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ZONING ORDINANCE  
OF THE  
CITY OF ATHENS, ALABAMA

ORDINANCE NUMBER \_\_\_\_\_

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## ARTICLE 1. INTRODUCTION

### §1.1. **Authority.**

An ordinance, in pursuance of the authority granted by Title 11, Chapter 52, Article 4, Code of Alabama 1975, as amended and supplemented by all applicable laws to provide for the establishment of districts within the corporate limits of Athens, Alabama; to regulate within such districts the height, number of stories, and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures, and land; to repeal all existing zoning ordinances and to provide methods of administration of this Ordinance and penalties for the violation thereof.

### §1.2. **Short Title.**

This ordinance shall be known as the "Zoning Ordinance of Athens, Alabama," and the map herein referred to, identified by the title "Zoning Map of Athens, Alabama."

### §1.3. **Jurisdiction.**

This Ordinance and all provisions thereof shall serve as the Zoning Ordinance and shall apply to all areas of the planning jurisdiction of the City of Athens, Alabama, which is subject to the authority of the Athens City Council.

### §1.4. **Purpose.**

The fundamental purpose of this ordinance is to promote the public health, safety, morals and general welfare; to provide for the orderly development and growth of Athens; to avoid congestion on the public roads and streets; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties, for the general good and benefit to the people of Athens

### §1.5. **Legal Status Provisions.**

- 1.5.1. *Separability.*** Should any section or provision of this Ordinance be declared invalid by any court of jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid.

#### **Effect on Prior Zoning Ordinances.**

This Ordinance in part carries forward by its re-enactment some of the provisions of prior zoning ordinances of the City of Athens (and such provisions are contained in this Ordinance), but all provisions that are not carried forward and re-enacted herein are hereby repealed. However, all liabilities which have accrued under prior zoning ordinances of the City shall be preserved, and may be enforced. As such, the enactment of this Ordinance shall not affect any action, suit, or proceeding instituted or pending at this time under any prior zoning ordinance of the City. All suits at law or in equity and/or all prosecutions resulting from the violation of any prior zoning ordinance heretofore in effect, which are now pending in any of the courts of the state or of the United States, shall not be abated or abandoned by reason of the adoption of this Ordinance but shall be prosecuted to their finality, the same as if this Ordinance has not been adopted; and any and all violations of the prior zoning ordinances, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Ordinance shall be construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may heretofore have been instituted or prosecuted.

**1.5.2. Effective Date.**

ADOPTED on this the \_\_\_th day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
President-City Council, City of Athens, Alabama

APPROVED this the \_\_\_<sup>th</sup> day of \_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor, City of Athens, Alabama

ATTEST:

\_\_\_\_\_  
City Clerk, City of Athens, Alabama

**§1.6. Using this Ordinance.**

**1.6.1. Organization.** This Ordinance is organized as follows:

- A. For purposes of organization, this Zoning Ordinance, is divided into Articles. The Article designation number represents the first number of that series of numbers used to identify the respective regulations of the Ordinance; e.g., in the reference number Section6.5.4.C, the digit “6” represents the Article.
- B. Each Article may be subdivided into several major headings known as Sections, which are represented by the second number; e.g., in the reference number Section6.5.4.C, the digit “5” represents the Section.
- C. Each Section may be subdivided into Subsections, which are represented by the third number; e.g., in the reference number Section6.5.4.C the number “4” represents the Subsection.
- D. Each Subsection may be subdivided into Paragraphs, which are represented by the letter following the Subsection designation; e.g., in the reference number Section6.5.4.C the letter “C” represents the Paragraph.
- E. Each Paragraph may be subdivided into Items, which are represented by the number following the Paragraph designation; which may then be further subdivided as (a), (b), (c)...and (i), (ii), (iii)...

**1.6.2. Internal referencing.** All references to Articles, Sections, Subsections, Paragraphs and Items within this Ordinance shall refer to Articles, Sections, Subsections, Paragraphs and Items in this Ordinance unless otherwise specified. When an Article, Section or other subdivision is referenced within a provision or requirement of this Ordinance, unless otherwise specified, all subdivisions within such reference shall be assumed to be applicable.

**1.6.3. Page numbering.** Each Article contains its own separate page numbering system. The page numbers are prefixed by the respective Article number. As an example, page 10 of Article 8 is designated page 8-10.

**§1.7. Relation to the Athens Land Use Plan.**

The administration, enforcement, and amendment of this ordinance should be consistent with the Athens Land Use Plan (together referred to as “the land use plan”). In the event this ordinance

becomes inconsistent with the land use plan, then this ordinance should be amended within a reasonable time so as to become or remain consistent with the land use plan. Additionally, all amendments to this ordinance should maintain and enhance the consistency between this ordinance and the land use plan.

**§1.8. Transition Rules**

The purpose of transitional regulations is to resolve the status of properties with pending applications or recent approvals, and properties with outstanding violations, at the time of the adoption of this ordinance.

**1.8.1. Violations Continue.** Any violation of previous versions of this ordinance shall continue to be a violation under this ordinance and shall be subject to the penalties and enforcement set forth in Chapter 7: Enforcement, unless the use, development, construction, or other activity complies with the provisions of this ordinance. Payment shall be required for any civil penalty assessed under the previous regulations, even if the original violation is no longer considered to be a violation under this ordinance.

**1.8.2. Uses, Structures, and Lots Rendered Nonconforming.** Where any use, building, structure, or lot that legally existed on the effective date of this ordinance does not meet all standards set forth in this ordinance, such building, structure, or lot shall be considered nonconforming and shall be controlled by Section 3.5-3.7.

**1.8.3. Revisions to Projects Approved Under Previous Ordinances.**

**A. Pending Applications.**

- 1) Any complete application that has been submitted or accepted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this ordinance, shall be reviewed in accordance with the provisions of the ordinance in effect on the date the application was deemed complete by the city.
- 2) If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this ordinance.
- 3) Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.
- 4) An applicant with a pending application may waive review available under prior ordinances through a written letter to the Engineering Services and Community Development and request review under the provisions of this ordinance.

**B. Approved Projects and Amendments or Revisions to Approved Projects.**

- 1) Approved Planned Unit Developments, Site Plans, Conservation Design Plans, Variances, Grading Permits, Tree Removal Permits, or Building Permits that are valid on the effective date of this ordinance shall remain valid until their expiration date, where applicable.
- 2) Amendments to Site Plans, Conservation Design Plans, Grading Permits, or Building Permits approved prior to the adoption of this ordinance shall comply with the standards and review processes of this ordinance. Amendments to PUD Concept Plans or PUD Site Plans approved prior to the adoption of this ordinance shall follow the process described in Subsection 1.8.3.B.3 or 1.8.3.B.4, as applicable, below.

- 3) Amendments and revisions to a Planned Unit Development Concept Plan approved prior to the adoption of this ordinance shall:
  - a) Not be considered under review processes in place under prior ordinances;
  - b) Be considered under the processes and requirements of this ordinance and the Administrative Manual; and
  - c) Comply with the development standards of this ordinance where the standards will not impact the approved project in the strictly limited terms of loss of entitlements, access points, street network, or open space. In the case that these standards would impact the approved project in the strictly limited terms of loss of entitlements, access points, street network, or open space, the amendment or revision to the Planned Unit Development shall be carried out with the Zoning Ordinance requirements in effect at the time of the approval of the original Planned Unit Development.
- 4) Amendments and Revisions to PUD Site Plans approved prior to the adoption of this ordinance shall:
  - a) Not be considered under review processes in place under prior ordinances;
  - b) Be considered under the processes and requirements of this ordinance; and
  - c) Comply with the development standards of this ordinance unless there is a standard(s) approved with the PUD that conflicts with a standard(s) within this ordinance. If there is a conflict between the PUD requirement and a standard(s) within this ordinance, the PUD requirement shall govern for that requirement only and all other standards of this ordinance shall apply. If the application of the standards of this ordinance results in the loss of entitlements, the amendment or revision to the PUD Site Plan shall be carried out with the Zoning requirements in effect at the time of the approval of the original PUD Site Plan.

## **§1.9. Relationship to Other Laws and Agreements**

- 1.9.1. Conflict with Other Public Laws, Ordinances, Regulations, or Permits.** Where provisions of this ordinance impose greater restrictions than those of any other City, State, or Federal regulation, statute, or ordinance the provisions of this ordinance shall be controlling. Where the provisions of any City, State, or Federal regulation, statute, or ordinance imposes greater restrictions than this ordinance, the provisions of such City, State, or Federal regulation, statute, or ordinance shall be controlling.
- 1.9.2. Conflict with Setbacks on Recorded Subdivision Plats.** Where setback provisions of this ordinance are in conflict with those of an approved and recorded plat, the more restrictive requirements shall be controlling.
- 1.9.3. Conflict with Private Agreements.** This ordinance is not intended to revoke or repeal any easement, covenant, or other private agreement. However, where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easement, covenant, or other private agreement, then the requirements of this ordinance shall govern. Nothing in this ordinance shall modify or repeal any private covenant or deed restriction, but such covenant or restriction shall not excuse any failure to comply with this ordinance. The city shall not be obligated to enforce the provisions of any easements, covenants, or agreements between private third parties.
- 1.9.4. Conflict Between Standards within this Ordinance.** In the event of conflict between one or more of the standards in this ordinance, the more restrictive standard shall be controlling.
- 1.9.5. Effect of Previously Approved Variances, Conditional Uses, Special Exceptions, Etc.**

- A. Any (1) variance, (2) conditional use, (3) special exception, or (4) other special approval by the BZA, planning commission, or a zoning officer, granted to an applicant in connection with this Ordinance or to any prior zoning ordinance of the City shall expire and be void if the applicant did not, after one (1) year from the approval: (1) commence construction of an improvement, where the applicant's request related to or required that improvement to be carried out, or (2) where the applicant's request did not relate to or require an improvement, engage in the specific use or activity that related to the applicant's request.
- B. Any use, structure, improvement, activity, or condition that (1) is or was based on any (a) variance, (b) conditional use, (c) special exception, or (d) other special approval by the BZA, planning commission, or a zoning officer, granted to an applicant in connection with any prior zoning ordinance of the City, and (2) is not in conformity with one or more of the provisions of this Ordinance, shall be considered a nonconformity that is subject to § 3.5 of this Ordinance, governing "Nonconforming Uses and Buildings".

**§1.10. Method**

For the purpose previously stated, the City of Athens is divided into districts of such number, shape and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best general civic use, protect the common rights and interests within each district, preserve the general rights, and interests of all; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other purposes, and also the location, height, bulk, occupancy and uses of buildings or other structures, including the ratio of lot occupancy and coverage, setback lines, sizes of yards, and other open spaces.

- §1.11. Severability.** Should any section or provision of this Ordinance be held void or invalid, it shall not affect the validity of any other section or provision thereof which is not of itself void or invalid, it being the purpose and intention of the Council to enact each separate section and/or subsection separately.

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## **ARTICLE 2. ADMINISTRATION AND PROCEDURES**

- §2.1. **Purpose.** The purpose of this chapter is to identify the authority of the review and decision-making bodies in the development review procedures. This chapter also defines the development review procedures used in the enforcement of this ordinance.
- §2.2. **General Administration.** The provisions of this Ordinance shall be administered and enforced by the Zoning Official or designated representatives. This official shall have the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.
- §2.3. **Decision Making and Reviewing.**

### **2.3.1. City Council (Council)**

- A. **Powers and Duties.** In addition to any other authority granted to the Council by charter, ordinance, or state law, the Council shall have the following powers and duties related to this ordinance:
- 1) Zoning Ordinance Text and Zoning Map Amendments. To enact amendments to the zoning ordinance text and zoning map.
  - 2) Planned Unit Developments. To hear, review, and make decisions on applications for Planned Unit Development (PUD) Master Development Plans pursuant to Subsection 2.5.3, Planned Unit Developments.
  - 3) To consider annexations and de-annexations of property.
  - 4) Appeals of Planning Commission denial of site plans.

### **2.3.2. Planning Commission**

- A. **Powers and Duties.** The Planning Commission shall have the following powers and duties under this ordinance:
- 1) Zoning Ordinance Text and Zoning Map Amendments.
    - a) To initiate amendments to the text of this ordinance or the Official Athens Zoning Map (rezoning).
    - b) To hear, review, and make recommendations to the Council on applications for amendments to the text of this ordinance or zoning map amendments pursuant to Subsection 2.4.1, Zoning Ordinance Text and Zoning Map Amendments.
  - 2) Planned Unit Developments. To hear, review, and make recommendations to the Council on applications for Planned Unit Development (PUD) Development Plans pursuant to Subsection 2.5.2, Required Development Plan.
  - 3) Site Development Plan Review. To hear, review, and decide applications for a Site Development Plan pursuant to Subsection 2.5.2.D, Required Development Plan for:
    - a) Public projects as defined in Sec. 11-52-11 of the Code of Alabama 1975, as amended.
    - b) Non-residential projects requiring the placement of more than one primary building on a single lot.
    - c) Appeals of administrative denial of site development plans.
    - d) Appeals to modify design standards required for development plans pursuant to Sec. 6.1.11.

- 4) Conditional Uses. To hear, review, and decide applications for Conditional Use approval pursuant to Sec.2.5.3.
- 5) Land Use Plan Amendments. To hear, review, and decide applications to amend the land use plan or related land use.
- 6) Adoption of Subdivision Regulations.
- 7) Consideration and approval of the subdivision of property. The process for subdivision approval and ensuring associated required improvements is included within the City's adopted Subdivision Requirements.
- 8) Performance Agreements.
  - a) To hear, review, and decide appeals of administrative decisions regarding extension, reduction, or release of a Performance Agreement pursuant to Article 7: Performance Agreements.
  - b) To review Performance Agreements that have been in place for a certain duration in accordance with Article 7: Performance Agreements.
  - c) To call Performance Agreements in accordance with Article 7: Performance Agreements.
- 9) Other. To exercise such other powers, and perform such other duties, as are provided by law.

B. Bylaws. The Planning Commission shall, by a majority vote of its entire membership, adopt bylaws governing its procedures on such matters as officers, agendas, voting, order of business, and related matters as it may consider necessary or advisable, provided such bylaws are consistent with the provisions of this ordinance.

### 2.3.3. Board of Zoning Adjustment (BZA)

A. Establishment of a Board of Zoning Adjustment. The Athens Board of Zoning Adjustment was established pursuant to section 11-52-80, Code of Alabama 1975; and shall have all powers and duties delegated to boards of adjustment by said code, which generally are:

- 1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance.
- 2) To hear and decide special exceptions to the terms of this ordinance upon which the board is required to pass under this ordinance.
- 3) To authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.

B. Rehearings. All decisions rendered by the BZA shall be final and binding upon all parties. No appeal of an administrative decision or decision on an application for a variance or a special exception shall be reheard, and no further application shall be accepted once a decision has been rendered except under one or more of the following conditions:

- 1) New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.
- 2) The decision resulted from an error in procedures required by this Ordinance or State law and made by the BZA, the Zoning Official, or any other City Officials.

- 3) The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama, 1975, as amended.

Where no error is alleged and no new evidence is available, a new or more effective presentation by the applicant shall not constitute grounds for rehearing a decision of the BZA. Any applicant wishing a rehearing shall appear before the BZA to present one or more of the qualifying conditions listed above.

If the BZA finds that one or more of the qualifying conditions exist, the applicant shall be permitted to submit a new application. This new application shall be heard at a subsequent BZA meeting, and shall be subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the BZA to grant the request.

- C. Appeals From Action of the BZA. Any party aggrieved by any final judgment or decision of the BZA may, within fifteen (15) days thereafter appeal there from to the circuit court or court of like jurisdiction, by filing with the Board a written notice of appeal specifying the judgment or decision from which appeal is taken. In case of such appeal, the BZA shall cause a transcript of the proceedings in the case to be certified to the court to which the appeal is taken and the cause in such court shall be tried *de novo*.

#### **2.3.4. Engineering Services and Community Development.**

- A. General Authorization. Engineering and Community Development, under the supervision of the Zoning Official, is authorized by the Council to administer the provisions of this ordinance as provided in this chapter.
- B. Powers and Duties. In addition to the jurisdiction, authority, and duties that may be conferred upon the Engineering Services and Community Development by other provisions of this ordinance and general or special law, the Engineering Services and Community Development shall have the following jurisdiction, powers, and duties under this ordinance:
  - 1) Site Plan Review. To review and make decisions on certain applications for Site Plan review pursuant to Subsection 2.5.3, Required Development Plan.
  - 2) Interpretations. To render interpretations of all provisions of this ordinance, including, but not limited to, interpretations of the text of this ordinance; interpretation of the zoning map, and determination of whether an unspecified use falls within a use classification or use group allowed in a zoning district.
  - 3) Performance Agreements. To review and make decisions on Performance Agreements, sureties, and maintenance obligations pursuant to Article 7: Performance Agreements.
  - 4) Administer Ordinance. To establish application requirements and schedules for review of development review applications, to review and make recommendations to the Council, the Planning Commission, and the BZA on applications for development approval considered by those agencies, and to take any other actions necessary to administer the provisions of this ordinance.
  - 5) Provide Expertise and Technical Assistance. To provide expertise and technical assistance to the Council, the Planning Commission, the BZA, and the Building Department.
  - 6) Sign Permits. To review and make decisions on applications for Sign Permits pursuant to Section 6.8, Sign Regulations.

#### **2.3.5. Departmental Review Team (DRT).**

- A. Establishment. There is hereby established the Athens Departmental Review Team (DRT) which shall consist of the department heads, or their designees, of city departments responsible for the review of all development review applications.
- B. Powers and Duties. In addition to the jurisdiction, authority, and duties that may be conferred upon the members of the DRT by other provisions of this ordinance and general or special law, the DRT shall have the following jurisdiction, powers, and duties under this ordinance:
- 1) Planned Unit Developments.
    - a) To participate in the PUD review procedure pursuant to Subsection 2.5.3, Required Development Plan.
    - b) To review and provide recommendations to Engineering Services and Community Development on applications for Development Plans based on the provisions of this ordinance and other adopted ordinances or policies of the city.
  - 2) Site Plan Review
    - a) To participate in the review of Site Plans pursuant to Subsection 2.5.3, Required Development Plan.
    - b) To review and provide recommendations to Engineering Services and Community Development on applications for Site Plan review based on the provisions of this ordinance and other adopted ordinances or policies of the city.
  - 3) Zoning Ordinance Text and Zoning Map Amendments
    - a) To participate in the Zoning Ordinance Text and Zoning Map Amendment procedure pursuant to Subsection 2.5.1, Zoning Amendments.
    - b) To review and provide recommendations to the Engineering Services and Community Development on applications for Zoning Ordinance Text and Zoning Map Amendments based on the provisions of this ordinance and other adopted ordinances or policies of the city.
  - 4) Land Use Plan Amendments
    - a) To participate in the Land Use Plan Amendment process.
    - b) To review and provide recommendations to the Engineering Services and Community Development on applications for a Land Use Plan Amendment based on the provisions of this ordinance and other adopted ordinances or policies of the city.

#### **2.3.6. Building Department**

- A. General Authorization. The City of Athens Building Department, referred to as the “Building Department”, is the department authorized to assist the Zoning Official in interpreting, enforcing, and administering this ordinance.
- B. Standard building code. The Standard Building Code is that version presently adopted by the City of Athens. The enforcement of this code provides minimum requirements to safeguard life, health and public welfare and the protection of property as it relates to these safeguards by regulating and controlling the design, construction, alteration, repair, equipment, use, and occupancy, location, maintenance, removal and demolition of all buildings or structures and appurtenances thereto. The first chapter of the building code sets forth the administrative process for the issue of a building permit.
- C. Building permit. It shall be unlawful to: (a) commence earthwork or construction of any building or other structure, including accessory structures or signs, or (b) store building

materials or erect temporary field offices, or (c) commence the moving, alteration or repair of any structure, until the building official of the city has issued for such work, a building permit

D. Application for a Building Permit. Application for a Building Permit shall be made to the Building Official on forms provided for that purpose and shall be accompanied by a fee according to a fee schedule currently in use, or as amended, by the City. It shall be unlawful for the Building Official to approve any plans or issue a Building Permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance and the City's adopted Building and Fire Codes.

1) Applications for building permits require the following:

- a) For new one and two family residential dwellings and additions in an approved subdivision, an application must be accompanied by appropriate zoning information including setbacks, height, building area, etc. If there is any uncertainty as to whether or not a proposed structure will meet setback requirements, the Building Official reserves the right to require the developer to have a registered surveyor locate the property pins and pull strings to each prior to a footing inspection.
- b) For all non-residential and multifamily projects, a site plan shall be approved according to this ordinance prior to the issuance of a building permit.

2) For applications involving property in the Flood Zone A or AE and for lots where base floor elevations are required by a note on the final plat, a registered engineer or surveyor shall submit a certificate prior to final inspection indicating that the lowest finished floor elevation including basement meets the City's standards for building elevation in said areas.

3) For applications involving property in any locally designated historic district or site, no Building Permit shall be issued until a Certificate of Appropriateness has been approved by the Athens Historic Preservation Commission according to the procedures and guidelines stated in the Historic Preservation Ordinance.

E. Approval of Building Permit. If the proposed excavation, construction, moving or alterations as set forth in the application are in conformity with the provisions of this Ordinance and the City's adopted Building and Fire Codes, the Building Official shall issue a Building Permit accordingly.

F. Denial of Building Permit. If an application for a Building Permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a Building Permit shall in no case be construed as waiving any provision of this Ordinance. The applicant, upon notification in writing by the Building Official of a Building Permit denial may contact the Department and request a hearing before the Board.

G. Expiration of Building Permit. Any Building Permit under which no construction work has been done above the foundation wall or other foundation support within six (6) months from the date of issuance shall expire by limitation, but shall upon re-application be renewable, subject, however, to the provisions of all ordinances in force at the time of said renewal. In no event shall any permit be renewed more than one time.

H. Certificate of Occupancy. No structure shall be used or occupied until the Building Official is satisfied that the structure meets all pertinent city codes and issues a Certificate of Occupancy. A Certificate of Occupancy shall also be required for all structures other than single-family residential structures in the following cases:

- 1) When a use seeks to occupy a new structure;
- 2) When there is a change of use on a site;

- 3) When a use seeks to occupy a structure deemed abandoned by this Ordinance; and
- 4) When there is a change of ownership.

I. Conditional and Temporary Certificates of Occupancy.

- 1) In the event the Building Official finds that a building or premises is not in conformity with this Ordinance and determines that such defect(s) can be remedied, he is authorized to issue a conditional Certificate of Occupancy conditioned upon the correction of such defect(s) within a specified period of time.
- 2) In the event the Building Official finds that a building or premises is not in conformity with this Ordinance but that such nonconformity will correct itself within a lapse of time, he is authorized to issue a temporary Certificate of Occupancy to expire on the date he determines the violations should be remedied.
- 3) Any such conditions or limitations shall be noted on the Building Official's records and upon the original of any such Certificate of Occupancy issued under these provisions. In the event that any person, firm, or corporation who has been issued a permanent or temporary Certificate of Occupancy fails to correct such condition(s) within the time specified therein, the Building Official is authorized on behalf of the City, to seek injunctive or such other relief as may be appropriate from any court of competent jurisdiction.

J. Unlawful structure or use/occupancy of a structure. Any use or occupancy of land or a structure, or construction or alteration of a structure in violation of this ordinance, is hereby declared to be a nuisance per se. Whenever the building official declares that the use of land or a structure is in violation of this ordinance, the owner or occupant shall, within seventy-two (72) hours from the issue of a notice from the building official to vacate such premises, accomplish the vacation of such land or structure until said use be made to conform to the provisions of this ordinance.

**2.3.7. Streets and Sanitation Department.**

- A. General Authorization. The City of Athens Streets and Sanitation Department, referred to as the "Streets and Sanitation Department", is authorized to assist the Zoning Official in interpreting, enforcing, and administering this ordinance.
- B. Permit required for earthwork. For developments requiring a grading permit in accordance with City of Athens Ordinances, such grading permit shall be approved by the Street and Sanitation Department prior to or concurrently with issuance of a Building Permit, as applicable. ADEM permits must be applied for and BMP must be available.
- C. Permit required for access to public street. It shall be unlawful to connect a private drive onto a public street until the Manager of the Streets and Sanitation Department of the city has issued an access permit for such work and appropriately sized any culverts if required.

**§2.4. Common Development Review Requirements.** The requirements of this section shall apply to all development review applications and procedures subject to development review under this ordinance, unless otherwise stated.

**2.4.1. Authority to File Applications**

- A. Unless otherwise specified in this ordinance, development review applications may be initiated by:
  - 1) The owner of the property that is the subject of the application; or
  - 2) The owner's authorized agent.

- B. When an authorized agent files an application under this ordinance on behalf of a property owner, the agent shall provide a property owner's affidavit, which shall bind all decisions, and related conditions of approval, to the owner of the property.
- 2.4.2. Application Submission Schedule.** The schedule for the submission of applications in relation to scheduled meetings of the decision-making bodies shall be established by each decision-making body's By-Laws or other regulations and maintained by the Engineering Services and Community Development and made available to the public.
- 2.4.3. Application Contents**
- A. **Submittal Requirements.** Applications required under this ordinance shall be submitted in a form and in such numbers as established by the Engineering Services and Community Development in the Administrative Manual and made available to the public.
  - B. **Submission of Fees.** Applications shall be accompanied by a fee as established by the Council.
  - C. **Complete Application Determination.** The Engineering Services and Community Development shall only initiate the review and processing of applications submitted under this chapter if such application is complete as outlined in this ordinance and the Planning Commission Bylaws.
- 2.4.4. Simultaneous Processing of Applications.**
- A. Whenever two or more forms of review and approval are required under this ordinance (e.g., a Planned Unit Development and Certificate of Appropriateness), the applications for those approvals may, at the option of the Engineering and Community Development, be processed simultaneously, so long as all applicable requirements are satisfied for all applications.
  - B. No application for an amendment to the land use plan shall be reviewed simultaneously with an application for a Zoning Map Amendment or Site Plan Review application for the same property.
- 2.4.5. Effect of Preliminary Concept Meetings and Pre-application Conferences.** Discussions that occur during a preliminary concept meeting, a pre-application conference, or PUD conceptual project workshop are not binding on the city and do not constitute official assurances or representations by the city or its officials regarding any aspects of the plan or application discussed.
- 2.4.6. Waiver of Required Meetings.**
- A. The Engineering Services and Community Development may waive the requirement for any preliminary concept meeting or preapplication conference if the Engineering Services and Community Development determines that there is no need for the meeting due to minimal impacts of the proposed project and similar considerations. The requirement for a PUD conceptual project workshop shall be waived if the Engineering Services and Community Development determines the proposal will have a limited impact on the neighborhood, environmental protection efforts, or infrastructure.
  - B. A required PUD conceptual project workshop shall not be waived if the proposal contains:
    - 1) Attached dwellings;
    - 2) A civic and institutional use;
    - 3) A gross density exceeding 2.0 units or more per acre;
    - 4) 100 or more acres;

- 5) 100 or more dwelling units; or
- 6) 200,000 gross square feet or more of nonresidential uses.

**2.4.7. Fees.**

- A. Determination of Fees. The Council shall determine the fees to accompany applications submitted under this ordinance in accordance with the adopted city charter. The Council may adjust the fees as necessary.
- B. Fees to be Paid. No application shall be processed until the established fee has been paid.
- C. Refund of Fees. Application fees are not refundable except where the Engineering Services and Community Development determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

**2.4.8. Public Notification.** Applications for development approval shall comply with the Code of Alabama 1975, as amended, and the provisions of this Ordinance. No notice standard or notice requirement shall be required with respect to that which is provided by this Ordinance and/or State law that is in addition to, different from, or in conflict with the provisions of this Ordinance and/or State law.

- A. Content. Notices for public meetings or hearings, whether by publication or mail (written notice), shall, at a minimum:
  - 1) Identify the Application. Identify the address or location of the property subject to the application and the name, address, and telephone number of the applicant or the applicant's agent.
  - 2) Specify the Date, Time, and Place of the Public Meeting or Hearing. Indicate the date, time, and place of the public meeting or hearing.
  - 3) Describe the Subject Property. Describe the subject property(ies) involved by street address, or by legal description and the nearest cross street, and project area (size).
  - 4) Describe the Nature and Scope of the Application. Describe the nature, scope, and purpose of the application or proposal.
  - 5) Notify the Public Where to View the Application. Identify the location (e.g., the offices of Engineering and Community Development) where the public may view the application and related documents.
  - 6) Notify the Public Where They May be Heard. Include a statement that the public may appear at the public meeting or hearing, be heard, and submit evidence and written comments with respect to the application.
  - 7) Allow for Written Comments. Include a statement describing where written comments will be received prior to the public meeting or hearing.

B. Timing of the Notice.

- 1) Unless otherwise expressly provided in the Code of Alabama or this ordinance, notice, when required, shall be postmarked or published at least 7 days prior to the hearing or action for a text or map amendment or a PUD.

C. Published Notice. When the provisions of this ordinance require that notice be published, the Engineering Services and Community Development shall be responsible for preparing the content of the notice and publishing the notice in a newspaper of general circulation. The

content and form of the published notice shall be consistent with the requirements of Subsection 2.4.8(A), and state law.

D. Written (Mailed) Notice.

- 1) Required Written Notice. Written notice shall be required in the following circumstances by the party indicated in the time allotted:
  - a) Subdivision of Property. Provided by the City via certified mail to owners of all adjoining properties at least 5 days prior to the public hearing.
  - b) Variance, Special Exception, or Appeal of Administrative Decision. Provided by the applicant to owners of all adjacent properties (including directly across any right-of-way) via regular US mail, postmarked at least 14 days prior to the public hearing. An affidavit stating that required written notice will be mailed in a timely fashion must be filled out and notarized in order to complete the application.
  - c) Conditional Use. Provided by the applicant to owners of all properties within 500 feet of the site via regular US mail, postmarked at least 14 days prior to the public hearing. An affidavit stating that required written notice will be mailed in a timely fashion must be filled out and notarized in order to complete the application.
- 2) Application of Written Notice. The notification of property owners shall apply only to the initial presentation of the proposed development to the Planning Commission or the BZA.
  - a) If, for any reason, an item scheduled for initial presentation before the Planning Commission or BZA is withdrawn without having been presented or a meeting is canceled, then the party responsible for the initial written notice shall re-notify all appropriate parties.
  - b) The applicant shall be responsible for re-notifying property owners pursuant to Subsection 2.4.8, Public Notification, if the hearing or meeting is deferred or continued at the applicant's request.

E. Other Notices. Applicants shall be responsible for compliance with any additional notice requirements in this ordinance, other city ordinances, or state law.

F. Constructive Notice.

- 1) Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing or meeting regarding the adequacy of notice, the decision-making body shall direct Engineering Services and Community Development to make a formal finding as to whether there was substantial compliance with the notice requirements of this ordinance, and such finding shall be made available to the decision-making body prior to final action on the request.
- 2) When the records of the city document the publication, mailing, and posting of notices as required by this subsection, it shall be presumed that notice of a public hearing was given as required by this subsection.

#### G. Notification Signs

- 1) For a Zoning Map Amendment or a Planned Unit Development (PUD) Development Plan, a notification sign shall be posted on the subject property(ies) at least 7 days prior to the Planning Commission meeting.
- 2) The Engineering Services and Community Development shall post notification signs.

**2.4.9.** Continuation of Public Hearings. A public hearing for which proper notice was given may be continued to a later date without again complying with the written notice requirements of this ordinance, provided that the continuance is set for a date within 60 days and the date and time of the continued hearing are announced at the time of the continuance.

**2.4.10.** Withdrawal of an Application. A request for withdrawal of an application shall be submitted in writing to Engineering Services and Community Development. If the request of withdrawal comes on the evening of the meeting, the applicant shall communicate the request to the Commission/Board/Council at the public meeting.

#### §2.5. Specific Review Procedures

**2.5.1. Zoning Amendments.** The Zoning Ordinance, including the Zoning Map, may be amended only by the City Council. Proposed amendments to the text of the Ordinance may be initiated by the Council, the Commission, or the Board. Proposed amendments to the Zoning Map may be initiated and proposed by the Council, the Commission, the Board, or by one or more owners of property within the area proposed to be changed. All proposed amendments shall be considered by the city, in accordance with Title 11, Chapter 52, Article 4, of the Code of Alabama 1975, as amended.

A. Application. For amendments to the Zoning Map, the petitioner shall submit a complete zoning amendment application to the Department at least twenty-one (21) days prior to the Commission meeting at which the amendment is to be considered, containing as a minimum, the following information:

- 1) Submission requirements.
  - a) A copy of the deed and an electronic copy of the legal description of the applicable property.
  - b) A map or plat drawn to scale indicating:
    - (i) The dimensions and exact location of the site in relation to the vicinity in which it is located,
    - (ii) The location of all public ROWs,
    - (iii) The location of all existing and proposed sidewalks and pedestrian ways on the subject property and adjacent property,
    - (iv) The location and dimension of all existing and proposed buildings and structures on the site and adjacent sites,
    - (v) The nature and location of existing and proposed facilities for the disposal of storm water drainage.
  - c) A written statement indicating:
    - (i) Reason for the rezoning request.
    - (ii) Expected traffic volumes to be generated by the proposal.
    - (iii) Adequacy of surrounding thoroughfares to accommodate increased traffic caused by the proposed use(s).
    - (iv) Availability of required utilities.

- (v) Adequacy of available water and sewer services to serve the proposed use(s).
  - (vi) Relationship of the proposed rezoning to the land use pattern of the vicinity.
  - (vii) Legal description of proposed rezoning site (may be included in deed).
- d) Fee. A schedule of application fees for consideration of all approvals, permits, certificates, and public hearings required under this Ordinance shall be established by separate resolution or Ordinance. Such fees shall be computed so as to recover all costs incurred by the City in reviewing and processing zoning-related requests, including advertising fees and shall be adopted and revised as necessary by the Council.

**B. Conditional rezoning.**

- 1) In situations where more flexible and adaptable zoning methods are needed, rezoning amendments may be allowed subject to certain conditions that are not generally applicable to land similarly zoned. Proposed rezoning amendments may include the voluntary proffering in writing, signed by the property owner (and the authorized agent of the property owner, if any), of reasonable conditions in addition to the regulations provided for in the desired zoning district. Any such proffered conditions must adhere to the following criteria:
  - a) The rezoning itself must give rise to the need for the conditions.
  - b) Such conditions shall have a reasonable relation to the rezoning.
  - c) Such conditions shall not include a cash contribution to the city.
  - d) Such conditions shall not include dedication of property for public right-of-way or facilities, unless otherwise required by the Athens Subdivision Regulations.
  - e) Such conditions shall not include payment for or construction of off-site improvements, unless otherwise required by the Athens Subdivision Regulations.
  - f) No condition shall be proffered that is not related to the physical development or physical operation of the property.
  - g) No condition shall allow for the reversion of zoning held previous to the rezoning, unless a new application for rezoning is filed.
  - h) All such conditions shall be in conformity with the purposes and considerations of this ordinance.
- 2) The use of this instrument shall not constitute “spot zoning” if the property being rezoned (1) abuts an area within the desired zone, or (2) consists of a number or properties and/or ownership interests.
- 3) The zoning administrator shall be vested with all necessary authority on behalf of the city council to administer and enforce conditions attached to a rezoning amendment.
- 4) The zoning map shall show by an appropriate symbol the existence of conditions attached to the zoning. The zoning administrator shall keep in his office and make available for public inspection a conditional zoning index. The index shall provide ready access to the ordinance creating conditions in addition to the regulations provided for in a particular zoning district. The zoning designation of the property shall carry a C suffix in addition to the zoning district designation (for example, M-1C), and the zoning map shall reference the conditional zoning index by ordinance number.
- 5) Any amendment, waiver, or variation of conditions created pursuant to the provisions of this section shall be subject to zoning amendment procedures.

- C. Action by Planning Commission. Any requested zoning amendment or change is to be heard by the planning commission at a public hearing. The public hearing to be held before the planning commission and notice of the same as provided hereinabove shall be in addition to and is not to supplement or change requirements for public hearing and notice of same to be held before the city council of the City of Athens
- D. Action by City Council. Upon receipt of a recommendation from the Commission, the Council shall have sixty (60) days within which to approve or deny the request, unless the applicant consents to an extension of this period. If the Council fails to act within the sixty (60) day period, it shall be deemed to have been denied.
- E. Limit On Petitions. No action shall be initiated for an amendment to this Ordinance affecting the same parcel of land more than once a year, unless specifically authorized by the Council on the grounds that the circumstances and conditions relevant to the amendment request have changed significantly since the prior hearing.

#### 2.5.2. Required Development Plan.

A. Intent. Development under several of the zoning districts requires approval of a development plan by the City of Athens, in accord with procedures contained in this article, prior to zoning action and issue of a building permit.

B. Applicability.

- 1) Approval of a Master Development Plan is required prior to zoning of property to the R-2 Multi-family Residential District; a Planned Unit Development (PUD); institution district developments on sites of three (3) acres or more, or featuring more than one (1) building.
- 2) Approval of a Site Development Plan is required prior to issuance of a building permit for all multi-family and attached residential, mixed use, and non-residential projects requiring a Building Permit.
- 3) Where this Ordinance imposes more stringent requirements for a proposed new use as to off-street parking, yards, height limits, buffers, screening, or other landscaping.

C. Master Development Plan.

- 1) A person or firm applying for a zoning amendment to establish a district stipulated in subsection (1) of section B of this article shall submit a master development plan to the planning commission, consisting of:
  - a) A site plan showing:
    - (i) The direction of north, appropriate scale and topography.
    - (ii) The location of subject property in relation to the vicinity.
    - (iii) The use of property adjacent to the site.
    - (iv) The proposed use of land and density of development for the site.
    - (v) Proposed access to, and traffic circulation within, the site.
  - b) A proposed development schedule for the project.
  - c) The development shall be located in an area for which public facilities and services are available and adequate for the uses proposed; provided, however, that the applicant may provide such facilities which are not presently available, and written assurance of such provision shall be included as a part of the preliminary development plan.

- d) High rise structures have a propensity to obstruct visibility, obscure significant landmarks and features, deprive adjacent areas of natural ventilation and sunlight, and dramatically change the character of an area or city. Therefore, the planning commission shall consider as a minimum, the following factors when reviewing a development plan for high rise structures:
  - (i) Compatibility of the proposed development with the area or neighborhood in which it is proposed.
  - (ii) Capability of the area to accommodate a high density development in terms of: vehicular and pedestrian traffic, proximity to public transportation, storm drainage, and safe and efficient access to the site.
  - (iii) Proposed developments featuring high rise structures shall concentrate all proposed improvements, using a minimum amount of the site.
- 2) Master development plans for Planned Development Districts shall conform to the following additional criteria:
  - a) The applicant shall provide for and establish an organization or other legal entity for the control and maintenance of any common areas designated on the final development plan. Such organization shall be created by covenants running with the land, and such covenants shall be included as a part of final development plans and subject to approval by the city council.
  - b) Improved, commonly owned or controlled, functional open space shall be required for planned developments, any portion of which features densities deemed by the planning commission, to be in excess of that which is appropriate for the site. The appropriate density for any site shall be determined by: the developed density of the surrounding area, the density permitted in the zone district in which the proposed use is a permitted use, and other factors deemed appropriate by the planning commission.
  - c) Structures and open space shall be arranged in such a way as best to serve the needs of residents and commercial users of the planned development and to minimize any adverse effects on neighboring districts.
  - d) Scenic assets and natural features, such as trees, streams, and topographic features, shall be protected and preserved to the extent possible.
  - e) At least fifty (50) percent of area remaining after the development of buildings, parking, rights-of-way, and utility or drainage easements, shall be developed to serve the needs of the residents of the development; including but not limited to landscaping, patios, walks, play areas, recreation and other uses consistent with the character of the planned development.
  - f) Buffers and building setbacks shall recognize and honor existing adjacent land development. All structures shall be situated so as to conform to the National Fire Code, "Standard 80A, Protection of Buildings from External Exposure Fires," as amended or supplemented.
  - g) Adequate screening and separation between different land uses shall be provided by means of buffers or other acceptable methods.
  - h) Vehicular access to the planned development shall be from streets capable of supporting existing and projected traffic. No streets or roads within the planned development shall connect to the public street system in such a way to encourage use of minor streets for through streets.
  - i) The planned development shall include provisions for safe and convenient pedestrian access and circulation.

