

CHAPTER TWELVE

COMMERCIAL AND OFFICE DISTRICTS

ARTICLE I, NEIGHBORHOOD SHOPPING DISTRICT (NS):

12-1.1 **Purpose and Intent.** Several areas have been designated as appropriate for development as neighborhood activity centers. Some neighborhood activity centers exist and are developed or developing according to a conventional automobile-dependent model for suburban shopping centers. It is the intent of the County that existing neighborhood shopping districts be encouraged, as additional development and redevelopment occurs within them, to be retrofitted as neighborhood activity centers, consistent with design guidelines for activity centers specified in this Chapter. ~~New neighborhood shopping districts may be established around intersections indicated on the Comprehensive Plan, Land Use Element, subject to conformance with design guidelines for activity centers specified in this Chapter.~~

Neighborhood shopping districts are activity centers that provide convenient commercial developments that serve residential areas within an approximate one-half mile radius. Generally, the uses permitted to locate in NS districts are those that have an economic threshold of 5,000 population or less. Some uses that are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. In any given location, NS districts are not intended to exceed ten acres of land or a total gross leaseable floor area of more than 75,000 square feet, and in many cases they are not that large in area or square footage. Individual establishments do not exceed 10,000 square feet. Neighborhood shopping districts contain uses of low intensity when compared to urban village districts and commercial business districts.

This district is intended to discourage the random sprawl of commercial development by concentrating neighborhood-serving businesses in activity centers at road intersections rather than in a strip or linear pattern, and to limit commercial and other uses to those that do not compete with the continued development of urban villages. Objectives of the neighborhood shopping district are to encourage new smaller-scale activity centers that have definable edges, to locate shops and services at high visibility places, and to require that new buildings respect the scale and design of existing neighborhoods and fit into the streetscape. Some of the residential areas served by neighborhood shopping districts are within walking distance, and therefore, pedestrian access is facilitated and off-street parking is restricted.

Development within the NS district is subject to the general site development and design regulations and is further encouraged to adhere to the design guidelines for activity centers.

12-1.2 **Permitted and Conditional Uses.** As provided in Table 12.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

12-1.3 **Performance Standards.** As provided in Table 12.2.

12-1.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. In addition, development within the NS district should adhere to the design guidelines for activity centers as specified in Chapter 13. However, newly established NS districts are expected to substantially conform to the design guidelines for activity centers.

ARTICLE II, URBAN VILLAGE (UV):

12-2.1 **Purpose and Intent.** These districts are intended to provide mixed use centers of moderate intensity, including primarily commercial developments that serve the recurring weekly shopping and service needs of residential areas within an approximate one and one-half to two-mile radius. Generally, the uses permitted to locate in the UV district are those that have an economic threshold of between 10,000 and 40,000 population. In any given location, UV districts are not intended to exceed seventy-five acres of land. UV districts do not exceed a total gross leaseable floor area of more than 300,000 square feet for retail and service uses. Individual establishments do not exceed 60,000 square feet. "Big box" retail is not considered appropriate in urban village zoning districts unless reduced considerably in scale and intensity and developed according to design guidelines for activity centers. UV districts contain uses of approximately twice the intensity of NS districts but of lower intensity when compared to the Commercial Business zoning district (CBD).

Urban Village zoning districts are intended to discourage the random sprawl of commercial development by concentrating businesses in focus areas at road intersections rather than in a strip or linear pattern. Objectives of the urban village zoning district are to accommodate the automobile but provide environments that facilitate pedestrian

access. The urban village should be pedestrian friendly and human scaled, with wide sidewalks, period furnishings and lighting, and landscape planting. Pedestrian safety must be facilitated with crosswalks, crossing lights, and shelters. Vehicular traffic should be slowed within the district and parking developed on-street where permitted and off-street.

Urban villages provide for a mixture of compatible land uses. Some uses that are not retail or service in nature are also allowed so a variety of uses may locate in existing buildings. This district may also include cultural and social activities, museums, and theaters. Objectives of UV districts are to encourage activity centers that have definable edges, to locate shops and services at high visibility places, and to provide for an attractive building arrangement and streetscape.

