

BUSINESS DISTRICT CLASSIFICATIONS

SECTION 21

B-1 (NEIGHBORHOOD BUSINESS) ZONE

21-1 Permitted Uses:

- (a) Any use permitted in the P-1 (Professional/Office) Zone or the R-3C (Multiple-family Residential) Zone subject to the restrictions and regulations of the respective Zone.
- (b) The following uses are authorized in a B-1 Zone:
 - (1) Apparel store
 - (2) Bakery
 - (3) DELETED.
 - (4) DELETED.
 - (5) Dry cleaning and laundry establishment, excluding steam and power laundries, operated in conjunction with customer service counters and limited to the dry cleaning and laundering of articles delivered to the premises by individual customers provided, however, that no materials may be used in any laundering or cleaning process which are explosive, inflammable, combustible, or toxic in greater degree than Perchlorethylene or equivalent, and provided further that no odor, fumes, or other nuisance producing agents are expelled in such a way as to be detectable beyond the property line of the property used for such businesses.
 - (6) Medical equipment and medical supply store
 - (7) Drive-in type retail business where a customer is waited upon in an off-street parking area, or where a customer conducts business directly from a vehicle with an agent in the building.
 - (8) Drug store
 - (9) Dry goods or notions store
 - (10) Florist or gift shop
 - (11) Grocery, fruit or vegetable market
 - (12) Hardware or electric appliance store
 - (13) Jewelry store
 - (14) Health spa, tanning booth, massage therapy establishment
 - (15) Meat market or delicatessen
 - (16) Motel
 - (a) DELETED.
 - (b) There shall be staff or management on duty 24 hours per day 7 days per week;
 - (c) Each guest room shall have a minimum area of 280 square feet;
 - (d) No business license shall be issued for any business operated from any guest room; and
 - (e) No more than half of the total number of guest rooms shall have kitchenettes or any kitchen facilities.
 - (17) Music store
 - (18) Newsstand
 - (19) Video rental store

- (20) DELETED
 - (21) Photographer (including sale of supplies and equipment)
 - (22) *Café having a seating capacity of less than 40 persons and conducted consistent with Section 6-2-52 of the Augusta Georgia Code thereby regulating alcohol licenses for eating establishments. Restaurant having a seating capacity of at least 40 persons and conducted consistent with Section 6-2-52 of the Augusta Georgia Code thereby regulating alcohol licenses for eating establishments.*
 - (23) DELETED.
 - (24) Shoe store and shoe repair shop
 - (25) Supermarket
 - (26) Tailor
 - (27) Variety store
 - (28) Churches, parochial and private schools, transitional housing, family day care homes, adult day care facilities, private hospitals, clubs (public and private), and nursing homes. These uses are also permitted by Special Exception in other zones discussed in Section 26-1 of this Ordinance. Uses which would in any way involve detained persons, or persons who would be or have been released from correctional facilities such as halfway homes, or similar uses that in any way relate to corrections or incarceration may not be permitted by right in the B-1 zone.
 - (29) Veterinarian Clinic (no outside kennels allowed)
 - (30) Deleted May 2013
 - (31) Establishments having less than three video electronic games or amusements on site in conjunction with a permitted use other than a use specializing in or characterized as a video electronic game room, arcade, or similarly defined establishment. Where the property line of the permitted use is located within 1500 feet of any property line of any private or public educational institution having all or some combination of grades kindergarten through twelfth, no electronic games or amusements are allowed.
 - (32) *Construction Trailers Subject to the following:*
 - a) *A Manufactured Home permit shall be acquired from the Augusta Planning and Development Department;*
 - b) *The location for the Construction Trailer shall be shown and approved on a Site Plan. Said location shall be as far removed from and buffered from residential areas and public streets as practical;*
 - c) *The Construction Trailer shall be tied down and underpinned; and*
 - d) *The Construction Trailer shall be removed from the property prior to issuance of a Certificate of Occupancy.*
 - (33) Group day care homes and day care centers.
- (c) The above specified businesses, stores, or shops shall be retail or service establishments only.
 - (d) Any business which is similar in character or nature to the above mentioned uses upon approval and resolution of the Augusta, Georgia Planning Commission may be permitted in a B-1 Zone.