- 3) The planning commission and city council shall review and dispose of the proposed zoning amendment or any amendment to an approved master development plan, in accord with procedures set forth in Title 11, Chapter 52, Article 4 of the Code of Alabama 1975, as amended.
- 4) Procedures to Amend a Master Development Plan. Limited amendments to the Master Development Plan may be submitted to the Commission for approval. However, those changes classified as major amendments shall be submitted to the Commission for review and recommendations and approved by the City Council.
  - a) Limited amendments shall include:
    - (i) an increase in the density of the development
    - (ii) substantial changes in the mix of dwelling unit types
    - (iii) substantial changes in circulation or access
    - (iv) substantial changes in grading or utility provision
    - (v) reduction in approved open space, landscaping, and buffers
    - (vi) substantial changes in architectural or site design features of the development
  - b) Major amendments shall include, but not be limited to:
    - (i) substantial changes in the mixture of land uses
    - (ii) Any other change that the Commission finds is a major divergence from the approved Master Development Plan

All other changes in the Master Development Plan shall be considered minor revisions to the approved plan and may be approved administratively by the Zoning Official.

D. Site Development Plan.

- 1) Requirements. Prior to removal of natural vegetation, restructuring of the land, or construction of any improvements, an approved final site development plan is required for all developments stipulated in subsection 2.5.2.B.2. A site development plan shall be submitted to the Zoning Official for review by the Department Review Team, which is consistent with any preliminary development plan, and containing:
  - a) A site plan showing:
    - (i) The direction of north, appropriate scale and topography in not greater than two (2) foot contour intervals.
    - (ii) The proposed location and height of all structures.
    - (iii) The use of all structures and land.
    - (iv) The location and use of structures adjacent to the site.
      - (i) The location, area and number of parking spaces and maneuvering areas. For parking requirements, refer to Section 6.5. Include the method used to calculate the parking with the proposed uses. Include an inventory of spaces that are no-restrictions, accessible (van/car), compact, tandem, time/day restricted, etc. Indicate on-street spaces and off-street spaces being claimed.
      - (ii) The location and dimensions of streets, driveways and walks on and off the site.
      - (iii) All service and loading spaces.
      - (iv) The location, size, number and character of all exterior signs and lighting. For photometric plans, refer to Section 6.7.

- (v) The location, character and extent of existing vegetation, landscaping, retaining and screen walls and other treatment for the protection of adjoining property. For landscaping requirements, refer to Section 6.2.
  - (vi) The facilities for surface drainage of the premises.
  - (vii) Location and character of all public improvements including utilities.
- b) The public improvements included in the final development plan shall be consistent with the Athens Subdivision Regulations.
  - c) A copy of any deed restrictions to be recorded.
  - d) A comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer. (When required by the adopted Traffic Circulation Standards).
  - e) A development schedule indicating the approximate date when construction of the development or stages thereof can be expected to begin.
  - f) Any other information necessary to establish compliance with this and other ordinances or the availability of adequate utility capacity.
  - g) A fire protection plan, approved by the Athens Fire Department, indicating the location of all proposed fire hydrants, and fire access lanes, as well as a description of all fire protection measures and devices for structures, which is to include sprinkler system designed and approved pursuant to the fire prevention code as currently adopted by the City of Athens.
  - h) Signature approval blocks for reviewing departments.
  - i) Notes related to any State/Federal permits that have been granted or are in process for any improvements being made to the site.
- 2) Site development plan review.
    - a) Upon receipt of an applicant's site development plan, the Zoning Official shall transmit a copy of the plan to the Department Review Team for their review, report, and recommendation.
    - b) The Department Review Team shall within thirty (30) days from receiving the plan and documentation, furnish to the Zoning Official a report pertinent to their respective jurisdiction and concerns.
    - c) The Department Review Team shall approve or disapprove the plan. If disapproved, the Zoning Official shall also prepare a written report stating clearly the reasons and justification therefore, and identify what changes are necessary in order for the plan to be approved. Such written disapproval shall be transmitted to the applicant.
    - d) When the site development plan appears to be in conformity with all applicable regulations and codes, the applicant shall obtain signatures from all representatives on the Department Review Team on final, physical copies of the site plan. A signed copy of the approved site development plan shall be retained in the records of ES&CD.
    - e) The approved site development plan is not a subdivision plat. The city's subdivision regulations shall be enforced with regard to the subdivision of land and the dedication of public improvements.
  - 3) Amending approved site development plan.
    - a) Minor changes in the location, siting, elevation, or character of buildings and structures as shown on the final development plan may be authorized by the

zoning administrator. No change authorized by the zoning administrator under this section may increase the size of any building or structure by more than ten (10) percent, nor change the location of any building, or structure by more than ten (10) feet in any direction; provided, notwithstanding anything in the foregoing, the zoning administrator may not permit changes beyond the minimum or maximum requirements set forth in this ordinance. All other changes in the site development plan must be made under the procedures that are applicable to the initial approval of a site development plan.

- 4) *Expiration of Site Development Plan Approval.* The site development plan approval shall expire, and be of no effect, one (1) year after the date of issuance thereof, unless within such time the Building Official has issued a Building Permit or Certificate of Occupancy for any proposed work authorized under a Site Plan approval.
- 5) *Appeals to the Planning Commission.* Nothing in this section shall operate to abridge the rights of any applicant for a site development plan approval under this Section. An applicant, aggrieved by the Departmental Review Team's denial of a Site Plan application, may appeal to the Planning Commission.
- 6) *Appeals to the City Council.* Nothing in this section shall operate to abridge the rights of any applicant for a site development plan approval under this Section. An applicant, aggrieved by the Commission's denial of a Site Plan application, may appeal to the Council.

E. *Architectural Plans Required.* In addition to instances where required by adopted Building and Fire Codes, all multi-family and attached residential, mixed use, and non-residential projects proposed in a Traditional Zone shall require building plans drawn and stamped by a professional architect to be reviewed and approved by the Building and Fire Departments.

**2.5.3. Conditional Uses.** Conditional uses are those that have some special effect, which differs from the 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. As such, Conditional Uses must be reviewed in terms of existing zoning and land use in the vicinity of the proposed use; whether, and to what extent the use at the proposed location is consistent with the Comprehensive Plan, the intents of this Ordinance, and any other development policies and/or regulations of the City; and whether, and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, welfare, and safety in general. Requests for Conditional Uses as designated within the district regulations are permitted only after approval by the Commission.

A. *Application.* All Conditional Uses shall require the submission of an application to the Commission. Such application shall be filed with the Zoning Official by the property owner or authorized agent at least twenty-one (21) days prior to the date on which the application is scheduled to be heard by the Commission, and shall include a Conceptual Site Plan in accordance with this Section.

- 1) *Submission requirements.* The applicant must submit to the Community Development Department a Conceptual Site Plan of property on which the Conditional Use is requested, drawn to scale, to include but not limited to, the following:
  - a) Any and all buildings exactly as they exist and their proposed use.
  - b) Property lines
  - c) North arrow and scale
  - d) Proposed construction (if any) and identify.

- e) Proposed and/or existing signs.
  - f) Parking, landscaping, ingress/egress, any other site information requested by the City.
  - g) Show all adjoining properties, buildings, and property owners' names.
  - h) Drawing shall not be on cardboard.
- 2) Fee. A one hundred dollar (\$100.00) fee to defray the cost of processing shall be submitted with the application. The application shall not be processed nor reviewed without receipt of the required fee.

B. Action by the Planning Commission. The Commission shall schedule a hearing on the application at the first regularly scheduled meeting after compliance with notice provisions as set forth herein. The Commission shall have sixty (60) days in which to approve or deny the proposed Conditional Use.

- 1) Review Standards. The Commission shall review the request for compliance with this Ordinance and other applicable codes and ordinances, for compatibility with the Comprehensive Master Plan, compliance with the review standards of §4.6.6, and for compatibility with the purposes of the applicable district. In particular the Commission shall determine that satisfactory provisions have been made concerning the following:
- a) Access to and from the property and the proposed structure and/or uses, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access. Conditional uses shall only be permitted on premises fronting on a public thoroughfare conforming to all applicable standards of the City.
  - b) The location and accessibility of off-street parking and loading areas
  - c) The location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties
  - d) The screening and buffering of potentially adverse views and activities from surrounding properties
  - e) Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties
  - f) The availability, location, and capacity of utilities
  - g) The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties
  - h) The bulk, density, and lot coverage of structures, and yards and open areas, with reference to their compatibility with the character of the surrounding area.

Conditional Uses shall be in conformity with the area and dimensional regulations of the applicable district and may only exceed a height limit in accordance with §5.4.

- 2) Effect of Conditions. The Commission may impose such conditions for approval as it deems necessary in the particular case to protect the public interest and further the purposes of this Ordinance, in relation both to the items listed above and to any other factor it deems relevant. Such approval and conditions shall be granted to the property, structure, and/or use for which Conditional Use is approved and not to a particular person. Violations of conditions attached to any Conditional Use constitute violations of this Ordinance.
- 3) Decision. Upon approval by the Commission, the Conditional Use shall be deemed to be approved, in which case, the applicant may then proceed with any other required approvals or permits required by the City. If disapproved by the Commission, the

applicant may appeal such decision to the Council. Such appeal shall only be accepted within fifteen (15) working days of the decision of the Commission.

C. Limit on Re-application. No new application shall be initiated for the same request on the same parcel of land more than once a year, unless specifically authorized by the Commission on the grounds that the circumstances and conditions relevant to the request have changed significantly since the prior hearing, including but not limited to, changes to the Comprehensive Master Plan, Zoning Ordinance, district regulations or boundaries, and/or abutting land uses, availability of adequate public services, utilities, and thoroughfares.

2.5.4. Special Exception Uses. All uses permitted by special exception as listed in the district regulations shall require the submission of an application to the Board.

A. Application and Procedure.

- 1) A written application for a Special Exception Use shall be submitted at least twenty-one (21) days ahead of the regularly scheduled meeting indicating the section of this Ordinance under which the Special Exception Use is requested.
- 2) A Public Hearing shall be held before the Board, in which any party may appear in person, or by agent, or attorney.

B. Review Standards. A Special Exception Use shall not be granted by the Board unless and until:

- 1) The Board shall find that it is empowered under this Ordinance to grant a Special Exception Use, and that the granting of the Special Exception Use will not adversely affect the public interest.
- 2) Before any Special Exception Use approval is issued, the Board shall find that the proposed use is in compliance with supplemental regulations, if any, governing individual Special Exception Uses and shall consider the potential arrangement and provisions for the following:
  - a) Satisfactory ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control
  - b) Provision of off-street parking and loading areas where required, with particular attention to the items in (a) and the economic, noise, glare, and odor effects of the use on adjoining properties in the area
  - c) Location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties
  - d) Utilities, with reference to locations, availability and compatibility
  - e) Screening and buffering of potentially adverse views and activities from surrounding properties with reference to type, location, and dimensions
  - f) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district
  - g) Location, use, plan, elevations and dimensions of each building or structure to be constructed
  - h) The bulk, density, and lot coverage of structures and the location, dimension, and arrangement of all open spaces and yards, with reference to their visual compatibility with surrounding properties
  - i) General compatibility with adjacent properties and other property in the district

C. Conditions for Approval. The Board may impose such conditions for approval that it deems necessary in the particular case to protect the public interest and the intent of the Comprehensive Master Plan and this Ordinance in relation to the items listed above and as may otherwise be reasonably necessary. Such conditions shall apply to the land, structure, and use for which the special exception is granted and not to a particular person. Violations of conditions lawfully attached to any special exception shall be deemed to be violations of this Ordinance.

2.5.5. Variances. The existence of a nonconforming use of neighboring land, building or structures in the same district, or of permitted or nonconforming uses in other districts shall not constitute a reason for the requested variance. It is the intent of this Ordinance that variances be used only to overcome some physical condition of a parcel of land, which poses a practical difficulty to its development and prevents its owner from using the property in conformance with the provisions of this Ordinance.

A. Application. An application for a variance shall be made on forms made available by and filed with the Zoning Official or Secretary of the Board at least twenty-one (21) days before the scheduled hearing date before the Board.

B. Variances within Areas Subject to Flooding. Any application for a variance related to regulations and restrictions to property development and use due to said property's location within a Special Flood Hazard District shall follow the process provided within the City's adopted Flood Ordinance.

C. Variance Review Standards. Variances may be granted in individual cases of unnecessary hardship upon a finding by the Board that *all* of the following conditions exist:

- 1) There are exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.
- 2) A personal hardship exists on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others without the city. It is not sufficient proof of hardship to show that greater value or profit would result if the variance were granted.
- 3) Granting the variance requested will not confer upon the applicant any special privileges that are denied to other residents of the district in which the property is located.
- 4) A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other residents of the district in which the property is located.
- 5) The requested variance will be in harmony with the purpose and intent of this Ordinance and will not impair an adequate supply of light and air to adjacent property, substantially increase congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
- 6) The hardship is not self-created; nor can it be established on this basis by one who purchases the property with or without knowledge of the restrictions.
- 7) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
- 8) The variance is not a request to permit a use of land, building or structures which is not permitted in the district involved.

§2.6. **Appeals**. Appeals from the decisions of the Zoning and Building Officials shall be heard by the Board, unless otherwise specified in this Ordinance.

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## **ARTICLE 3. GENERAL REGULATIONS**

**§3.1. Districts.** For the purposes stated in the preliminary provisions of this Ordinance, the City is divided into districts of such number, shape, and area, and of such common unity of purpose, adaptability or use, which are deemed most suitable to provide for the best, general civic use, protect the common rights and interests within each district, preserve the general rights, and interests of all; and by further regulations to limit the location, uses and occupancy of buildings, structures and land to be used for trade, industry, residence or other structures, including the ration of lot occupancy and coverage, street setback lines, sizes of yards, and other open spaces.

### **3.1.1. Traditional and Conventional Zones Distinguished**

#### **A. Purpose and Intent**

For the purposes of implementing the goals and objectives in the land use plan, the city has traditional and Conventional Zones. Where indicated, the design and development standards in this chapter establish different standards for new development or redevelopment in either Traditional Zones or Conventional Zones. Different standards are established in recognition of the need to:

- 1) Distinguish between portions of the city that have developed or will develop more in keeping with conventional or traditional neighborhood development principles;
- 2) Preserve and enhance the character of the downtown and established surrounding neighborhoods; and
- 3) Provide development standards that are more reflective of the city's existing or planned character.

#### **B. General Characteristics of Traditional and Conventional Zones**

Unless otherwise stated or modified through Planned Unit Developments, new development occurring within the city shall be compatible with the general characteristics of the area in which it is located.

##### **1) Traditional Zone**

Portions of the city designated as traditional zones typically include development with the following characteristics:

- a) A modified grid street system with a prevalent use of alleys and use of cul-de-sac streets only where topography or other natural constraints exist;
- b) Lots with variable sizes, widths, and orientations in proximity to one another along with the provision of formal open spaces;
- c) Human-scaled buildings with high quality exterior materials located within proximity or adjacent to the primary streets they front;
- d) Pedestrian and transit orientation, with widespread provision of on-street parking and off-street surface parking areas located beside or behind buildings; and
- e) Integrated residential and nonresidential land uses located in the same building or in proximity to one another without extensive buffering.

##### **2) Conventional Zones**

Portions of the city designated as conventional zones typically include development with the following characteristics:

- a) Curvilinear streets with some cul-de-sacs and alleys serving narrow lots or areas subject to environmental constraints;

- b) Lots with relatively uniform widths and sizes along with formal and informal open space areas;
- c) Both pedestrian and automobile-oriented streetscapes including some lots fronted by surface parking lots located between the street and the building they serve;
- d) Nonresidential developments typically set back from the streets they front and extended in strip form along streets; and
- e) Segregation of different land uses into groups of similar type separated from other types by buffering and location.

C. Location

- 1) The geographic extents of traditional and conventional zones shall be depicted on the zoning map. All lots in the city shall have a traditional or conventional zoning designation. Some lots may be indicated as being appropriate for either designation but the standards shall not be mixed within a single lot or development.
- 2) Applicants considering new development or redevelopment should consult the Engineering Services and Community Development to determine the applicability of traditional or conventional zoning standards.

D. Applicability

- 1) Lots located within a traditional zone shall be subject to the traditional standards of this ordinance as well as all general requirements.
- 2) Lots located within a conventional zone shall be subject to the conventional standards of this ordinance as well as all general requirements.
- 3) All applications, Development Plans, Preliminary Plats, Final Plats, or Site Plans (as appropriate) shall indicate the applicable zoning district.
- 4) In cases where a development or design standard in this ordinance does not indicate its applicability to lots in conventional or traditional zones, then that standard shall be considered a general requirement and apply to all lots regardless of zone.

**3.1.2. Establishment of Zoning Districts.** In order to classify, regulate, and restrict the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings hereafter erected or structurally altered, to regulate and limit the intensity of the use of the land area, and to regulate and determine the areas of open spaces within and surrounding such buildings, the City is hereby divided into the following districts:

A. Traditional Districts

- DWTN Downtown District
- TI Traditional Institutional
- HN Historic Neighborhood
- TN-1 Traditional Neighborhood 1
- TN-2 Traditional Neighborhood 2
- TN-3 Traditional Neighborhood 3
- TB Traditional Business
- T-PUD Traditional Planned Unit Development

B. Conventional Residential Districts

- EST Estate Residential and Agricultural District
- R-1 (1) Low Density Single Family Residential District
- R-1 (2) Medium Density Single Family Residential District

- R-1 (3) High Density Single Family Residential District
- R-1 (4) Single Family Duplex Attached Residential District
- R-1 (5) Single Family Townhouse Attached Residential District
- R-2 (1) Multiple Family Residential District
- R-MH Manufactured Home Residential District
- B-1 Neighborhood Business District
- B-2 General Business District
- INST Institutional District
- M-1 Light Industrial District
- M-2 General Industrial District
- C-PUD Conventional Planned Unit Development District

§3.2. **Zoning Map** The boundaries of the districts are as shown on the "Athens Zoning Map," together with any subsequent zoning map amendments. Unless otherwise shown on said zoning map, the boundaries of districts are lot lines, the center lines of streets or alleys or such lines extended, railroad right-of-way lines, or corporate limit lines. The zoning map and all the notations, references, and other information shown thereon are a part of this ordinance. Such map shall be filed in the office of the Zoning Official and shall show thereon the date of adoption and revisions of said map.

§3.3. **Interpretation of district boundaries.** The zoning administrator shall make an interpretation of the "Athens Zoning Map" upon request of any person. Where uncertainty exists as to the boundaries of any district shown on said maps, the following rules shall apply:

- 3.3.1. Where boundaries are indicated as approximately following street and alley lines or land lot lines, such lines shall be construed to be such boundaries.
- 3.3.2. In unsubdivided property or tracts where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by the use of the scale appearing on such maps.
- 3.3.3. Where boundaries are approximately parallel to public right-of-way lines, such boundaries shall be construed as being parallel thereto.
- 3.3.4. In case any further uncertainty exists, the board of adjustment shall determine the location of boundaries.

§3.4. **General Use Requirements.**

- 3.4.1. Application of this ordinance: No structure shall be construed, erected, placed or maintained and no land use commenced or continued within the city except as specifically or by necessary implication, authorized by this ordinance.
- 3.4.2. Except as otherwise provided in this ordinance:
  - A. No land or structure may be used except for a purpose permitted in the district in which it is located.
  - B. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area and height regulations of the district in which the building is located.
  - C. The minimum building lines, parking spaces, open spaces, and lot areas, required by this ordinance for each existing building or for any building hereafter erected, shall not be encroached upon nor reduced.
  - D. Every building hereafter erected or structurally altered shall be located on one lot. However, this ordinance specifically permits more than one building on a lot, in the case of attached

dwellings, and uses which require development plan approval. Townhouses shall be constructed as one building on more than one lot.

E. On-frame modular buildings are only permitted within the R-MH District.

**3.4.3.** Temporary structures for uses incidental to construction work may be permitted in any district during the period that construction work is in progress, but such temporary structures shall be removed upon completion or abandonment of the construction work. All other uses of temporary structures shall require approval from the BZA and be limited to 2 years.

**3.4.4.** Utility structures including, but not limited to, poles, wires, cross arms, transformers attached to poles, guy wires, insulators, conduits and other facilities necessary for the transmission or distribution of electric power or to provide telephone, telegraph, internet, or cable television service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distribution of gas, oil, water or other fluids may be constructed, erected, repaired, maintained or replaced within any district within the City of Athens. This is not to be construed to include the erection or construction of buildings or electric substations.

### **§3.5. Nonconforming Uses and Buildings**

**3.5.1. Statement of Intent.** Within the districts established by this ordinance or amendments that may later be adopted, there exist lots, structures, and uses of land and structures, which were lawful when established, but which would be prohibited or restricted under the terms of this ordinance or future amendment. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

**3.5.2. Expansion.** Nonconformities shall not be enlarged upon, expanded or extended. Buildings not meeting height requirements are exempt from this rule notwithstanding the rule for restoration found in Sec. 3.5.3.A below. In such instances, the building may be added onto at the same height of the nonconforming structure so long as the addition does not exceed 25% of the GFA of the nonconforming structure. Nonconformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

**3.5.3. Continuance.** A nonconforming use or building lawfully existing at the effective date of this ordinance may be continued, except as hereafter provided, although such use does not conform to the provisions of this ordinance.

A. Restoration after damages: Other than detached dwellings, no nonconforming building or structure which has been damaged by fire or other causes to the extent of more than fifty (50) percent of its replacement value prior to the time of such damage, shall be repaired or restored except in conformity with the provisions of this ordinance. However, for buildings or structures not damaged or destroyed beyond fifty (50) percent of its replacement value prior to the time of such damage, they may be repaired and used as before if repairs are initiated in twelve (12) months and completed within two (2) years of such damage.

B. Abandonment: A nonconforming use which has been discontinued for a continuous period in excess of 180 days shall not be reestablished, and any future use shall be in conformity with the provisions of this ordinance.

C. Change in use: A nonconforming use shall not be changed to another nonconforming use. A nonconforming use which is changed to a conforming use shall not be permitted to revert to a nonconforming use.

**3.5.4. Nonconforming Lots.** There exist lots in the city, which were lawful when platted, but which are too small to be developed under the provisions of this ordinance. (Nonconforming lot(s) of record.) Said lots may be vacant or occupied by an existing building or structure.

It is the intent of this ordinance to maintain the average lot width and developed density within each of the city's subdivisions or districts.

- A. Consolidation of Lots of Record. If two (2) or more lots or parcels are adjacent or contiguous to each other and are under common ownership on the effective date of this ordinance, or subsequent thereto, such adjacent or contiguous lots or parcels shall be combined to form one (1) lot or parcel [hereinafter referred to as "zoning lot(s)"] and shall be considered one (1) zoning lot for purposes of complying with the Athens Zoning Ordinance minimum lot width and area requirements, if any such individual lot(s) do not meet said minimum requirements. No zoning lot(s), or any portion thereof, shall be used in any way that conflicts with the regulations or requirements of this ordinance. No building permit shall be issued for construction on any nonconforming lot or portion of any zoning lot(s) that is sold, transferred, or conveyed in violation of the provision of this ordinance and/or of this section, provided however, that this provision shall not prevent the dividing of presently existing townhouses or other multifamily dwellings into separate ownership units.

The provisions of this section are intended to apply to all nonconforming lots or parcels whether shown on an approved or recorded plot or plan. No building permit shall be issued for any zoning lot(s), or any portion thereof, until such time as said zoning lot is resurveyed so as to create one (1) or more lots or parcels which conform with the provisions of this ordinance which include, but are not limited to, the minimum lot width or frontage and area requirements of the district in which such property is located.

- B. Area and Setback Modifications for Lots of Record. Where a lot of record at the time of the effective date of this Ordinance had less area or less width than required for the applicable district, said lot may nonetheless be used as a building site provided the yard space and other requirements conform to the requirements for the applicable district. If the lot is of insufficient size to accommodate the required yards, said yards may be adjusted with a plot plan, drafted by a professional surveyor or engineer, approved by the Zoning Official as follows:

- 1) For front yard modifications, see Sec. 6.1.4 Transitional Features.
- 2) If modifications are required for side yards, the plot plan will need to note the percentage difference between the actual width of the lot and the minimum width (frontage) required in the district. The side yards may then be reduced in width by that percentage to the nearest foot.
- 3) If modifications are required for rear yards, the plot plan will need to note the percentage difference between the actual size of the lot and the minimum size required in the district. The rear yard may then be reduced in depth by that percentage to the nearest foot.
- 4) If these remedies still present a case where hardships remain as defined in this ordinance, relief may be sought from the BZA.
- 5) If it appears that these remedies will present outcomes counter to the intent of this ordinance, the Zoning Official reserves the right to forward the request for relief to the BZA.

- 3.5.5. Nonconforming Open Uses of Land.** This category of nonconformance consists of lots used for storage yards, used car lots, auto wrecking, junk yards, and similar open uses where the only buildings on the lot are incidental and accessory to the open use of the lot and where such use of the land is not permitted to be established hereafter, under this Ordinance, in the applicable district. A legally established nonconforming open use of land may be continued except as follows:

- A. When a nonconforming open use of land has been changed to a conforming use, it shall not thereafter revert to any nonconforming use.
- B. Nonconforming open uses of land shall not be changed to any but conforming uses.
- C. A nonconforming open use of land shall not be enlarged to cover more land than was occupied by that use when it became nonconforming.
- D. A nonconforming open use of land shall not become a nuisance, as defined in Article 9.

**3.5.6. Nonconforming Improvements.** Prior to the issuance of a Certificate of Occupancy, nonconforming improvements, including but not limited to, parking areas, driveways, lighting, sidewalks, building materials, buffers and screening, and other landscaping, shall be brought into conformity with the standards of this Ordinance and of the Subdivision Regulations according to the following:

- A. Where the use of a property becomes discontinued for a continuous period of 180 days, *all* nonconforming improvements shall be brought into conformity with this Ordinance and the Subdivision Regulations.
- B. In the event there is a change in the use of a property, regardless of whether the proposed use constitutes an increase in intensity, at a minimum, landscaping, screening, off-street parking areas, and exterior lighting shall be brought into conformity with the applicable provisions of Article 6.
- C. In the event that there is a change in the use of a property such that the proposed use would require a greater buffer (from abutting uses) than the existing use, a buffer shall be provided as required in Article 6. Where due to the location of a existing buildings and/or other site constraints, the buffer width cannot be met, a Variance may be issued by the Board, in which case the Board shall require a wall/fence *and* landscaping at a greater density to achieve a buffer configuration consistent with the intent of Article 6.
- D. In the event that a change in the use of a property causes an increase in the number of uses, regardless of whether the proposed uses constitutes an increase in intensity, *all* nonconforming improvements shall be brought into conformity with this Ordinance and the Subdivision Regulations.

**§3.6. Abandoned right-of-way.** Whenever any street, alley or other public way is vacated or abandoned by official action of the City of Athens, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of same and all area included therein shall then be subject to all appropriate regulations of the extended district.

**§3.7. Necessary Repairs Permitted.** Nothing in this Ordinance shall prevent the strengthening or restoration to a safe or lawful condition of any part of any building or structure declared to be unsafe or unlawful.

**§3.8. Occupancy.** No building, structure, or land shall be used or occupied, and no building or structure or part thereof shall be erected, moved or structurally altered except in conformity with all of the regulations specified for the district of this Ordinance in which it is located.

**3.8.1. Occupancy in dwelling units.** Occupancy of a dwelling unit shall be limited to one family as defined herein, and in no case shall a dwelling unit be occupied by more than one family. For a family who has a handicapped member, in case of extreme hardship, the family may request a variance to secure additional domestic help and state in writing a particular hardship and need for services of additional domestic help by making application to the Board of Zoning Adjustments or as otherwise required by the Federal Housing Act Amendment of 1988, as amended.

**3.8.2. Businesses.** Businesses shall occupy permanent principal buildings as defined in Article 9. This provision shall not apply to activities in relation to a non-profit organization or event; special events hosted by a business entity lasting no more than 2 days; special events approved by the Mayor; the sale of prepackaged frozen food items; produce stands, provided the stand's location is not deemed unsafe by the Athens Police Department; food truck courts permitted by Special Exception in Industrial Districts; and activities taking place at the Farmers' Market. All other mobile business activities are prohibited.

**§3.9. Uses on Appeal (Including Supplemental Regulations).** A use allowed on appeal is a use which is compatible with the permitted district uses but, because of its nature, must be reviewed and approved by the Zoning Official or the Board of Zoning Adjustments prior to issue of a business license. Such uses fall into two (2) separate categories: (1) uses which are specifically mentioned in this ordinance as subject to supplemental use regulations and requiring approval by the Zoning Official; and (2) uses requiring Special Exception approval by the Board of Zoning Adjustments.

**3.9.1. Supplemental Use Regulations.** All uses identified as subject to Supplemental Use Regulations shall comply with all applicable standards for the uses as specified within this Article in addition to other requirements of this Ordinance.

A. **Home occupations:** Applications for home occupations may be approved by the Zoning Administration, provided that all of the following regulations and requirements are satisfied:

- 1) **General Restrictions.** The home occupation shall be clearly incidental to the residential character of the dwelling and shall not adversely affect the uses permitted in the zoning district in which it is located. No home occupations shall be permitted which might interfere with the general welfare of the surrounding residential area due to potential noise, increased pedestrian and vehicular traffic, or any other conditions which would constitute an objectionable use of residentially-zoned property.
- 2) **Limitation of Type of Home Occupation.** Home occupations shall be limited to an office, or a business of a personal service nature.
- 3) **Limitation of Area.** The use of a dwelling for a home occupation purpose shall be limited to twenty-five percent (25%) of one floor of the principal building and accessory building; however, no visible outside storage of any kind will be permitted in connection with any home occupation.
- 4) **Employment Limitations.** Employment shall be limited to members of the family residing in the dwelling with which the home occupation is associated; there shall be no employment of persons who are not members of said resident family.
- 5) **Limitation of Patrons.** All home occupations shall be restricted such that there shall not be any patrons (who are not members of the resident family) on the premises for any reason related to such home occupation.
- 6) **Signage Restrictions.** There shall be no signage erected or displayed on the premises that in any way identifies or advertises a home occupation.
- 7) **Renewal.** Failure to renew a business license will rescind any prior approval, and may result in a reapplication fee at the discretion of the Zoning Administration.
- 8) **Transfer of Home Occupation.** There will be no transfer of a home occupation to another address. Any relocation will require the applicant to re-apply with the Zoning Administration.

B. **Day Care Facilities.** Day care facilities, operated within a residence, are not subject to the requirements for home occupations but shall comply with the following requirements:

- 1) Application of Regulations. The provisions of this Section shall apply to day care facilities providing service for part of a twenty-four (24) hour day for children under sixteen (16) years of age, for the aged, or for persons who are disabled, by persons giving care (excluding care provided by relatives). Day care facilities shall include family day care homes, group day care homes, and day care centers. This Section does not apply to baby-sitting or child day care service furnished in places of worship during religious services or related activities.
- 2) General Provisions.
  - a) State regulation. All child day care facilities shall comply with all applicable State regulations.
  - b) Inspections. The Building Official shall have the right to enter and inspect the dwelling or accessory buildings for compliance purposes after advance notice to the property owner.
  - c) Hours of outside play shall be limited to between the hours of 8:00 a.m. and sunset, as defined by the National Weather Service and an outdoor play area shall be provided for child day care facilities and shall not be located in the front yard.
  - d) Sewage facilities. Day care facilities using, or proposing to use, an on-site sewage disposal system shall obtain a written statement from the County Health Department certifying that the system is properly designed to accommodate the use and that there are no apparent signs of system failure.
  - e) Fencing shall be provided to restrict children from hazardous areas, such as open drainage ditches, wells, holes, and principal arterial and minor arterial roads. Natural or physical barriers may be used in place of fencing so long as such barriers functionally restrict children from these areas.
  - f) Expansion to Day Care Center. The care of more than twelve (12) individuals at a time constitutes a Day Care Center, which may require, in the case of expansion of a Day Care Home, to a district in which Day Care Centers are permitted. When applying for rezoning, the applicant shall submit a plan showing any existing or proposed outdoor play areas, outdoor play equipment, fencing, access drives, adjacent streets, adjacent hazardous land uses, on-site hazardous areas (as previously defined), on-lot sewage disposal facilities, parking spaces, and the drop-off circulation pattern.
  - g) Application and permitting procedure. Any individual proposing a family day care home shall submit an application for a Day Care Home Permit to the Building Official. If the application demonstrates compliance with this Ordinance, the Building Official shall grant the permit. Group day care homes shall only be permitted as Special Exception Uses in accordance with Section 2.5.3 and the provisions of Section 3.11.1.B.3 below.
- 3) Family Day Care Homes and Group Day Care Homes. In addition to the other provisions of this Section, family day care homes shall: A) only be permitted in single-family detached dwellings, B) have a current State registration certificate (proof of registration renewal must be supplied to the City every two (2) years), and C) have no external signage.
  - a) Family Day Care Homes shall be limited to no more than six (6) children. Such use shall only be permitted between the hours of 7:00 a.m. and 7:00 p.m.
  - b) Group Day Care Homes shall be permitted only by Special Exception and shall be limited to no more than twelve (12) individuals receiving care in accordance with applicable state regulations.

- 4) Day Care Centers. In addition to the other provisions of this Section, day care centers shall comply with the following:
  - a) The facility shall have an approved and currently valid State license. Proof of State annual license renewal must be supplied to the City every year.
  - b) A fence with a minimum height of four (4) ft shall physically contain the children within the outdoor play area. Natural or physical barriers may be used in place of fencing so long as such barriers functionally contain children.
  - c) On corner lots, access shall only be from the thoroughfare of lesser classification.
  - d) Play equipment shall be located at least ten (10) ft from all lot lines.
  - e) All pedestrian pathways shall be adequately lit for safety if utilized during non-daylight hours. Specific areas for lighting are entranceways, pedestrian access to the outdoor play areas, sidewalks, drop-off areas, and all parking lots. Such lighting shall not produce objectionable glare on adjacent properties.

C. Alcoholic Beverage Sales. All uses involving the sale of alcoholic beverages shall comply with the Athens Alcoholic Beverage Ordinance, (Chapter 6 of the City of Athens Code of Ordinances) as amended and the provisions herein. The definitions of terms in this section shall be read to include the definitions of the same terms as found in the Athens Alcoholic Beverage Ordinance (Chapter 6 of the City of Athens Code of Ordinances):

- 1) Restriction of Location of Sale of Alcoholic Beverages. In addition to all other regulations and restrictions:
  - a) Types of Businesses Allowed to Sell for On-Premises Consumption. In addition to all other regulations and restriction, no facility or property in the City may be authorized for the sale of alcoholic beverages for consumption on the premises, except for the following:
    - (i) Class I restaurants licensed to sell alcoholic beverages for on-premises consumption;
    - (ii) Class II restaurants licensed to sell alcoholic beverages for on-premises consumption;
    - (iii) Hotels;
    - (iv) Specialty beverage stores with respect to beer and/or table wine;
    - (v) Merchandise store with incidental table wine sales;
    - (vi) Specialty wine and beer establishment;
    - (vii) Persons holding a special event retail license for on-premises consumption; and
    - (viii) An establishment holding a club liquor license from the state alcoholic beverage control board.
  - b) Types of Businesses Allowed to Sell Beer/Wine for Off-Premises Consumption. In addition to all other regulations and restrictions, no licensee in the City with a license issued by the state alcoholic beverage control board for retail table wine license for off-premises consumption; retail table wine license for on-premises and off-premises consumption; retail beer for on-premises and off-premises consumption; and/or retail beer for off-premises consumption, shall be permitted to sell beer and wine for off-premises consumption unless the same is a:
    - (i) Convenience store;
    - (ii) Grocery store;

- (iii) Merchandise store with incidental table wine sales;
  - (iv) Specialty beverage store; or
  - (v) Specialty wine and beer establishment.
- c) Limits of Types of Businesses Allowed to Sell Alcohol in a Traditional Zone. In addition to all other regulations and restrictions, no facility or property located in a traditional zone shall be authorized for on-premises sale or off-premises sale of alcoholic beverages, except for the following:
- (i) Class I restaurants licensed to sell alcoholic beverages for on-premises consumption;
  - (ii) Class II restaurants licensed to sell alcoholic beverages for on-premises consumption;
  - (iii) Convenience stores licensed to sell beer and/or table wine for off-premises consumption;
  - (iv) Grocery stores licensed to sell beer and/or table wine for off-premises consumption;
  - (v) Specialty beverage stores with respect to beer and/or table wine;
  - (vi) Merchandise store with incidental table wine sales;
  - (vii) Specialty wine and beer establishments; and
  - (viii) Persons holding a special events retail license for on-premises consumption.
- d) Restrictions on Clubs. In addition to all other regulations and restrictions, no club in a residential zone or in a PUD district shall be authorized for on-premises sale or off-premises sale of alcoholic beverages unless the same has been approved as a Special Exception by the BZA, as may be required by this Ordinance.
- e) Distance Limitations for Alcohol Sales. In addition to all other regulations and restrictions, and subject to exceptions contained in this section, no facility or property shall be authorized for on-premises sale or off-premises sale of alcoholic beverages where the facility or property is less than 500 feet from any church, public or private elementary, intermediate, middle or junior high, high school or child development facility.
- (i) The aforesaid distance restriction in this section shall not apply in the following enumerated cases:
    - Where the facility or property is located in a traditional zoning district and the public entry of the facility or property is not less than fifty (50) ft from the place of worship, school, or child development facility.
    - Where (i) the facility or property is separated from the church, school, or child development facility by a street or highway having four or more traffic lanes, not including any lanes that are turning lanes, service lanes, and/or hazard lanes, (ii) at least four of the traffic lanes that separate the licensed premises from the church, school, or child development facility extend continuously and together for more than one mile before any one of the lanes terminates or becomes a turning lane, service lane, and/or hazard lane, and (iii) the minimum distance between the licensed premises and the church, school, or child development facility building is at least 200 feet;

- Where the church, school, or child development facility was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of twelve months; or
  - Where the establishment upon the facility or property is a grocery store as defined herein.
- (ii) When measuring from a church, school, or child development facility, the closest exterior wall of the closest building in the church, school, or child development facility complex wherein an essential function or activity of the church, school, or child development facility is carried on shall constitute the beginning point for measurement. When measuring from the facility or property, the closest point on the exterior wall of the building occupied by the person seeking to sell alcoholic beverages shall be used for measurement purposes if the building is occupied solely by that person; otherwise, such measurement shall be made from the closest point of the person's occupancy within the building in question. The method of measurement is a straight line from the aforementioned defined points.
- (iii) In instances where the council has delegated the authority to make such a determination to an agent, any person aggrieved by the decision of the agent may appeal the agent's decision to the council. Such an appeal must be filed in writing within ten days of the date of the agent's decision and must specify the details of the reason for the appeal. The council shall hold a public hearing on such appeal at its next regularly scheduled meeting which is at least 14 days after the appeal is received by the clerk. The aggrieved party shall have the right to address the council and present any relevant evidence and testimony at said hearing. The decision of the council shall be final.
- 2) Additional Regulations Concerning the Sale of Retail Liquor for Off-Premises Consumption.
- a) Sale of Retail Liquor Sales for Off-Premises Consumption.
- (i) In addition to all other regulations and restrictions, no facility or property shall be authorized for the sale of retail liquor for off-premises consumption where the same is situated in any zoning district other than a B-2 zone and is situated on any lot that does not front a major arterial roadway, as classified in the adopted Athens Transportation Plan (ATP). The sale of retail liquor for off-premises consumption shall only be permitted in a B-2 zone on lots fronting on a major arterial roadway as classified in the ATP, subject to such other rules and regulations as prescribed by law, such as Special Exception use regulations prescribed by the city zoning ordinance.
- (ii) In addition to all other regulations and restrictions, no facility or property shall be authorized for the sale of retail liquor for off-premises consumption where the facility or property is less than 1,000 feet from another facility or property that (i) has previously been authorized for the sale of retail liquor for off-premises consumption and (ii) is currently licensed for the sale of retail liquor for off-premises consumption. When measuring from these facilities or properties, the closest point on the exterior wall of the buildings occupied by the persons selling or seeking to sell alcoholic beverages shall be used for measurement purposes. If a building is not solely occupied by that person, then the measurement shall be made from the closest point of that person's occupancy within the building in question. The method of measurement is a straight line from the aforementioned defined points. A

state liquor store (i.e., a store operated by the Alabama Alcoholic Beverage Control Board, which offers the retail sale of liquors for off-premises consumption) shall not be construed as “another facility or property” pursuant to this subsection

- (iii) Sale of Retail Liquor for off-premises consumption. In addition to all other regulations and restrictions, and subject to exceptions contained in this subsection, no facility or property shall be authorized for the sale or retail liquor for off-premises consumption where the building in which the premises are located is less than 1,000 feet from any church, public or private elementary, intermediate, middle or junior high, high school, or child development facility. The method of measurement shall be the same method as found in Section 6-34 of the City of Athens Code of Ordinances. The aforesaid distance restriction in this subsection shall not apply where (i) the premises is separated from the church, school, or child development facility by a street or highway having four (4) or more traffic lanes, not including any lanes that are turning lanes, service lanes, and/or hazard lanes, (ii) at least four (4) of the traffic lanes that separate the premises from the church, school, or child development facility extend continuously and together for more than one (1) mile before any one of the lanes terminates or becomes a turning lane, service lane, and/or hazard lane, and (iii) the minimum distance between the premises and the church, school, or child development facility building is at least 200 ft. The aforesaid distance restriction in this subsection shall also not apply where the facility or property is a grocery store as defined herein, or where the church, school, or child development facility was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of 12 months.