12-2.2 **Permitted and Conditional Uses.** As provided in Table 12.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

12-2.3 **Performance Standards.** As provided in Table 12.2.

12-2.4 **Site Development Regulations.** As provided in Chapter 12, Article 10. In addition, development within the UV district should adhere to the design guidelines for activity centers as specified in Chapter 13. However, newly established UV districts are expected to substantially conform to the design guidelines for activity centers.

ARTICLE III, COMMERCIAL BUSINESS DISTRICT (CBD):

12-3.1 **Purpose and Intent.** This district is intended to provide for the more intensive commercial uses that serve the weekly and less frequent shopping and service needs of the locality and region. Commercial business districts permit uses of approximately twice the intensity of village activity center districts. While the size of establishment is unlimited, those developments that are 75,000 square feet or greater are limited to location criteria as defined by 12-11.4(c) and 12-12.3. Development is expected to be generally auto-accommodating, although adequate provision should be made for pedestrian and bicycle access per the Bicycle Transportation and Pedestrian Plan and for public transit where appropriate.

~~Where the Future Land Use map shows Activity Center designations, pedestrian-oriented provisions are a requirement for rezoning (Chapter 13 offers guidelines). Furthermore, Activity Center areas are intended for mixed-use developments. Zoning applications for these areas should limit individual establishments to less than 100,000 square feet (per Comprehensive Plan Chapter 7 land use definitions). As such, a CBD zoning is not always appropriate for Activity Center areas. Similarly, where the Future Land Use map indicates Corridor Transitional, re-zoning applications shall be considered for CBD only where applicant demonstrates elements that integrate the development with adjacent uses either through architecture, buffers, landscaping or other controls to minimize the impacts on surrounding lower intensity land uses, including conditions that limit uses to lower intensity activities.~~

12-3.2 **Permitted and Conditional Uses.** As provided in Table 12.1; and subject to the following provisions which apply to all uses in this district:

(A) A conditional use is required for any establishment conducting around the clock business hours. Certain specific uses are regulated by Chapter 16.

12-3.3 **Performance Standards.** As provided in Table 12.2 and when applicable, per Articles 11 and 12.

12-3.4 **Site Development Regulations.** As provided in Chapter 12, Article 10 and when applicable, Articles 11 and 12. Newly established CBD districts are not required to conform to Chapter 13, design guidelines for activity centers. However, the principles and guidelines for activity centers may be considered in the rezoning process for CBD zoning districts to ensure compatibility with adjacent residential neighborhoods.

ARTICLE IV, HIGHWAY BUSINESS DISTRICT (HB):

12-4.1 **Purpose and Intent.** These districts are intended to provide commercial activities specifically designed to serve patrons from automobiles and to serve automobile needs. Development in the highway business district is expected to be predominantly auto-accommodating. The County's intent in establishing this district is to provide for highway commercial developments while improving their appearance and function. A string of freestanding businesses leads to an anonymous character of most highways. This district is intended to provide for the gradual visual improvement of commercially developed corridors. Improvements and new development within this district must be consistent with general site development and design regulations that are designed to improve views from the roadway and provide for enhanced treatment of roadway edges. Strip commercial revitalization

Furthermore, within newly emerging centers of commercial activity, large-scale retail development plays an important role in defining the direction of the community character. In the absence of previously adopted Overlay Design Standards regulating sites for new large-scale retail, prior to the issuance of a land-disturbance permit, applicants shall work with Planning Staff to establish an architectural theme for the area in keeping with surrounding characteristics and/or with ~~the Sub-Area Vision goals~~ documented in the Comprehensive Plan. The architectural theme area shall be the subject of a future overlay designation to be defined by the Board of Commissioners.

12-11.2 **Restrictive Covenants.** For individual retail establishments 75,000 square feet or greater, a landlord shall not be permitted to enter into a lease agreement whereby the landlord is precluded from marketing and renting to future lessees once a tenant has vacated the premises. Once a tenant has vacated the premises, the landlord shall be free to market to any person or company allowed by County codes.