- (e) Shopping Centers: The petitioner shall submit to the Augusta Planning and Development Department a preliminary development plan for the shopping center showing the arrangement of the buildings, off-street parking, internal traffic movement and service facilities which are feasible for the property on which the center is to be located. The petitioner shall plan the center to minimize any adverse effects on the property surrounding the proposed development. The preliminary plot plan shall show the following:
- (1) Topographic features of the proposed development and the area within two hundred (200) feet of the center.
 - (2) Proposed off-street parking layout.
 - (3) Loading zones.
 - (4) Planting areas.
 - (5) Driveways, entrances, and exits.
 - (6) General drainage system.
 - (7) Sign locations.
 - (8) Walkways.
 - (9) Water and gas mains.
 - (10) Power source.
- (g) Lodging or Boarding House – subject to performance standards established in Section 26-1 (u)
- (h) All allowable uses in the B-1 zone shall be subject to the dumpster requirements in Section 21-3.

21-2 Special Exceptions:

The following may be permitted in a B-1 Zone by Special Exception:

Application for such a Special Exception shall include a Conceptual Plan showing the size and elevation of all buildings to be built on the site, proposed ingress and egress, buffering if any beyond the minimum requirements of the Tree Ordinance, and all proposed sign locations. The proposed use of the property shall also be disclosed.

- a) **Individual buildings** - Individual buildings, whether freestanding or attached as part of a shopping center or similar group of buildings, which would exceed 15,000 gross square feet of area may be permitted by special exception in B-1 zones if they generally conform to the following subjective and objective criteria:
- Surrounding area – the nature of the surrounding area is not predominantly residential with only a few commercial uses interspersed;
 - Location – the property is located at or within 500 feet of the intersection of two arterial streets
 - Nature of the use – the goods and services to be offered cater generally to the surrounding area such as a drug store or a grocery store, not to the city as a whole such as a large appliance store.
- b) **Convenience Stores** - Convenience stores may be permitted by Special Exception in B-1 zones if they generally conform to the following subjective and objective criteria:

- Hours of operation – the establishment would not be open for business more than 18 hours per day
 - Illumination – the entire site would not be illuminated as a way to attract attention, but rather to a level consistent with security and identification of the business
 - Location – the property is located at or within 500 feet of the intersection of arterial streets or within 500 feet of such an intersection
 - Surrounding area – the nature of the surrounding area is not predominantly residential with only a few commercial uses interspersed
 - Video games/Amusements - video games/nor similar amusements are to be located on the property
- c) **Liquor Store** – Liquor stores may be permitted by Special Exception in B-1 zones if they generally conform to the following subjective and objective criteria:
- Surrounding area – the nature of the surrounding area is not predominantly residential with only a few commercial uses interspersed;
 - Location – the property is at the intersection of two arterial streets or within 500 feet of such an intersection;
 - Proximity to public places – the property is not within 1000 feet of a public park or recreation area, school or library
- d) A **Tavern** having a seating capacity of less than 40 persons conducted consistent with Section 6-2-51 of the Augusta Georgia Code thereby regulating alcohol licenses (excluding dancing and entertainment).
- (e) **Special Entertainment Permit** with the following restrictions:
- The permit is nontransferable;
 - The permit is subject to renewal annually by the Augusta Commission.
 - Pursuant to Augusta City Code, Chapter 6 – Noise, Section 3-6-2 – Noises Enumerated.

21-3 Dumpsters: Trash and recycling collection services must be provided for all B-1 uses. Trash and recycling collection services shall use stationary containers, commonly known as dumpsters and recyclable material bins.