3) Additional Regulations Concerning the Sale of Retail Liquor for On-Premises Consumption.

a) Sale of Retail Liquor for On-Premises Consumption.

- (i) In addition to all other regulations and restrictions, no facility or property shall be authorized for the sale of retail liquor for on-premises consumption where the same is situated in any zoning district other than a B-2 zone and is situated on any lot that does not front a major arterial roadway as classified in the ATP. The sale of retail liquor for on-premises consumption shall only be permitted in a B-2 zone on lots fronting on a major arterial roadway as classified in the ATP, subject to such other rules and regulations prescribed by the city zoning ordinance. This subsection (a)(i) shall not apply to limit the location of Class I or Class II restaurants, hotels, clubs, or to events that are the subject of a special events retail license for on-premises consumption.
- (ii) In addition to all other regulations and restrictions, no facility or property shall be authorized for the sale of retail liquor for on-premises consumption where the facility or property is less than one thousand (1000) feet from another facility or property that (i) has previously been authorized for the sale of retail liquor for on-premises consumption and (ii) is currently licensed for the sale of retail liquor for on-premises consumption. When measuring from these facilities or properties, the closest point on the exterior wall of the buildings occupied by the persons selling or seeking to sell alcoholic beverages shall be used for measurement purposes. If a building is not solely occupied by that person, then the measurement shall be made

from the closest point of that person's occupancy within the building in question. The method of measurement is a straight line from the aforementioned defined points. This subsection (a)(ii) shall not apply to limit the location of Class I restaurants, Class II restaurants, hotels, or to events that are subject of a special events retail license for on-premise consumption (although these types of establishments shall be included in an application of the subsection's distance rule for types of establishments that do not qualify for this exception).

- (iii) In addition to all other regulations and restrictions, and subject to exceptions contained in this subsection, no facility or property shall be authorized for the sale of retail liquor for on-premises consumption where the building in which the premises are located is less than 1,000 feet from any church, public or private elementary, intermediate, middle or junior high, high school, or child development facility. The method of measurement shall be the same method as found Section 6-34 of the City of Athens Code of Ordinances. The aforesaid distance restriction in this subsection shall not apply where (i) the premises is separated from the church, school, or child development facility by a street or highway having four (4) or more traffic lanes, not including any lanes that are turning lanes, service lanes, and/or hazard lanes, (ii) at least four (4) of the traffic lanes that separate the premises from the church, school, or child development facility extend continuously and together for more than one (1) mile before any one of the lanes terminates or becomes a turning lane, service lane, and/or hazard lane, and (iii) the minimum distance between the premises and the church, school, or child development facility building is at least 200 ft. The aforesaid distance restrictions in this subsection shall also not apply where the church, school, or child development facility was established after the licensed premises began operation and said operation has not been abandoned or discontinued for a period of twelve (12) months. This subsection (a)(iii) shall not apply to limit the location of Class I restaurants, Class II restaurants, hotels, or to events that are the subject of a special events retail license for on-premises consumption.

D. **Bed and Breakfasts.** Bed and breakfasts shall only be permitted in single-family detached dwellings, shall only be operated by the owner and resident of the dwelling, and shall comply with the following provisions:

- 1) **Use Regulations.**
  - a) **Intensity of use.** There shall be at least 500 sf of interior floor area within the Bed and Breakfast for each guest room it houses. All guest rooms shall be located within the principal structure.
  - b) **Length of stay.** The maximum length of stay shall be limited to two (2) consecutive weeks.
  - c) **Occupancy.** No more than two (2) persons shall be allowed to occupy any one guest room at any time, except in the case where a child less than five (5) years of age occupies the same room. In no case shall any Bed and Breakfast be allowed to exceed its total occupancy limit as established by the City at the time of approval of the use.
  - d) **Meals.** Meals shall be served only to guests lodging in the facility. Individual guest rooms shall contain no cooking facilities.
- 2) **Parking.** For each and every guest room as approved by the City, there shall be provided one (1) parking space, in addition to all other required parking spaces. Such

additional required parking spaces shall be screened from adjacent properties and arranged so that each space has direct access to a driveway, whether from a public thoroughfare or an alley. Such parking areas shall be designed and arranged on the site so as to not detract from the character of the neighborhood. Recreational vehicle parking shall be prohibited.

- 3) Signs. Only one (1) non-illuminated sign, attached to the front façade or detached, shall be allowed. Such signs shall not exceed ten (10) sf in area nor four (4) sf in height. If detached, the design, construction, colors, and materials of the sign shall be compatible with the architectural style, colors, and materials of the principal structure.
- 4) Building Design Standards.
  - a) Interior. Only minimal interior modifications shall be allowed whenever it is necessary to meet Building Code or Health Department requirements, and rooms shall not have been specifically constructed for rental purposes.
  - b) Exterior. Aside from any alterations necessary to ensure the safety of the structure, no exterior modifications shall be allowed (other than provision for a separate entrance) unless approved as a part of the Special Exception. Approved exterior modifications should not detract from the residential character of the dwelling or the neighborhood.

E. Rooming / Boarding Houses. Rooming / boarding houses shall only be permitted in single-family detached dwellings with access to public sewer and water, shall be operated by the owner and primary occupant of the dwelling, and shall comply with the following provisions:

- 1) Intensity of use. At least one (1), but not more than six (6), boarding rooms shall be available in a rooming/boarding house. Rooms shall be rented on a weekly or monthly basis only.
- 2) Meals. Meals may be served for compensation only to boarders; in no case shall meals be served for compensation to persons who are not boarders of the establishment. No cooking facilities shall be permitted in any boarding room.
- 3) Other Regulations Applicable. Rooming/boarding houses shall be in compliance with all State and County requirements for such uses.

F. Upper-Story Dwellings. Upper-story dwellings in mixed-use buildings shall be located on a floor level above a use of another type (i.e. institutional, office, retail or service, etc.) and no non-residential use shall be located on the same floor. In all cases, provision of emergency egress and fire separation shall comply with all requirements of the Building and Fire Codes.

- 1) Live-Work. Single-family dwellings in mixed-use buildings are primarily intended for the occupancy of the proprietor of the associated use(s) within the building. In such cases, the dwelling unit may be accessible from within the associated use. In all other cases, access to the single-family dwelling shall be from the exterior of the building or other entrance separate from the use(s) within the ground floor of the building. If the dwelling is to be occupied by other than the proprietor of the associated use, the dwelling shall have an entrance separate from the associated use.
- 2) Multi-Family Dwellings in a Mixed-Use Building. Multi-family dwelling units shall be accessible from a shared exterior entrance or one interior entrance commonly shared between the different uses housed in the upper floors of the building. Dwelling units shall not be accessible directly from another unit or use within the building.

G. Industrial Parks. Necessary plats and developmental site plans for industrial parks must provide for the following requirements:

- 1) Outdoor Storage. Outdoor storage in an industrial park shall be permitted only when accessory to a permitted principal use, and only when storage areas are suitably screened by either landscaping, fences or walls, and are located at least fifty (50) ft from any property lines and at least 100 ft from any street lines. Such storage areas shall not cover more than fifteen (15) percent of the site areas. The Zoning Official shall approve plans for the location and screening of all outdoor storage areas before a Building Permit shall be issued for their construction.
- 2) Engineering Requirements. A report of sub-surface soil conditions shall be provided to the Commission by a registered professional engineer. An engineering feasibility report shall be submitted to the Commission which provides for the site grading, storm drainage, sanitary sewerage, and water supply, prepared by a registered professional engineer.
- 3) Deed Restrictions. Intended deed restrictions shall be submitted with the plat and/or developmental site plan.
- 4) Accessibility, Circulation, and Thoroughfare Design.
  - a) Industrial parks shall have access by way of a major thoroughfare adequate and suitable for the accommodation of truck traffic. All thoroughfares within an industrial park shall have a minimum ROW width of seventy (70) ft, a maximum gradient of five (5) percent and shall conform to City thoroughfare standards, or as otherwise approved by the Commission.
  - b) Cul-de-sacs shall be permitted in industrial parks when they are less than 500 ft long as measured from the terminal point of the cul-de-sac to the closest intersection, and when such terminal point is provided with a paved vehicle turnaround area having a minimum radius of seventy (70) ft.
  - c) Street lighting shall be provided as approved by the City.
  - d) Intersection sight distances at all access points to public thoroughfares shall not be less than 500 ft, except where a traffic signal light is installed.
  - e) Where access points from industrial parks are located along public thoroughfares having speed limits of thirty (30) mph or greater, acceleration and deceleration lanes shall be provided on the public thoroughfare in accordance with the standard specifications of the ALDOT.

H. Gas/Service Stations.

- 1) Use Limitations. The following uses shall be prohibited: painting, body work, major repair, dismantling for recovery of parts, and sales or rental of motor vehicles or trailers.
- 2) Area and Dimensional Requirements.
  - a) Min. lot size: 15,000 sf
  - b) Min. lot frontage: 100 ft
  - c) Service station establishments shall not include more than three (3) service bays.
  - d) Access to and from gasoline service stations shall comply with the access spacing requirements of the City of Athens Traffic Circulation Standards.
  - e) All oil drainage pits and hydraulic lifts shall be located within an enclosed structure and shall be located no closer than fifty (50) ft to an abutting residential district lot line and no closer than twenty-five (25) ft to any other lot line.

- f) All permitted mechanical repair work shall be conducted within an enclosed structure and shall be located no closer than fifty (50) ft to any abutting residential district lot line and no closer than twenty-five (25) ft to any other lot line.
  - g) In the B-2, M-1 and M-2 Districts, fuel pumps, pump islands and other service facilities may occupy required yards; however, such shall be set back at least thirty (30) ft from any front lot line and thirty (30) ft from any other lot line.
- 3) Storage of Vehicles. No storage of vehicles shall be permitted for periods in excess of thirty (30) days. Partially dismantled, non-operating, wrecked, junked, or discarded vehicle shall not be permitted to remain on the property of a service station longer than 48 hours unless such vehicle(s) is stored within in an enclosed building or within an enclosed side or rear yard screened in accordance with Article 6.

I. Pawn Shops, Collateral Loan/Exchange, Payday Loan and Check-Cashing Establishments.

Because of their very nature, pawn shops and collateral loan/exchange, payday loan and check-cashing establishments are recognized, particularly when several are concentrated in a given area, to have deleterious effects upon adjacent areas. Therefore, not more than two (2) such uses shall be permitted within 1,000 ft of each other, as measured from the nearest walls of the buildings or units within which the uses exist or are contemplated. Nor shall any such use be located closer than 250 ft from the nearest boundary of any Residential district, as measured from the nearest wall of the building or unit within which the use is contemplated.

J. Temporary Real Estate Sales Office. Temporary real estate sales offices serving residential developments under construction or recently completed shall be subject to the following provisions:

- 1) Time Limit. Temporary real estate sales offices shall only be permitted after approval of the Final Plat for a maximum period of two (2) years or until fifty (50) percent of the land involved is sold, whichever occurs first. This time frame may be extended for multi-phase developments; however, in such cases, the sales office shall not remain in an area of the development for which the construction phase has been completed for more than one (1) year.
- 2) Location. The location of the office shall be designated at the time of subdivision approval. Locations should be chosen so as to not disrupt the enjoyment of completed and sold homes on-premises nor any adjacent residential areas.
- 3) Building. The sales office shall only be permitted within a permanent building approved to be located on the development site and which has received a Certificate of Occupancy. Use of a model home for such purpose is permitted in accordance with these standards. For PUD, use of a non-residential building, such as a club house or similar common building, shall only be permitted by the Commission during approval of the master development plan.
- 4) Signs. Signage shall be limited to one detached sign with a maximum height of four (4) ft and a maximum sign area of ten (10) sf.
- 5) Other Regulations Applicable. On-site sales activities shall conform to state real estate law and all applicable regulations of the Alabama Real Estate Commission.

K. Recreational Vehicle Parks. The following regulations apply to all developments provided for the accommodation of transient recreation vehicles, including travel trailers, campers, and similar transient residential vehicles:

- 1) Permits Required.

- a) No person shall engage in the construction of a Recreational Vehicle Park or make any addition or alteration to any such park so as to alter the number of lots therein, or affect the facilities required therein, until a Building Permit has been issued for such addition, alteration or construction. The Building Official shall not issue any Building Permit unless the proposed park has been approved as a Special Exception Use in the R-MH District.
- b) No recreational vehicles or travel trailers shall be allowed on site until a Certificate of Occupancy has been issued.
- c) At any time that deviations from the approved plans exist which, in the judgment of the Building Official, are not in conformity with these regulations or an approved plan, the Building Official shall notify the owner of record of the park to correct such deficiency within thirty (30) days of such notice. In the event such deficiency is not corrected within the time allowed, the Building Official shall notify, in writing, the Council of all pertinent facts. The Council, upon review of such facts, may revoke the Certificate of Occupancy and order the park vacated of all units until such deviations are corrected.
- d) Application Procedures.
  - (i) Application for a Special Exception Use shall be submitted in accordance with Section 2.5.3. The application shall be accompanied by:
    - A Site Plan map drawn to scale not smaller than one inch equals 200 ft.
    - The preliminary Site Plan map shall show: the names of the applicant, developer and property owner; legal description of property being developed; name and registration number of licensed surveyor or engineer who prepared or certified the Site Plan map; location key map of the proposed development; widths of proposed easements; existing and proposed water supply and sewage disposal systems; layout of all spaces with all dimensions and identifying numbers/letters; and location of all existing or proposed structures, enclosures and facilities, including required open areas, trash receptacles and fire hydrants.
    - A certificate of approval of the Limestone County Health Department.
  - (ii) After approval of the Special Exception Use, the applicant may apply for a Building Permit. Such application shall be submitted to the Building Official and shall be processed in accordance with established procedures as set forth in the Building Code.
  - (iii) Application for a Certificate of Occupancy shall be made in writing to the Building Official. The Certificate of Occupancy shall not be issued for any portion of a partially developed park unless the owner or developer of such property has posted with the City a performance bond satisfactory to the City Attorney guaranteeing completion of development within two years of the date of the Certificate of Occupancy.
  - (iv) A Certificate of Occupancy shall not be issued until the owner or developer of such park has paid the annual license fee to the City.
- e) Fees. The owner or developer shall pay to the City such fees as may be necessary to defray the costs of publication and notice to adjacent property owners as required for public hearings or to cover other reasonable costs incurred by the City in reviewing plans.

## 2) General Standards.

- a) Recreational Vehicle Parks shall only be permitted on sites with access to public water and sewer.
  - b) No Recreation Vehicle Park shall be located except with direct access to a collector or arterial thoroughfare. No access shall be through a traditional district or conventional residential district.
  - c) Spaces shall be rented by the day or week only, and an occupant of such space shall not remain in the same park for a period exceeding thirty (30) consecutive days.
  - d) Use of spaces shall be limited to travel trailers, motor homes and campers with a maximum length, exclusive of hitch, of twenty-eight (28) ft. No buildings or storage shall be permitted in any such space.
  - e) Management headquarters, recreation facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a Recreation Vehicle Park shall be restricted in their use to occupants of the park and shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
  - f) Each space shall be directly accessible to an internal street of twenty (20) ft in width.
- 3) **Area and Dimensional Requirements.**
- a) Minimum Lot Area: three (3) acres.
  - b) Minimum Lot Width. The lot width shall be no less than 100 ft along any portion of the site where vehicular access is provided to a public thoroughfare.
  - c) Max. Density: twelve (12) spaces per acre
  - d) Minimum Area for each vehicle space: 1,200 sf
  - e) Spacing between recreational vehicles. A minimum of ten (10) ft shall be provided between recreational vehicle pads.
  - f) No space shall be so located so that any part intended for sleeping purposes shall be within fifty (50) ft of any thoroughfare ROW.
- 4) Landscaping Requirements. See Article 6.
- a) At least forty (40) percent of the gross acreage of the park shall be landscaped and improved for the common use of occupants. This area may include common facilities, including laundry stations, bathrooms, showers, garbage collection, etc. However, a minimum of fifty (50) percent of such common area(s) shall be improved for recreational use of occupants, which may include a swimming pool, tennis court, picnic area, and similar facilities.
  - b) At least twenty-five (25) percent of each space shall be landscaped and shall include a nondeciduous tree of at least fifteen (15) gallon size.
- 5) Parking Requirements. Each space shall include one (1) automobile parking space and one (1) automobile visitor parking space shall be provided per fifteen (15) recreational vehicle spaces.
- 6) **Additional Standards.**
- a) Trailer sanitation stations designed to receive the discharge of sewage holding tanks for self-contained vehicles shall be installed in an accessible location in every Recreation Vehicle Park where there are spaces not provided with drain inlets designed to receive the discharge of toilets. Trailer sanitation stations shall be provided on the basis of one station for each 100 such spaces or fraction thereof.

- b) A minimum of one toilet and one lavatory for each gender shall be provided for the exclusive use of the park occupants. An additional toilet and lavatory for each sex shall be provided for each fifteen (15) spaces or fraction thereof not provided with a water connection and a three (3) inch drain inlet for connection to a vehicle equipped with a toilet.
- c) A minimum of one shower for each gender and one washer and dryer shall be provided.
- d) Trash containers shall be located within 300 ft of every space and screened.

L. Self-storage and Mini-warehouse Storage Facilities.

- 1) *General Standards.* For all self-storage and mini-warehouse storage facilities, a Site Plan shall be prepared showing that the development meets all applicable requirements of this Ordinance, including landscaping, screening, buffers, exterior lighting, and the following requirements:
  - a) Unless the storage facility is built as a single building with internal access to multiple individual storage units (limited-access storage facility), each storage compartment shall have an exterior independent entrance under the exclusive control of the tenant thereof.
  - b) Building coverage may equal no more than seventy (70) percent of the total lot area.
  - c) Use shall be limited to storage of personal property items, the pickup and deposit of goods or property in dead storage, except a manager's office which is clearly incidental to the principle use.
  - d) No part of any fence/wall enclosure shall be located forward of the front setback line.
  - e) The design of facades, landscaping and lighting of premises shall be compatible with the purposes of the applicable district.
  - f) Required parking spaces shall be located adjacent to the building or use which they serve. Floor area within the rental or leasing office, which is devoted to uses other than the rental of storage units, shall be provided with additional parking spaces, at a ratio of one (1) space per 200 sf of GFA.
  - g) Individual storage units shall not have electrical outlets except ceiling light fixture and necessary switches.
  - h) Fire hydrant(s) shall be provided within the facility at the specification of the Athens Fire Department.
- 2) *Use Provisions.*
  - a) A caretaker dwelling, which is clearly incidental to the principle use, may be permitted, but is not mandatory.
  - b) There shall be no outside storage of goods or materials of any type on the self-storage or mini-warehouse site except that of wheeled vehicles (recreational vehicles, campers, trailers, trailer-mounted boats, motorized vehicles, etc. – but not inoperable motor vehicles). Such vehicles may be stored in areas that have been specifically designated and set aside for such use, in accordance with the following:
    - (i) Storage areas for recreational vehicles and trailer-mounted boats shall not exceed twenty (20) percent of the total area of the storage facility.
    - (ii) Such facilities shall be screened from view of public, residential and other commercial property with privacy style fencing or berms at least eight (8) ft

in height. When berms are used they shall be landscaped with shrubbery and/or trees.

- (iii) Storage of recreational vehicles and trailer mounted boats shall not occur in required parking spaces, drives and/or lanes between storage buildings, parking lanes, or within required building setbacks.
  - (iv) No vehicle or boat maintenance, washing, or repair shall be permitted.
  - c) No storage unit shall be used to store flammable or explosive materials, commercial solvents, agricultural fertilizers, pest control chemicals, or any other liquid or fuel which may be hazardous due to spillage, fumes, heat exposure, etc. Neither shall any recreational items of an explosive nature (e.g.: black powder, gun powder, smokeless powder, cartridges and shotgun shells, etc.) be stored unless specially constructed and properly certified storage facilities are maintained by the storage facility operator for this purpose and with the knowledge of the Athens Fire Department.
  - d) Storage units shall not be used for manufacturing, fabrication, processing of goods, conducting servicing or repair; nor used to conduct garage sales or retail sales; nor conduct any other commercial or industrial activity.
- 3) Additional Requirements. Self-storage/mini-warehouse storage facilities which feature both multi-access and limited-access storage facilities shall comply with any of the requirements pertaining to both types of storage units.
- a) Storage units in a self-storage/mini-warehouse storage facility shall not be considered premises for the purposes of assigning a legal address in order to obtain a business license or other governmental permit or license to do business; nor as a legal address for residential purposes.
  - b) Supplemental regulations pertaining only to multi-access facilities:
    - (i) All drives which provide direct access to storage units shall have an adjacent parking lane which extends the full length of the access drive and is located between the access drive and storage units. Access drives with direct access to storage units on only one side of the drive shall be at least twenty (20) ft wide, plus one parking lane at least ten (10) ft wide, for a total width of thirty (30) ft. Access drives with direct access to storage units on both sides of the drive shall be at least twenty (20) ft wide, plus one parking lane at least eight (8) ft wide on each side of the drive, for a total width of thirty-six (36) ft.
    - (ii) Storage unit doors shall be screened from view from residential property.
    - (iii) The facility shall feature appropriate access and circulation by vehicles and emergency equipment.
  - c) Supplemental regulations pertaining only to limited access facilities:
    - (i) Multi-story facilities located in the B-2 zoning districts shall feature building materials and architectural design which reduces the scale and mass of the structure to be similar in appearance to that of an office building.
    - (ii) Each entry point to the building used to access hallways leading to the storage units shall accommodate a minimum of two (2) loading berths and related maneuvering areas. The loading and maneuvering areas shall not interfere with the traffic circulation system of the premises.

M. Accessory Dwellings. Accessory dwellings, also referred to as a "guesthouse" or "mother-in-law suite," shall only be permitted as an accessory use to a permitted single-family detached dwelling served by public water and sewer. The principal dwelling shall be the permanent

residence of the owner of the property and shall not be rented at any time while the accessory dwelling is to be rented.

1) Area and Dimensional Requirements.

- a) Minimum lot area: Accessory dwellings shall only be permitted on lots with a minimum lot size of 8,500 sf.
- b) Habitable floor area: The minimum habitable floor area shall be 300 sf and the maximum habitable floor area shall be thirty (30) percent of the gross floor area of the principal dwelling. For instance, a principal dwelling with a gross floor area of 1,500 sf shall be permitted an accessory of dwelling no larger than 450 sf.
- c) Setbacks. Accessory dwellings shall comply with the yard setbacks for the principal dwelling, except when the accessory dwelling is contained within a structure, also containing a garage and is accessed by an alley at the rear lot line, in which case the accessory structure shall be located as provided otherwise for garages. If detached from the principal dwelling, accessory dwellings shall be to the rear of the principal dwelling or within the upper floor of a detached garage or similar permitted accessory structure.

2) Additional Requirements.

- a) No more than two (2) persons, regardless of their relationship to the owner of the principal residence, shall be allowed to reside in the accessory dwelling at any time.
- b) One (1) parking space per bedroom of the accessory dwelling, in addition to that required for the principal dwelling, shall be provided if the accessory dwelling is to be occupied by other than or more than one (1) member of the family residing in the principal dwelling. Access to such space shall not conflict with the parking area for the principal dwelling. An additional driveway shall not be permitted for the accessory dwelling.
- c) Accessory dwellings, whether attached to the principal structure or contained within an accessory structure, shall maintain the appearance of the principal dwelling, including colors, materials, and architectural style, and shall not create additional entrances toward the front of the property.
- d) Permit required. Creation of an accessory dwelling, whether by new construction or improvements to an existing structure requires, in addition to a Building Permit, filing of an application on forms made available by the Department, demonstrating compliance with this Section together with any required fee(s).

3) Permits may be revoked by the City upon a finding of any violation of the requirements of this Section.

N. Food Truck Court. Food trucks are only permitted in designated food truck courts and at special events as defined in 3.10.2. Food truck courts must meet the following standards:

- 1) Must be the subject of an approved site development plan.
- 2) Must include a minimum of two (2) slips/lots
- 3) Must have off-street parking to comply with the standards of walk-up restaurants, with each food truck slip/lot counting as a separate walk-up restaurant.
- 4) Must provide restrooms for customers within a permanent structure.
- 5) Must have a shared commissary within a permanent structure.

- 6) Permanent Utilities connections shall be provided for each slip/lot. Each slip/lot shall be metered separately.
- 7) All food trucks must meet all requirements of the Limestone County Health Department and the Alabama Department of Health for "Mobile food establishments" (ALABAMA STATE BOARD OF HEALTH BUREAU OF ENVIRONMENTAL SERVICES 420-3-22-.09).
- 8) The court operator and all food truck operators are required to have a City of Athens Certificate of Occupancy and Business Privilege License.

**3.9.2. Other uses on appeal.**

- A. All uses listed in this ordinance as requiring Special Exception approval and;
- B. Other uses which are not addressed by this ordinance may be permitted as Special Exception uses in a district which permits similar uses, upon approval of the Board of Zoning Adjustments. However, if the board determines that the granting of a use on appeal would constitute a rezoning of the property, then the board shall refer the request to the planning commission for legislative action.

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# ARTICLE 4. TRADITIONAL DISTRICT REGULATIONS.

## §4.1 DOWNTOWN (DWTN)

The Downtown District is intended to promote mixed-use, walkability, and densities and uses that support a strong central city urban environment.



Sample imagery

District Map - See Zoning Map

### Permitted Building Types

- ◆ Mixed-use Building
- ◆ Shopfront Building
- ◆ General Building
- ◆ Neighborhood Business
- ◆ Civic Building
- ◆ Apartment Building
- ◆ Apartment Court
- ◆ Garden Apartment
- ◆ Townhouse
- ◆ Bungalow Court
- ◆ Duplex
- ◆ Triplex and Quadraplex
- ◆ Detached House

Maximum Impermeable Surface = 100%

## §4.2 TRADITIONAL INSTITUTIONAL (TI)

The Traditional Institutional District is intended primarily for concentrations of medical, public and semi-public uses, and related uses, with a mixture of business and high density residential uses.



Sample imagery

District Map - See Zoning Map

### Permitted Building Types

- ◆ Mixed-use Building
- ◆ Shopfront Building
- ◆ General Building
- ◆ Neighborhood Business
- ◆ Civic Building
- ◆ Apartment Building
- ◆ Apartment Court
- ◆ Garden Apartment
- ◆ Townhouse
- ◆ Bungalow Court
- ◆ Duplex
- ◆ Triplex and Quadraplex
- ◆ Detached House

**Maximum Impermeable Surface = 80%**

## §4.3 HISTORIC NEIGHBORHOOD (HN)

The Historic Neighborhood District is intended to promote a variety of housing types and walkability, while promoting and encouraging the preservation the historic context that makes these neighborhoods unique.



Sample imagery

District Map - See Zoning Map

### Permitted Building Types

- ◆ Mixed-use Building
- ◆ Shopfront Building
- ◆ General Building
- ◆ Neighborhood Business
- ◆ Civic Building
- ◆ Apartment Building
- ◆ Apartment Court
- ◆ Garden Apartment
- ◆ Townhouse
- ◆ Bungalow Court
- ◆ Duplex
- ◆ Triplex and Quadraplex
- ◆ Detached House

Maximum Impermeable Surface = 70%

## §4.4 TRADITIONAL NEIGHBORHOOD 3 (TN-3)

The Traditional Neighborhood 3 District is intended to promote a variety of residential housing types in a walkable environment with some business and civic uses.



Sample imagery

District Map - See Zoning Map

### Permitted Building Types

- ◆ Mixed-use Building
- ◆ Shopfront Building
- ◆ General Building
- ◆ Neighborhood Business
- ◆ Civic Building
- ◆ Apartment Building
- ◆ Apartment Court
- ◆ Garden Apartment
- ◆ Townhouse
- ◆ Bungalow Court
- ◆ Duplex
- ◆ Triplex and Quadraplex
- ◆ Detached House

Maximum Impermeable Surface = 90%

## \$4.5 TRADITIONAL NEIGHBORHOOD 2 (TN-2)

The Traditional Neighborhood 2 District is intended to promote a variety of residential housing types in a walkable environment with some business and civic uses.



Sample imagery

District Map - See Zoning Map

### Permitted Building Types

- ◆ Mixed-use Building
- ◆ Shopfront Building
- ◆ General Building
- ◆ Neighborhood Business
- ◆ Civic Building
- ◆ Apartment Building
- ◆ Apartment Court
- ◆ Garden Apartment
- ◆ Townhouse
- ◆ Bungalow Court
- ◆ Duplex
- ◆ Triplex and Quadraplex
- ◆ Detached House

Maximum Impermeable Surface = 70%

## §4.6 TRADITIONAL NEIGHBORHOOD 1 (TN-1)

The Traditional Neighborhood 1 District is intended to promote a variety of single family residential housing types in a walkable environment.



Sample imagery

District Map - See Zoning Map

### Permitted Building Types

- ◆ Mixed-use Building
- ◆ Shopfront Building
- ◆ General Building
- ◆ Neighborhood Business
- ◆ Civic Building
- ◆ Apartment Building
- ◆ Apartment Court
- ◆ Garden Apartment
- ◆ Townhouse
- ◆ Bungalow Court
- ◆ Duplex
- ◆ Triplex and Quadraplex
- ◆ Detached House

Maximum Impermeable Surface = 50%

## §4.7 TRADITIONAL BUSINESS (TB)

The Traditional Business District is intended to promote commercial redevelopment in a manner that serves as a transition from the urban and historic context of the other traditional districts and the highway commercial corridors, with consideration for walkability and accomodation of automobiles.



Sample imagery

District Map - See Zoning Map

### Permitted Building Types

- ◆ Mixed-use Building
- ◆ Shopfront Building
- ◆ General Building
- ◆ Neighborhood Business
- ◆ Civic Building
- ◆ Apartment Building
- ◆ Apartment Court
- ◆ Garden Apartment
- ◆ Townhouse
- ◆ Bungalow Court
- ◆ Duplex
- ◆ Triplex and Quadraplex
- ◆ Detached House

Maximum Impermeable Surface = 80%

## §4.8 USES PERMITTED BY DISTRICT

Uses	Downtown (DWTN)	Traditional Institutional (TI)	Historic Neighborhood (HN)	Traditional Neighborhood 3 (TN-3)	Traditional Neighborhood 2 (TN-2)	Traditional Neighborhood 1 (TN-1)	Traditional Business (TB)
<b>RESIDENTIAL</b>							
Single Family Detached			P	P	P	P	
Single Family Attached		P	P	P	P	P	
Upper Floor Dwelling	P	P		P			
Multifamily		SE	SE	SE	SE		
<b>RETAIL</b>							
Automotive Supply							P
Bakery, confectionery, candy, ice cream, delicatessen, coffee shop	P	P		P			P
Consignment/second-hand/thrift store	C			C			P
Construction supplies with outdoor storage							SE
Gas Station with convenience store							S
General Retail	P			P		P	P
Grocery/Food Store	P	P		P		P	P
Pharmacy	P	P		P			P
<b>SERVICE AND OFFICE</b>							
Automotive/Vehicle Repair, Minor							P
Brewpub/Taproom	P						
Check Cashing, Pawn, Payday Loan							SE
General services (indoors, low impact)	P	P		P			P
Laundromats/Dry Cleaning	P	P					P
Office	P	P	P	P			P
Personal Services	P	P		P			P
Repair, minor	P			P			P

Uses	Downtown (DWTN)	Traditional Institutional (TI)	Historic Neighborhood (HN)	Traditional Neighborhood 3 (TN-3)	Traditional Neighborhood 2 (TN-2)	Traditional Neighborhood 1 (TN-1)	Traditional Business (TB)
Restaurants	P	P		P			P
Services requiring drive-thru/drive-in	C	C					P
Services requiring outdoor storage							C
Storage/Warehousing	P						P
Lodging							
Hotel	P	P					P
Bed and Breakfast			P	P	P		
INSTITUTIONAL							
Assisted Living		P					P
Cemetery		P	P				
Club or Lodge, Private	P	P					P
Daycare Facilities	S	S		S			P
Fitness/Exercise Centers and Gymnasiums		P					P
Governmental uses	P	P	P	P	P	P	P
Institutional, Low Intensity		P	P	P	P	P	
Institutional, Medium Intensity		P		P			P
Institutional, High Intensity	P	P					P
Medical Facilities	P	P					P
Parking Lots/Garages, commercial and public	P	P					P
Studios	P			P			P
Theater	P			P			P
INDUSTRIAL							
Welding, woodworking, furniture manufacture and machine shops							P

## §4.8 USES PERMITTED BY DISTRICT CONT.

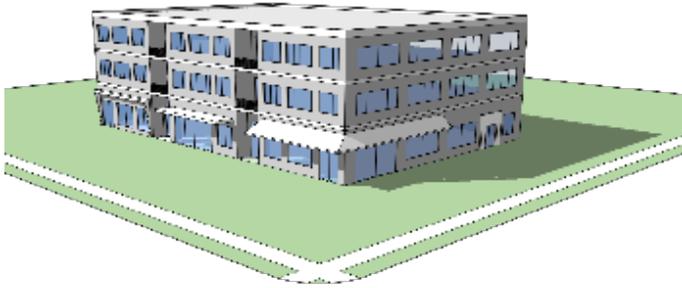
Uses	Downtown (DWTN)	Traditional Institutional (TI)	Historic Neighborhood (HN)	Traditional Neighborhood 3 (TN-3)	Traditional Neighborhood 2 (TN-2)	Traditional Neighborhood 1 (TN-1)	Traditional Business (TB)
ACCESSORY USES							
Accessory Buildings/ Structures	P	P	P	P	P	P	P
Accessory Dwellings			S	S	S	S	
Alcoholic Beverage Sales	S	S		S			S
Bed and Breakfast		S	SE	S	SE	SE	
Family Day Care			S	S	S	S	
Home Occupation, Minor			S	S	S	S	
Home Occupation, Major			SE	SE	SE	SE	
Manufacturing, accessory to permitted retail use	P						P
Offices, accessory to a permitted business use	P	P		P			P

**P = Permitted Use, C = Conditional Use, subject to approval by Commission, S = Permitted Use, subject to supplemental use regulations in Sec. 3.11.1, SE = Special Exception Use, subject to approval by the BZA (see Sec. 2.5.3). All uses shall be subject to the applicable provisions and limitations of the applicable district. Where indicated under the Use Column of the Table, certain Special Exceptions shall also be subject to the applicable Supplemental Use Regulations in Sec. 3.11.1.**

The uses listed in this table are not exhaustive. The Zoning Official shall determine if a proposed use is substantially similar to or could fall within a category of use listed. If a use is not substantially similar to a use listed in this table, said use shall be deemed “not permitted.” If there is some uncertainty on the part of the Zoning Official as to whether or not a proposed use is substantially similar to a use category, they reserve the right to forward the requested use to the BZA for Special Exception consideration. If the Zoning Official does determine that the use is substantially similar to a use category permitted within a particular district, but is uncertain of the potential impacts on surrounding properties, they reserve the right to forward the request to the Planning Commission for Conditional Use consideration.

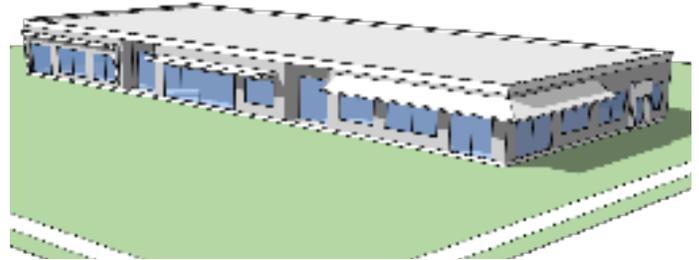
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**§4.9 BUILDING TYPES ESTABLISHED.** This section establishes and defines each building type to ensure that proposed development is consistent with the district goals for building form, physical character, land use and quality.



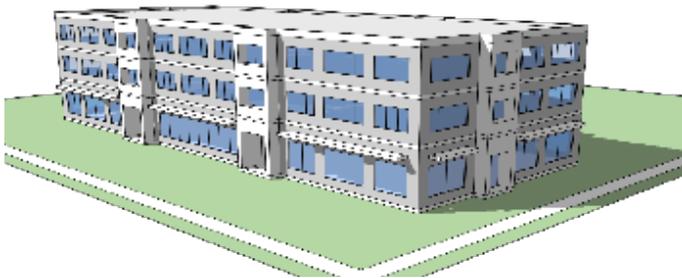
**A. Mixed Use Building.**

A multi-story building type that typically accommodates ground floor retail and commercial uses with upper-story residential or commercial use. Not intended for ground floor residential use.