12-11.3 **Delivery and Garbage Pick-Up.** Hours for truck delivery or for garbage pick-up services shall be limited to the hours between 7:00 a.m. and 9:00 p.m. Trucks shall turn off their engines during deliveries; trucks with refrigeration units may be exempt from this provision. Signs posted in delivery area shall advise truck drivers of this requirement.

12-11.4 **Infrastructure Requirements.**

- (A) **Availability of Sewer.** Large-scale retail establishments shall be served by either Public Sewer, or an existing Private Sewage Treatment Plant. Private Sewage Treatment Plant service shall only be approved if the proposed site was approved by the Forsyth County BOC as part of the service area for the Private Plant. If the property where the development is to be located is already correctly zoned, proof of sewer availability must be demonstrated prior to a land disturbance permit being issued. If the property needs to be rezoned or obtain sketch plat approval, the applicant for the rezoning/sketch plat approval must demonstrate sewer will be available within one year of the rezoning/sketch plat request being approved or by the time a land disturbance permit is issued, whichever is sooner. In no case shall a Certificate of Occupancy be released without existing, operational access to off-site sewage treatment.
- (B) **Traffic Study.** A traffic study is required for all large-scale retail development. Two copies of said traffic study shall be submitted with all rezoning requests and/or sketch plat applications for approval by the Director of Engineering. If rezoning or sketch plat approval is not required, two copies of a traffic study shall be submitted with an application for a land disturbance permit. Based on the approved traffic study, the Forsyth County Master Transportation Plan, and any other local, state or federal requirements, the Director of Engineering shall determine all necessary road improvements to be completed.
- (C) **Access Road Classification.** Additionally, individual retail establishments 75,000 square feet or greater shall not be accessed via Minor Collector or Local Streets, as classified by the Master Transportation Plan, unless there is also frontage on a road of higher classification (Arterial, Highway, etc). Under exceptionally unusual circumstances, if there already exists a concentration of commercial activity, the Director of Engineering may waive the road classification criteria based upon documentation that road improvements with identified funding sources will accommodate anticipated project-generated traffic volume to the degree that LOS D or better is maintained for the affected road segment.

12-11.5 **Site Design Guidelines and Requirements.**

- (A) **Open Space.** A minimum of twenty percent (20%) of the site shall be landscaped open space.
- (B) **Location of Loading and Unloading Areas.** All areas and facilities devoted to loading and unloading of goods and merchandise shall be located to the side or rear of the building and lot. Location should be restricted, however, to whichever location does not abut a residentially zoned property, if applicable.
- (C) **Outdoor Storage and Display.** Neither parking lots, nor areas immediately adjacent to the buildings other than garden center uses shall be used for storage or sale of goods. Garden center goods shall be within areas enclosed by decorative fencing and be at least partially screened. Display or sale of goods outside the interior permanent and sheltered portions of a building is prohibited. Exceptions to this provision include: seasonal holiday trees, seasonal sales of nursery supplies, and pumpkin sales. In no instance shall outdoor display obstruct sidewalks or otherwise impede pedestrian movement to entrance of the store.
- (D) **Setbacks and Buffer, adjacent to residentially zoned parcels.** If the subject property abuts a residential, OR, A1, or AG-Res district, the following minimum side or rear setback and buffer requirements apply:
 - (1) The minimum setback shall be 100 feet, the first 50 feet being an undisturbed buffer, which shall meet the requirements of the Forsyth County Buffer Standards.
 - (2) To ensure that a visual buffer is achieved, the County may or may not require the installation of a four-foot high earthen berm with plantings per the Forsyth County Buffer Standards. The County Arborist will make the determination of a berm requirement based upon a review of the Tree

12-12.1 **Re-use of Properties.** Plans for the removal or adaptive re-use of the principal structure governed by this ordinance shall be made should the facility not be used for commercial retail purposes for a period of 24 consecutive months.

