of building height above 30 feet.	10 feet, plus one foot for each foot of building height above 30 feet.	10 feet, plus one foot for each foot of building height above 30 feet.
Maximum FAR	1.5	5.0	0.75	0.75	0.25
Maximum lot coverage, except agricultural buildings	80%	100%	65%	75%	35%
Minimum landscaped area	20%	0%	35%	25%	65%
Maximum building height	65 feet	100 feet	40 feet	65 feet	65 feet

<sup>1</sup> Unless otherwise specified in section 9-15-9.

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<sup>2</sup> Except for lots entirely fronting turnaround areas of cul-de-sacs, the lot width shall be measured beginning at the front lot line and maintained for the entire minimum lot depth. For lots entirely fronting turnaround areas of cul-de-sacs, the lot width shall be measured beginning at the minimum required front setback line and maintained for the remaining portion of the minimum lot depth.

<sup>3</sup> No more than 25% of the total number of dwellings within a multifamily development shall have four or more bedrooms per dwelling unit.

(Ord. of 12-5-2000, § 1; Ord. of 6-5-2001, § 11; Ord. of 11-6-2001, § 2; Ord. of 9-3-2002, § 2; Ord. of 12-6-2006, § 1; Ord. of 12-7-2010, § 6; Ord. of 12-4-2018(6), § 2 )

### **Sec. 9-10-5. Developments of community significance.**

The purpose of reviewing developments of community significance is to provide for detailed review of commercial uses which have the potential for significant impact to the environment, to the value and use of the adjacent properties, public water and sewer services, roadway capacity and traffic patterns, the economy of Athens-Clarke County, or the public health, safety, and general welfare of Athens-Clarke County residents. This review is designed to ensure that future land uses are suitable to the demands and needs of the residents of Athens-Clarke County.

- A. *Application of section.* The provisions of this section shall apply to uses in the Commercial-General (C-G) zone that result in commercial developments totaling 200,000 square feet or more of gross leasable area; or uses that result in a building of 150,000 square feet or more of gross leasable area, whether by new construction or by expansion of existing uses; or land disturbance of 20 acres or more; and are determined to exceed additional thresholds defined in section 9-10-5 C.
  - B. *Submittal requirements.* The following information shall be submitted in addition to the other submittal information required by this title:
    - 1. A detailed description of the proposed project and its design features;
    - 2. Potential impact on existing and projected traffic conditions;
    - 3. Impact on utilities and public services, including water, sewage, storm drains, solid waste disposal, police and fire protection, emergency services, schools, and other public services;
    - 4. Impact on the physical and ecological characteristics of the site and surrounding land, including wetlands, floodplain, vegetation, wildlife habitat, and other environmental conditions;
    - 5. Impact on the community, including but not limited to scenic, historic, or archaeological conditions, with regard to scale, placement, lighting, landscaping, signage, parking, use of open space and design of buildings and structures.
  - C. *Review thresholds for developments of community significance.* Developments of community significance within this section will be reviewed based on the following thresholds.
    - 1. Level I uses are those that do not exceed the following criteria or do not require publicly funded infrastructure improvements; these are reviewed using the staff permit procedure.
      - a. *Water.* If the following threshold is exceeded, the use shall be reviewed as a Level II:
        - (1) Peak demand total of 100 GPM (gallons per minute); or
        - (2) 100,000 GPD (gallons per day).
- (The above figures are not to be used for fire protection flow rates.)

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- b. *Wastewater.* If any of the following thresholds are exceeded, the use shall be reviewed as a Level II:
    - (1) Per requirements of the Unified Government of Athens-Clarke County Sewer Use Ordinance; or
    - (2) Demand exceeding 100,000 GPD (gallons per day).
  - c. *Traffic.* If the following are exceeded, the proposed use, within this category, must be reviewed as Level II:
    - (1) Site allocation, as denoted on the traffic volume inventory located in the Athens-Clarke County Planning Department. All allocations are based on roadway capacity at level of service "D" for the road or street; or, lacking any site specific information, the following standards will be used:
      - (2) 1,000 peak hour trip ends; or
      - (3) 8,000 average weekday trip ends; or
      - (4) Truck traffic comprising more than two percent of the site generated average weekday trip ends. Traffic generation rates will be based on the *Institute of Traffic Engineers Trip Generation Manual* (current edition).
  - d. *Stormwater.* If stormwater runoff exceeds thresholds established by Athens-Clarke County stormwater management policies, the use shall be reviewed as Level II.
2. Level II. All uses that exceed one of the locally specified criteria (water, wastewater, traffic, and stormwater) or that require locally funded infrastructure improvements. Level II uses shall be reviewed as a Type II procedure based on one of the following:
- a. Review by staff to determine if proposed use is within capacity ranges and does not necessitate additional governmental expenditure or use reserve capacity; or
  - b. Review by staff resulting in a determination that the proposed use does exceed capacities or use reserves and is forwarded to government officials for decision and an agreed upon financing plan between the government and the petitioner.
- D. *Design standards.* Developments of community significance shall comply with the applicable commercial design standards outlined in chapter 9-25.

(Ord. of 12-5-2000, § 1)