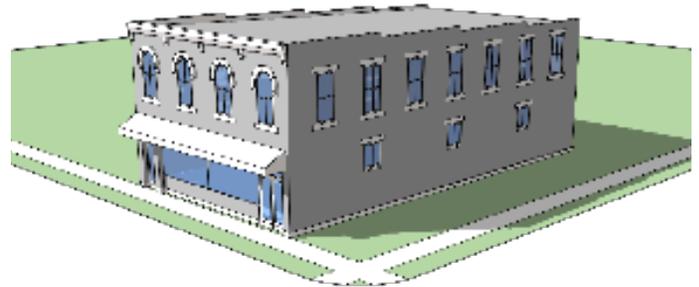
**B. Shopfront Building.**

A single-story building type that typically accommodates ground floor retail and commercial uses in multiple units/suites. Not intended for residential use.



**C. General Building.**

A building type that typically accommodates commercial uses. Not intended for residential use.



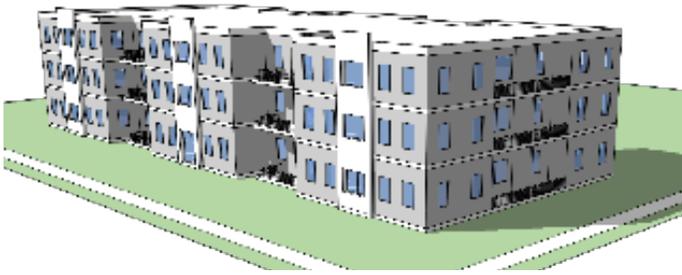
**D. Neighborhood Business.**

A one or two story building type that typically accommodates small-scale retail, commercial, office or personal service uses that serve the immediate neighborhood. The uses in this building type typically attract a significant number of non-motorized visitors (e.g. pedestrians and cyclists) substantially reducing or potentially even eliminating the need for onsite parking. Not intended for residential use.



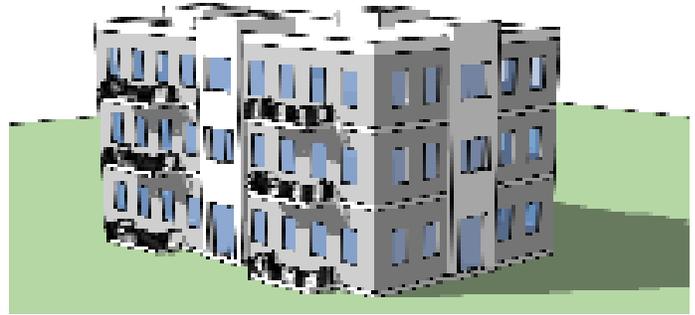
**E. Civic Building.**

A building type that accommodates specifically identified civic uses (see Sec. 3.6. Civic Building). Not intended for retail, commercial or residential



**F. Apartment Building.**

A building type that accommodates 12 or more attached dwelling units vertically and horizontally integrated. Not intended for non-residential use.



**G. Garden Apartment**

A building type that accommodates 3 to 12 attached dwelling units vertically and horizontally integrated. Not intended for non-residential use.



**Fl Apartment Court.**

A building type that accommodates 12 or more attached dwelling units vertically and horizontally integrated and organized around a courtyard that fronts a primary street. Not intended for non-residential use.



**I. Townhouse.**

A building type that accommodates 3 or more dwelling units where each unit is separated vertically by a common side wall. Units cannot be vertically mixed. Not intended for non-residential uses.



**J. Bungalow Court.**

A development building type with 5 to 9 detached houses and organized around a common courtyard that fronts a primary street. Not intended for non-residential uses.



**K. Duplex.**

A single building arranged, intended or designed to accommodate two dwelling units on one lot, horizontal or verticle. Not intended for non-residential uses



**L. Triplex and Quadraplex.**

A building type that accommodates three to four dwelling units on one lot. Not intended for non-residential uses.



**M. Detached House.**

A building type that accommodates one dwelling unit on an individual lot with yards on all sides along with a rear accessory dwelling unit at grade or above a garage (carriage house). Not intended for non-residential uses.

## §4.10 BUILDING TYPES ALLOWED BY TRADITIONAL DISTRICT

Building Type	Downtown (DWTN)	Traditional Institutional (TI)	Historic Neighborhood (HN)	Traditional Neighborhood 3 (TN-3)	Traditional Neighborhood 2 (TN-2)	Traditional Neighborhood 1 (TN-1)	Traditional Business (TB)
Mixed Use Building	P	P		P			P
Shopfront Building	P	P		P			P
General Building	P	P					P
Neighborhood Business			P*	P*	P*		
Civic Building	P	P	P	P	P	P	P
Apartment Building		SE		SE			
Apartment Court		SE		SE			
Garden Apartment		SE	SE	SE	SE		
Townhouse			P	P	P	P	
Bungalow Court			P	P	P	P	
Duplex			P	P	P	P	
Triplex and Quadraplex			P	P	P	P	
Detached House			P	P	P	P	

**Key:** P = Permitted SE = Building types tied to Special Exception Use, subject to approval by the BZA (see Sec. 2.5.3) Blank Cell = Not Permitted

\*Neighborhood business buildings are only permitted on corner lots or adjacent to existing non-residential/mixed use lots.

## §4.11 MIXED USE BUILDING

LOT - Lot Dimensions		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Lot area (min)	*	*		*			*
2	Lot width (min)	20'	*		*			*
3	Lot depth (min)	*	*		*			*

\* Lots shall be of sufficient size to provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

LOT - Lot Parameters		ZONING DISTRICT						
4	% reserved for amenity areas (min.)	0%						
not shown	Maximum impervious surface	100%	80%	70%	90%	70%	50%	80%

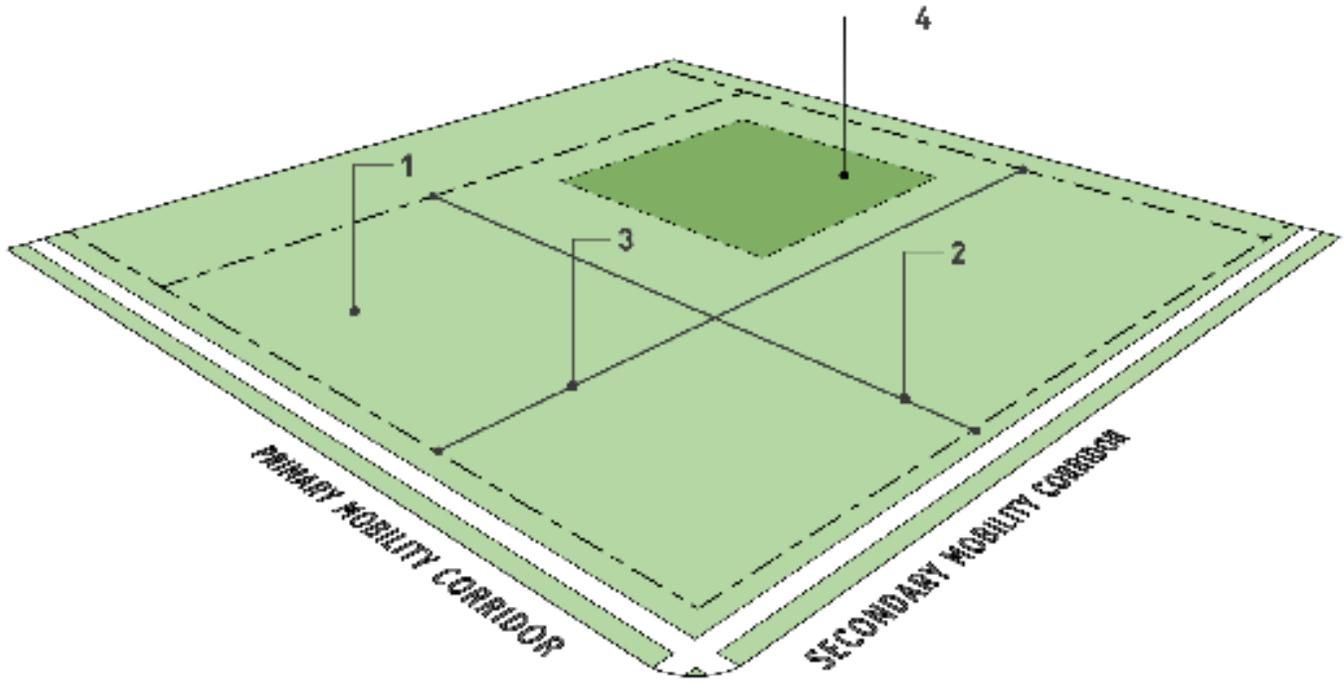
PLACEMENT - Building Setbacks (Minimum)		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Front setback adjacent a primary street							
	(w/ on-street parking and sidewalk)	0'	0'		0'			0'
	(w/out on-street parking)	0'	15'		15'			15'
2	Side setback adjacent a secondary street (corner lots)							
	(w/ on-street parking and sidewalk)	0'	0'		0'			0'
	(w/out on-street parking)	15'	15'		15'			15'
3	Side setback adjacent interior lot line	0'	0' or 10'**		0' or 10'**			0' or 10'**
3	Side setback adjacent interior lot line, abutting TN district	10'	10'		10'			10'
4	Rear setback	0'	20'		20'			20'
4	Rear setback, abutting TN district	20'	20'		20'			20'
4	Rear setback, abutting alley	0'	5'		5'			5'

\*\*Zero-lot line option. Where abutting non-residential uses along a side lot line, non-residential buildings may be built along the side lot line or shall have a minimum side yard setback of ten (10) ft. Such zero-lot line arrangement shall only be permitted in accordance with applicable Building and Fire Codes and where access to the rear of the lot is provided by an approved driveway, alley or similar cross-access drive (for interior lots). Such access shall be provided for emergency access and loading/unloading.

PLACEMENT - Building Setbacks (Maximum)		ZONING DISTRICT						
5	Front setback adjacent a primary street	10'			20'			
6	Side setback adjacent secondary street (corner lots)	10'						

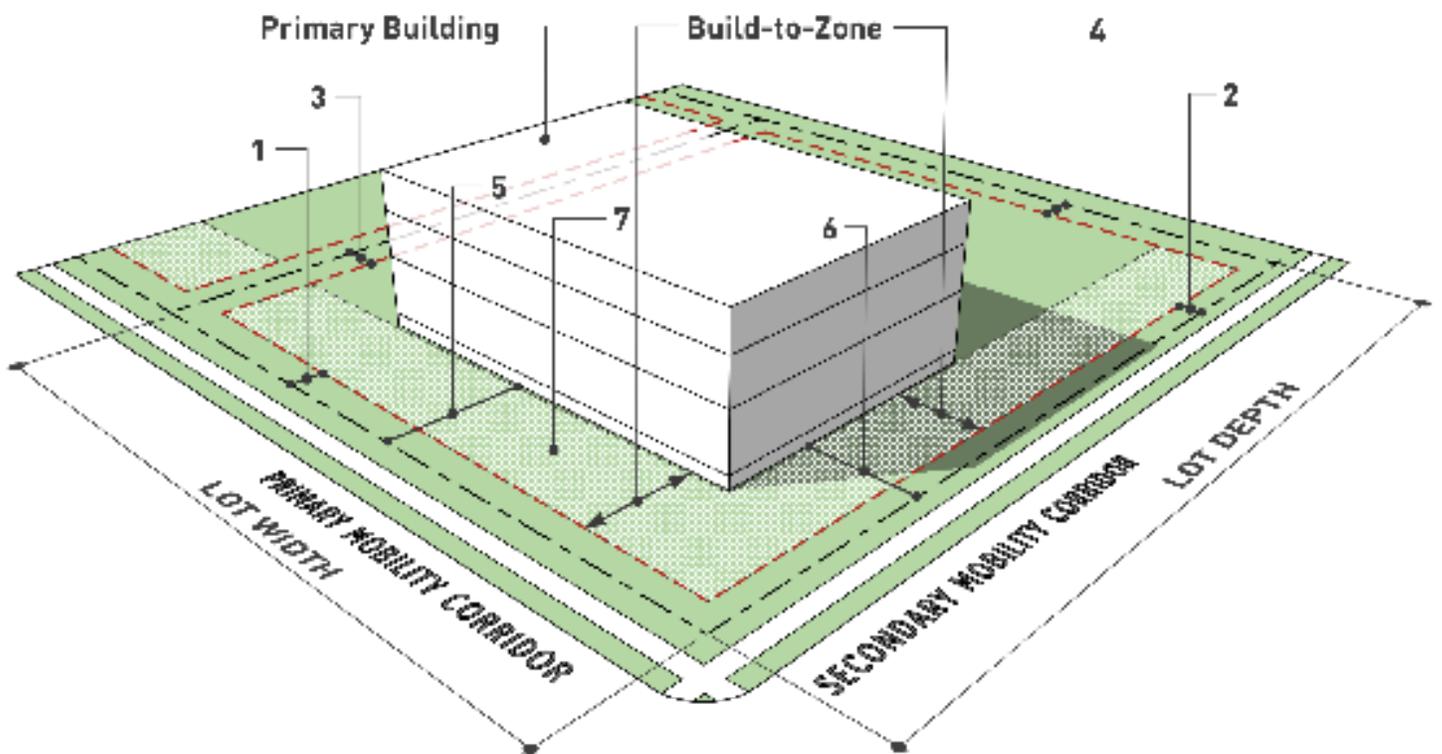
LOT

Figure 4.11.1



PLACEMENT

Figure 4.11.2



## §4.11 MIXED USE BUILDING CONT.

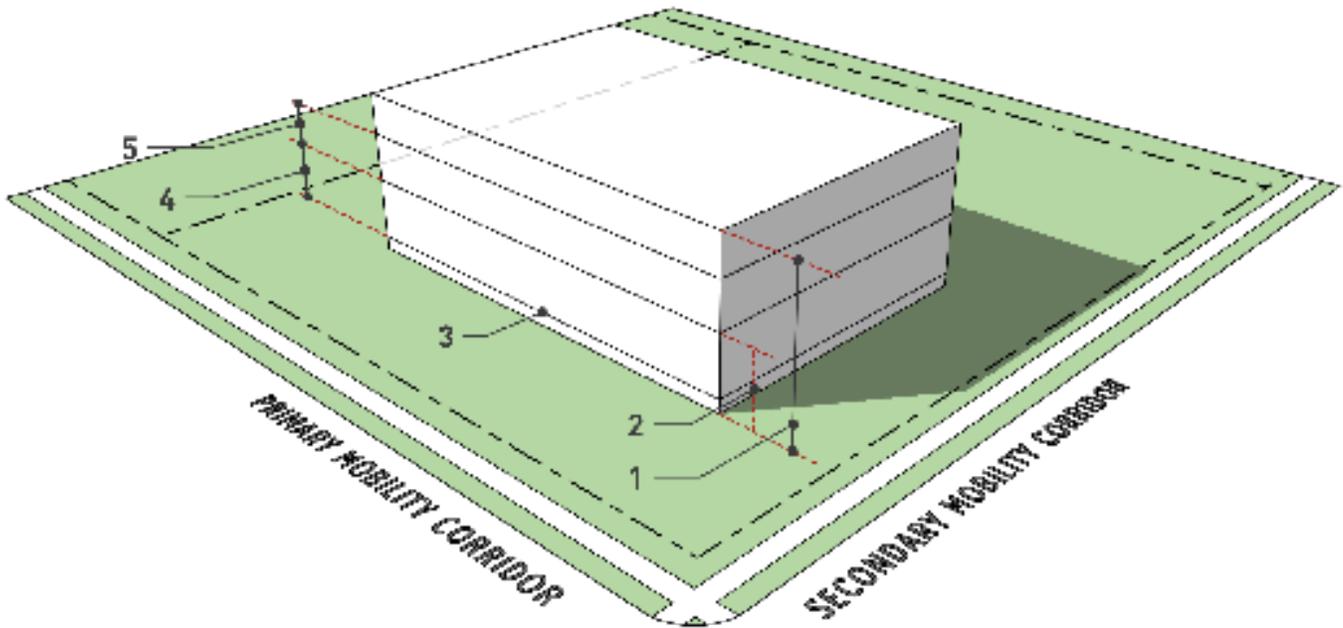
HEIGHT AND MASS - Building Setbacks		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Building height (max)	5 stories / 65'	5 stories / 65'		3 stories / 45'			3 stories / 45'
2	Building height (min)	2 stories / 30'						
HEIGHT AND MASS - Story Height								
3	Ground floor elevation (min/max)	0'-2'	0'-2'		0'-2'			0'-2'
4	Ground story height, floor to ceiling (min)	13'	13'		13'			13'
5	Upper story height, floor to ceiling (min)	9'	9'		9'			9'

FACADE - Transparency		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Ground story facing primary street (min)	70%	70%		70%			70%
2	Ground story facing secondary street (min)	30%	30%		30%			30%
3	Upper story(s) facing primary street (min)	40%	40%		40%			40%
4	Upper story(s) facing secondary street (min)	40%	40%		40%			40%
FACADE - Pedestrian Access								
5	Entrance facing primary street required	Yes	Yes		Yes			Yes
6	Entrance facing secondary street required (corner lots)	Yes	Yes		Yes			No
FACADE - Permitted Building Materials								
Brick, stone, split face concrete, or other masonry materials; concrete								
FACADE - Permitted Building Elements								
Porch		No	No		No			No
Stoop		No	No		No			No
Balcony		Yes	Yes		Yes			Yes
Gallery		Yes	Yes		Yes			Yes
Awning / Canopy		Yes	Yes		Yes			Yes
Forecourt		Yes	Yes		Yes			Yes
For developments in the DWTN, TI, and TN-3 District, permitted building elements may extend a maximum of 12 ft off of the front of the building into the setback. Building elements may encroach into the ROW with approval from the Streets Department.								

**NOTE:** Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

## HEIGHT AND MASS

Figure 4.11.3



## FACADE

Figure 4.11.4



NOTE: Diagrams are not to scale and may not illustrate the applicable requirements of certain zoning districts. They are for general reference only.

## SAMPLE IMAGERY



## §4.12 SHOPFRONT BUILDING

LOT - Lot Dimensions		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Lot area (min)	*	*		*			*
2	Lot width (min)	20'	*		*			*
3	Lot depth (min)	*	*		*			*

\* Lots shall be of sufficient size to provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

LOT - Lot Parameters		ZONING DISTRICT						
4	% reserved for amenity areas (min.)	0%	0%		0%			0%
not shown	Maximum impervious surface	100%	80%		90%			80%

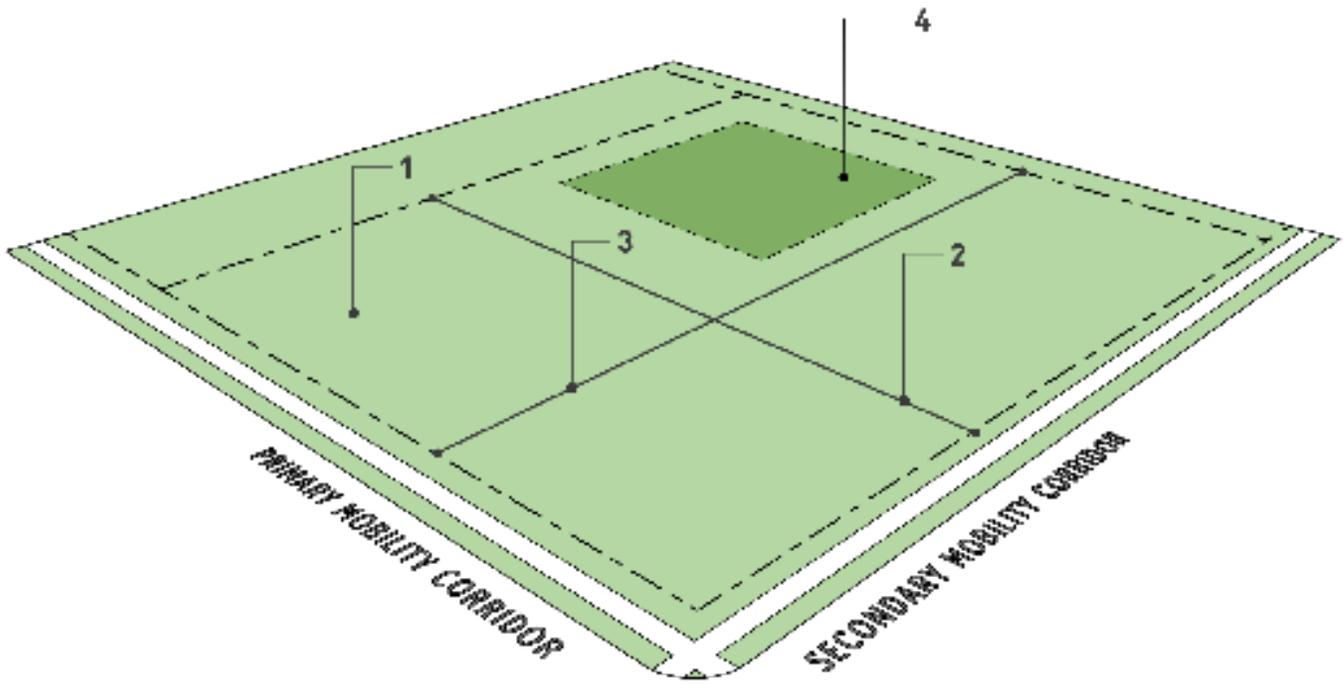
PLACEMENT - Building Setbacks (Minimum)		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Front setback adjacent a primary street							
	(w/ on-street parking and sidewalk)	0'	0'		0'			0'
	(w/out on-street parking)	0'	15'		15'			15'
2	Side setback adjacent a secondary street (corner lots)							
	(w/ on-street parking and sidewalk)	0'	0'		0'			0'
	(w/out on-street parking)	0'	15'		15'			15'
3	Side setback adjacent interior lot line	0' or 10'***	0' or 10'***		0' or 10'***			0' or 10'***
3	Side setback adjacent interior lot line, abutting neighborhood district	10'	10'		10'			10'
4	Rear setback	0'	20'		20'			20'
4	Rear setback, abutting neighborhood district	20'	20'		20'			20'
4	Rear setback, abutting alley	0'	5'		5'			5'

\*\*\*Zero-lot line option. Where abutting non-residential uses along a side lot line, non-residential buildings may be built along the side lot line or shall have a minimum side yard setback of ten (10) ft. Such zero-lot line arrangement shall only be permitted in accordance with applicable Building and Fire Codes and where access to the rear of the lot is provided by an approved driveway, alley or similar cross-access drive (for interior lots). Such access shall be provided for emergency access and loading/unloading.

PLACEMENT - Building Setbacks (Maximum)		ZONING DISTRICT						
5	Front setback adjacent a primary street	10'			20'			
6	Side setback adjacent secondary street (corner lots)	10'						

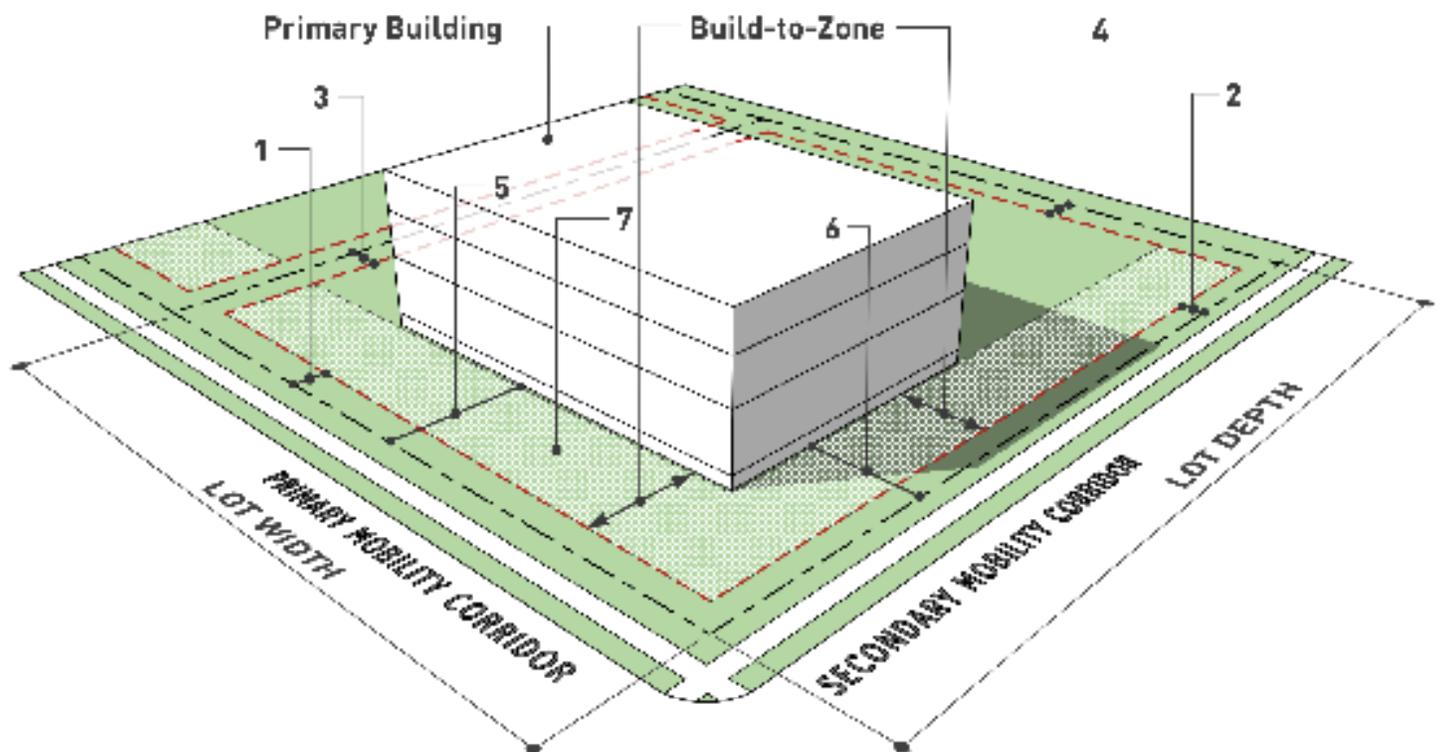
LOT

Figure 4.12.1



PLACEMENT

Figure 4.12.2



## §4.12 SHOPFRONT BUILDING CONT.

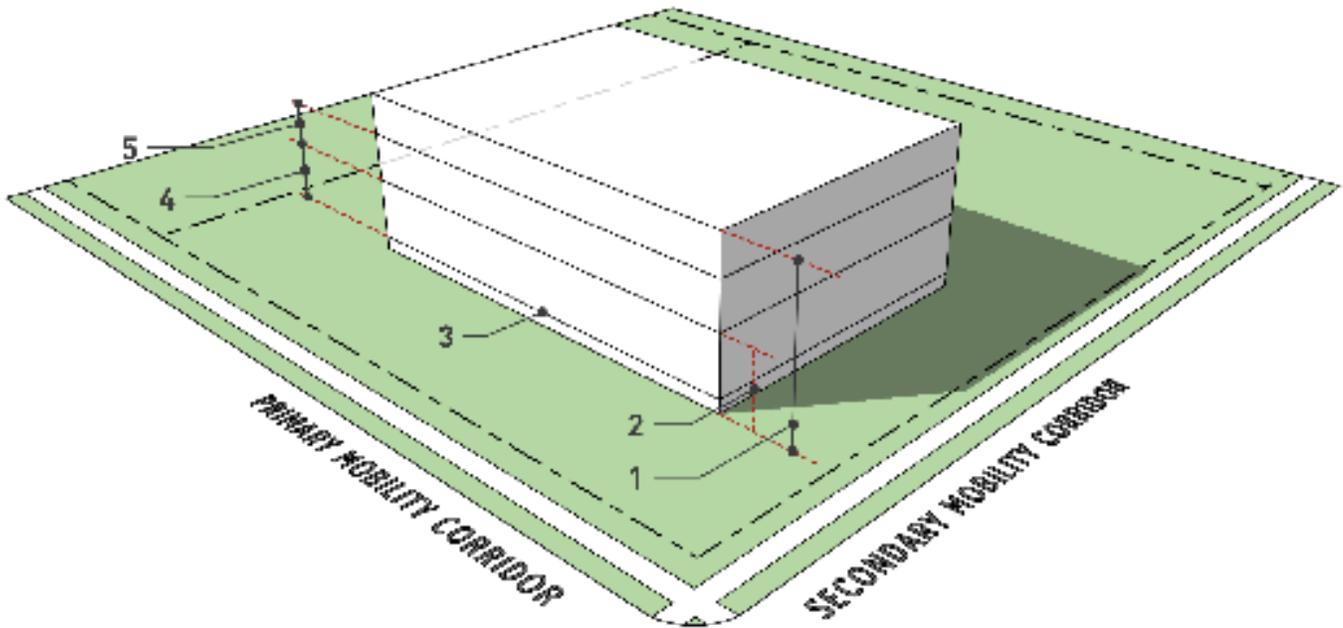
HEIGHT AND MASS - Building Setbacks		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Building height (max)	1 story / 25'	1 story / 25'		1 story / 25'			1 story / 25'
2	Building height (min)							
HEIGHT AND MASS - Story Height								
3	Ground floor elevation (min/max)	0'-2'	0'-2'		0'-2'			0'-2'
4	Ground story height, floor to ceiling (min)	13'	13'		13'			13'
5	Upper story height, floor to ceiling (min)	na	na		na			na

FACADE - Transparency		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Ground story facing primary street (min)	70%	70%		70%			70%
2	Ground story facing secondary street (min)	30%	30%		30%			30%
3	Upper story(s) facing primary street (min)	na	na		na			na
4	Upper story(s) facing secondary street (min)	na	na		na			na
FACADE - Pedestrian Access								
5	Entrance facing primary street required	Yes	Yes		Yes			Yes
6	Entrance facing secondary street required (corner lots)	Yes	Yes		Yes			No
FACADE - Permitted Building Materials								
Brick, stone, split face concrete, or other masonry materials; concrete								
FACADE - Permitted Building Elements								
Porch		No	No		No			No
Stoop		No	No		No			No
Balcony		No	No		No			No
Gallery		Yes	Yes		Yes			Yes
Awning / Canopy		Yes	Yes		Yes			Yes
Forecourt		Yes	Yes		Yes			Yes
For developments in the DWTN and TI District, permitted building elements may extend a maximum of 12 ft off of the front of the building into the setback. Building elements may encroach into the ROW with approval from the Streets Department.								

**NOTE:** Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

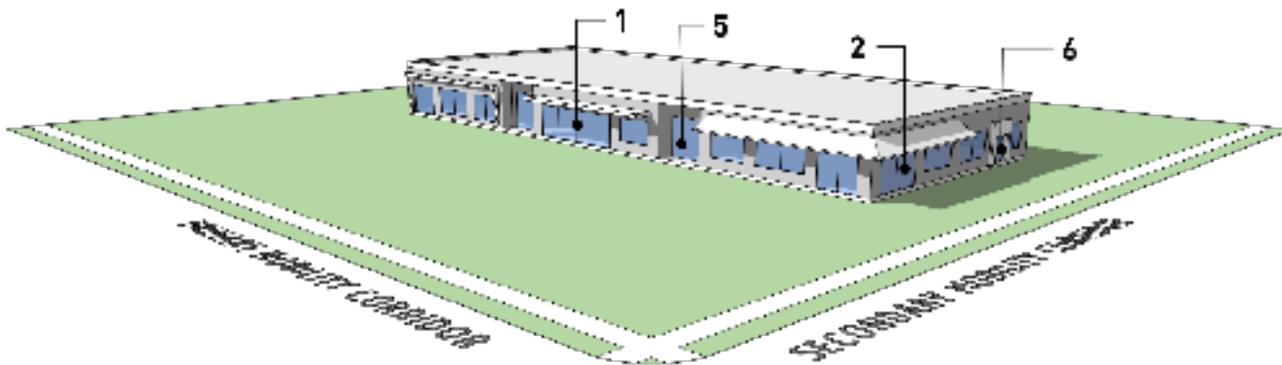
## HEIGHT AND MASS

Figure 4.12.3



## FACADE

Figure 4.12.4



NOTE: Diagrams are not to scale and may not illustrate the applicable requirements of certain zoning districts. They are for general reference only.

## SAMPLE IMAGERY



## §4.13 GENERAL BUILDING

LOT - Lot Dimensions		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Lot area (min)	*	*					*
2	Lot width (min)	20'	*					*
3	Lot depth (min)	*	*					*

\* Lots shall be of sufficient size to provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

LOT - Lot Parameters		ZONING DISTRICT						
4	% reserved for amenity areas (min.)	0%	0%					0%
not shown	Maximum impervious surface	100%	80%					80%

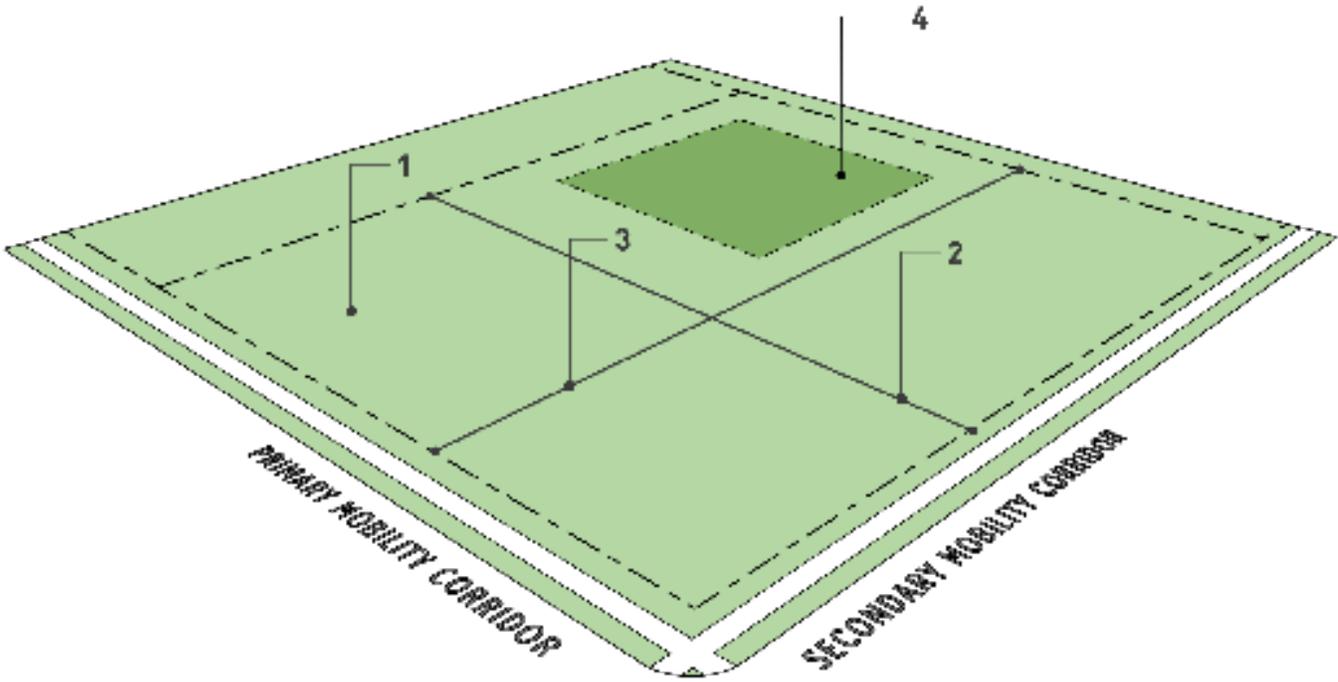
PLACEMENT - Building Setbacks (Minimum)		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Front setback adjacent a primary street	0'	15'					15'
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
2	Side setback adjacent a secondary street (corner lots)							
	(w/ on-street parking and sidewalk)	0'	0'					0'
	(w/out on-street parking)	0'	15'					15'
3	Side setback adjacent interior lot line	0'	0' or 10' <sup>**</sup>					0' or 10' <sup>**</sup>
3	Side setback adjacent interior lot line, abutting neighborhood district	10'	10'					10'
4	Rear setback	0'	20'					20'
4	Rear setback, abutting neighborhood district	20'	20'					20'
4	Rear setback, abutting alley	0'	5'					5'

\*\*Zero-lot line option. Where abutting non-residential uses along a side lot line, non-residential buildings may be built along the side lot line or shall have a minimum side yard setback of ten (10) ft. Such zero-lot line arrangement shall only be permitted in accordance with applicable Building and Fire Codes and where access to the rear of the lot is provided by an approved driveway, alley or similar cross-access drive (for interior lots). Such access shall be provided for emergency access and loading/unloading.