The owner and/or lessee meets the intent of this section if he or she provides an executed lease, a sale agreement or evidence of a pending lease/sale agreement (executed within 24 months), or executes an adaptive reuse agreement with the County.

12-12.2 **Vacancy Maintenance Requirements.** In addition to maintenance requirements established by UDC 10-1.14, owner shall provide security patrols on the site to deter vandalism or other illegal activities on the property.

12-12.3 **Location Criteria.** Individual retail establishments 75,000 square feet or greater may only locate on property that is properly zoned and meets the location criteria established herein. Establishments under the same corporate ownership proposed on the same development site but with separate structures aimed to defeat the intent of this Code may still be limited to this location criteria, per administrative decision by the Planning Director. In addition to the items established in Chapter 8 of this Code, for considering zoning amendments, the following will be considered to evaluate approval or denial of proposed large-scale retail use:

~~(A) Areas identified by the Future Land Use map as Activity Center use are generally not appropriate for individual large-scale establishments that are 75,000 square feet or greater and the Comprehensive Plan explicitly states nothing greater than 100,000 square feet should be considered within Activity Centers; applicant must demonstrate exceptional efforts for pedestrian-oriented and village-center oriented site design for this use to be considered appropriate within Activity Center designations.~~

(B) Individual establishments 75,000 square feet or greater shall not be adjacent to existing residential subdivisions composed of 30 lots or more, except that this prohibition shall not be applicable if along the shared property line a 150 foot setback is provided, of which 100 feet shall be an undisturbed buffer. Furthermore, the undisturbed buffer shall be augmented with plantings per the County Buffer Standards if existing vegetation does not achieve the intended visual screen.

ARTICLE XIII. ADDITIONAL LOCATION AND ZONING REQUIREMENTS FOR COMMERCIAL ESTABLISHMENTS IN SOUTH FORSYTH:

12-13.1 **Intent.** The intent of this article is to provide a set of design standards that elevate the quality and durability of commercial construction permitted in south Forsyth County. This article aims to enhance a sense of place, inspire a variety of building appearances, and address Comprehensive Plan character area goals including enhancing the relationship between buildings and the street while providing improved connectivity to the community.

12-13.2 **Delineation of South Forsyth.** The South Forsyth design standards set out in this Article shall apply to all properties located within the area indicated in Figure 7, the boundary of which area is described as follows: Beginning at the point where McGinnis Ferry Road meets the eastern boundary of the County, following McGinnis Ferry Road west (generally) to US 19/GA 400, then following US 19/GA 400 northeast (generally) to the City limits of Cumming, Georgia, then following the City limits of Cumming, Georgia northeast (generally) to the northern boundary of the Haw Creek and Daves Creek character area as depicted in the July 6, 2017 Forsyth County Comprehensive Plan 2017-2037, then following said northern boundary east (generally) to the eastern boundary of the County, then following the eastern boundary of the County south (generally) to McGinnis Ferry Road and the point of beginning.

12-13.3 **Design Plan Administrative Review.** Design review for development that meets the applicability requirements of section 12-13.4 shall be performed by staff. All plans shall address and conform to all provisions set forth under Chapter 12, Article XIII. Any numerical nonconformance to the standards contained within this Article shall require the submittal of a variance application in accordance with Chapter 8, Article VI. Should a design not meet all of the non-numerical standards contained within this Article, then the proposed design must be submitted, for public hearing, to the Forsyth County Board of Commissioners for review and approval as an Alternate Design. In considering whether to approve such Alternate Design, the Board of Commissioners shall consider the Special Considerations set forth in section 8-5.5(F)(2)(b) of this Code. Architectural elevations, exterior finish schedules and sample boards, landscape plans and lighting plans for lighting not attached to buildings must be submitted to the department at the time of application for a land disturbance permit. Lighting plans for fixtures attached to building exteriors must be submitted at the time of application for a building permit. See Chapter 7 and Chapter 18 for land disturbance and building permit procedures.