

PART III - CODE OF ORDINANCES
 Title 9 - ZONING AND DEVELOPMENT STANDARDS
 ARTICLE I. - ZONING

CHAPTER 9-10. COMMERCIAL (C) DISTRICTS

CHAPTER 9-10. COMMERCIAL (C) DISTRICTS

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Sec. 9-10-1. Purpose.

This district is designed to stabilize, improve and protect the characteristics of those areas providing commercial commodities and services.

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

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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)

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<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	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

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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

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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

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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, Elementary, Middle, and High School	P, L(9)	P	P	P	P
Colleges	P, L(9)	P	L(4)	L(4)	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

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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 or self-service storage. Multifamily residential uses arranged in any other manner on a commercially-zoned property are permitted only as a special use permit.

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 use, except grocery stores which may have 30,000 square feet of gross floor area, with a maximum of 30,000 square feet of gross floor area per building; provided however multifamily dwellings and dwellings above businesses are permitted under L(1) above. Any development exceeding these parameters shall be reviewed following the Type IV procedure specified in chapter 9-4.

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.

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.

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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.

(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)

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	24	200	16	16	16

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(bedrooms per gross acre)					
Minimum lot area	2,500 sq. ft.	None	5,000 sq. ft.	5,000 sq. ft.	20,000 sq. ft.
Minimum lot width ²	50 ft.	None	50 ft.	50 ft.	100 feet
Minimum lot depth	50 ft.	None	50 ft.	50 ft.	200 feet
Minimum front yard ¹	None	None	10 ft.	10 ft.	20 feet
Minimum side yard	None	None	6 feet	6 feet	6 feet
Table 9-10-3	C-G General	C-D Downtown	C-O Office	C-N Neighborhood	C-R Rural
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%

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Minimum landscaped area	20%	0%	35%	25%	65%
Maximum building height	65 feet	100 feet	40 feet	65 feet	65 feet

¹ Unless otherwise specified in [section 9-15-9](#).

² 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.

(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)

Sec. 9-10-4. Downtown district—Required Parking.

In all areas within the C-D district, all uses other than residential and hotel uses are not required to provide off-street parking or loading areas. Residential uses are required to provide one space per dwelling unit for one and two bedroom dwelling units. Three and four bedroom dwelling units shall comply with the parking standards established in chapters 9-25 and 9-30. Hotel uses are required to provide one space per guestroom. Leasing of parking facilities for residential and hotel uses in an amount sufficient to meet the requirements of this title is permitted as long as the parking facilities are no more than 1,500 feet from the residential or hotel use.

(Ord. of 12-5-2000, § 1; Ord. of 6-5-2001, § 11.1; Ord. of 6-5-2007, § 4)

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:

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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.)
 - 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:

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- 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)

Sec. 9-10-6. Design standards for "C-D" zone.

- A. *Design areas.* For the purpose of this title, the C-D zone is divided into design areas described in the "Alternative Compliance Guidelines for the CD Zone - Athens-Clarke County, Georgia," (hereinafter "Alternative Compliance Guidelines"), dated June 5, 2007, adopted herein by reference, and available for public inspection in the offices of the Athens-Clarke County Planning Department and the Clerk of Commission.

Downtown Historic District

West Downtown

East Downtown

Dougherty Street

River

West End

- B. *Design area boundaries.* The location and boundaries of the design areas in the Commercial-Downtown (C-D) zoning district listed in paragraph (A.) above are delineated on the Official Zoning Map of Athens-Clarke County, Georgia. The Official Zoning Map of Athens-Clarke County, Georgia, constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with [section 9-3-3](#) and [section 9-3-6](#) thereof, is hereby amended by adding the boundaries of said design areas within the C-D zoning district to the Zoning Map, adopted contemporaneously herewith. When uncertainty exists with respect to the location of the boundaries of any design area in the C-D zone, the rules of [section 9-3-4](#), concerning zoning district boundary lines, shall apply in determining design area boundary lines. The boundary limits of individual design areas shall be completely contained within the C-D zone. In the event that a parcel is rezoned to the C-D designation, the Mayor and Commission contemporaneously with such rezoning shall assign a design area to such parcel. Such determination shall be based upon the parcel's proximity to an existing design area and characteristics of the existing design area that are similar to those of the rezoned parcel.
- C. *Site design standards.*
1. *Maximum building setbacks.* The maximum building setback from a property line adjacent to all street rights-of-way (not including alleys) shall be as follows:

