



Steps for Opening a Business

If you are contemplating opening a business within the city limits of Athens, Alabama, be it a home office, a brick and mortar store, or an industry, this document explains steps to accomplishing that goal. This document only applies to businesses that have a physical address located within the city limits of Athens, Alabama. This only gives steps that are for the Athens City government’s end, and does not include any steps for state or federal licensing.

Contacts

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| Building Inspection Department256-233-8715 | Athens Public Works 1600 Elm St. West Athens, AL 35611 |
| Engineering Services and Community Development Department (ESCD)256-233-2224 | |
| Sanitation Department 256-233-8747 | |
| City Clerk’s Office 256-233-8720 | Temporary City Hall 2 nd Floor 1806 Wilkinson Street Athens, AL 35611 |
| Athens Utilities Customer Accounts 256-233-8750 | Athens Utilities Customer Accounts Office 508 Jefferson Street South Athens, AL 35611 |

Selected Resources

City of Athens website

The City of Athens’ website has many of the forms, applications, rules and regulations that are necessary for opening a business. You will not find the International Building Code or the International Fire Code on the City of Athens’ website.

Zoning Ordinance

www.athensal.us

Code of Ordinances
Traffic Circulation Standards

Planning Commission Meeting Dates
Zoning Board of Adjustment Meeting Dates

Site Plan Review Process and Application



Office of the Mayor

P.O Box 1089
Athens, AL 35612
(256) 233-8730
Fax (256) 233-8721

WILLIAM R. MARKS
Mayor

Rmarks@athensal.us
www.athensal.us

Dear Business Owner,

Thank you for choosing the City of Athens to conduct business. The investment of your time, money, and hard work, are very important, and we want to ensure that you have the resources needed to be successful. The investment that you make will create jobs, provide services for our citizens, and promote our city to all who shop at your business.

It is the city administration's job to ensure that all regulations and requirements are met when a business license is issued. The following list is intended to provide a better understanding of the steps required and to make the process easier. Depending on the type of business you are starting, some of these steps may not pertain to you. If you have questions, or need additional information, please contact the appropriate city department for assistance.

As Mayor, I am delighted to welcome your business to our city, and thank you for choosing Athens for your endeavor. Our hope is to assist you with meeting your goal of establishing your business in Athens.

Sincerely,

William R. Marks
Mayor

PLEASE NOTE: These rules only apply to property located within the City of Athens. Due to Amendment 643 of the Alabama Constitution (ratified January 6, 1999), the City of Athens does not have planning or zoning jurisdiction outside of the City Limits. All property annexed into the City of Athens has a Zoning District. You may check the [City Limits Map](#) on the City’s website under the Community Development (Planning) Section.

Steps

1. Determine Zoning District

Contact: Engineering Services & Community Development Department (ESCD) – (256) 2332224

Zoning Districts dictate what uses are appropriate in a particular location. To determine your zoning district, see the [Zoning Map](#) on the City’s Website under the Community Development (Planning) Section. If the Zoning District is unclear, please contact the ESCD for a determination.

- a. **Residential Zoning District** —City regulations permit home occupations that “preserve the peace, quiet and tranquility of residential neighborhoods, and[...]ensure the compatibility of such uses with other uses permitted within the same district”(Zoning Ordinance § 12.1.1)
 - i. **Minor Home Occupations** (Zoning Ordinance § 12.1.2(A)) are businesses that have no additional parking requirements and do not diminish the surrounding neighborhood. There is a list of businesses within the Zoning Ordinance § 12.1.2(A), included in the application, that can be approved administratively. If your business qualifies as a Minor Home Occupation, you should fill out the Home Occupation Application and return it to the ESCD Department for approval. The Application is available at the ESCD Department or it may be [downloaded](#) from the City’s Website.
 - ii. **Major Home Occupations** (Zoning Ordinance § 12.1.2(B)) are permitted home occupations that may involve parking needs beyond that required for the dwelling. Major Home Occupations must apply to the Zoning Board of Adjustment for approval. This application is available at the ESCD or may be [downloaded](#) from the City’s Website.
 - iii. **Uses Not Permitted as Home Occupations** (Zoning Ordinance § 12.1.2(C)) lists businesses that are NOT allowed as home occupations.
- b. **Non-Residential Zoning District** — [Zoning Ordinance Table 8-1, “Uses Permitted by NonResidential District”](#) – List the uses permitted in Non-Residential Zones and the conditions under which they are permitted.
 - i. **Conditional Use** – “Conditional uses are those that have some special effects, which differs from potential impacts of permitted uses or exceeds them in intensity, or have uniqueness such that their effect upon the surrounding environment cannot be determined in advance of a use being proposed in a particular location” ([Zoning Ordinance § 4.8](#)) The property owner or authorized agent must appear before the Planning Commission to request a Conditional Use. This process begins by filing an [Application for Conditional Use](#) with the ESCD. There is a \$100 application fee due when submitting the application.
 - ii. **Special Exception Use** – “A use that would not be appropriate generally or without restriction throughout a zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general

welfare of the community” ([Zoning Ordinance § 2.2 - definition of “Special Exception Use”](#)). Applicant will need to request a Special Exception Use from the Zoning Board of Adjustment. This process begins by filing a Zoning Board of Adjustment Application at the ESCD Department. There is a \$20.00 application fee (See also [Zoning Ordinance §16.5 “Special Exception Uses”](#)).