PLACEMENT - Building Setbacks (Maximum)		ZONING DISTRICT						
5	Front setback adjacent a primary street	10'						
6	Side setback adjacent secondary street (corner lots)	10'						

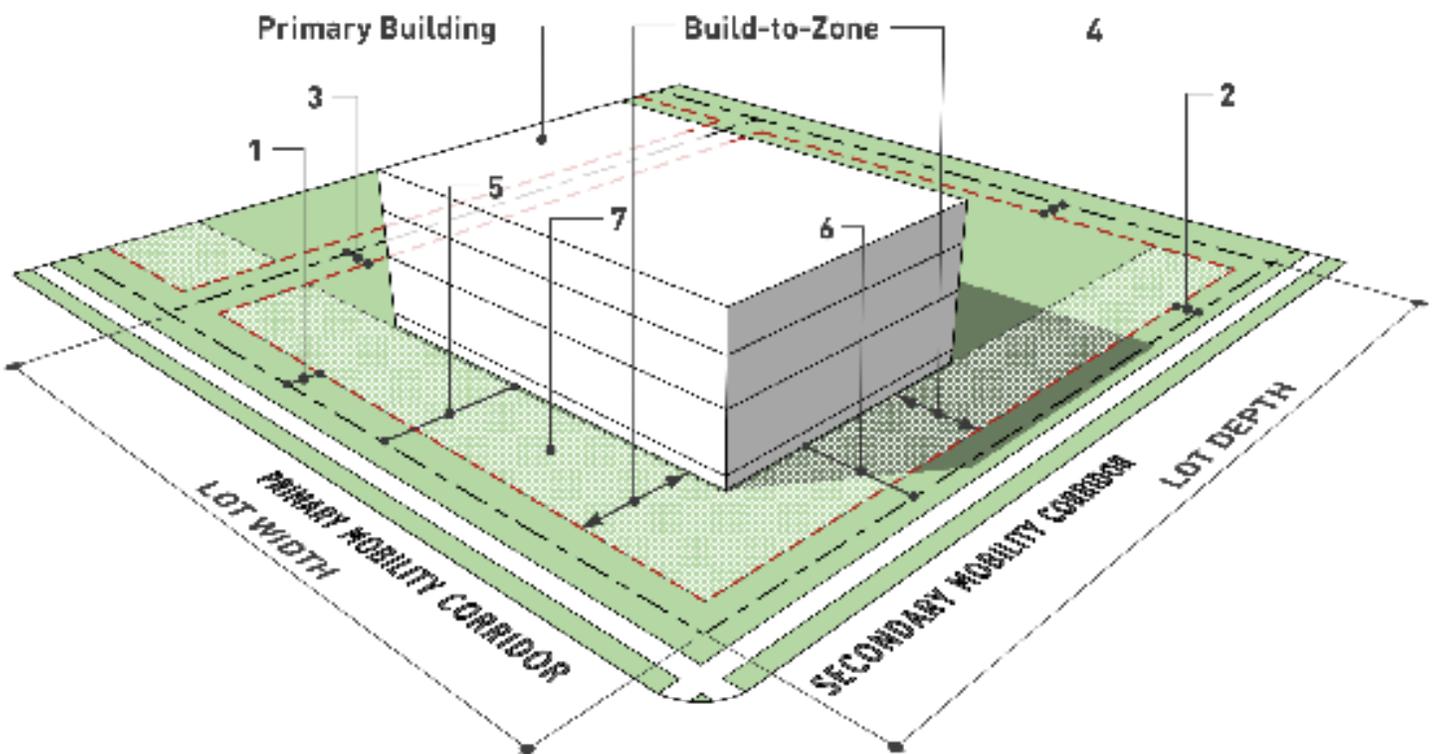
LOT

Figure 4.13.1



PLACEMENT

Figure 4.13.2



## §4.13 GENERAL BUILDING CONT.

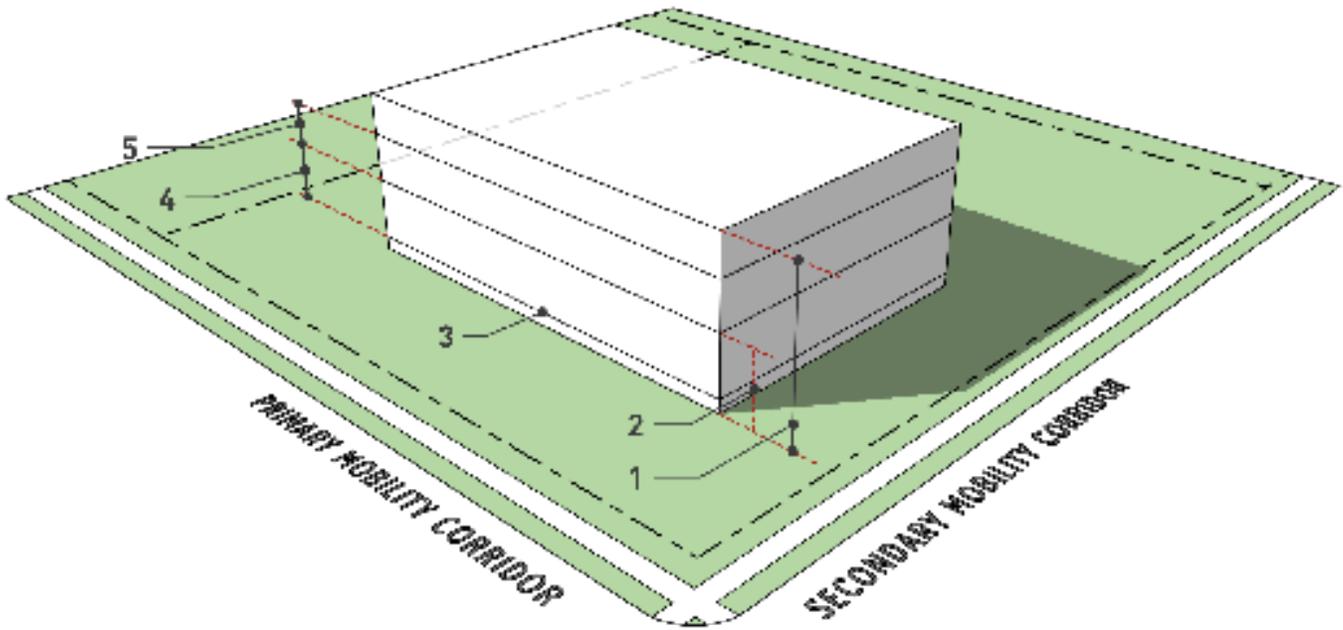
HEIGHT AND MASS - Building Setbacks		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Building height (max)	5 stories / 65'	5 stories / 65'					3 stories / 45'
* Reduced height may be required when abutting a protected district								
2	Building height (min)	2 stories / 30'						
HEIGHT AND MASS - Story Height								
3	Ground floor elevation (min/max)	0'-2'	0'-2'					0'-2'
4	Ground story height, floor to ceiling (min)	13'	13'					13'
5	Upper story height, floor to ceiling (min)	9'	9'					9'

FACADE - Transparency		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Ground story facing primary street (min)	70%	70%					70%
2	Ground story facing secondary street (min)	30%	30%					30%
3	Upper story(s) facing primary street (min)	40%	40%					40%
4	Upper story(s) facing secondary street (min)	40%	40%					40%
FACADE - Pedestrian Access								
5	Entrance facing primary street required	Yes	Yes					Yes
6	Entrance facing secondary street required (corner lots)	Yes	Yes					No
FACADE - Permitted Building Materials								
Brick, stone, split face concrete, or other masonry materials; concrete								
FACADE - Permitted Building Elements								
Porch		No	No					No
Stoop		No	No					No
Balcony		Yes	Yes					Yes
Gallery		Yes	Yes					Yes
Awning / Canopy		Yes	Yes					Yes
Forecourt		Yes	Yes					Yes
For developments in the DWTN and TI District, permitted building elements may extend a maximum of 12 ft off of the front of the building into the setback. Building elements may encroach into the ROW with approval from the Streets Department.								

**NOTE:** Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

## HEIGHT AND MASS

Figure 4.13.3



## FACADE

Figure 4.13.4



NOTE: Diagrams are not to scale and may not illustrate the applicable requirements of certain zoning districts. They are for general reference only.

## SAMPLE IMAGERY



## §4.14 NEIGHBORHOOD BUSINESS

LOT - Lot Dimensions		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Lot area (min)			*	*	*	*	
2	Lot width (min)			*	*	*	*	
3	Lot depth (min)			*	*	*	*	

\* Lots shall be of sufficient size to provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

LOT - Lot Parameters		ZONING DISTRICT						
4	% reserved for amenity areas (min.)							
not shown	Maximum impervious surface			70%	90%	70%	50%	

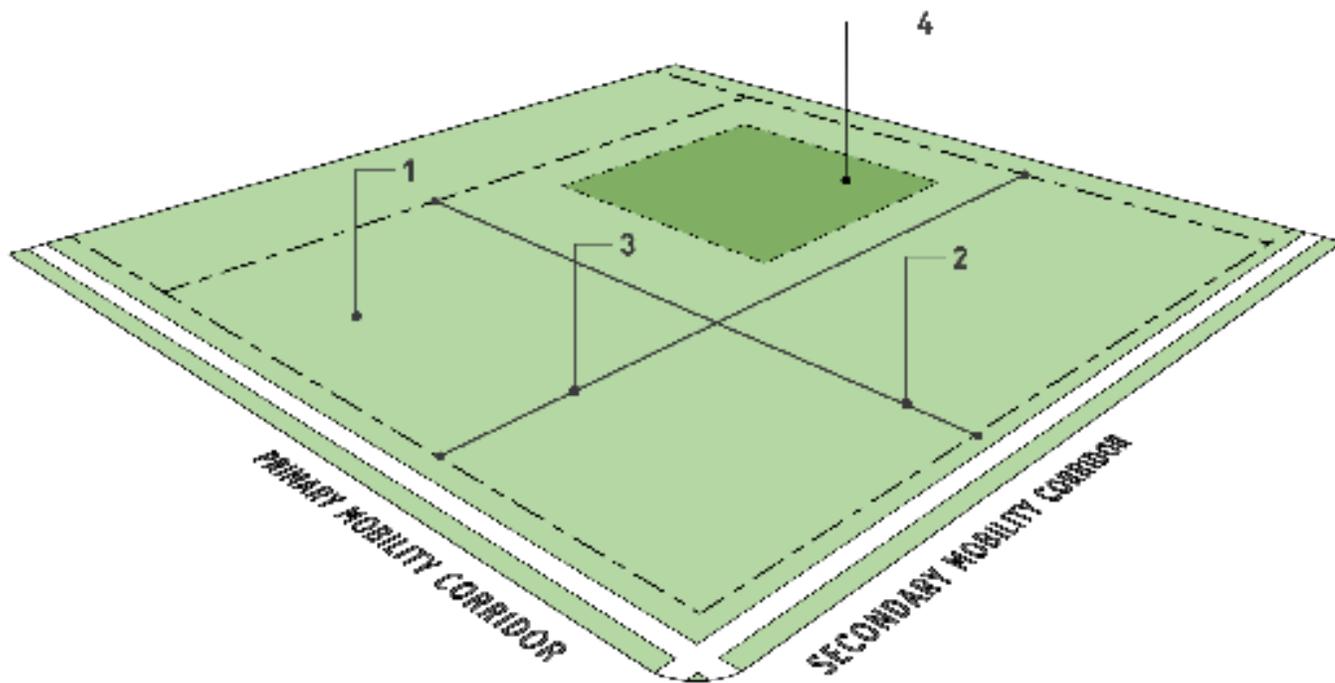
PLACEMENT - Building Setbacks (Minimum)		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Front setback adjacent a primary street			15'		20'	30'	
	(w/ on-street parking and sidewalk)				0'			
	(w/out on-street parking)				15'			
2	Side setback adjacent a secondary street (corner lots)			15'		15'	15'	
	(w/ on-street parking and sidewalk)				0'			
	(w/out on-street parking)				15'			
3	Side setback adjacent interior lot line			0' or 10' <sup>**</sup>				
3	Side setback adjacent interior lot line, abutting neighborhood district			10'	10'	10'	10'	
4	Rear setback			20'	20'	20'	20'	
4	Rear setback, abutting neighborhood district							
4	Rear setback, abutting alley			5'	5'	5'	5'	

\*\*Zero-lot line option. Where abutting non-residential uses along a side lot line, non-residential buildings may be built along the side lot line or shall have a minimum side yard setback of ten (10) ft. Such zero-lot line arrangement shall only be permitted in accordance with applicable Building and Fire Codes and where access to the rear of the lot is provided by an approved driveway, alley or similar cross-access drive (for interior lots). Such access shall be provided for emergency access and loading/unloading.

PLACEMENT - Building Setbacks (Maximum)		ZONING DISTRICT						
5	Front setback adjacent a primary street							
6	Side setback adjacent secondary street (corner lots)							

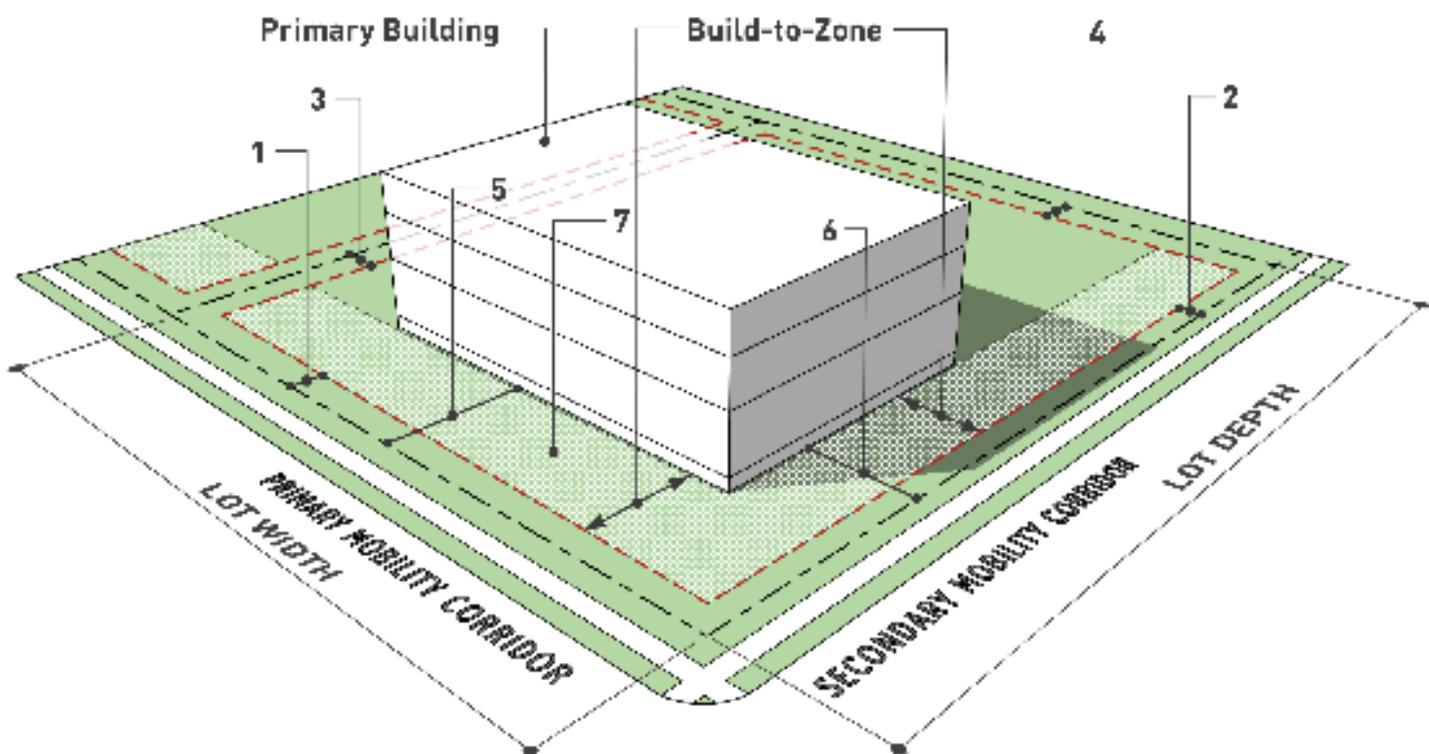
LOT

Figure 4.14.1



PLACEMENT

Figure 4.14.2



## §4.14 NEIGHBORHOOD BUSINESS CONT.

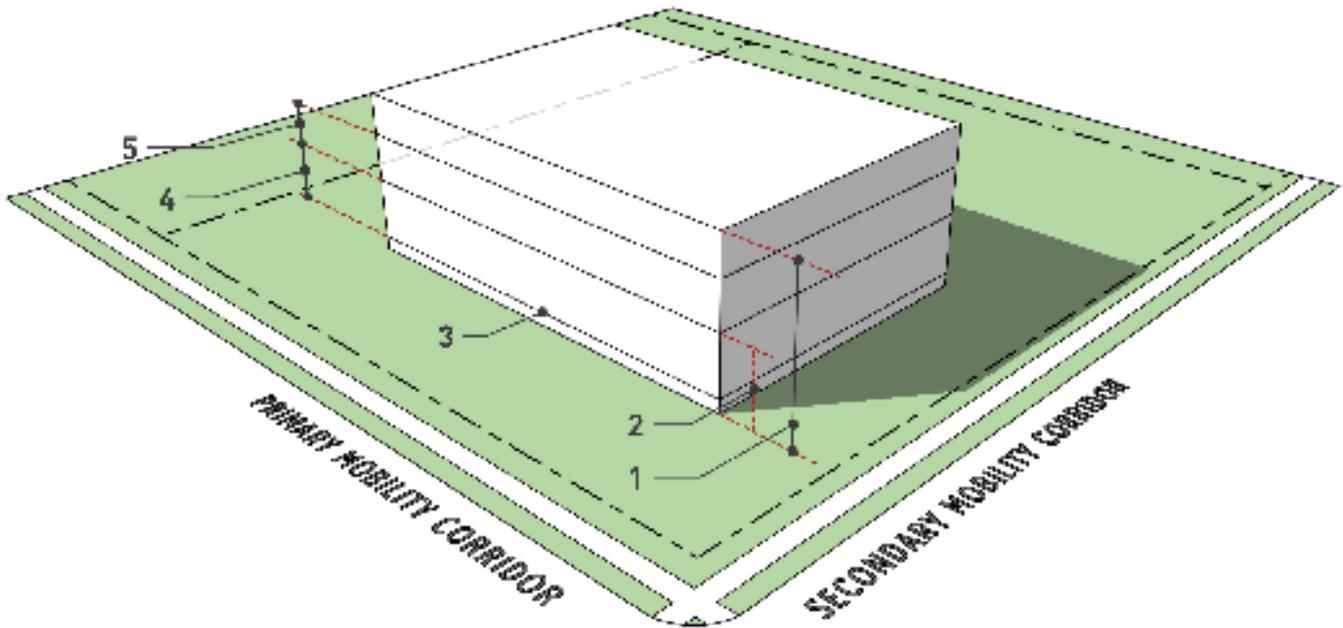
HEIGHT AND MASS - Building Setbacks		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Building height (max)			2 stories / 30'				
* Reduced height may be required when abutting a protected district								
2	Building height (min)			na	na	na	na	
HEIGHT AND MASS - Story Height								
3	Ground floor elevation (min/max)			0'-2'	0'-2'	0'-2'	0'-2'	
4	Ground story height, floor to ceiling (min)			13'	13'	13'	13'	
5	Upper story height, floor to ceiling (min)			9'	9'	9'	9'	

FACADE - Transparency		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Ground story facing primary street (min)			70%	70%	70%	70%	
2	Ground story facing secondary street (min)			30%	30%	30%	30%	
3	Upper story(s) facing primary street (min)			40%	40%	40%	40%	
4	Upper story(s) facing secondary street (min)			40%	40%	40%	40%	
FACADE - Pedestrian Access								
5	Entrance facing primary street required			Yes	Yes	Yes	Yes	
6	Entrance facing secondary street required (corner lots)			Yes	Yes	No	No	
FACADE - Permitted Building Materials								
Brick, stone, split face concrete, or other masonry materials; wood simulating concrete materials; wood; stucco; combination of these materials.								
FACADE - Permitted Building Elements								
Porch				Yes	Yes	Yes	Yes	
Stoop				No	No	No	No	
Balcony				Yes	Yes	Yes	Yes	
Gallery				Yes	Yes	Yes	Yes	
Awning / Canopy				Yes	Yes	Yes	Yes	
Forecourt				Yes	Yes	Yes	Yes	
For developments in the TN-3 District, permitted building elements may extend a maximum of 12 ft off of the front of the building into the setback. Building elements may encroach into the ROW with approval from the Streets Department.								

**NOTE:** Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

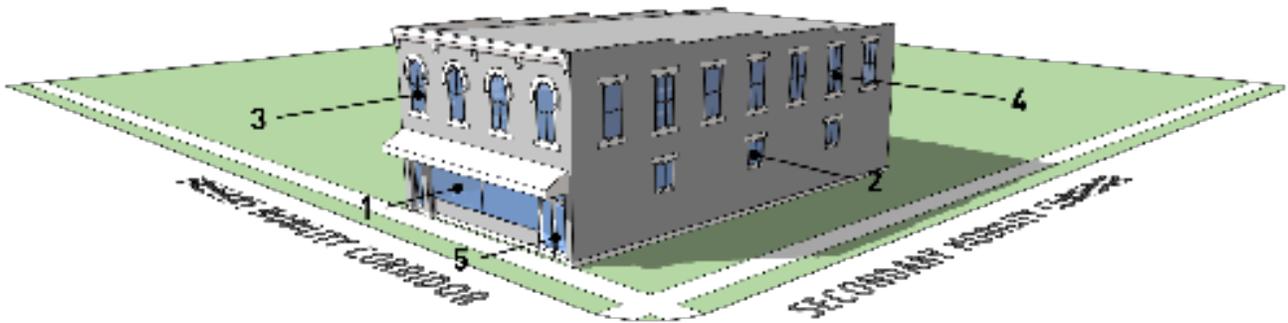
## HEIGHT AND MASS

Figure 4.14.3



## FACADE

Figure 4.14.4



NOTE: Diagrams are not to scale and may not illustrate the applicable requirements of certain zoning districts. They are for general reference only.

## SAMPLE IMAGERY



## §4.15 CIVIC BUILDING

LOT - Lot Dimensions		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Lot area (min)	*	*	*	*	*	*	*
2	Lot width (min)	20'	*	*	*	*	*	*
3	Lot depth (min)	*	*	*	*	*	*	*

\* Lots shall be of sufficient size to provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

LOT - Lot Parameters		ZONING DISTRICT						
4	% reserved for amenity areas (min.)	0%	0%	0%	0%	0%	0%	0%
not shown	Maximum impervious surface	100%	80%	70%	90%	70%	50%	80%

PLACEMENT - Building Setbacks (Minimum)		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Front setback adjacent a primary street			20'		20'	30'	
	(w/ on-street parking and sidewalk)	0'	0'		0'			0'
	(w/out on-street parking)	0'	15'		15'			15'
2	Side setback adjacent a secondary street (corner lots)	0'	15'	15'	15'	15'	15'	15'
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
3	Side setback adjacent interior lot line	0'	10'	10'	10'	10'	10'	10'
3	Side setback adjacent interior lot line, abutting TN district	10'	10'	10'	10'	10'	10'	10'
4	Rear setback	0'	20'	20'	20'	20'	20'	20'
4	Rear setback, abutting TN district	20'	20'	20'	20'	20'	20'	20'
4	Rear setback, abutting alley	0'	5'	5'	5'	5'	5'	5'

PLACEMENT - Building Setbacks (Maximum)		ZONING DISTRICT						
5	Front setback adjacent a primary street	10'						
6	Side setback adjacent secondary street (corner lots)	10'						

PLACEMENT - Parking		ZONING DISTRICT						
7	On-site parking allowed between building and street	no	yes	no	no	no	no	yes

NOTE: Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted



## §4.15 CIVIC BUILDING CONT.

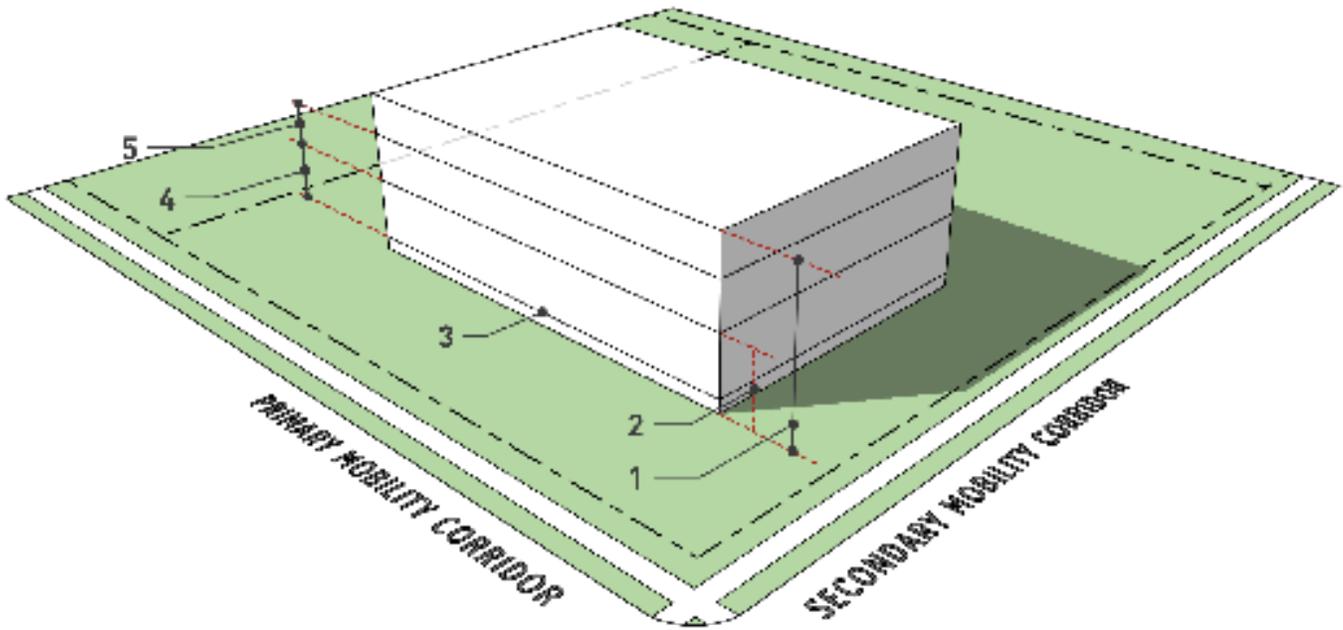
HEIGHT AND MASS - Building Setbacks		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Building height (max)	3 stories / 45'	5 stories / 65'	2 stories / 30'	3 stories / 45'			
* Reduced height may be required when abutting a protected district								
2	Building height (min)	2 stories / 30'						
HEIGHT AND MASS - Story Height								
3	Ground floor elevation (min/max)	0'-2'	0'-2'		0'-2'			0'-2'
4	Ground story height, floor to ceiling (min)	13'	13'		13'			13'
5	Upper story height, floor to ceiling (min)	9'	9'		9'			9'

FACADE - Transparency		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Ground story facing primary street (min)	70%	70%	70%	70%	70%	70%	70%
2	Ground story facing secondary street (min)	30%	30%	30%	30%	30%	30%	30%
3	Upper story(s) facing primary street (min)	40%	40%	40%	40%	40%	40%	40%
4	Upper story(s) facing secondary street (min)	40%	40%	40%	40%	40%	40%	40%
FACADE - Pedestrian Access								
5	Entrance facing primary street required	Yes	Yes	Yes	Yes	Yes	Yes	Yes
6	Entrance facing secondary street required (corner lots)	Yes	Yes	Yes	Yes	No	No	No
FACADE - Permitted Building Materials								
Brick, stone, split face concrete, or other masonry materials; concrete								
FACADE - Permitted Building Elements								
Porch		Yes	Yes	Yes	Yes	Yes	Yes	Yes
Stoop		Yes	Yes	Yes	Yes	Yes	Yes	Yes
Balcony		Yes	Yes	Yes	Yes	Yes	Yes	Yes
Gallery		Yes	Yes	Yes	Yes	Yes	Yes	Yes
Awning / Canopy		Yes	Yes	Yes	Yes	Yes	Yes	Yes
Forecourt		Yes	Yes	Yes	Yes	Yes	Yes	Yes
For developments in the DWTN, TI, and TN-3 District, permitted building elements may extend a maximum of 12 ft off of the front of the building into the setback. Building elements may encroach into the ROW with approval from the Streets Department.								

**NOTE:** Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

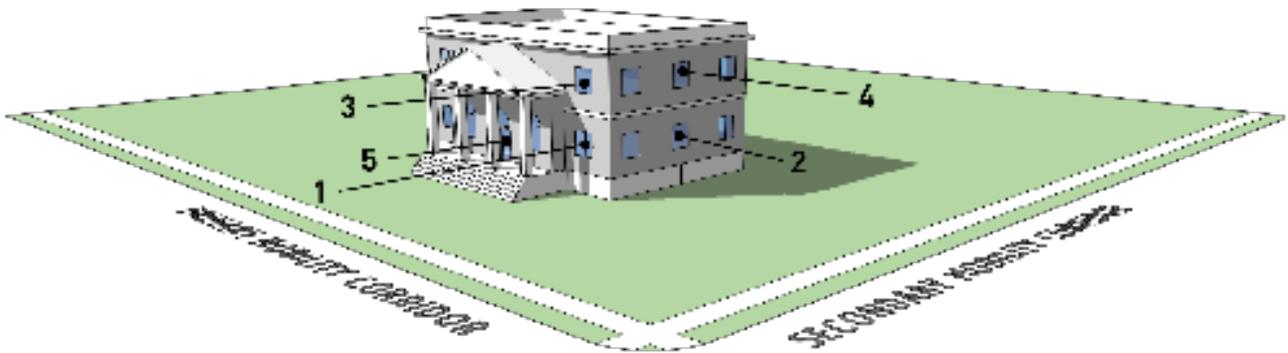
## HEIGHT AND MASS

Figure 4.15.3



## FACADE

Figure 4.15.4



NOTE: Diagrams are not to scale and may not illustrate the applicable requirements of certain zoning districts. They are for general reference only.

## SAMPLE IMAGERY



## §4.16 APARTMENT BUILDING

LOT - Lot Dimensions		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Lot area (min)		*		*			
2	Lot width (min)		*		*			
3	Lot depth (min)		*		*			

\* Lots shall be of sufficient size to provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

LOT - Lot Parameters		ZONING DISTRICT						
4	% reserved for amenity areas (min.)		10%		10%			
not shown	Maximum impervious surface		80%		90%			

PLACEMENT - Building Setbacks (Minimum)		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Front setback adjacent a primary street		15'		15'			
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
2	Side setback adjacent a secondary street (corner lots)		15'		15'			
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
3	Side setback adjacent interior lot line		10'		10'			
3	Side setback adjacent interior lot line, abutting TN district							
4	Rear setback		20'		20'			
4	Rear setback, abutting alley		5'		5'			

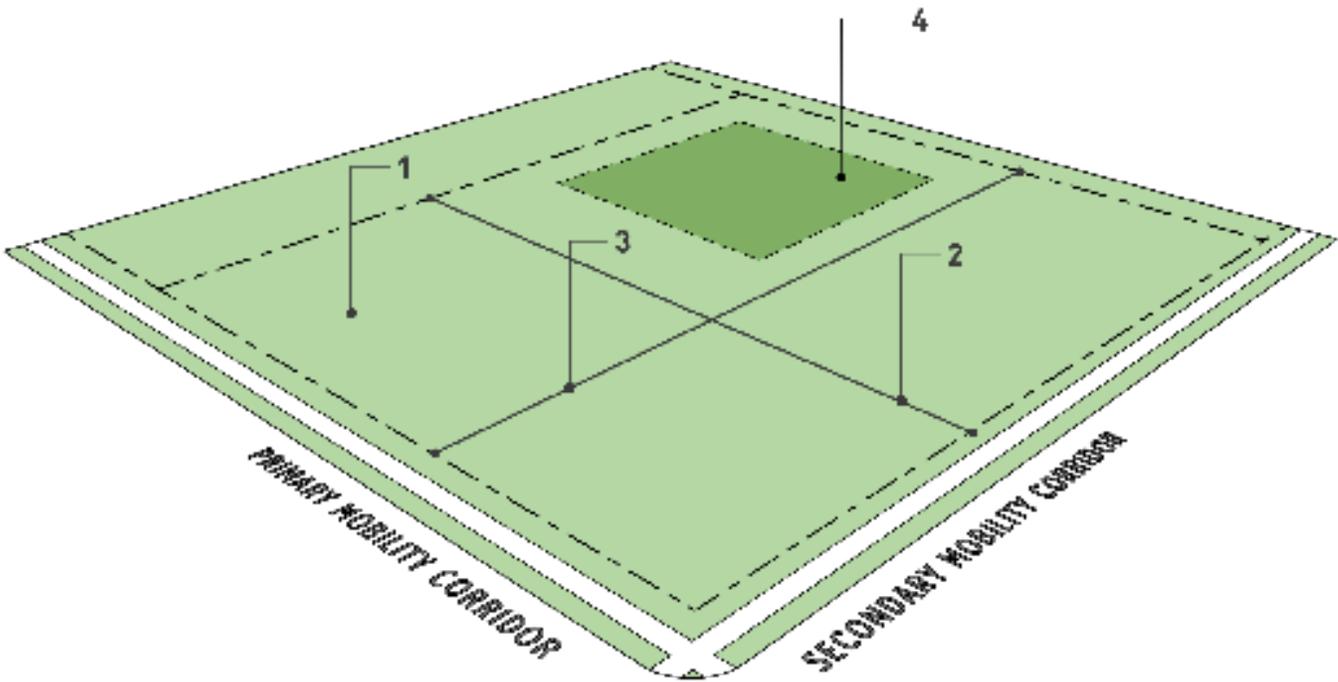
PLACEMENT - Building Setbacks (Maximum)		ZONING DISTRICT						
5	Front setback adjacent a primary street							
6	Side setback adjacent secondary street (corner lots)							

PLACEMENT - Parking		ZONING DISTRICT						
7	On-site parking allowed between building and street							

NOTE: Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

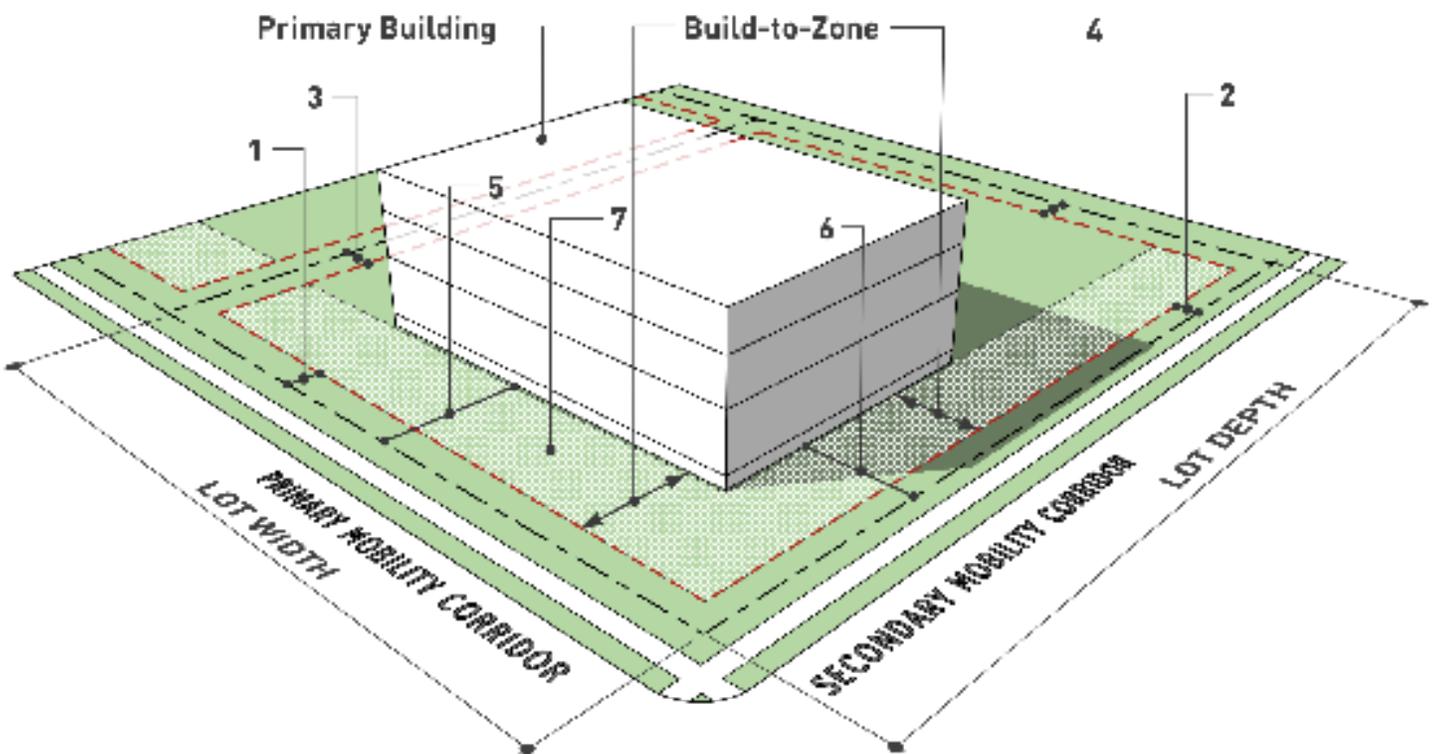
LOT

Figure 4.16.1



PLACEMENT

Figure 4.16.2



## §4.16 APARTMENT BUILDING CONT.

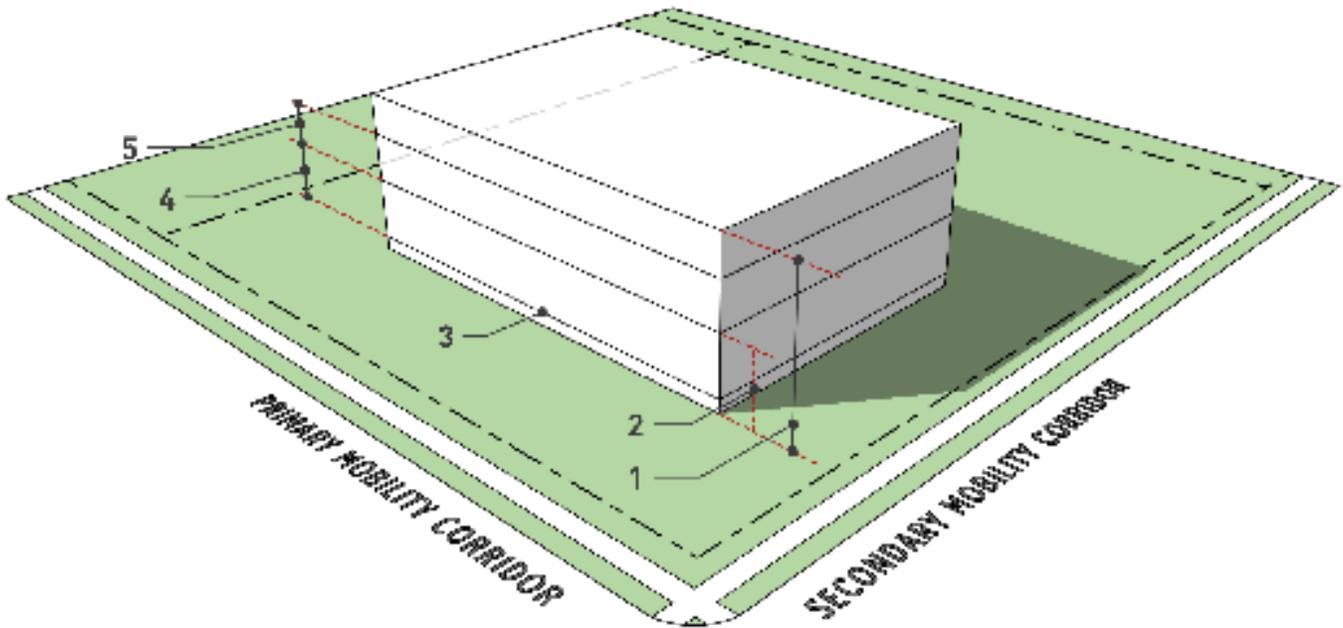
HEIGHT AND MASS - Building Setbacks		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Building height (max)		5 stories / 65'		3 stories / 45'			
* Reduced height may be required when abutting a protected district								
2	Building height (min)		2 stories / 30'		2 stories / 30'			
HEIGHT AND MASS - Story Height								
3	Ground floor elevation (min/max)		0'-2'		0'-2'			
4	Ground story height, floor to ceiling (min)		9'		9'			
5	Upper story height, floor to ceiling (min)		9'		9'			

FACADE - Transparency		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Ground story facing primary street (min)		50%		50%			
2	Ground story facing secondary street (min)		30%		30%			
3	Upper story(s) facing primary street (min)		50%		50%			
4	Upper story(s) facing secondary street (min)		50%		50%			
FACADE - Pedestrian Access								
5	Entrance facing primary street required		Yes		Yes			
6	Entrance facing secondary street required (corner lots)		Yes		Yes			
FACADE - Permitted Building Materials								
Brick, stone, split face concrete, or other masonry materials; wood simulating concrete materials; wood; stucco; combination of these materials.								
FACADE - Permitted Building Elements								
Porch			Yes		Yes			
Stoop			Yes		Yes			
Balcony			Yes		Yes			
Gallery			No		No			
Awning / Canopy			No		No			
Forecourt			Yes		Yes			

NOTE: Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

## HEIGHT AND MASS

Figure 4.16.3



## FACADE

Figure 4.16.4



NOTE: Diagrams are not to scale and may not illustrate the applicable requirements of certain zoning districts. They are for general reference only.