Collection trucks must be able to easily access dumpsters and recyclable material bins. These collection vehicles must be able to enter, service a dumpster or recyclable material bin, back up and depart without having to make unnecessary maneuvers. The path of these collection trucks shall not be obstructed by parked vehicles, medians, curbs, buildings, or other obstructions. Collection trucks must be able to lift the dumpster or recyclable material bin without obstruction from overhead wires or tree limbs.

Dumpsters may not be placed on public streets, allies, sidewalks or any public property. The vehicle approach and container must be on the same grade in order to be serviceable.

Size of Dumpsters:

- (1) A 2-yard dumpster (that will hold up to 400 pounds) must be provided for small-volume businesses, such as offices with less than 20 employees, boutiques, or coffee shops and restaurants serving roughly 100 customers a day;
- (2) A 4-yard dumpster (that will hold up to 800 pounds) must be provided for medium-size businesses, including companies with up to 100 employees; retailers, entertainment venues, and government offices occupying less than 5,000 square feet; convenience stores, and mid-size restaurants; and rental properties, multi-family dwellings and multi-story condominiums with less than eight (8) units;
- (3) A 6-yard dumpster (that will hold up to 1200 pounds) must be provided for schools, retail spaces of up to 10,000 square feet in size, office spaces occupying up to 15,000 square feet, hotels, large offices and retail plazas; and rental properties, multi-family dwellings and multi-story condominiums with eight (8) to sixteen (16) units;
- (4) An 8-yard dumpster (that will hold up to 1600 pounds) must be provided for universities, hotels and large retailers occupying up to 25,000 square feet; offices with up to 500 employees; grocery stores, shipping centers and manufacturing facilities; and rental properties, multi-family dwellings and multi-story condominiums with 17 - 24 units.
- (5) Larger commercial facilities must provide the same square footage to dumpster ratio as stated above. Rental properties, multi-family dwelling units and multi-story condominiums with more than 25 units must provide the same unit to dumpster ratio as stated above.

Dumpster sizes are calculated on once-a-week pick and dumpster size may be reduced by the Planning Commission with a written agreement for more frequent pick up.

Dumpsters and recyclable material bins must be placed on a concrete surface large enough to support the container and the front wheels of the collection truck. No dumpster or recyclable material bin may be placed in a required parking space, within 10 feet of a fire hydrant or fire suppression connection, on any sidewalk (whether public or private), within any right-of-way (whether public or private), or in such a manner as to obstruct sight distances of vehicular traffic or traffic movement.

Dumpster or recyclable material bin enclosures must be at least 12 feet wide to allow for adequate access for collection trucks. Enclosures with more than one container should add 10 feet of width per additional dumpster. Doors for such enclosures must be constructed so that the doors remain open while the dumpsters / bins are being serviced. If screening materials are placed around the enclosure, there must be two (2) fixed barrier guard posts placed on any side of the enclosure (excluding the front) subject to traffic movement.

All dumpsters or recyclable material bins must either:

- Have a roof, or
- Have a drain that ties to the sanitary sewer.

21-4 DELETED.

21-5 Maximum height of buildings in a B-1 Zone shall not exceed three (3) stories nor exceed fifty-five (55) feet in height.

21-6 Setbacks:

- (a) **Front Setback:** The front yard setback requirements in Section 8 shall apply to the B-1 (Neighborhood Business) Zone.
- (b) **Side Setback:**
 - (1) Where the side yard of a lot in a B-Zone abuts the side of a lot in an R-Zone, there shall be a side yard of not less than five (5) feet for each story of twelve (12) feet in height, but such side yard shall not be less than ten (10) feet in width. In all other cases, a side yard for a commercial building shall not be required, but if provided, it shall not be less than three (3) feet in width.
 - (2) On a corner lot in a B-Zone which abuts an R-Zone, there shall be provided a side yard on the side street equal in depth to the required front yard on said side street.
- (c) **Rear Setback:**
 - (1) Where the B-Zone abuts an R-Zone, there shall be a rear yard the greater of twenty (20) percent of the depth of the lot or twenty (20) feet, but such rear yard shall not exceed fifty (50) feet. In all other cases no rear yard shall be required, but if provided, it shall not be less than three (3) feet in depth.