- iii. **If the business is NOT allowed in the current zoning district**, the property owner may apply to rezone the property as long as the rezoning is NOT a case of spot zoning. There are three tests for a spot zoning:
- 1) a zoning district not attached to the identical zoning district AND
 - 2) only benefits one property owner AND
 - 3) does not have the support of the Future Land Use Plan.

If any one of those statements is untrue, it is probably NOT a case of spot zoning. All rezoning requests must be approved by the Planning Commission and the Athens City Council. This process begins by filing a [Zoning Change Application](#) at the ESCD Department. Newspaper advertisements are incurred and a bill will be sent to the applicant after the process has concluded. These charges are due even if the application is denied.

iv. **Additional zoning issues**

- a. Does your business have a use of “Pawn Shop, Collateral Loan/Exchange, Payday Loan/Check-Cashing?”

YES – This business will have to comply with additional requirements of §12.10 of the Zoning Ordinance. Must be 250 feet from any R-1 (Single Family Residential) District, and must be 1,000 feet from another business that is within the same category of business.

- b. Does your business have a need to sell/serve either alcohol or liquor?

YES – The business will have to seek approval from the Alcohol Review Board. Please consult with John Hamilton, City Clerk, at 256-233-8729. See also the [Alcohol Beverage License Zoning Application](#) on the City Clerks section of the website, Pertinent Regulations: [Code of Ordinance \(Chapter 6\) “Alcoholic Beverages”](#), and the [Zoning Ordinance § 12.3 “Alcoholic Beverage Sales”](#).

2. Building – **REMEMBER: CALL “811” BEFORE YOU DIG!!!!**

Contact: Building Inspection Department – (256) 233-8715

a. Existing Building

- i. Upgrades to the site may need to be made to meet current regulations.
- ii. A Site Plan is **NOT** required when all three (3) of the below conditions are met ([Zoning Ordinance § 4.6.1 “Site Plan Review: Applicability”](#))
 - a. Building Official is satisfied that the proposed use is permitted in the district.
 - b. The proposed use is substantially similar to the use to which the premises were put by the last prior occupant thereof.
 - c. The property on which the use is proposed to be located has been the subject of an approved Site Plan.

b. New Building

- i. New construction has many minimum requirements that must to be met. The City of Athens requires all buildings to be designed to the minimum standards of the 2009 International Building Code and 2009 International Fire Code. The Zoning Ordinance additionally regulates zoning setbacks (Table 8-2), minimum parking (Article 14), landscaping & lighting (Article 15), and signage type & size (Article 13). The [Traffic Circulation Standards](#) regulate property access to roadways and number of driveways on a roadway.
- ii. Is the site located in the 100-year flood zone?
 - a. See the [2009 FEMA Flood Insurance Rate Map](#). (Please contact the ESCD Department if it is unclear whether the property is located within a Flood Zone.)
 - b. Is the site in the floodway area?
 1. **Yes** – Permanent structures are **not** allowed in the 100 year floodway.
 - c. Is the site in a flood zone AE and in the Floodway Fringe district?
 1. **Yes** – Any structure must be raised 2 feet above the 100 year flood elevation OR may be flood proofed to 2 feet above the 100 year flood elevation.
- iii. **Site Plan Approval**
 - a. Site Plans are reviewed through an administrative process. Site Plans must be designed by an Engineer. Contact Mac Martin of the ESCD Department. See also the [Site Plan Review Process and Application](#) and [§4.6 of the Zoning Ordinance](#).
 - b. For large buildings (over 25,000 square feet), the site plan is required to go before the Planning Commission.
 - c. A pre-application conference is recommended. This gives Department representatives a chance to give preliminary comments about the development before the full design is completed. Major design changes can be addressed earlier in the process saving time and money.
 - d. Please be aware that any work performed on a State of Alabama right-of-way requires a permit from the Alabama Department of Transportation. Their local office is at 256-353-8862.
- iv. **Building Plan Approval**
 - a. Building Plans must be designed by a licensed Architect or Engineer (See also [§4.2 of the Zoning Ordinance](#)).
 - b. Contact the Building Department at 256-233-8715 to arrange Review/Approval of your building plan.
- v. **Permitting Stage**
 - a. Building Plan and Site Plan **MUST** be approved before any construction can begin.
 - b. An excavation and grading work that exceeds 200 cubic yards (about 10 truckloads) requires a permit from the Street Department. Please consult the Street Department about potential drainage changes that may occur due to the effects of excavation or fill.
 - c. A licensed General Contractor must be used to do the work. **PLEASE NOTE:** A business license is required of the general contractor and a sublist (verification of licenses of sub-contractors) must be approved before a Certificate of Occupancy can be issued by the Building and Fire Departments.
 - d. All contractors are required to have general liability insurance.