## SAMPLE IMAGERY



## §4.17 APARTMENT COURT

LOT - Lot Dimensions		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Lot area (min)		*		*			
2	Lot width (min)		*		*			
3	Lot depth (min)		*		*			

\* Lots shall be of sufficient size to provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

LOT - Lot Parameters		ZONING DISTRICT						
4	% reserved for amenity areas (min.)		10%		10%			
not shown	Maximum impervious surface		80%		90%			

PLACEMENT - Building Setbacks (Minimum)		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Front setback adjacent a primary street		15'		15'			
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
2	Side setback adjacent a secondary street (corner lots)		15'		15'			
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
3	Side setback adjacent interior lot line		10'		10'			
3	Side setback adjacent interior lot line, abutting TN district							
4	Rear setback		20'		20'			
4	Rear setback, abutting alley		5'		5'			

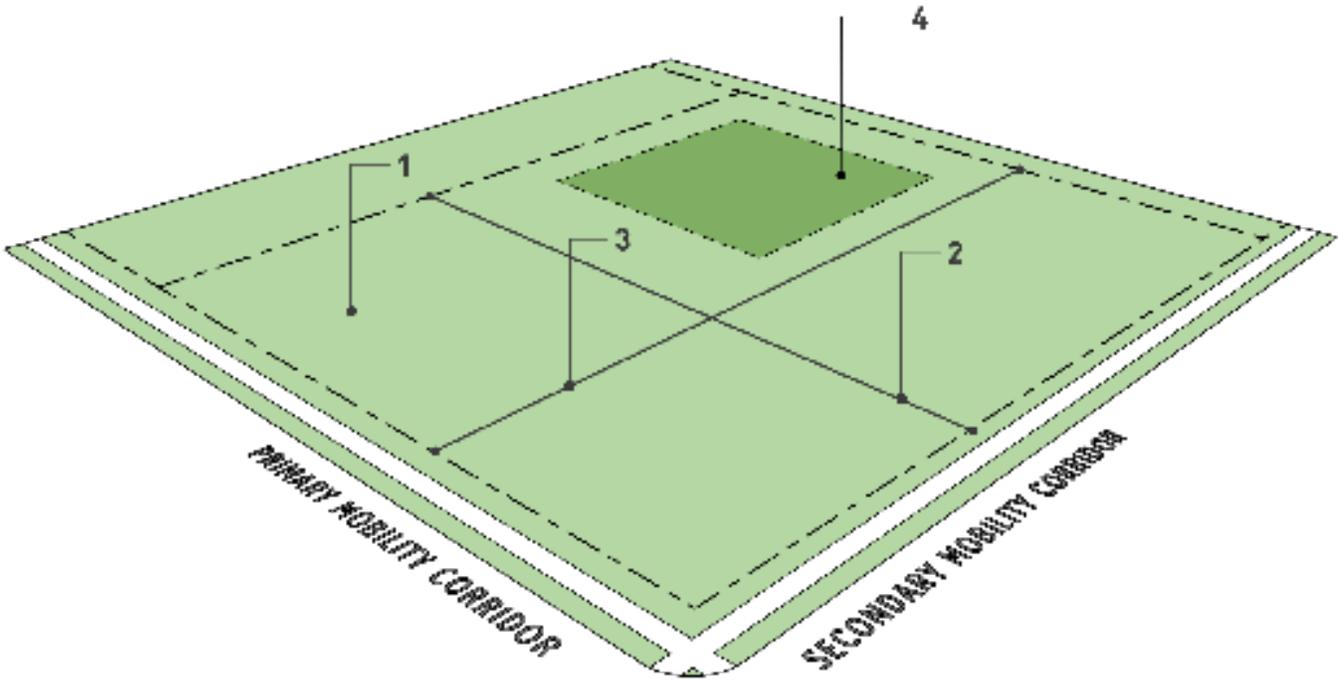
PLACEMENT - Building Setbacks (Maximum)		ZONING DISTRICT						
5	Front setback adjacent a primary street							
6	Side setback adjacent secondary street (corner lots)							

PLACEMENT - Parking		ZONING DISTRICT						
7	On-site parking allowed between building and street							

NOTE: Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

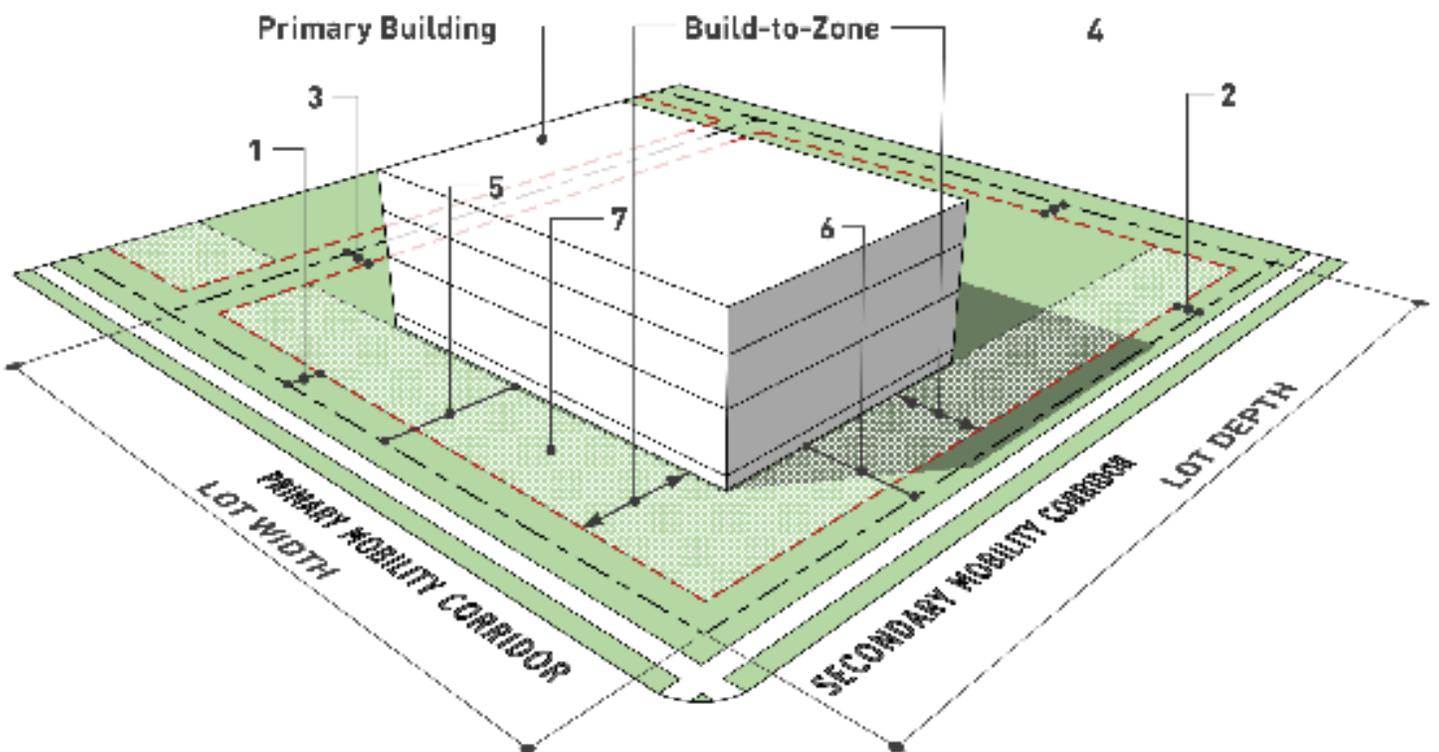
LOT

Figure 4.17.1



PLACEMENT

Figure 4.17.2



## §4.17 APARTMENT COURT CONT.

HEIGHT AND MASS - Building Setbacks		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Building height (max)		5 stories / 65'		3 stories / 45'			
* Reduced height may be required when abutting a protected district								
2	Building height (min)		2 stories / 30'		2 stories / 30'			
HEIGHT AND MASS - Story Height								
3	Ground floor elevation (min/max)		0'-2'		0'-2'			
4	Ground story height, floor to ceiling (min)		9'		9'			
5	Upper story height, floor to ceiling (min)		9'		9'			

FACADE - Transparency		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Ground story facing primary street (min)		50%		50%			
2	Ground story facing secondary street (min)		30%		30%			
3	Upper story(s) facing primary street (min)		50%		50%			
4	Upper story(s) facing secondary street (min)		50%		50%			
FACADE - Pedestrian Access								
5	Entrance facing primary street required		Yes		Yes			
6	Entrance facing secondary street required (corner lots)		Yes		Yes			

\*\*\*All units shall be accessible from a central/shared hallway.

### FACADE - Permitted Building Materials

Brick, stone, split face concrete, or other masonry materials; wood simulating concrete materials; wood; stucco; combination of these materials.

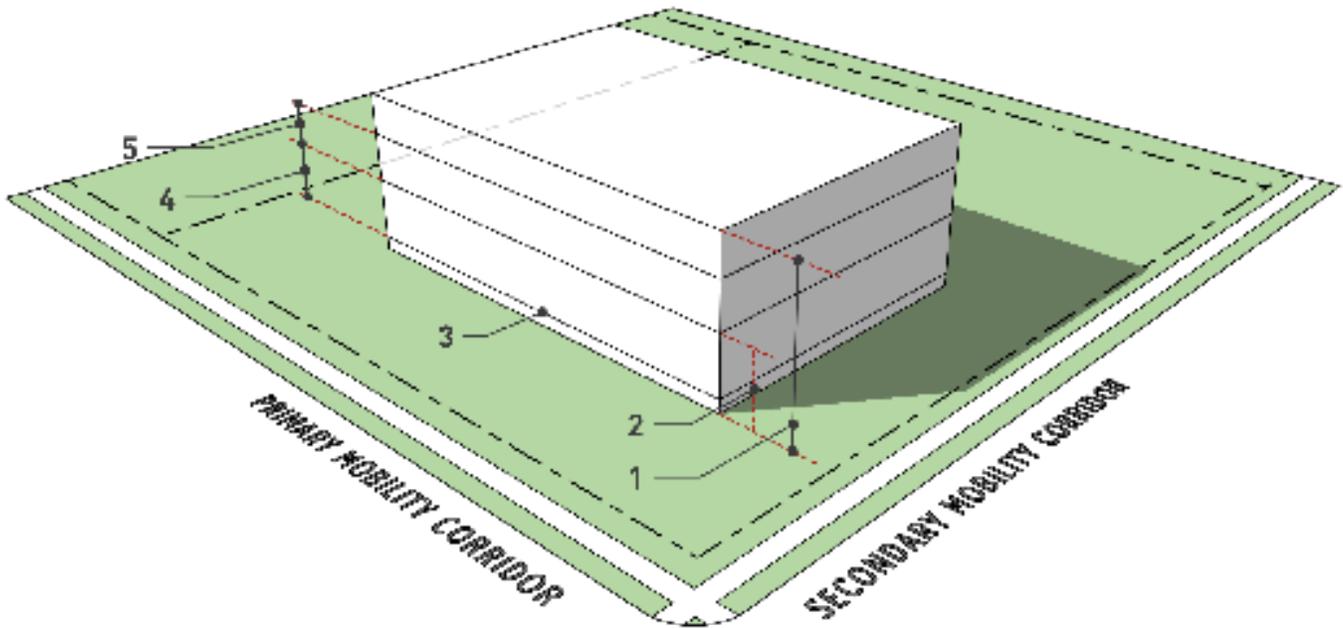
### FACADE - Permitted Building Elements

Porch		Yes		Yes				
Stoop		Yes		Yes				
Balcony		Yes		Yes				
Gallery		No		No				
Awning / Canopy		No		No				
Forecourt		Yes		Yes				

**NOTE:** Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

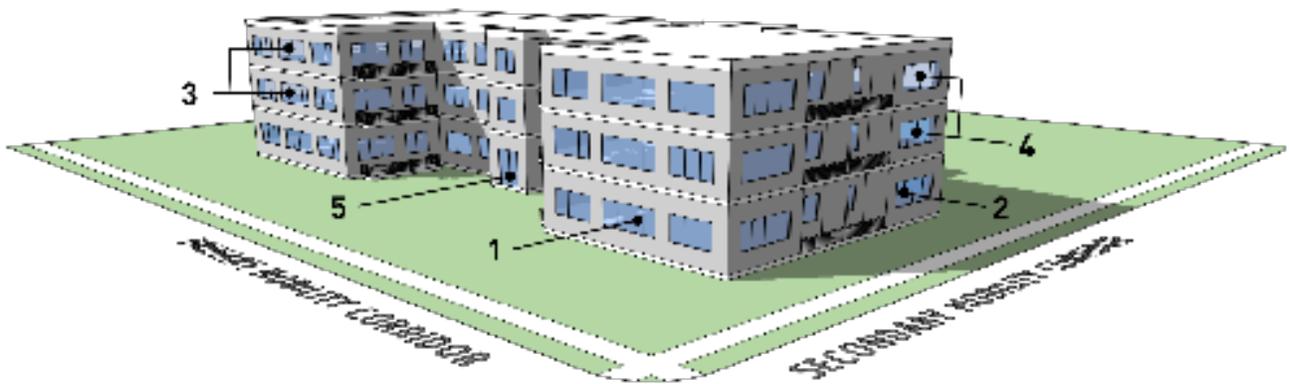
## HEIGHT AND MASS

Figure 4.17.3



## FACADE

Figure 4.17.4



NOTE: Diagrams are not to scale and may not illustrate the applicable requirements of certain zoning districts. They are for general reference only.

## SAMPLE IMAGERY



## §4.18 GARDEN APARTMENT BUILDING

LOT - Lot Dimensions		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Lot area (min)		*	*	*	*		
2	Lot width (min)		*	*	*	*		
3	Lot depth (min)		*	*	*	*		

\* Lots shall be of sufficient size to provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

LOT - Lot Parameters		ZONING DISTRICT						
4	% reserved for amenity areas (min.)		10%	10%	10%	10%		
not shown	Maximum impervious surface		80%	70%	90%	70%		

PLACEMENT - Building Setbacks (Minimum)		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Front setback adjacent a primary street		15'	20'	15'	20'		
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
2	Side setback adjacent a secondary street (corner lots)		15'	15'	15'	15'		
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
3	Side setback adjacent interior lot line		10'	10'	10'	10'		
4	Rear setback		20'	20'	20'	20'		
4	Rear setback, abutting alley		5'	5'	5'	5'		

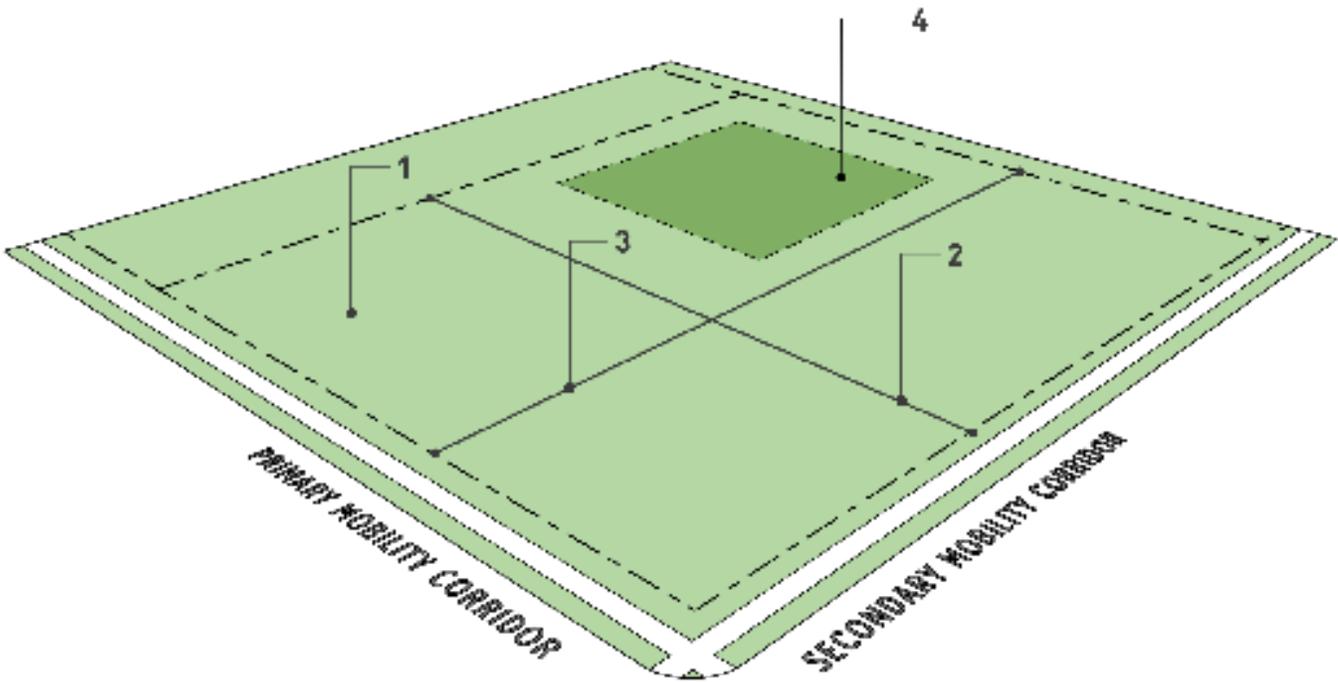
PLACEMENT - Building Setbacks (Maximum)		ZONING DISTRICT						
5	Front setback adjacent a primary street							
6	Side setback adjacent secondary street (corner lots)							

PLACEMENT - Parking		ZONING DISTRICT						
7	On-site parking allowed between building and street							

NOTE: Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

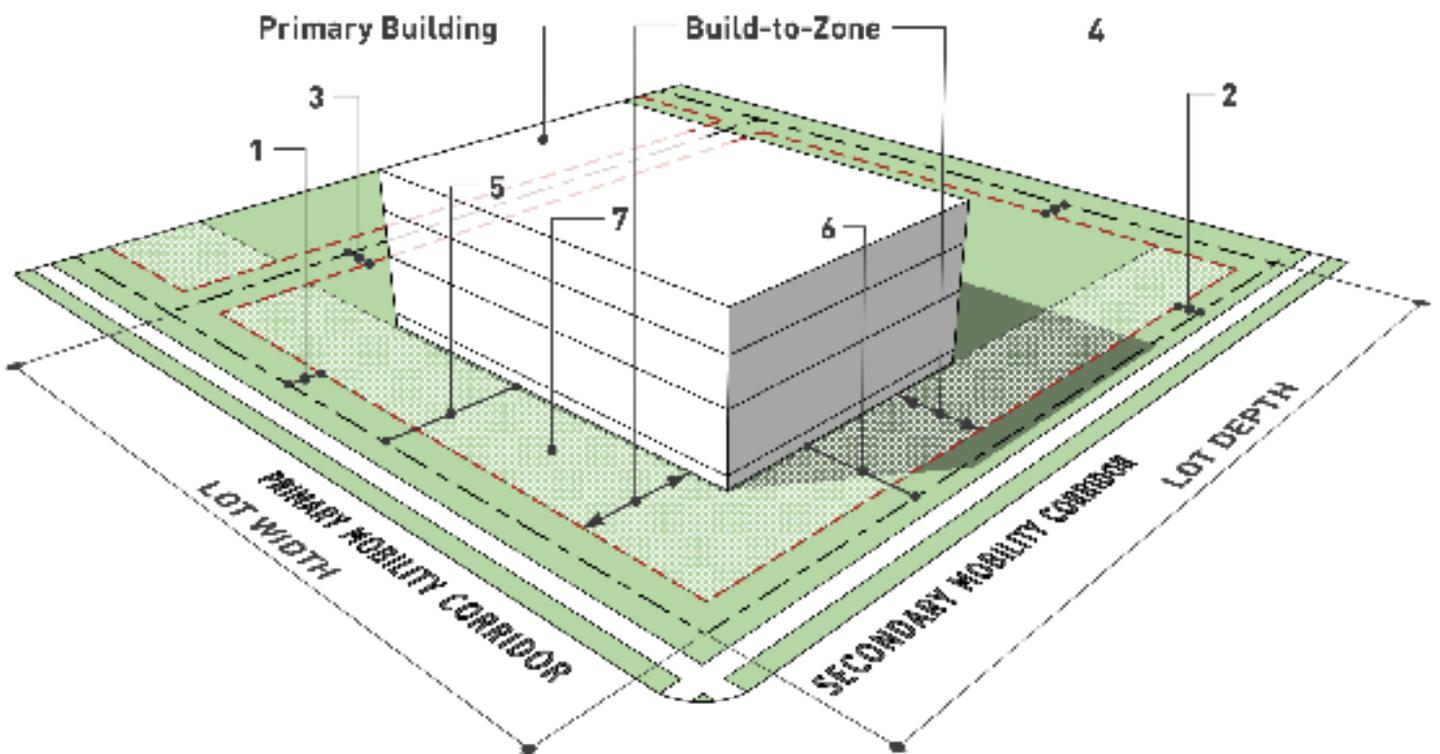
LOT

Figure 4.18.1



PLACEMENT

Figure 4.18.2



## §4.18 GARDEN APARTMENT BUILDING CONT.

HEIGHT AND MASS - Building Setbacks		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Building height (max)		3 stories / 45'	2 stories / 30'	3 stories / 45'	2 stories / 30'		
* Reduced height may be required when abutting a protected district								
2	Building height (min)		2 stories / 30'					
HEIGHT AND MASS - Story Height								
3	Ground floor elevation (min/max)		0'-2'	0'-2'	0'-2'	0'-2'		
4	Ground story height, floor to ceiling (min)		9'	9'	13'	9'		
5	Upper story height, floor to ceiling (min)		9'	9'	9'	9'		

FACADE - Transparency		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Ground story facing primary street (min)		50%	50%	50%	50%		
2	Ground story facing secondary street (min)		30%	30%	30%	30%		
3	Upper story(s) facing primary street (min)		50%	50%	50%	50%		
4	Upper story(s) facing secondary street (min)		50%	50%	50%	50%		
FACADE - Pedestrian Access								
5	Entrance facing primary street required		Yes	Yes	Yes	Yes		
6	Entrance facing secondary street required (corner lots)		Yes	Yes	Yes	Yes		

\*\*\*All units shall be accessible from a central/shared hallway.

### FACADE - Permitted Building Materials

Brick, stone, split face concrete, or other masonry materials; wood simulating concrete materials; wood; stucco; combination of these materials.

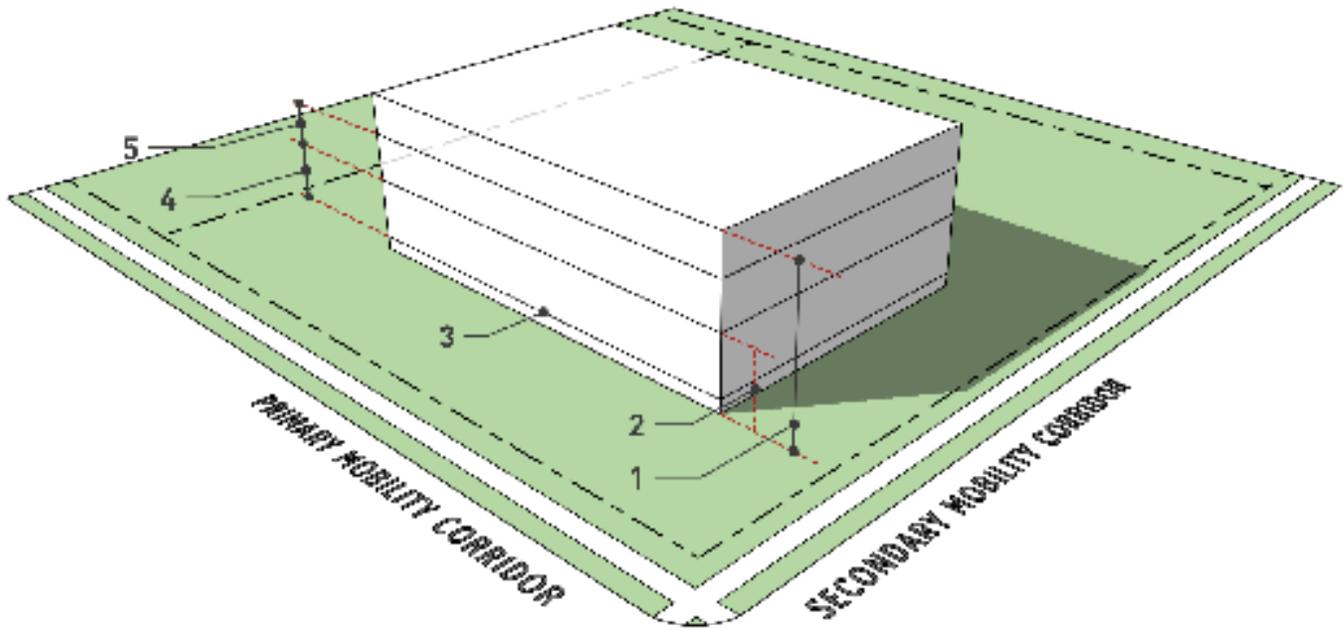
### FACADE - Permitted Building Elements

Element	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
Porch		Yes	Yes	Yes	Yes		
Stoop		Yes	Yes	Yes	Yes		
Balcony		Yes	Yes	Yes	Yes		
Gallery		No	No	No	No		
Awning / Canopy		No	No	No	No		
Forecourt		Yes	Yes	Yes	Yes		

**NOTE:** Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

## HEIGHT AND MASS

Figure 4.18.3



## FACADE

Figure 4.18.4



NOTE: Diagrams are not to scale and may not illustrate the applicable requirements of certain zoning districts. They are for general reference only.

## SAMPLE IMAGERY



## §4.19 TOWNHOUSES

LOT - Lot Dimensions		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Lot area (min)			*	*	*	*	
2	Lot width (min)			*	*	*	*	
3	Lot depth (min)			*	*	*	*	

\* Lots shall be of sufficient size to provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

LOT - Lot Parameters		ZONING DISTRICT						
4	% reserved for amenity areas (min.)			0%	0%	0%	0%	
not shown	Maximum impervious surface			70%	90%	70%	50%	

PLACEMENT - Building Setbacks (Minimum)		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Front setback adjacent a primary street			20'	15'	20'	20'	
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
2	Side setback adjacent a secondary street (corner lots)			15'	15'	15'	15'	
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
3	Side setback adjacent interior lot line			0'	0'	0'	0'	
3	Side setback adjacent interior lot line, exterior wall			10'	10'	10'	10'	
4	Rear setback			20'	20'	20'	20'	
4	Rear or side setback, abutting alley			5'	5'	5'	5'	

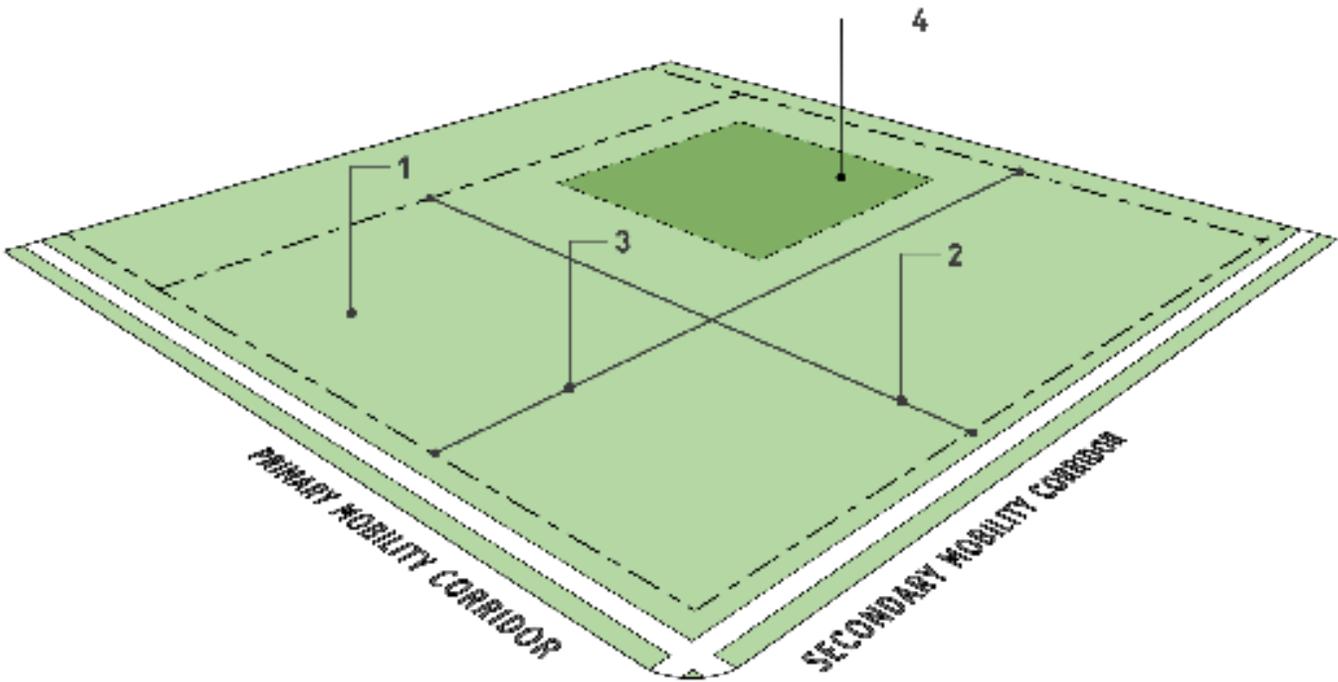
PLACEMENT - Building Setbacks (Maximum)		ZONING DISTRICT						
5	Front setback adjacent a primary street							
6	Side setback adjacent secondary street (corner lots)							

PLACEMENT - Parking		ZONING DISTRICT						
7	On-site parking allowed between building and street							

NOTE: Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

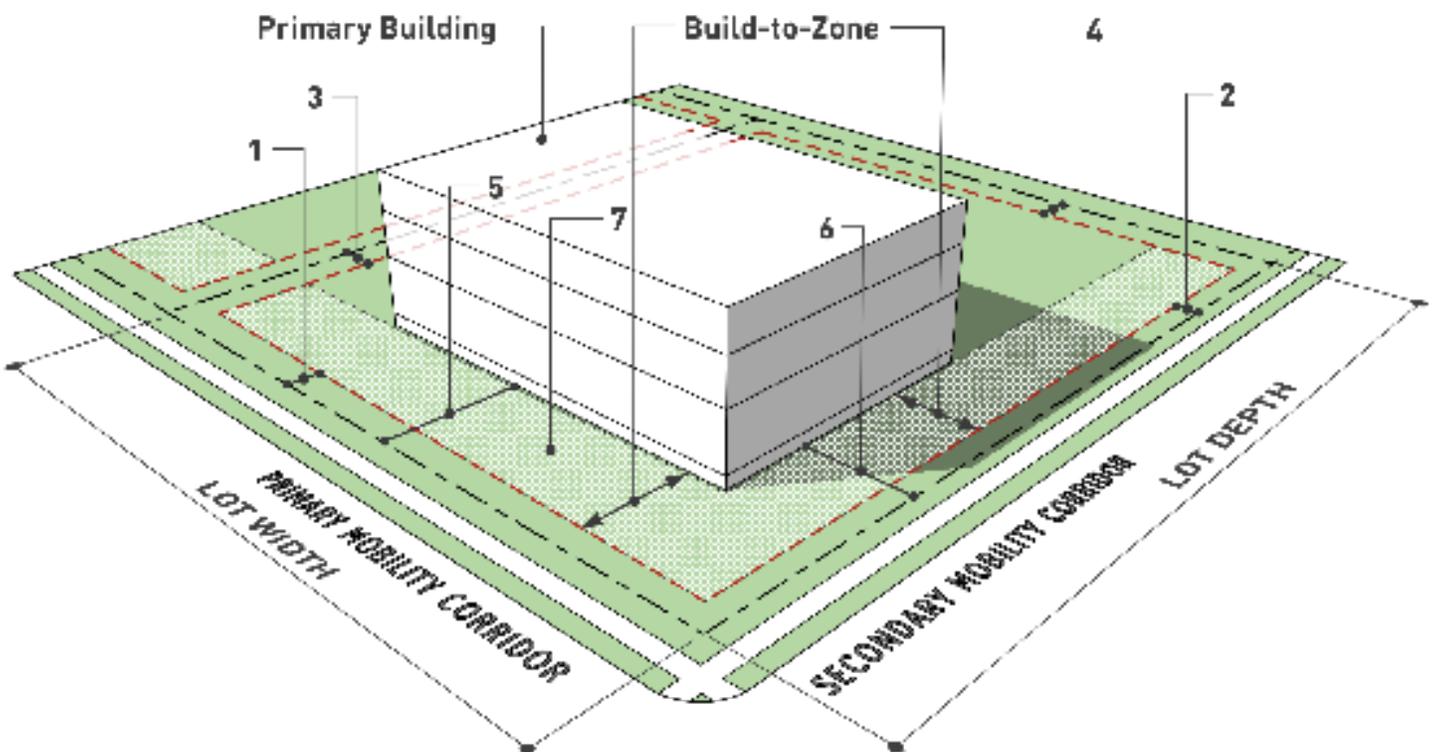
LOT

Figure 4.19.1



PLACEMENT

Figure 4.19.2



## §4.19 TOWNHOUSES CONT.

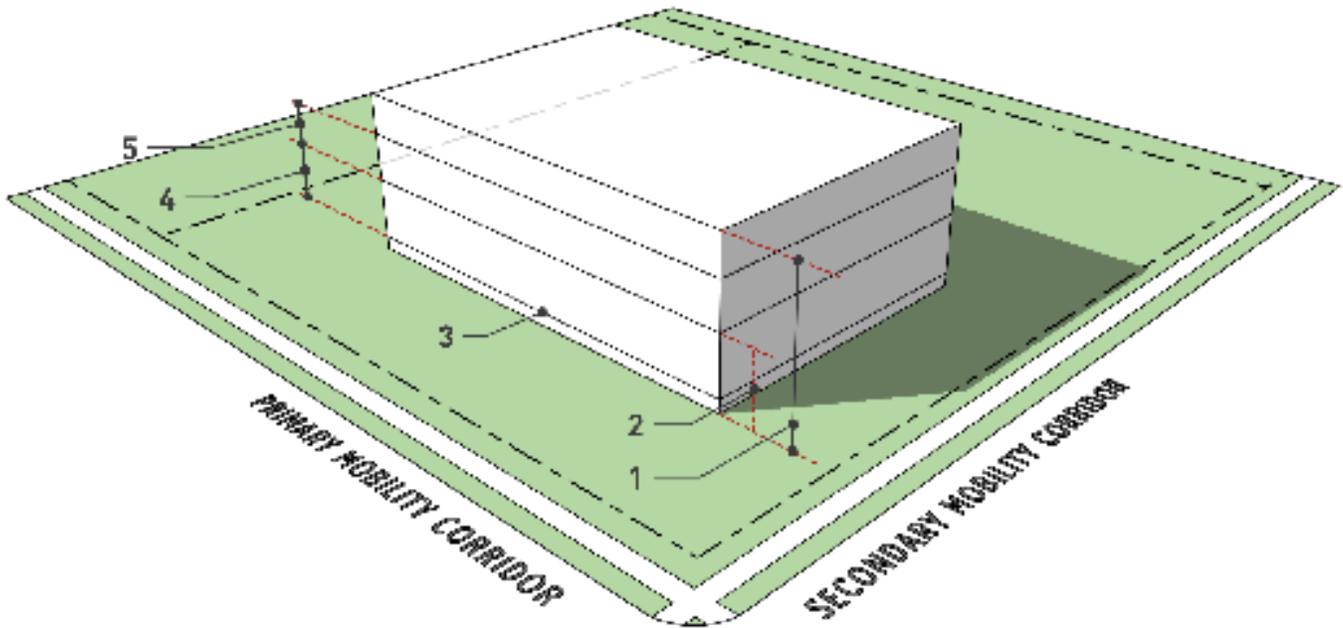
HEIGHT AND MASS - Building Setbacks		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Building height (max)			3 stories / 45'	3 stories / 45'	2 stories / 30'	2 stories / 30'	
* Reduced height may be required when abutting a protected district								
2	Building height (min)							
HEIGHT AND MASS - Story Height								
3	Ground floor elevation (min/max)			0'-2'	0'-2'	0'-2'	0'-2'	
4	Ground story height, floor to ceiling (min)			9'	9'	9'	9'	
5	Upper story height, floor to ceiling (min)			9'	9'	9'	9'	

FACADE - Transparency		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Ground story facing primary street (min)			**	**	**	**	
2	Ground story facing secondary street (min)			**	**	**	**	
3	Upper story(s) facing primary street (min)			**	**	**	**	
	** Windows shall be installed in single family residences according to all applicable building and fire codes.							
FACADE - Pedestrian Access								
5	Entrance facing primary street required			Yes	Yes	Yes	Yes	
6	Entrance facing secondary street required (corner lots)			No	No	No	No	
FACADE - Permitted Building Materials								
Brick, stone, split face concrete, or other masonry materials; wood simulating concrete materials; wood; stucco; combination of these materials.								
FACADE - Permitted Building Elements								
	Porch			Yes	Yes	Yes	Yes	
	Stoop			Yes	Yes	Yes	Yes	
	Balcony			Yes	Yes	Yes	Yes	
	Gallery			No	No	No	No	
	Awning / Canopy			No	No	No	No	
	Forecourt			No	No	No	No	

NOTE: Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

## HEIGHT AND MASS

Figure 4.19.3



## FACADE

Figure 4.19.4



NOTE: Diagrams are not to scale and may not illustrate the applicable requirements of certain zoning districts. They are for general reference only.

## SAMPLE IMAGERY



## §4.20 BUNGALOW COURT

LOT - Lot Dimensions		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Lot area (min)							
	With suitable on-street parking			17,600	17,600	17,600	17,600	
	With off-street parking and alley			*	*	*	*	
2	Lot width (min)							
	With suitable on-street parking			110'	110'	110'	110'	
	With off-street parking and alley			*	*	*	*	
3	Lot depth (min)							
	With suitable on-street parking			160'	160'	160'	160'	
	With off-street parking and alley			*	*	*	*	

\*Lots shall be of sufficient size to provide suitable space for the dwelling, accommodate setbacks, and provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

LOT - Lot Parameters								
4	% reserved for amenity areas (min.)			0%	0%	0%	0%	
not shown	Maximum impervious surface			70%	90%	70%	50%	

PLACEMENT - Building Setbacks - Minimum								
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Front setback adjacent a primary street			15'	15'	15'	15'	
2	Central courtyard			0'	0'	0'	0'	
3	Between buildings			8'	8'	8'	8'	
4	Side, without alley			10'	10'	10'	10'	
5	Rear, without alley			20'	20'	20'	20'	
6	Rear or side abutting alley			5'	5'	5'	5'	

PLACEMENT - Parking								
7	Common parking shall located on the rear of the site							

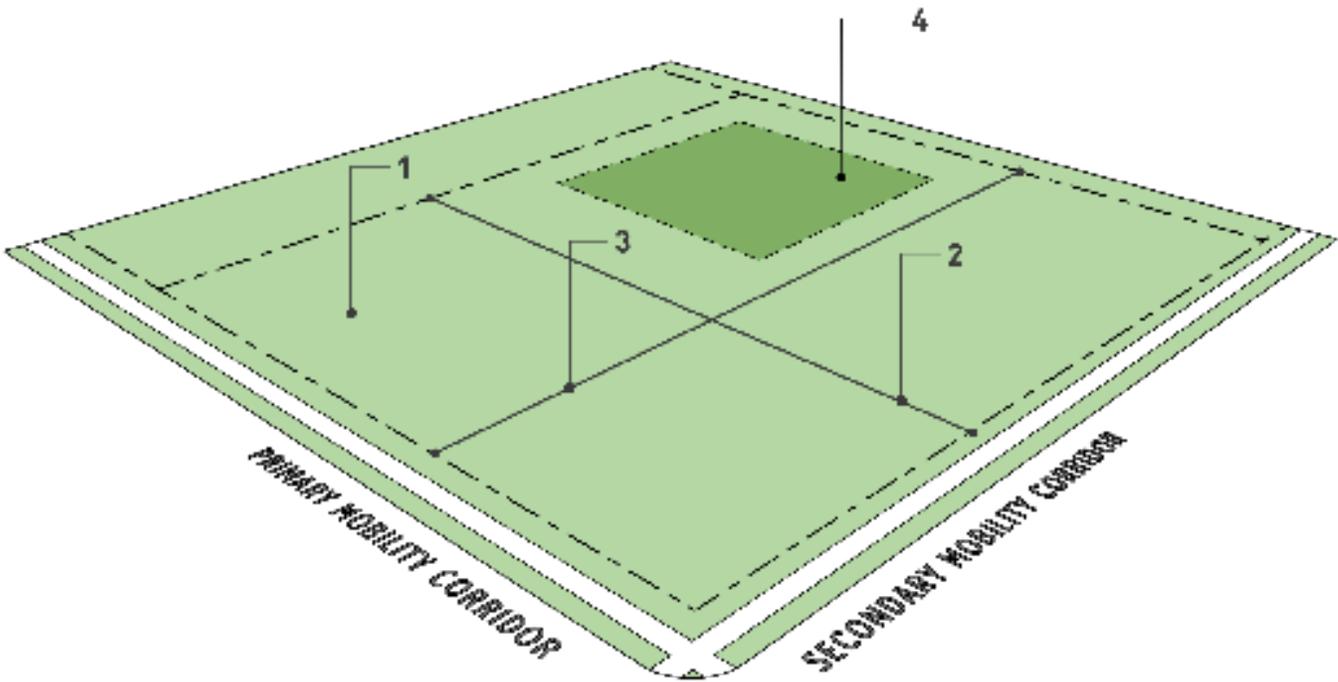
PLACEMENT - Development Orientation								
8	Dwellings are to be located and oriented towards a central courtyard							
9	The central courtyard is to measure at least 20' wide							
10	In no instance shall a dwelling in this type of development have its rear facing a public street or common courtyard.							