21-7 Maximum Individual Building Area:

No individual building, whether freestanding or attached as part of a shopping center or similar group of buildings, may be constructed in excess of 15,000 gross square feet in area after the effective date of the Ordinance amendment, except as provided for at 21-2(a).

21-8 Special Exceptions

Any use established as a result of a Special Exception granted per Subsection 21-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta Planning and Development Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

21-9 Conditional Use Permit:

- (a) Brewpub
- (b) Pico Brewery

Performance Standards:

- a) **Licensing:** The applicant shall obtain all necessary state and local level licensing for the production, wholesale and retail sale of alcoholic beverages;
- b) **Production:** For the purposes of retail sales, consumption on premises or package goods, the State of Georgia has set a limit of 500 barrels for distilled spirits and 3,000 barrels for malt beverages. Package sales are limited to three 750 milliliter bottles of spirits and 288 ounces of malt beverage per person per day. The Augusta Commission may further limit the sales per the approval of the Conditional Use Permit.
- c) **Off-Street Loading and Unloading:** The facility shall provide for off-street loading and unloading for all trucks greater than 22 feet in length. In the absence of a loading area, the Planning Commission may impose limits on deliveries or shipments using public-rights-of-way including the number of trucks per day and hours permitted. Loading docks shall be located and designed so as not to be visible from adjoining public streets;
- d) **Parking:** Off-street parking shall be provided in accordance with the requirements set forth in Section 4-2(d)(10) or 4-3(c)(l) of this Ordinance;
- e) **Signage:** Signage shall be provided in accordance with the requirements set forth in Sections 28-B-8 and 28-B-9 of this Ordinance.
- f) **Outdoor Storage:** There shall be no outdoor storage with the exception of solid waste handling which occurs in an enclosure fully screened from adjoining streets;
- g) **Odors:** The operator shall install all standard or necessary equipment so that detectable odors coming from the business are eliminated from the property to prevent a public nuisance;
- h) **Water and Sewerage:** The facility shall be serviced by public water and sewer. At no time will a septic system be considered adequate;
- i) **Hours of Operation:** The applicant shall identify hours of operation both for production and service to the public.

Application for Approval: All applications for a Conditional Use Permit shall be accompanied by the following:

- a) A Site Plan, to scale, of the property showing all parking and loading areas, trash enclosures, buffers and other improvements;

- b) A floor plan showing all seating, production and storage areas and loading docks;
- c) A letter of intent describing the proposed use/project - to include hours of operation;
- d) Notarized copy of the property owner's signature permitting the applicant to act as agent when not the owner;
- e) Photographs of site/building.

Conditional Use Permit:

Any use, established as a result of the granting of a Conditional Use Permit must be initiated within six (6) months of the granting, or it shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta Planning and Development Department or by other reasonable proof of the establishment of vested rights. If a Conditional Use Permit is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Conditional Use Permit shall no longer be valid.

Amended April 2020 - Dumpsters

Amended August 2018 – Section 21-1 Lodging or Boarding House

Amended August 2017 – Brewpub and Pico Distillery, Conditional Use Permit

Amended June 2017 - added to Special Exception (e) Special Entertainment

Amended Sept. 2013 – added 21-1(33) Group Day Care Homes and Day Care Centers

Amended May 2013 – deleted 21-1(30) Group Day Care Homes and Day Care Centers

Amended Sept. 2004, Section 21-8

Amended January 2005 – Section 21-1 (b)(32)

Amended May 2009 –Section 21-2

Amended July 2011- Section 21-1(b)

Amended July 2011 – Section 21-2(d)