- e. Permits will need to be obtained for many of the different stages of construction.
- f. [Permit Fees](#) are available on the Building Inspection Department’s page of the website.

c. Certificates of Occupancy (CO)

- i. Certificates of occupancy are required on **ALL** existing commercial buildings and new commercial buildings.
- ii. An Application for a Certificate of Occupancy Inspection must be filled out at the Building Inspection Department and the \$50 application fee must be paid (cash or check). A Building Inspector and a Fire Inspector will contact the applicant to schedule an inspection.
- iii. If there are any outstanding issues, a punch list of items will be issued to the site contact to remedy the issues.
- iv. If building construction is performed, a list of subcontractors must be submitted to the Building Inspection Department. This list is used to check that all contractors have a business licenses and insurance.
- v. Certificates of Occupancy are issued by the Building Inspection Department and Fire Department after a satisfactory final inspection.

3. Business Licensing

Contact: City Clerk’s Office – (256) 233-8720

- a. The City Clerk’s Office requires one of the following before a business license can be issued:
 - i. an approved Home Occupation application
 - ii. OR Certificates of Occupancy (CO) from the Building Inspector and Fire Inspector.
- b. A business that is operating elsewhere, but is doing a sale or service within the corporate limits of Athens can get a business license to do business in Athens. No CO are required.
- c. Insurance - General liability insurance is required for **ALL Contractors**.
- d. Business license fee. The fees are listed in the [Code of Ordinances Chapter 18 under Article VII “Business License Code”](#).
- e. Business licenses expire on December 31 and must be renewed annually.

4. Utilities

Contact - The establishment of utility services can be very situation specific, so please read carefully

- i. **Existing Facility** - If your business is in a facility that has previously had electric, gas, or water service through the City of Athens and it does not require extensive renovation – Please contact [Athens Utilities Customer Accounts](#) at (256) 233-8750.
- ii. **New Construction or Extensive Renovations** - If you are building a new facility or performing extensive renovations on an existing building, please follow the steps below:
 - a. **Electric Department** – New construction or extensive renovations, please contact the Engineering Department of Athens Utilities (256) 232-1440
 - b. **Gas Department** – New construction, extensive renovations or the addition of natural gas as an energy source for your business (256) 232-1440
 - c. **Water Department** –New construction, new and/or additional water taps, fire sprinkler lines and/or flow-pressure design data, and fire hydrants – please contact Howard Hopkins at (256) 262-1527
 - d. **Wastewater Department** – New Construction, new and/or upgraded taps, or problems with existing service, please call Superintendent John Lewonczyk at (256) 233-8772

- e. Additional Water Services Information – Food service establishments, process wastewater discharges, atypical wastewaters and general questions, please contact Manager John Stockton at (256) 233-8014

5. Sanitation Services

Contact – [Sanitation Department](#) – (256) 233-8747

- a. Using City Sanitation service is required for all customers within the City of Athens. The **ONLY** exception is if the business needs a sanitation service not provided by the Sanitation Department.
- b. The sanitation department services include, roll off can service, dumpster service, and cardboard dumpster service. (Charges for sanitation services will appear as a separate line item on your monthly Utility bill.)
- c. In order to get refuse containers, contact the Sanitation Department with, the business name, utility account number, and services needed.
- d. The Sanitation Department can be consulted if roll out garbage cans or a dumpster are more appropriate. Roll out can service runs once a week. Dumpster service can be provided up to 6 days a week. Dumpster service requires a concrete dumpster pad and an all-weather (paved) surface to the pad.
 - a. For example, restaurants generally need service 3 days a week or more.
- e. An additional service done upon request is Commercial Bulk Trash. A fee is charged every time this service is used. Before pickup can occur, a signed request must be submitted in by fax/mail/in-person to the Sanitation Department. An invoice, separate from the utility bill, is sent to the business address. Sanitation Department's Fax 256-233-8791.

Other Organizations

These are organizations that have resources for businesses.

[Limestone County Chamber of Commerce](#)
www.tourathens.com 101 South
Beaty Street
Athens, AL 35611 256-232-2600
info@tourathens.com

[Spirit of Athens](#)