PLACEMENT - Building Type								
11	***One building located on the far end of the courtyard from the primary street may be a duplex.			yes	yes	yes	yes	

NOTE: Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

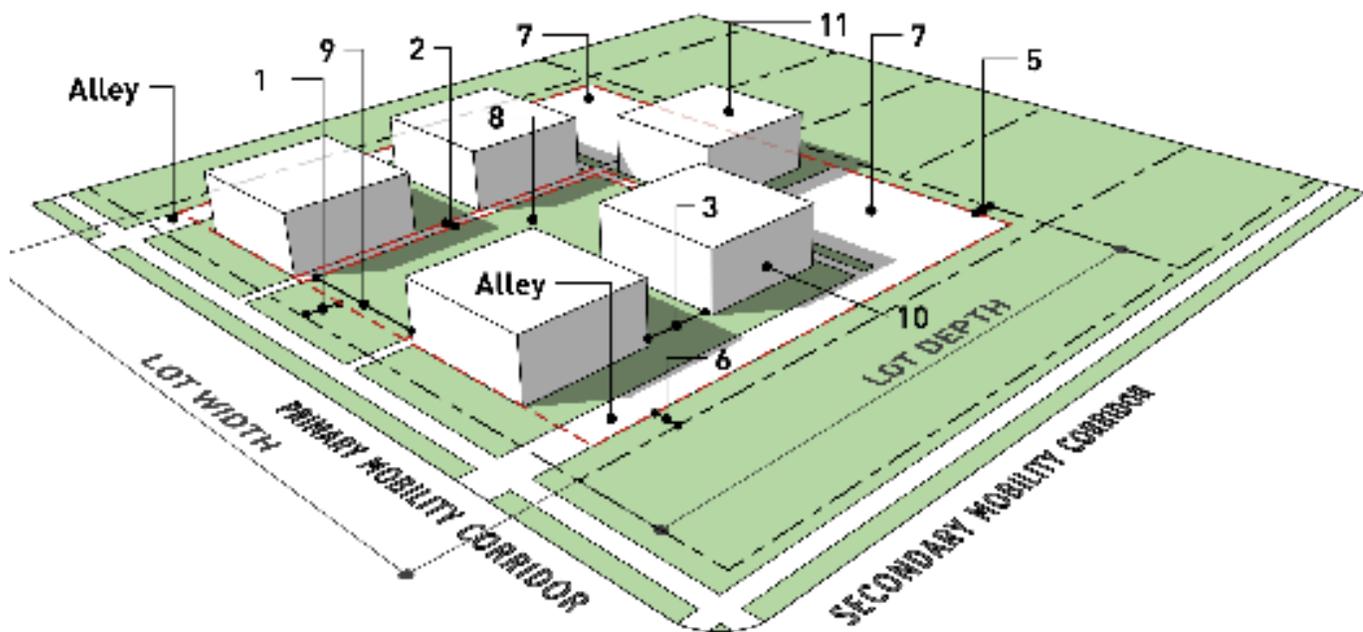
LOT

Figure 4.20.1



PLACEMENT

Figure 4.20.2



## §4.20 BUNGALOW COURT CONT.

HEIGHT AND MASS - Building Setbacks		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Building height (max)			2 stories / 30'				
* Reduced height may be required when abutting a protected district								
2	Building height (min)							
HEIGHT AND MASS - Story Height								
3	Ground floor elevation (min/max)			0'-2'	0'-2'	0'-2'	0'-2'	
4	Ground story height, floor to ceiling (min)			9'	9'	9'	9'	
5	Upper story height, floor to ceiling (min)			9'	9'	9'	9'	

FACADE - Transparency		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Ground story facing primary street (min)			**	**	**	**	
2	Ground story facing secondary street (min)			**	**	**	**	
3	Ground story facing central courtyard (min)			**	**	**	**	
4	Upper story(s) facing primary street (min)			**	**	**	**	
5	Upper story(s) facing secondary street (min)			**	**	**	**	
6	Upper story(s) facing central courtyard (min)			**	**	**	**	

\*\* Windows shall be installed in single family residences according to all applicable building and fire codes.

FACADE - Pedestrian Access								
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
7	Entrance facing central courtyard required			Yes	Yes	Yes	Yes	
8	Entrance facing primary street required (corner lots)			No	No	No	No	

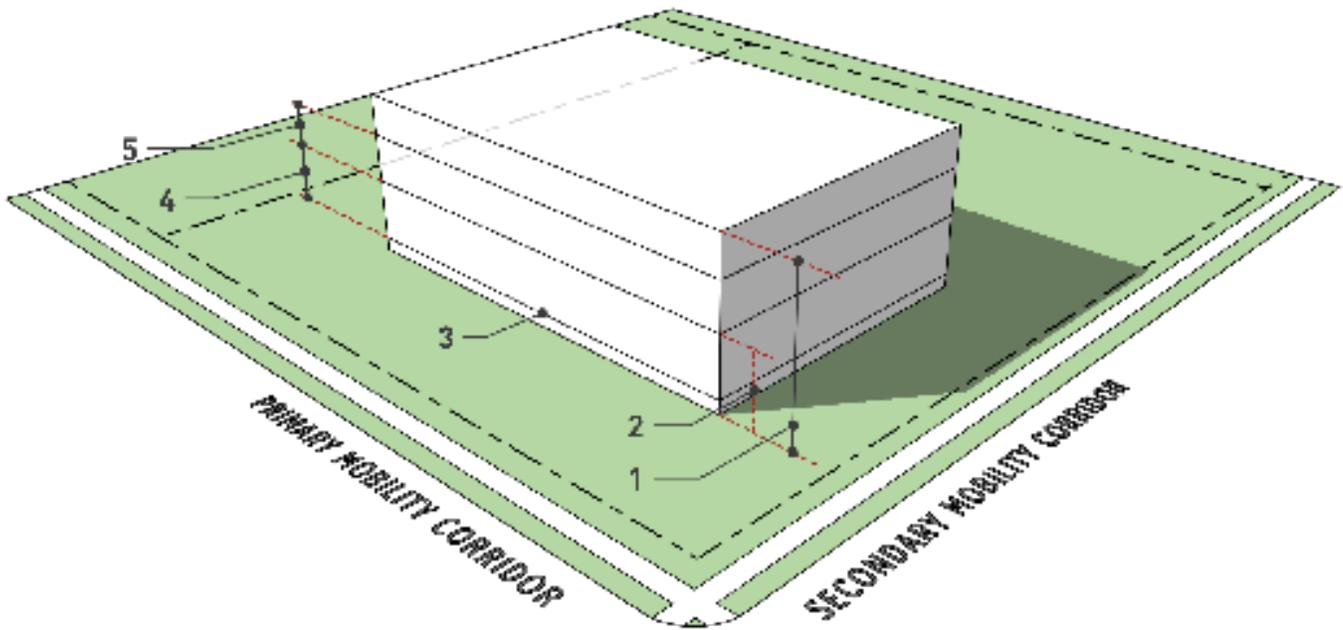
FACADE - Permitted Building Materials								
Brick, stone, split face concrete, or other masonry materials; wood simulating concrete materials; wood; stucco; combination of these materials								

FACADE - Permitted Building Elements								
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
	Porch			Yes	Yes	Yes	Yes	
	Stoop			Yes	Yes	Yes	Yes	
	Balcony			Yes	Yes	Yes	Yes	
	Gallery			No	No	No	No	
	Awning / Canopy			No	No	No	No	
	Forecourt			Yes	Yes	Yes	Yes	

NOTE: Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

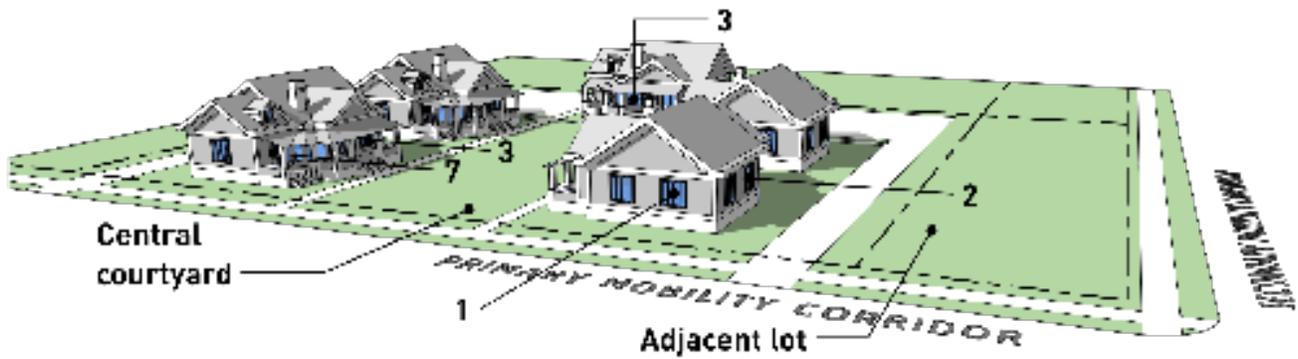
## HEIGHT AND MASS

Figure 4.20.3



## FACADE

Figure 4.20.4



NOTE: Diagrams are not to scale and may not illustrate the applicable requirements of certain zoning districts. They are for general reference only.

## SAMPLE IMAGERY



## §4.21 DUPLEX

LOT - Lot Dimensions		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Lot area (min)			7,375 sf	6,725 sf	7,375 sf	8,025 sf	
2	Lot width (min)			65'	65'	65'	65'	
3	Lot depth (min)			*	*	*	*	

\* Lots shall be of sufficient size to provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

LOT - Lot Parameters		ZONING DISTRICT						
4	% reserved for amenity areas (min.)			0%	0%	0%	0%	
not shown	Maximum impervious surface			70%	90%	70%	50%	

PLACEMENT - Building Setbacks (Minimum)		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Front setback adjacent a primary street			20'	15'	20'	30'	
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
2	Side setback adjacent a secondary street (corner lots)			15'	15'	15'	15'	
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
3	Side setback adjacent interior lot line			0'	0'	0'	0'	
3	Side setback adjacent interior lot line, exterior wall			8'	5'	8'	10'	
4	Rear setback			20'	20'	20'	20'	
4	Rear setback, abutting alley			5'	5'	5'	5'	

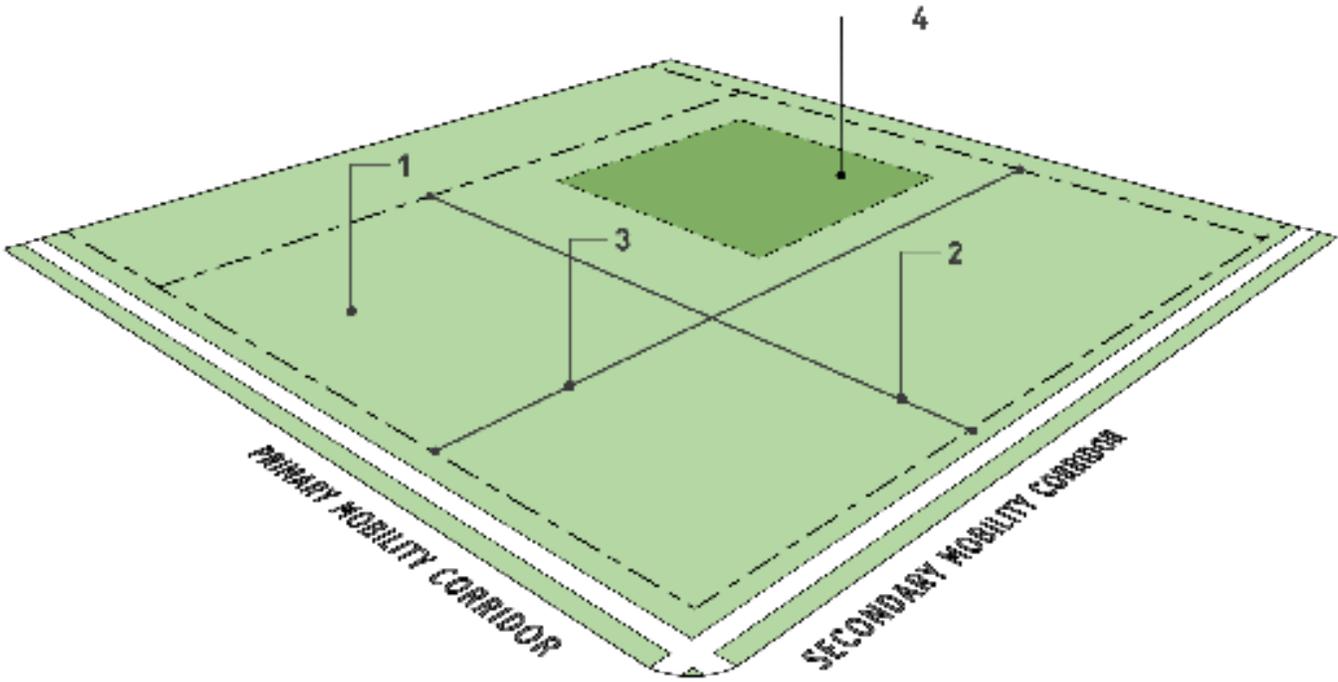
PLACEMENT - Building Setbacks (Maximum)		ZONING DISTRICT						
5	Front setback adjacent a primary street							
6	Side setback adjacent secondary street (corner lots)							

PLACEMENT - Parking	
?	Off-street parking shall be provided to the rear of a duplex development, either on individual lots or in a common parking area serving multiple duplexes, accessible by an alley or driveway. Alleys and driveways shall be maintained by a property owners association representing the development.

NOTE: Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

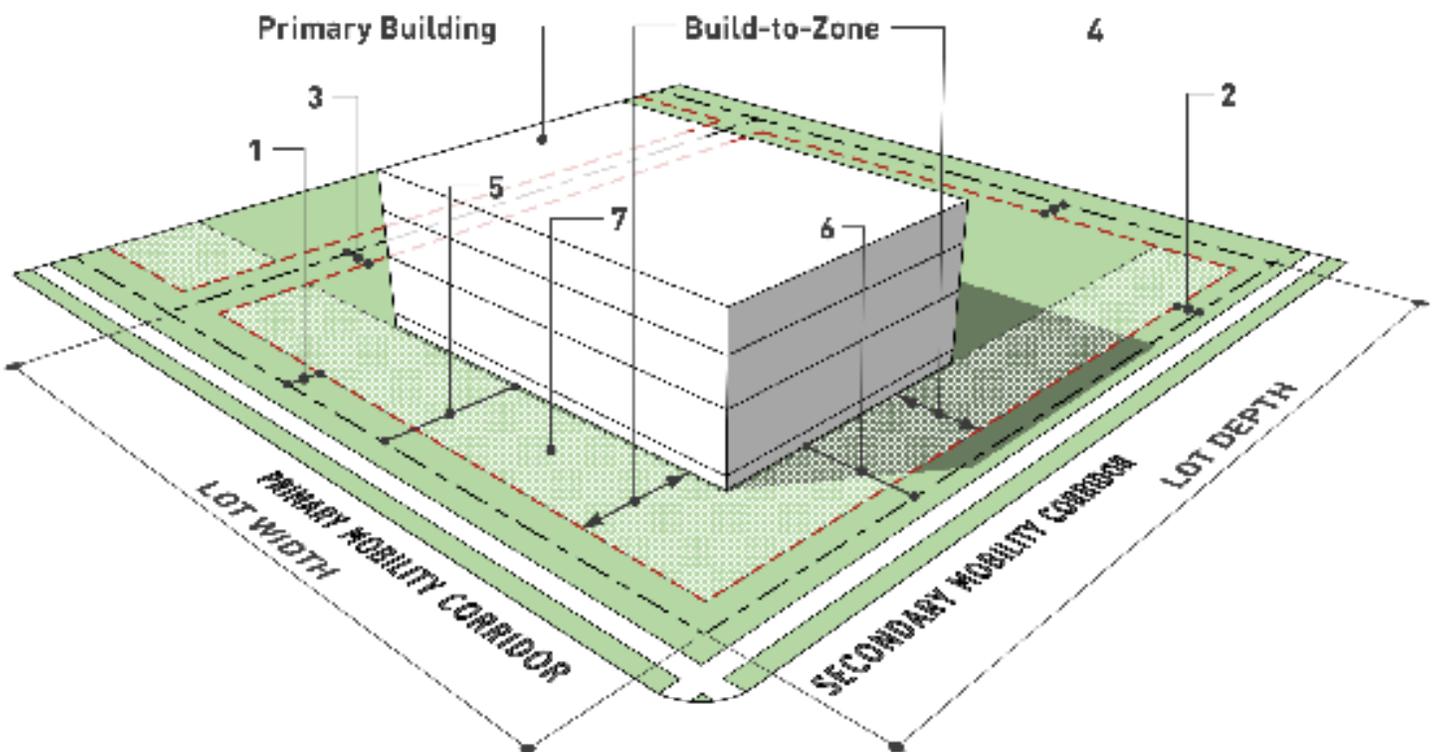
LOT

Figure 4.21.1



PLACEMENT

Figure 4.21.2



## §4.21 DUPLEX CONT.

HEIGHT AND MASS - Building Setbacks		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Building height (max)			2 stories / 30'				
* Reduced height may be required when abutting a protected district								
2	Building height (min)							
HEIGHT AND MASS - Story Height								
3	Ground floor elevation (min/max)			0'-2'	0'-2'	0'-2'	0'-2'	
4	Ground story height, floor to ceiling (min)			9'	9'	9'	9'	
5	Upper story height, floor to ceiling (min)			9'	9'	9'	9'	

FACADE - Transparency		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Ground story facing primary street (min)			**	**	**	**	
2	Ground story facing secondary street (min)			**	**	**	**	
3	Upper story(s) facing primary street (min)			**	**	**	**	
4	Upper story(s) facing secondary street (min)			**	**	**	**	

\*\* Windows shall be installed in single family residences according to all applicable building and fire codes.

FACADE - Pedestrian Access								
5	Entrance facing primary street required			Yes	Yes	Yes	Yes	
6	Entrance facing secondary street required (corner lots)			No	No	No	No	

### FACADE - Permitted Building Materials

Brick, stone, split face concrete, or other masonry materials; wood simulating concrete materials; wood; stucco; combination of these materials

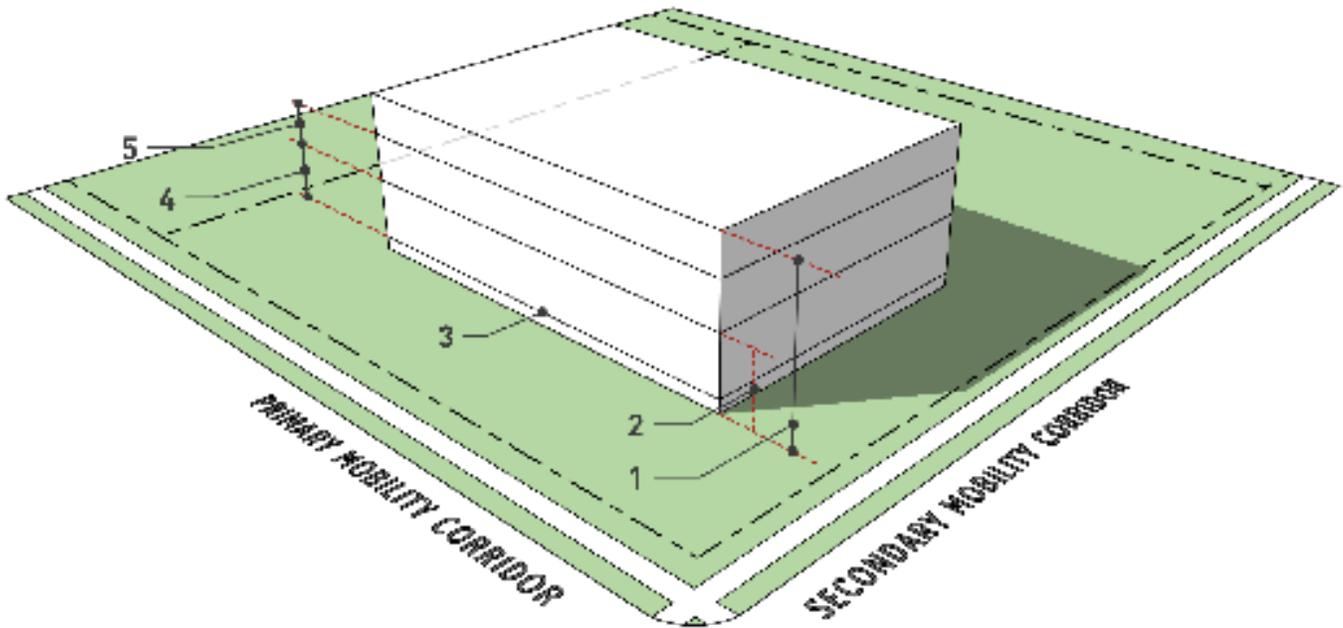
### FACADE - Permitted Building Elements

Porch			Yes	Yes	Yes	Yes	
Stoop			Yes	Yes	Yes	Yes	
Balcony			Yes	Yes	Yes	Yes	
Gallery			No	No	No	No	
Awning / Canopy			No	No	No	No	
Forecourt			No	No	No	No	

NOTE: Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

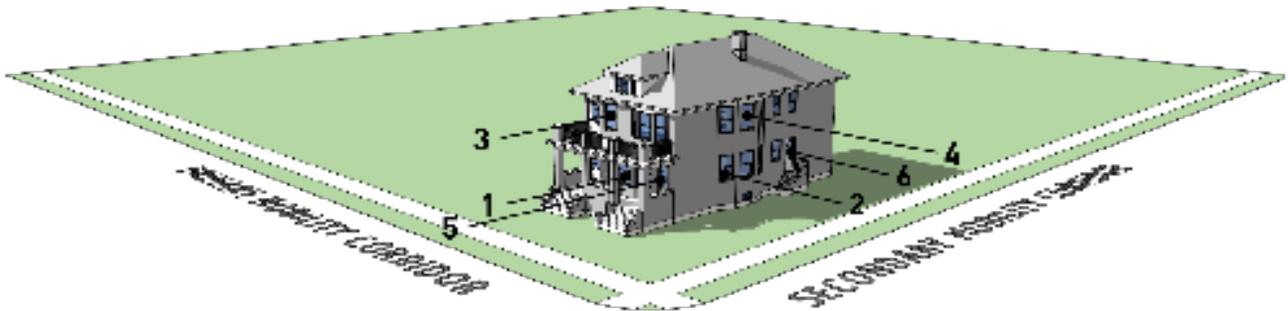
## HEIGHT AND MASS

Figure 4.21.3



## FACADE

Figure 4.21.4



NOTE: Diagrams are not to scale and may not illustrate the applicable requirements of certain zoning districts. They are for general reference only.

## SAMPLE IMAGERY



## §4.22 TRIPLEX AND QUADPLEX

LOT - Lot Dimensions		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Lot area (min)			8,350 sf	7,700 sf	8,350 sf	9,000 sf	
2	Lot width (min)			65'	65'	65'	65'	
3	Lot depth (min)			*	*	*	*	

\* Lots shall be of sufficient size to provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

LOT - Lot Parameters		ZONING DISTRICT						
4	% reserved for amenity areas (min.)			5%	5%	5%	5%	
not shown	Maximum impervious surface			70%	90%	70%	50%	

PLACEMENT - Building Setbacks (Minimum)		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Front setback adjacent a primary street			20'	15'	20'	30'	
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
2	Side setback adjacent a secondary street (corner lots)			15'	15'	15'	15'	
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
3	Side setback adjacent interior lot line			5'	5'	8'	10'	
4	Rear setback			35'	35'	35'	35'	
4	Rear setback, abutting alley			5'	5'	5'	5'	

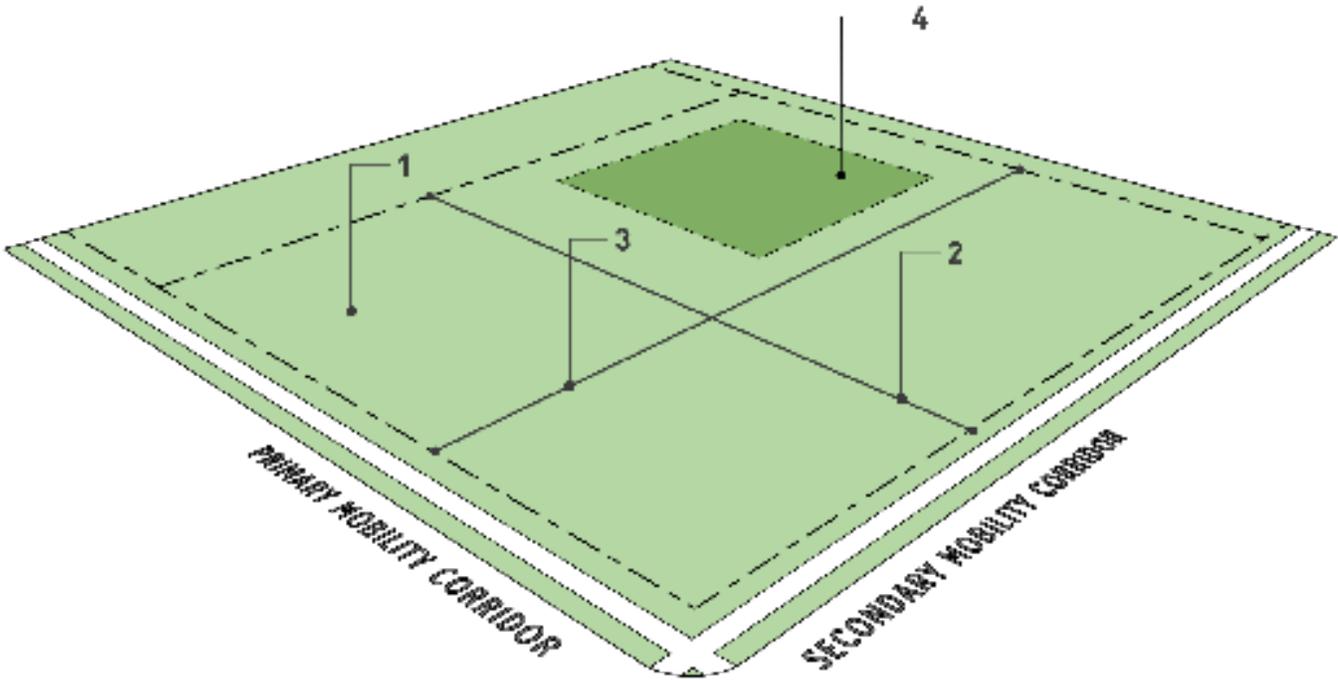
PLACEMENT - Building Setbacks (Maximum)		ZONING DISTRICT						
5	Front setback adjacent a primary street							
6	Side setback adjacent secondary street (corner lots)							

PLACEMENT - Parking		ZONING DISTRICT						
?	Off-street parking shall be provided to the rear of a quadplex development, either on individual lots or in a common parking area serving multiple duplexes, accessible by an alley or driveway. Alleys and driveways shall be maintained by a property owners association representing the development.							

**NOTE:** Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

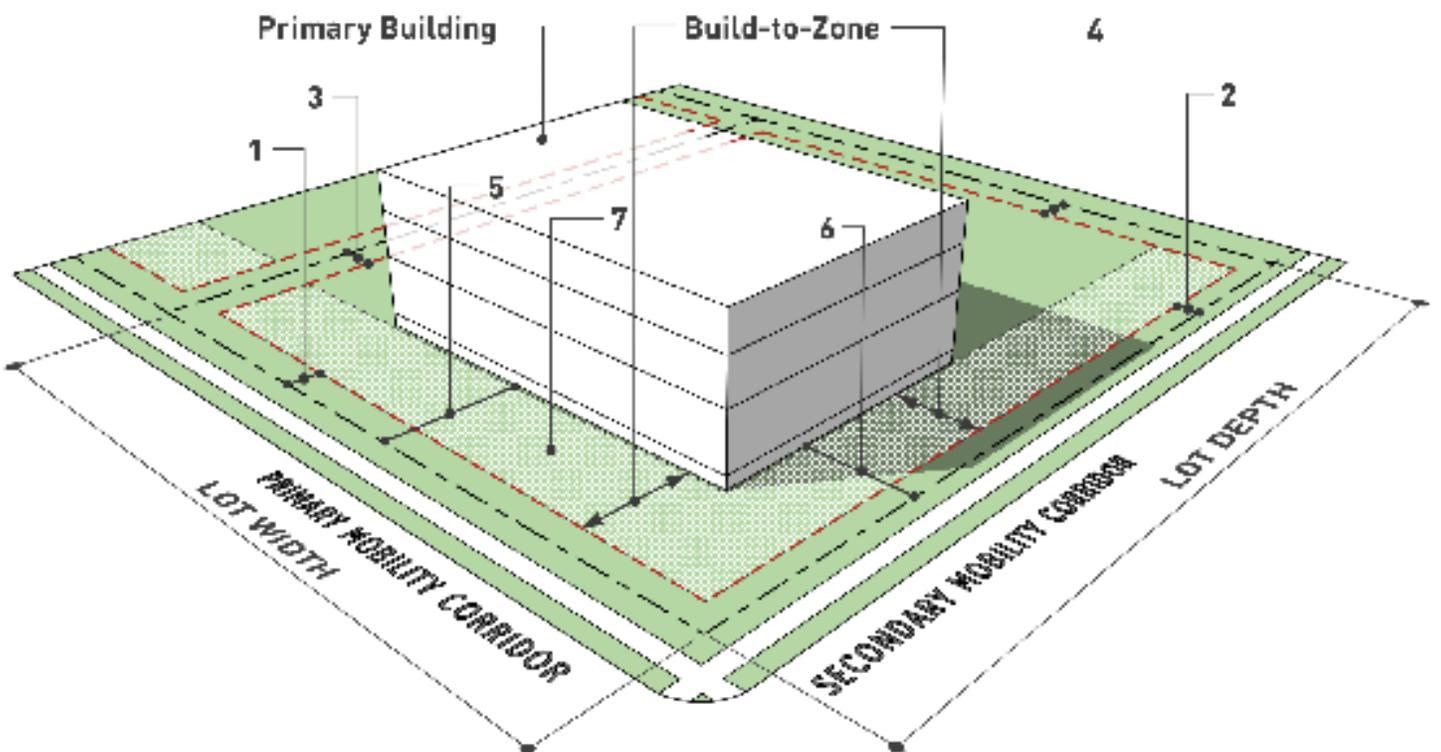
LOT

Figure 4.22.1



PLACEMENT

Figure 4.22.2



## §4.22 TRIPLEX AND QUADPLEX CONT.

HEIGHT AND MASS - Building Setbacks		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Building height (max)			2 stories / 30'				
* Reduced height may be required when abutting a protected district								
2	Building height (min)							
HEIGHT AND MASS - Story Height								
3	Ground floor elevation (min/max)			0'-2'	0'-2'	0'-2'	0'-2'	
4	Ground story height, floor to ceiling (min)			9'	9'	9'	9'	
5	Upper story height, floor to ceiling (min)			9'	9'	9'	9'	

FACADE - Transparency		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Ground story facing primary street (min)			50%	50%	50%	50%	
2	Ground story facing secondary street (min)			30%	30%	30%	30%	
3	Upper story(s) facing primary street (min)			50%	50%	50%	50%	
4	Upper story(s) facing secondary street (min)							

\*\* Windows shall be installed in multi family residences according to all applicable building and fire codes.

FACADE - Pedestrian Access								
5	Entrance facing primary street required			Yes	Yes	Yes	Yes	
6	Entrance facing secondary street required (corner lots)			No	No	No	No	

### FACADE - Permitted Building Materials

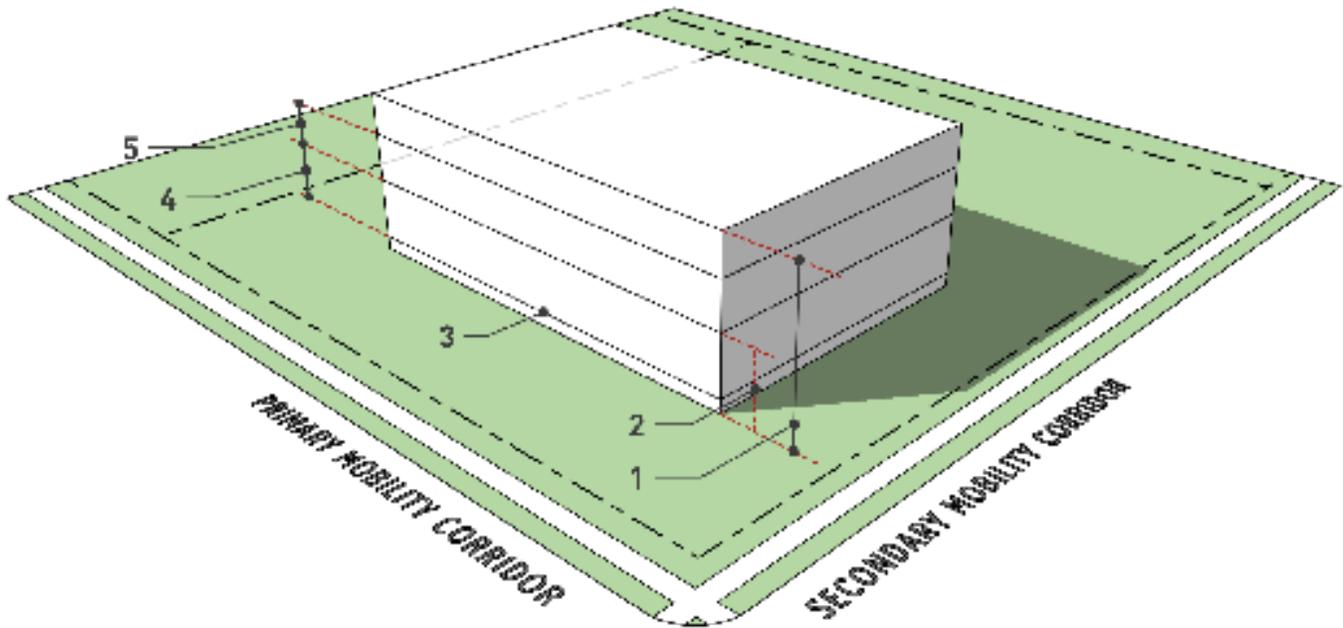
Brick, stone, split face concrete, or other masonry materials; wood simulating concrete materials; wood; stucco; combination of these materials

FACADE - Permitted Building Elements								
Porch				Yes	Yes	Yes	Yes	
Stoop				Yes	Yes	Yes	Yes	
Balcony				Yes	Yes	Yes	Yes	
Gallery				No	No	No	No	
Awning / Canopy				No	No	No	No	
Forecourt				No	No	No	No	

NOTE: Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

## HEIGHT AND MASS

Figure 4.22.3



## FACADE

Figure 4.22.4



NOTE: Diagrams are not to scale and may not illustrate the applicable requirements of certain zoning districts. They are for general reference only.

## SAMPLE IMAGERY



## §4.23 DETACHED HOUSE

LOT - Lot Dimensions		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Lot area (min)			6,000sf	6,000sf	6,000sf	7,200 sf	
2	Lot width (min)			40'	40'	40'	50'	
3	Lot depth (min)			*	*	*	*	

\* Lots shall be of sufficient size to provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

LOT - Lot Parameters		ZONING DISTRICT						
4	% reserved for amenity areas (min.)							
not shown	Maximum impervious surface			70%	90%	70%	50%	

PLACEMENT - Building Setbacks (Minimum)		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Front setback adjacent a primary street			20'	20'	20'	30'	
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
2	Side setback adjacent a secondary street (corner lots)			15'	15'	15'	15'	
	(w/ on-street parking and sidewalk)							
	(w/out on-street parking)							
3	Side setback adjacent interior lot line			8' or 0' / 12'***	5' or 0' / 10'***	8' or 0' / 12'***	10'	
4	Rear setback			20'	20'	20'	35'	
4	Rear setback, abutting alley			5'	5'	5'	5'	

\*\*\* Zero-lot line development shall require one or more complete block frontages and shall not be permitted on only a portion of a block frontage unless it is separated from adjacent non-zero-lot line development (along the same block frontage) by an alley. The side building wall of each zero lot line dwelling shall be within three (3) inches of the lot line on the one side of a lot, except corner lots as set forth herein, and no windows, doors, or other openings shall be permitted on this side. Where adjacent zero lot line dwellings are not constructed against a common lot line, the developer must provide for a perpetual wall maintenance easement of five (5) ft in width along the adjacent lot and parallel with such wall, for the entire length of the lot. There shall be a thirty (30) inch easement for the roof overhang and footing within the five (5) ft wall maintenance easement adjacent to the lot line. Roof drainage on the zero lot line side shall be so designed as to catch and carry the roof drainage off in gutters and downspouts.