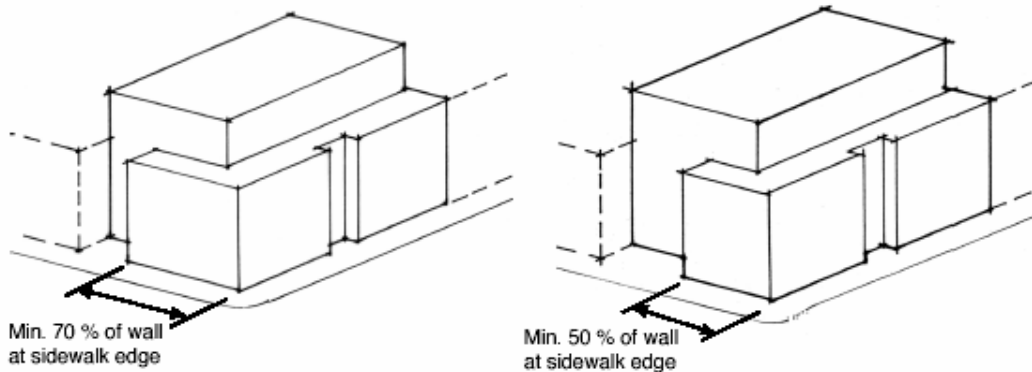
Design Area	Maximum Setback	Minimum Wall Percentage ¹

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Downtown Historic District	0 feet	70%
West Downtown	0 feet	50%
East Downtown	0 feet	50%
Dougherty Street	Not required	Not required
River	Not required	Not required
West End	30 feet	50%

¹The minimum percentage of the front wall plane between the street right-of-way and the maximum building setback line. The maximum length of a wall, set at an angle not exceeding 45 degrees to the street right-of-way and set back further than the maximum front setback line, shall not exceed 50 feet.



2. *Parking structures.* Any structured parking shall have leasable and occupiable commercial or residential uses between the property line and parking at street level. These other uses shall extend a minimum of 70 percent of the linear street frontage of the structure.
3. *Surface parking lots.*
 - a. Accessory surface parking areas shall not be located in the front yard or the side yard adjacent to a street (not including alleys).
 - b. A surface parking lot as a principal property use shall comply with the following setback requirements:

Design Area	Min. Street Setback

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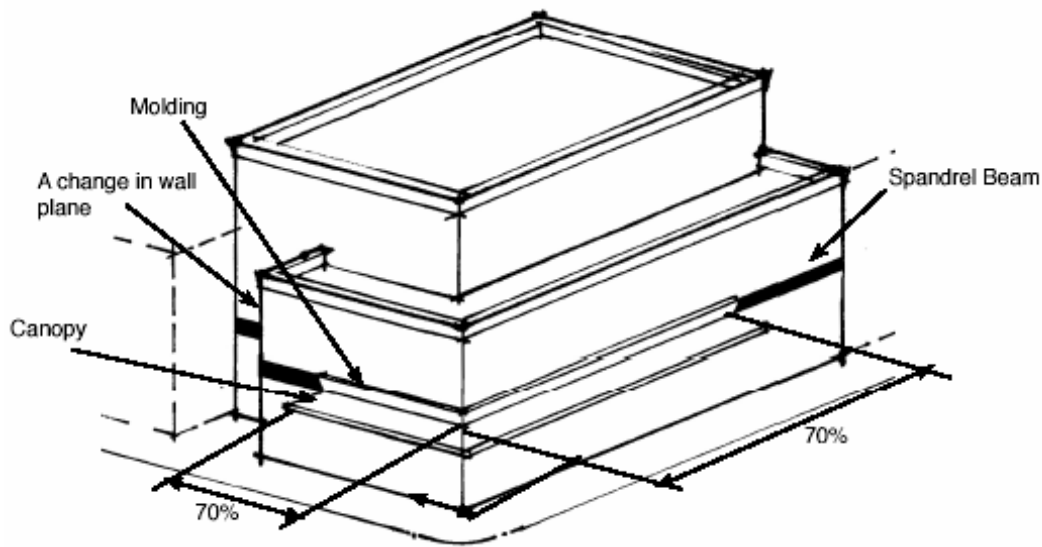
Historic District	Not Permitted
West Downtown	10 feet
East Downtown	10 feet
Dougherty Street	10 feet
River	10 feet
West End	10 feet

- c. A landscape buffer shall have a minimum depth of 10 feet between a street right-of-way (not including alleys) and the parking area. The landscape buffer shall incorporate a sight-obscuring hedge screen, which shall grow to be at least 24 inches and no more than 42 inches higher than the finished grade of the parking area, except for required vision clearance areas. Screen plantings shall be of such size and number to provide the required screening within 12 months after installation. Adequate provisions shall be made to protect plant materials from being damaged by vehicles using the parking area.
 - d. Surface parking areas shall be shaded by trees in accordance with [section 8-7-15\(J\)](#).
 - e. Raised pedestrian walkways shall be installed through surface parking areas of 50 or more spaces or more than 100 feet in average width or depth.
 - f. Surface parking lots with 50 spaces or more shall be divided into separate areas divided by landscaped areas or walkways at least ten feet in width or by a group of buildings.
4. Public sidewalks shall be provided adjacent to a public street along the street frontage.
 5. Trash storage areas, mechanical equipment, and similar areas shall be screened from view from adjacent public rights-of-way.
 6. Outdoor storage areas and loading facilities shall be screened from view from adjacent public rights-of-way.
 7. Transit amenities, bus shelters, and pullouts shall be required in accordance with the Athens-Clarke County Transit Service.
- D. *Building design standards.*
1. Horizontal definition of the building facade. First and second floor levels of a wall of a building that faces a public street shall be horizontally defined with clearly distinguishable horizontal details, which shall extend for a minimum of 70 percent of the wall length. A horizontal element shall define the first floor and the second floor. The required horizontal articulation may be achieved by using one of the following methods:

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- a. A molding, ornamental trim, window casing or sill that projects a minimum of three inches from the primary wall surface, and/or
- b. A setback in the primary wall plane at the second and/or third floor level, a minimum of five feet from the floor below, and/or
- c. A permanently affixed canopy, extending a minimum of four feet from the building face, and/or
- d. A horizontal fascia that defines floor structure between the first and second floors, and/or
- e. An eave of a porch, portico, or other similar element, which extends a minimum of 18 inches from the building face.

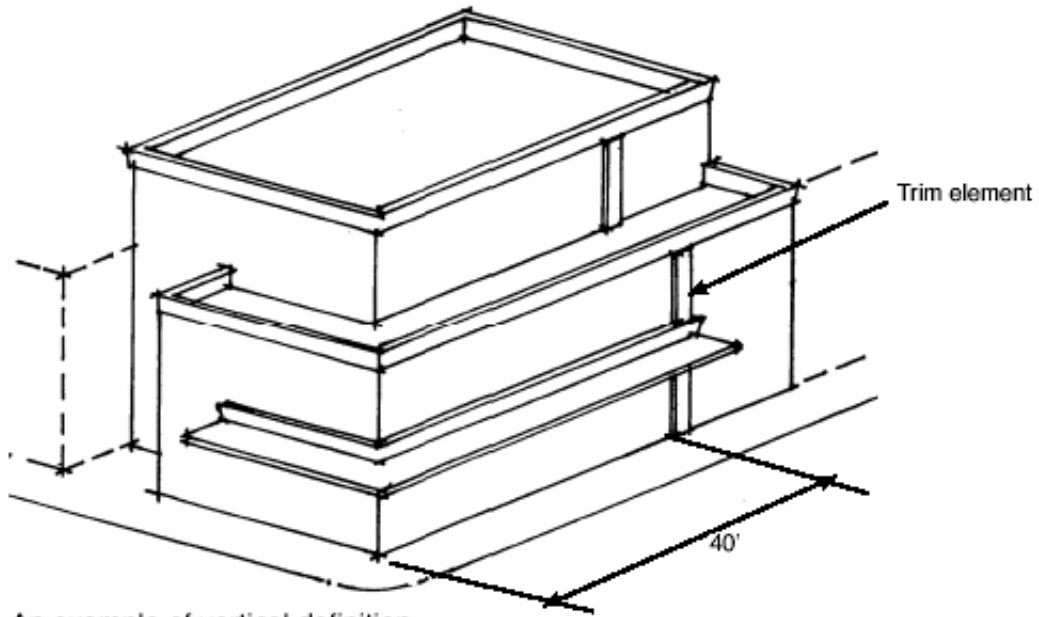


Examples of horizontal definition achieved through use of moldings, changes in wall plane, canopies and a spandrel beam. The moldings and canopies shown would each independently meet the requirement for horizontal articulation extending 70 percent of the wall length.

2. Vertical definition of building modules. Vertical definition shall be provided at a minimum of every 40 feet of facade length, using one or more of the following methods:
 - a. A molding, ornamental trim, or window casing projecting a minimum of three inches from the primary wall surface and is a minimum of three inches wide, and/or
 - b. A setback in the primary wall plane a minimum of three feet from the building face and for a minimum width of three feet.

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An example of vertical definition

3. Primary entrance. The primary public entrance of a building shall face a street and be directly linked to a public sidewalk. It shall be positioned no more than five feet above the finished grade at the front of the building.
 - a. Buildings shall incorporate lighting and changes in mass, surface, or finish to give emphasis to entrances.
 - b. Buildings shall incorporate arcades, roofs, alcoves, porticoes and/or awnings at public entrances that protect pedestrians from the rain and sun.
4. Transparency. A minimum percentage of any wall facing a public street shall be transparent glass and shall be provided as follows:

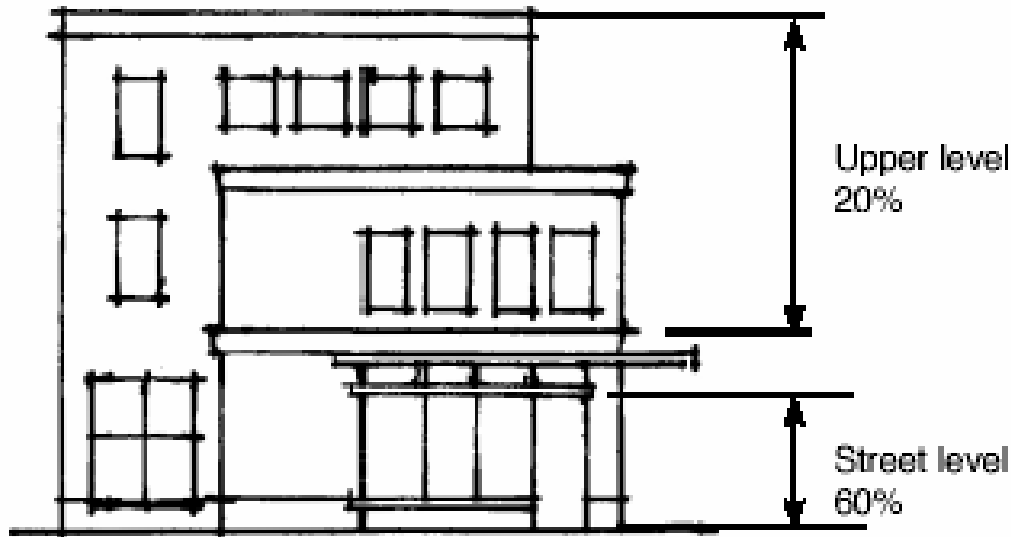
Design Area	Street Level min. %	Upper Levels min. %
Downtown Historic District	60%	20%
West Downtown	50%	20%
East Downtown	50%	20%
Dougherty Street	30%	20%
River	30%	20%

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West End	30%	20%
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- a. Transparency at the street level shall be measured from the finished grade at the street to ten feet above grade for the entire width of the wall.
- b. The following alternative design treatments may be used, singularly or in combination, to meet half of the transparency requirement at the street level:
 - (1) A display case, defined as a box with transparent glass facing the street with a solid panel behind for display of products and images of goods and services offered in the area.
 - (2) Wall art, including murals, sculptural and other decorative treatment of exterior walls.
 - (3) Landscaping, which is to be at least three feet high at the time of planting and of a type that will produce an opaque, evergreen planting screen capable of growing to a height of at least six feet within three years.
- c. Windows must allow views into working areas or lobbies, pedestrian entrances or display areas.



- 5. *Building materials.* No more than 25 percent of a wall surface, singularly or in combination, may be of plaster, stucco, or metal sheet siding. Metal siding shall be prohibited on the first floor. Plain concrete block (CMU), synthetic stucco (e.g., EFIS), mirror glass, and glass with less than 60% VLT (Visual Light Transmission) are prohibited exterior building materials.
- 6. All properties in the "C-D" zone shall have a minimum floor area (FAR) ratio of 0.40. Expansions of existing development for which at least 50 percent of the original structure is retained are exempt from the minimum FAR. Plazas and pedestrian areas, conforming to the standards of section 9-25-8-F.2, shall count as floor area for the purpose of meeting the minimum FAR. Reductions of the lot area calculation shall be allowed for flood plain, bodies of open water,

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wetlands, riparian buffers, slopes greater than 25 percent, buffers required by [section 9-15-3](#), and public utility easements, if these areas remain vegetative or landscaped.

- E. *Alternative compliance.* Except for properties within the Downtown Historic District, applicants may request alternatives to compliance with the design standards of this section through a design review process guided by the separate Alternative Compliance Guidelines for the C-D Zone. Applications for alternative compliance will be processed through the Type III procedure described in Chapter 9-4 (Procedures). The Planning Commission shall review alternative compliance applications in light of any comments received from the public, the intent of the standards of this section, and the applicable design guidelines. An alternative compliance application may be approved upon a finding by the Planning Commission that:
1. The request would result in public benefits greater than any negative impacts; and
 2. The request is consistent with the goals, objectives, and policies set forth in the Comprehensive Plan of Athens-Clarke County; and
 3. The request is consistent with the attributes of the Downtown and of the Design Area described in the Alternative Compliance Guidelines; and
 4. The request conforms to the relevant Alternative Compliance Guidelines.

Projects located within the Downtown Historic District shall be reviewed by the Athens- Clarke County Historic Preservation Commission and be subject to their approval as well as meeting the criteria established in this title. In the event of a conflict between C- D Zone Design Standards and the decision of the Historic Preservation Commission, the historic preservation ordinance shall apply.

(Ord. of 6-5-2007, § 5; Ord. of 2-3-2009, §§ 1, 2)