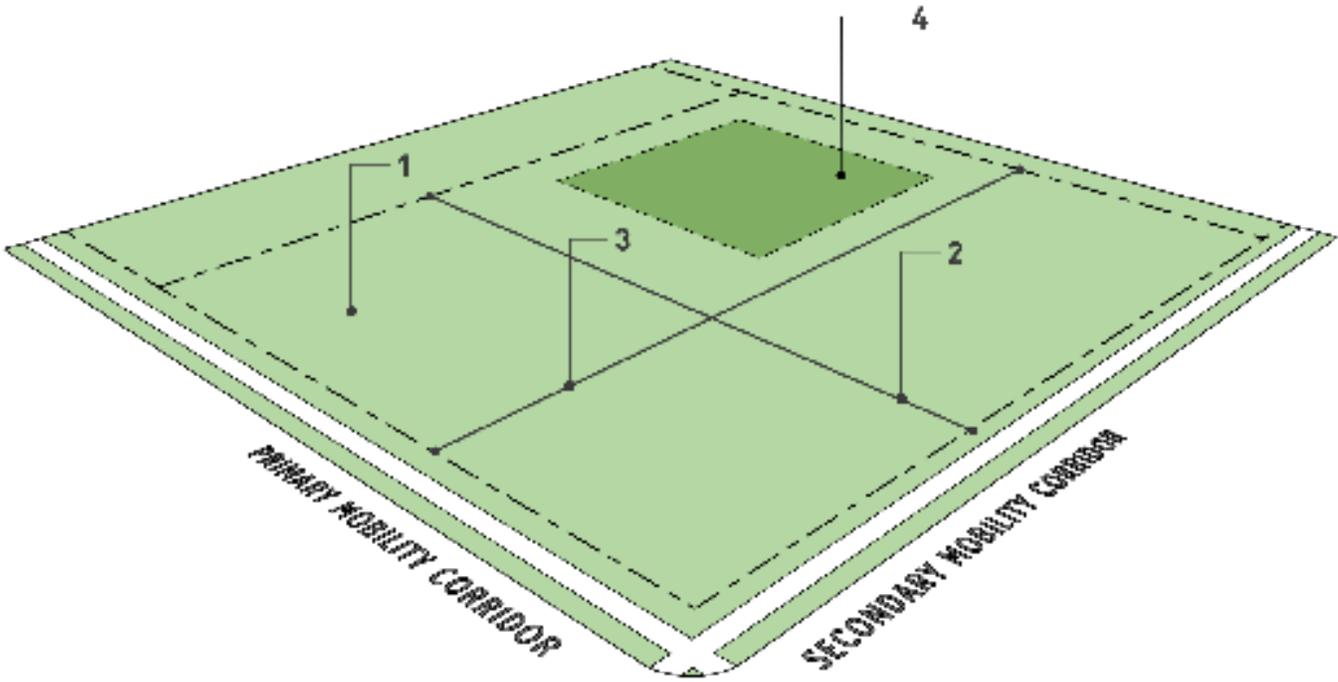
PLACEMENT - Building Setbacks (Maximum)		ZONING DISTRICT						
5	Front setback adjacent a primary street							
6	Side setback adjacent secondary street (corner lots)							

PLACEMENT - Parking	
	No placement specified

NOTE: Parameters in the tables are referenced in diagrams on the opposite page.  
Blank Cell - No applicable standards/Not permitted

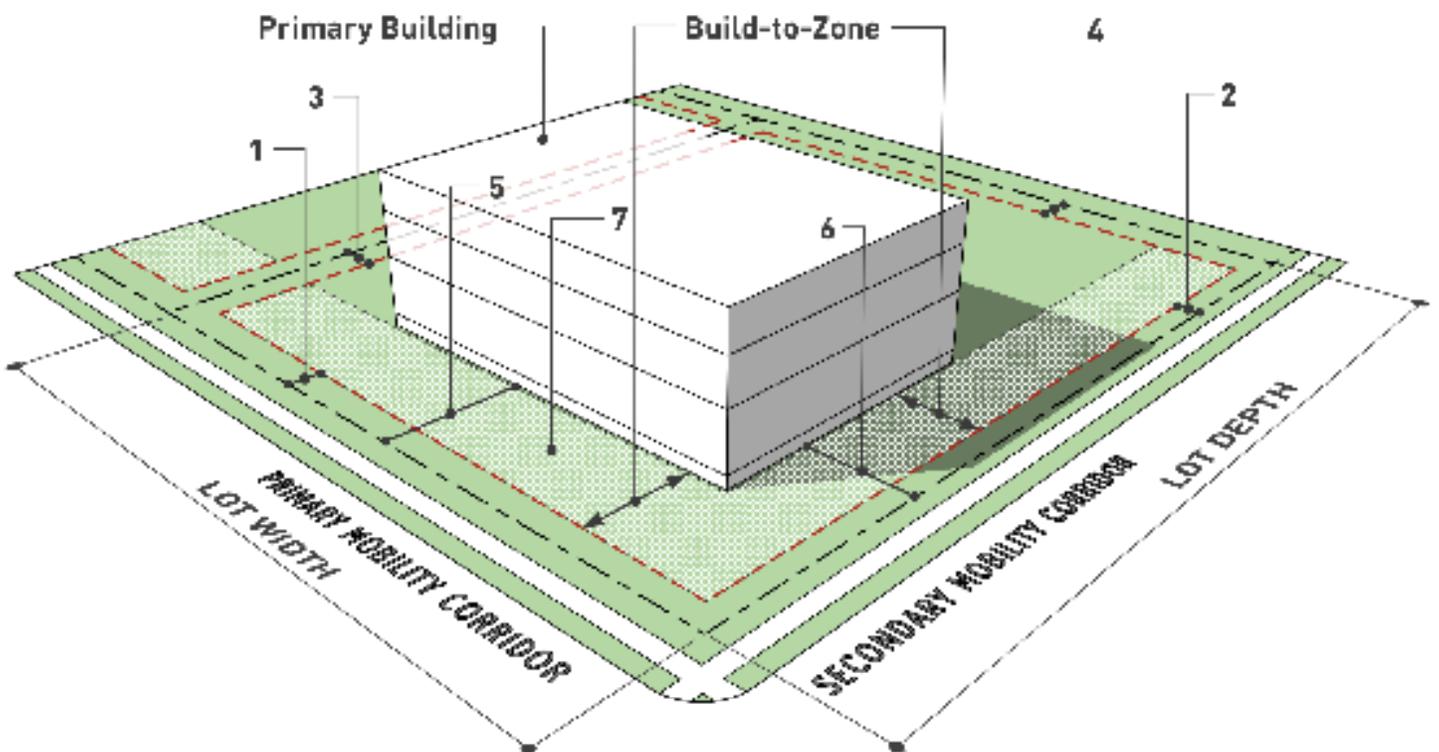
LOT

Figure 4.23.1



PLACEMENT

Figure 4.23.2



## §4.23 DETACHED HOUSE CONT.

HEIGHT AND MASS - Building Setbacks		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Building height (max)			2 1/2 stories / 35'	2 1/2 stories / 35'	2 1/2 stories / 35''	2 1/2 stories / 35'	
* Reduced height may be required when abutting a protected district								
2	Building height (min)							
HEIGHT AND MASS - Story Height								
3	Ground floor elevation (min/max)			0'-2'	0'-2'	0'-2'	0'-2'	
4	Ground story height, floor to ceiling (min)			9'	9'	9'	9'	
5	Upper story height, floor to ceiling (min)			9'	9'	9'	9'	

FACADE - Transparency		ZONING DISTRICT						
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
1	Ground story facing primary street (min)			**	**	**	**	
2	Ground story facing secondary street (min)			**	**	**	**	
3	Upper story(s) facing primary street (min)			**	**	**	**	
4	Upper story(s) facing secondary street (min)			**	**	**	**	

\*\* Windows shall be installed in single family residences according to all applicable building and fire codes.

\*\*No widows are allowed on the facade of a home running along a zero lot line.

FACADE - Pedestrian Access								
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
5	Entrance facing primary street required			Yes	Yes	Yes	Yes	
6	Entrance facing secondary street required (corner lots)			No	No	No	No	

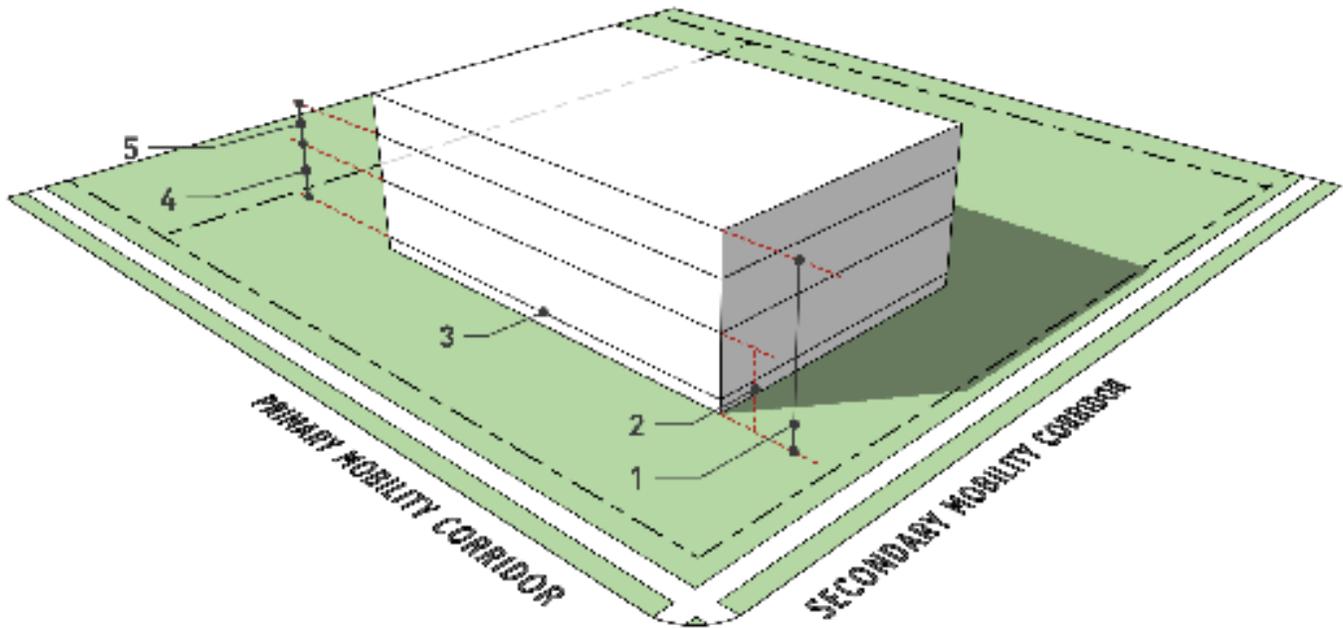
**FACADE - Permitted Building Materials**  
 Brick, stone, split face concrete, or other masonry materials; wood simulating concrete materials; wood; stucco; combination of these materials.  
 Vinyl siding is permitted on structures existing prior to the adoption of this Ordinance as an acceptable replacement for deteriorated facades, except for structures located within the HN District.

FACADE - Permitted Building Elements								
Diagram Ref. #	Requirement Description	DWTN	TI	HN	TN-3	TN-2	TN-1	TB
	Porch			Yes	Yes	Yes	Yes	
	Stoop			Yes	Yes	Yes	Yes	
	Balcony			Yes	Yes	Yes	Yes	
	Gallery			No	No	No	No	
	Awning / Canopy			No	No	No	No	
	Forecourt			No	No	No	No	

**NOTE:** Parameters in the tables are referenced in diagrams on the opposite page.  
 Blank Cell - No applicable standards/Not permitted

## HEIGHT AND MASS

Figure 4.23.3



## FACADE

Figure 4.23.4



NOTE: Diagrams are not to scale and may not illustrate the applicable requirements of certain zoning districts. They are for general reference only.

## SAMPLE IMAGERY



**§4.25. T-PUD Traditional Planned Unit Development District.** This district is established to provide areas for a variety of land uses, set in a traditional urban environment. Said development must be comprised of a mixture of Traditional Zones as presented in Article 4. Development within a T-PUD is subject to approval of a regulating plan. See Sec 2.5.3.C.

**4.25.1. *Permitted Buildings and Uses:*** Set within each Traditional Zone within this article.

**4.25.2. *Dimensional Requirements.*** Set within each Traditional Zone within this article.

**4.25.3. *Site Design Regulations.*** See Article 6.

**4.25.4. *Other regulations.***

A. Minimum land area for T-PUD development: five (5) acres.

Any additional design criteria for buildings and for each lot and parcel of land beyond what is specified in this article shall be noted on the development plan when presented to the city for final development plan review.

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## ARTICLE 5. CONVENTIONAL DISTRICT REGULATIONS.

§5.1. **EST Estate Residential and Agricultural District.** This district is established to permit development of a rural nature, protect and preserve areas for agricultural, low-density residential, and outdoor recreational uses without permitting the encroachment of higher intensity urban land uses that would require the provision of urban facilities and services.

5.1.1. Permitted Uses. See Table 5-3.

5.1.2. Uses subject to Supplemental Use Regulations. See Table 5-3.

5.1.3. Special Exception Uses. See Table 5-3.

5.1.4. Dimensional and Other Requirements. See Table 5-5 and the provisions herein.

A. Dimensional Requirements for Certain Agricultural Uses.

1) Minimum lot size.

- a) The minimum lot size for non-commercial livestock operations shall be five (5) acres for the first two (2) animal equivalent units and one (1) acre for each animal equivalent unit thereafter.
- b) The minimum lot size for commercial livestock operations shall be five (5) **net** acres for the first two (2) animal equivalent units and one (1) **net** acre for each animal equivalent unit thereafter. Net acreage excludes required setbacks and any area taken up by buildings, other than those specifically used for livestock housing.

2) Livestock barns, for the keeping of less than twenty-five (25) animals, and fowl houses, for the keeping of less than 500 birds, shall be: no closer than seventy-five (75) ft to any abutting property lines; no closer than 200 ft to any ROW line; and no closer than 200 ft to the nearest existing dwelling other than that of the owner.

3) Livestock barns, for the keeping of twenty-five (25) or more animals, and commercial fowl houses (500 or more birds) shall be: no closer than 100 ft to any abutting property lines; no closer than 300 ft to any ROW lines; and no closer than 300 ft to the nearest existing dwelling other than that of the owner.

4) Piles of feed or bedding shall be located no closer than fifty (50) ft from a ROW line, property line, or district boundary to minimize odor and nuisance problems. Manure piles shall be located no closer than fifty (50) ft from a ROW line, property line, district boundary, wetland, watercourse or other water body.

5.1.5. Other Requirements for Certain Agricultural Uses.

A. Hobby farms. Hobby farms may be permitted subject to the following conditions. These regulations shall not apply to any hobby farm that has been in continual operation before the effective date of this Ordinance. These regulations shall not be interpreted to permit the keeping of livestock or fowl on properties with restrictive covenants or deed restrictions that prohibit such use.

- 1) Livestock and/or fowl shall be kept, raised and grazed for the use of the property owner and their family only. Farming operations carried on for profit are specifically prohibited. Accessory buildings customarily appurtenant to the keeping of livestock, including barns, corrals, hay barns, stables, tack rooms may be permitted; however, commercial stables, show barns and similar large facilities are specifically prohibited.

- 2) The maximum number of animals permitted shall be two (2) animal equivalent units for the first five (5) **net** acres, which exclude required setbacks and the area used for the principal dwelling and accessory structures appurtenant to the residence. A maximum of one (1) animal equivalent unit shall be allowed for each additional two (2) **net** acres.
  - 3) Livestock and fowl shall not be housed, fed, and/or watered 150 ft from abutting property lines and 300 ft from the nearest existing residence on any abutting or adjacent property.
  - 4) Corrals, pens, stables or any other structure used for housing or enclosing livestock or fowl shall be made of materials that are suitably strong and built in such a way as to be capable of containing such animals so that they do not run at large.
  - 5) Piles of feed or bedding shall be located no closer than 100 ft from a ROW line, property line, or district boundary to minimize odor and nuisance problems. Manure shall be stored for removal and disposed of in accord with all applicable county, state and federal regulations. No manure piles shall be located closer than 100 ft from a ROW line, property line, zoning district boundary, wetland, watercourse or other water body. Corrals, pens, stables and other facilities shall be placed and kept in such a manner as to avoid becoming a nuisance because of noise, odor, disease, or other reason.
- B. All concentrated animal operations shall require a nutrient management plan prepared by the USDA – NRCS that is approved by the Limestone County Soil & Water Conservation District prior to the commencement of such operation.
- C. Use of pesticides and herbicides shall comply with the Alabama Department of Agriculture Industries Food and Safety Division standards.
- D. All agricultural practices shall comply with the USDA – NRCS Field Office Technical Guide’s Standards and Specifications for such practices.
- E. Manure shall be stored for removal and disposed of in accord with all applicable county, state and federal regulations. Prior to the issuance of a Building Permit for any manure storage facility, the applicant shall provide the Building Official with a letter from the Limestone County Soil and Water Conservation District or the USDA-Natural Resources Conservation Service (NRCS) approving the construction of the facility.

5.1.6. Site Development Regulations. See Article 6.

5.1.7. Additional Requirements for Unsewered Lots. See Section 6.1.4.

§5.2. **R-1 (1) Low Density Single Family Residential District.** This district is established to provide areas for low density detached dwelling units, free from incompatible land uses.

5.2.1. Permitted Uses. See Table 5-3.

5.2.2. Uses subject to Supplemental Use Regulations. See Table 5-3.

5.2.3. Special Exception Uses. See Table 5-3.

5.2.4. Dimensional Requirements. See Table 5-5.

5.2.5. Site Development Regulations. See Article 6.

5.2.6. Additional Requirements for Unsewered Lots. See Section 6.1.4.

§5.3. **R-1 (2) Medium Density Single Family Residential District.** This district is established to provide areas for medium density detached dwelling units, free from incompatible land uses.

5.3.1. Permitted Uses. See Table 5-3.

5.3.2. Uses subject to Supplemental Use Regulations. See Table 5-3.

5.3.3. Special Exception Uses. See Table 5-3.

5.3.4. Dimensional Requirements. See Table 5-5.

5.3.5. Site Development Regulations. See Article 6.

5.3.6. Sewer. This district is not intended for areas without sewer available.

§5.4. **R-1 (3) High Density Single Family Residential District.** This district is established to provide for high density single-family housing free from other uses which are incompatible with single-family dwellings.

5.4.1. Permitted Uses. See Table 5-3.

5.4.2. Uses subject to Supplemental Use Regulations. See Table 5-3.

5.4.3. Special Exception Uses. See Table 5-3.

5.4.4. Dimensional Requirements. See Table 5-5.

5.4.5. Site Development Regulations. See Article 6.

5.4.6. Additional Requirements.

- A. Minimum site. Zero-lot line development shall require one or more complete block frontages and shall not be permitted on only a portion of a block frontage unless it is separated from adjacent non-zero-lot line development (along the same block frontage) by an alley.
- B. Zero lot line conditions. The side building wall of each zero lot line dwelling shall be within three (3) inches of the lot line on the one side of a lot, except corner lots as set forth herein, and no windows, doors, or other openings shall be permitted on this side. Where adjacent zero lot line dwellings are not constructed against a common lot line, the developer must provide for a perpetual wall maintenance easement of five (5) ft in width along the adjacent lot and parallel with such wall, for the entire length of the lot.

There shall be a thirty (30) inch easement for the roof overhang and footing within the five (5) ft wall maintenance easement adjacent to the lot line. Roof drainage on the zero lot line side shall be so designed as to catch and carry the roof drainage off in gutters and downspouts.

- C. Access. No dwelling or lot within an R-1 (3) District shall have vehicle access to a collector or arterial, existing or as proposed in the Comprehensive Master Plan, or future plans adopted by the Commission.
- D. Fences and walls. Privacy fences or walls shall not block any local lot drainage. An eight (8) ft maximum fence height shall be permitted for privacy fences or walls located on or along any side or rear yard, subject to Section 6.3 Fences and Walls. No privacy fences or walls shall be permitted forward of the front building line.

5.4.7. Sewer. This district is not intended for areas without sewer available.

§5.5. **R-1 (4) Single Family Duplex Attached Residential District.** This district is established to provide areas for duplex and detached dwelling units, free from incompatible land uses.

5.5.1. Permitted Uses. See Table 5-3.

5.5.2. Uses subject to Supplemental Use Regulations. See Table 5-3.

5.5.3. Special Exception Uses. See Table 5-3.

5.5.4. Dimensional Requirements. See Table 5-5.

5.5.5. Site Development Regulations. See Article 6.

5.5.6. Sewer. This district is not intended for areas without sewer available.

§5.6. **R-1 (5) Single Family Townhouse Attached Residential District.** This district is established to provide areas for the development of townhouses that have access to adequate public water, sewer, storm drainage, and other utility services. Townhouses shall constitute groupings making efficient, economical, compatible, and convenient use of land and open space.

5.6.1. Permitted Uses. See Table 5-3.

5.6.2. Special Exception Uses. See Table 5-3.

5.6.3. Dimensional Requirements. See Table 5-5.

5.6.4. Site Design Regulations. See Article 6.

5.6.5. Sewer. This district is not intended for areas without sewer available.

§5.7. **R-2 Multiple-Family Residential District.** This district is established to provide areas for the development of multiple-family housing that have access to adequate public water, sewer, storm drainage, and other utility services and in which open space and compatibility with adjacent residential neighborhoods are primary considerations, while permitting selected non-residential uses that are compatible with the character of this district.

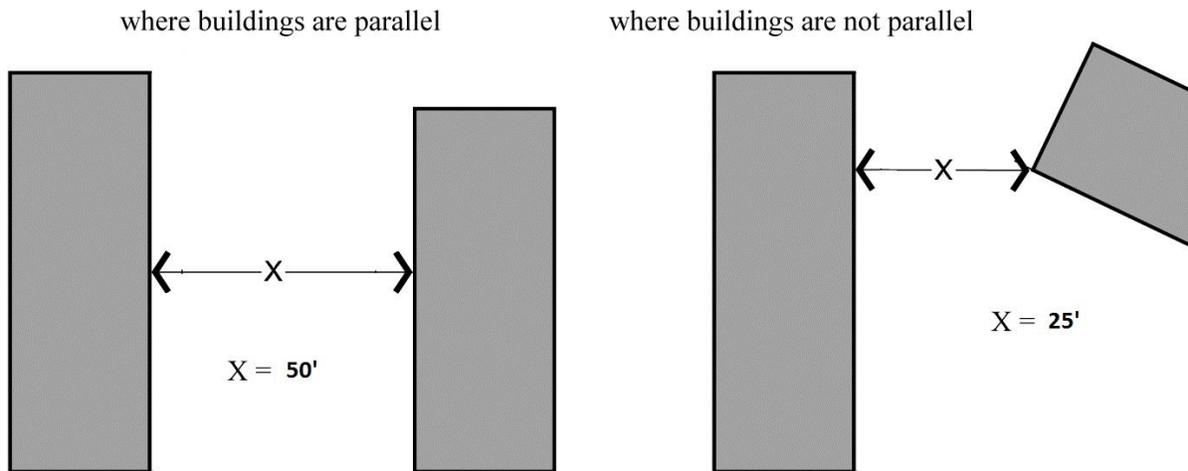
5.7.1. Permitted Uses. See Table 5-3.

5.7.2. Special Exception Uses. See Table 5-3.

5.7.3. Dimensional Requirements. See Table 5-1 and the provisions herein.

A. Minimum building spacing. For developments involving multiple principal buildings on one lot (such as apartment complexes), spacing between such principal buildings shall be as described herein:

- 1) Minimum building spacing shall be measured perpendicularly from the longer of the two opposing building walls at the closest point between the opposing buildings.
- 2) Minimum building spacing



Determining Required Building Spacing

B. Building setbacks from off-street parking. Parking areas shall be setback no less than ten (10) ft from principal buildings. Such setback area shall be landscaped and shall include a sidewalk as required by Section 6.2.

5.7.4. Site Development Regulations. See Article 6.

5.7.5. Additional Requirements.

A. Site Plan required. Site Plan approval shall be required in accordance with Section 2.5.2.

- 1) All facilities and common areas such as swimming pools, recreational and athletic facilities, community buildings and similar facilities for the common use of the occupants and their guests shall be maintained by and be the sole responsibility of the owner-developer and/or a property owners association.
- 2) For multi-family complexes including more than twenty (20) dwelling units, one (1) common open space consisting of at least fifteen (15) percent of the total property shall be improved for passive and/or active recreational use. Such space shall be accessible by a sidewalk of no less than four (4) ft in width from all dwelling units in the complex.

B. Conformity to Subdivision Regulations. All developments, whether requiring subdivision or not, shall be compatible with the requirements and intent of the Subdivision Regulations relative to access, drainage, utilities, and thoroughfares.

C. Sidewalks required. Sidewalks, not less than four (4) ft wide, shall be provided so as to connect each principal building to associated parking areas. Where located within fifty (50) ft of a public thoroughfare, principal buildings shall be connected to such thoroughfare by sidewalks. If not already present, sidewalks, not less than five (5) ft wide, shall be provided along abutting thoroughfares.

Table 5-1 Area and Dimensional Requirements in the R-2 District							
Use type	Min. Lot Area	Min. Lot Width	Min. Yard Setbacks			Max. Bldg. Area	Max. Bldg. Height <sup>2,3</sup>
			Front <sup>1</sup>	Rear <sup>2</sup>	Side <sup>2</sup>		
Multi-family one (1) building per lot	8,000 sf for the first two (2) units plus 2,000 sf per additional unit	70 ft	30 ft	35 ft	8 ft	40%	3 stories 35 ft
Multi-family complex (multiple buildings)		na				35%	
Assisted/independent living facilities and nursing homes	2,000 sf per unit	na	30 ft	35 ft	8 ft	35%	3 stories 35 ft
Rooming/boarding houses and beds and breakfast	6,000 sf	40 ft	30 ft	25 ft	8 ft	50%	3 stories 40 ft
Offices					6 ft		
<sup>1</sup> Minimum front yard setbacks on collectors and arterials shall be fifty (50) ft. <sup>2</sup> See also Section 6.2.6 Buffers for adjustments to side and rear yard setbacks. <sup>3</sup> Building heights over two (2) stories shall require approval of the Athens Fire Department.							

D. Sewer. This district is not intended for areas without sewer available.

**§5.8. R-MH Manufactured Home Residential District.** This district is intended to provide minimum standards for the development and use of manufactured homes and manufactured home parks. Property shall be considered for rezoning to R-MH District upon petition by a prospective developer of a manufactured home park when such developer can demonstrate that the proposed park would meet the standards of this Section, would be compatible with areas identified as having a rural or conventional development pattern according to the Future Land Use Plan, and would have access to a thoroughfare sufficient to permit safe movement of manufactured homes.

Redevelopment, alteration, or expansion of any existing manufactured home park shall meet the requirements of this Section; however, where all of the requirements of this Section can not be met; the Commission, through Site Plan review, may modify or waive certain requirements, which it deems appropriate and which would be the minimum necessary, to allow the redevelopment, alteration, or expansion to bring the existing use into greatest conformity with these provisions.

**5.8.1. Permitted Uses.** Manufactured home parks and their associated community facilities.

**5.8.2. Special Exception Use.** Recreational Vehicle Park, Section 3.11.1.K

**5.8.3. Procedures.**

A. Area requirements. The minimum size of a mobile manufactured home park shall be two (2) acres. Swamps, odd remnants of land that are otherwise undevelopable, and similar unsuitable sites shall not be counted toward the site requirement for a manufactured home park.

B. Site Plan approval required. No manufactured home park shall hereafter be developed, redeveloped, altered, or expanded without rezoning to the R-MH District in accordance with Section 2.5.1 and Site Plan approval in accordance with Section 2.5.2. In addition to the Site Plan requirements, Site Plans for manufactured home parks shall also include:

- 1) Location of manufactured homes on stands and dimensions of each stand.
- 2) Location and number of sanitary conveniences including toilets, washrooms, laundries, and utility rooms to be used by the occupants of units.

- 3) A typical stand detail showing the patio, if any, and manufactured home with the location of utility connections including gas, water and sewer and electrical.
- 4) Location and design of landscaping, screening, buffers and site lighting
- 5) Location and size of recreation areas
- 6) Any area within or adjacent to the proposed manufactured home park subject to periodic inundation by storm drainage, overflow, or ponding
- 7) Any and all other physical improvements as specified in Article 6.

**5.8.4. *Licensed Required.*** It shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by him, a manufactured home park without having first secured a license for such park in accordance with the City of Athens License Code. No license shall be issued for a manufactured home park, except upon written approval of the site and development plans by the Commission.

**5.8.5. *Dimensional Requirements.*** See Table 5-2 herein. Manufactured homes stands shall be arranged to accommodate the required front yard (measured from the curb line) and spacing between manufactured homes on abutting stands.

Table 5-2 Dimensional Requirements for Manufactured Home Parks								
Stand requirements and spacing between manufactured homes							Max. Bldg. Area (for park)	Max. Height
Min. front yard	Min. spacing rear-to-rear	Min. spacing side-to-rear	Min. spacing side-to-side	Min. Area	Min. Stand Width	Min. Stand Depth		
15 ft	30 ft	25 ft	20 ft	3,500 sf	40 ft	80 ft	25%	18 ft or 1 story

**5.8.6. *Landscaping Requirements.*** For non-residential uses, see Article 8 for landscaping, screening, buffer, and site lighting regulations.

**5.8.7. *Additional Requirements.***

- A. **Manufactured home standards.** Only Class A and B manufactured homes and on-frame prefabricated modular homes, as defined in Article 9, shall be permitted to be placed within an approved manufactured home park. Class C manufactured homes are prohibited in the R-MH District.
- B. **Ground clearance.** The height of a manufactured home frame above grade level, measured perpendicular to the frame, shall be no greater than three (3) ft.
- C. **Soil and Ground cover.** Exposed ground surfaces in all parts of every park shall be paved, covered with stone screenings or other solid material, or protected with a permanent vegetative growth (such as grass, groundcover, etc.) that it capable of preventing soil erosion and eliminating dust.
- D. **Drainage.** The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Drainage and grading plans, and the adequacy of drainage facilities shall be designed and verified by a licensed professional engineer.

- E. Design and location of storage facilities. Storage facilities with a minimum capacity of 200 cubic ft per stand may be provided on the stand, or in compounds located within 100 ft of each stand. Storage facilities shall be designed in a manner that will enhance the appearance of the park and shall be faced with masonry, porcelain steel, baked enamel steel, or other material equal in fire resistance, durability and appearance, or of an equal material approved by the Administrative Officer.
- F. Bearing capacity, support. The area of the manufactured home stand shall be improved to provide adequate support for the placement of the manufactured home.
- G. Access and traffic circulation. Internal streets shall be in accordance with the thoroughfare standards of the City except as herein modified, privately owned, built, and maintained and shall be designed for safe and convenient access to all stands and parking spaces and to common use of park facilities.
- 1) Each stand shall have frontage on an internal street. The internal street shall be continuous or shall end in a cul-de-sac having a minimum radius of sixty (60) ft. No internal street ending in a cul-de-sac shall exceed 400 ft in length.
  - 2) A concrete valley curb as approved by the City Engineer, may be used instead of a vertical curb.
  - 3) Every manufactured home stand shall have two (2) off-street parking spaces. Off-street parking shall be hard surfaced with all-weather materials.
  - 4) Internal streets shall be maintained free of cracks, holes, and other hazards at the expense of the licensee.
  - 5) Interior streets shall intersect adjoining public thoroughfares at ninety (90) degrees and at locations which will eliminate or minimize interference with the traffic on those public thoroughfares.
  - 6) At each entrance to the park, an eighteen (18) inch by twenty-four (24) inch sign should be posted stating "Private Drive, No Thru Traffic." The licensee may also post a speed limit sign on this same post.
- H. Park lighting. Adequate lighting shall be provided in a manner approved by the City of Athens Electrical Department.
- I. Recreation area. All manufactured home parks shall have at least one recreation area located to be free of traffic hazards, easily accessible to all park residents and centrally located where topography permits. Not less than ten (10) percent of the gross park area shall be devoted to recreational facilities. Such space shall be maintained in a usable and sanitary condition.
- J. Utility requirements. Each manufactured home shall be connected to the municipal water system and to the municipal sewer disposal system. The design and specifications of the utility system shall meet city specifications and shall be approved by the City Engineer. If the municipal utility system is not available, then a private central system shall be required until such time as the municipal systems become available. The design and specifications of such systems shall meet Health Department specifications and shall be installed under inspection of the appropriate City Department. All electric and telephone lines should be placed underground when possible.
- K. Storm shelters. Every manufactured home park of ten (10) or more spaces shall be provided with above- or below-grade storm shelters, which shall:
- 1) Have a minimum floor area of seven (7) sf for each manufactured home space in said manufactured home park.

- 2) Be designed by a licensed structural engineer or architect and built in accordance with plans as approved by the Building Official.
- 3) In all Special Flood Hazard Areas (SFHA),
  - a) Generally discourage building safe rooms in a flood prone area
  - b) Safe room it must be located, designed, and constructed in accordance with FEMA publication 361, "Safe Rooms for Tornadoes and Hurricanes" and any other applicable standards.
  - c) An elevation certificate must be submitted to the Building Inspection Department before a Certificate of Occupancy can be issued.
  - d) All other regulations Athens Code of Ordinances Chapter 14 Section III Flood Ordinance will apply.
- 4) Be designed and constructed to meet the minimum lighting, ventilation and exiting requirements of the Building Code, Mechanical Code, Plumbing Code and Electrical Code, where applicable.
- 5) Be designed and constructed to meet all applicable requirements of the Americans with Disabilities Act (ADA).
- 6) Be located no farther than 1,320 linear feet from the furthest manufactured home space in the manufactured/ mobile home park.

Table 5-3: Uses Permitted by Residential District									
Districts	EST	R-1					R-2 (1)	R-MH	
		1	2	3	4	5			
<b>Residential and Residential Care Uses</b>									
Assisted or independent living facilities							P		
Conservation subdivisions	S	S	S	S	S	S			
Duplexes					P				
Group homes					SE	SE	P		
Manufactured home parks									P
Multi-family dwellings							P		
Nursing homes							P		
Single-family dwellings, detached	P	P	P	P	P				
Townhouses						P			
<b>Accessory uses and structures</b>									
Accessory Dwellings	S	S	S	S					
Alcoholic beverage sales (accessory to an approved Club)	S	S	S	S	S	S	S		
Bed and breakfast	SE	SE	SE	SE	SE		S		
Family day care homes		S	S	S	S				
Group day care homes		SE	SE	SE	SE				
Home occupations, Major	SE	SE	SE	SE	SE	SE	SE		
Home occupations, Minor	S	S	S	S	S	S	S	S	S
Rooming/boarded house							S		
Residential accessory uses/structures, single-family	P	P	P	P	P	P			
Residential accessory uses/structures, shared						P	P		P

Districts	EST	R-1					R-2 (1)	R-MH
		1	2	3	4	5		
<b>Non-residential Uses</b>								
Airstrips specifically oriented to agricultural use (aerial spraying, “crop dusters”) and privately-owned personal aircraft intended for non-commercial use	SE							
Animal hospitals and kennels	SE							
Cemeteries	SE	SE	SE	SE				
Clubs, non-profit	SE	SE	SE	SE	SE	SE	SE	
Commercial livestock operations	C							
Dairying, apiaries, fish hatcheries, and other similar uses	C							
Day care centers							S	
Forestry, forest preserves, wildlife refuges	P							
Hobby Farms	P							
Horticulture/row crops	P							
Institutional uses, low-intensity	P	SE	SE	SE	SE	SE	SE	
Institutional uses, medium-intensity	SE						SE	
Keeping, raising, and grazing of equine animals	S							
Livestock sales and arenas related to agricultural activities (rodeos, county fairs, equestrian events, and other similar functions)	C							
Storage, mini-warehouse	C							
Municipal police, fire, and emergency medical stations	P	P	P	P	P	P	P	P
Outdoor amusement and parks (non-commercial)	P	SE	SE	SE	SE	SE	SE	SE
Outdoor amusement (commercial)	C						SE	
Plant nurseries	P							
Recreational Vehicle Park								SE
Roadside stands for the sale of agricultural products produced on-premises	C							
Temporary real estate sales office		S	S	S	S	S	S	
Utility and other governmental facilities	P	P	P	P	P	P	P	P
<p>P = Permitted Use, C = Conditional Use, subject to approval by Commission, S = Permitted Use, subject to supplemental use regulations in Sec. 3.11.1, SE = Special Exception Use, subject to approval by the Board (see Sec. 2.5.3). All uses shall be subject to the applicable provisions and limitations of the applicable district. Where indicated under the Use Column of the Table, certain Special Exceptions shall also be subject to the applicable Supplemental Use Regulations in Sec. 3.11.1.</p> <p>The uses listed in this table are not exhaustive. The Zoning Official shall determine if a proposed use is substantially similar to or could fall within a category of use listed. If a use is not substantially similar to a use listed in this table, said use shall be deemed “not permitted.” If there is some uncertainty on the part of the Zoning Official as to whether or not a proposed use is substantially similar to a use category, they reserve the right to forward the requested use to the BZA for Special Exception consideration. If the Zoning Official does determine that the use is substantially similar to a use category permitted within a particular district, but is uncertain of the potential impacts on surrounding properties, they reserve the right to forward the request to the Planning Commission for Conditional Use consideration.</p>								

**§5.9. B-1 Neighborhood Business District.** This district is intended to provide areas for retail and service establishments convenient to and compatible with the character of adjacent residential neighborhoods. Each development on a singular lot is limited to 5,000 sf within this district.

**5.9.1. Permitted Uses:** See Table 5-4.

- 5.9.2. Special Exception Uses See Table 5-4.
- 5.9.3. Dimensional Requirements. See Table 5-5.
- 5.9.4. Site Design Regulations. See Article 6.
- §5.10. **B-2 General Business District**. This district is designed primarily to establish and preserve a retail business district convenient to the public and attractive for a wide range of retail and commercial uses.
- 5.10.1. Permitted Uses. See Table 5-4.
- 5.10.2. Special Exception Uses See Table 5-4.
- 5.10.3. Dimensional Requirements. See Table 5-5.
- 5.10.4. Site Design Regulations. See Article 6.
- §5.11. **INST Institutional District**. This district is established to provide areas for those public and other uses which are not residential, commercial, or industrial in nature.
- 5.11.1. Permitted Uses: See Table 5-4.
- 5.11.2. Special Exception Uses See Table 5-4.
- 5.11.3. Dimensional Requirements. See Table 5-5.
- 5.11.4. Site Design Regulations. See Article 6.
- §5.12. **M-1 Light Industrial District**. To provide areas for large warehousing and light manufacturing activities which do not cause a nuisance or constitute a hazard beyond the site. Industrial parks or subdivisions may be developed in the M-1 District upon approval of a development plan, by the planning commission.
- 5.12.1. Permitted Uses: See Table 5-4.
- 5.12.2. Special Exception Uses: See Table 5-4.
- 5.12.3. Dimensional Requirements. See Table 5-5.
- 5.12.4. Site Design Regulations. See Article 6.
- 5.12.5. Other regulations. Loading areas, outside storage or equipment handling shall be screened from view.
- §5.13. **M-2 General Industrial District**. This district is established for those areas of the city where the principal use of land is for any industrial activities which by their nature would not cause objectionable conditions which would affect a considerable portion of the city. Industrial parks or subdivisions may be developed in the M-2 District upon approval of a development plan, by the planning commission.
- 5.13.1. Permitted Uses. See Table 5-4.
- 5.13.2. Special Exception Uses See Table 5-4.
- 5.13.3. Dimensional Requirements. See Table 5-5.
- 5.13.4. Site Design Regulations. See Article 6.

5.13.5. *Other regulations.* Loading areas, outside storage or equipment handling shall be screened from view.

<b>Table 5-4: Uses by Non-residential District</b>					
<b>District</b>	<b>B-1</b>	<b>B-2</b>	<b>INST</b>	<b>M-1</b>	<b>M-2</b>
<b>Retail and Wholesale Uses</b>					
Alcoholic beverage sales		S			
Retail liquor sales for off-premises consumption		S			
Retail liquor sales for on-premises consumption		S			
Auto parts with outdoor storage		P		P	P
Auto sales and rental (new/used, with/without service)		P			
Bakery, confectionery, candy, ice cream, delicatessen, coffee shop	P	P			
Consignment/second-hand/thrift store	C	P			
Construction supplies with outdoor storage		C		P	P
Equipment, light, sales, rental and service		P			
Equipment, heavy, sales, rental and service		P		P	P
Farm/dairy equipment, supplies, and service		P		P	P
Gas station with convenience store	C	S		S	S
Retail, general, limited to 5,000 sf GFA	P	P			
Retail, general, unlimited GFA		P			
Grocery/food store	P	P			
Home improvement center		P			
Internet providers; broadband or wireless communications service/sales and similar uses		P			
Manufactured home, RV, and travel trailer sales		P			
Nurseries (retail) and garden centers		P			
Pawn shop		SE			
Pharmacy	P	P			
Shopping center, general (greater than 5 acres)		P			
Shopping center, neighborhood (5 acres maximum)	C	P			
Sporting goods, including boats and motor-powered watercraft, motors, and trailers		P			
<b>Service and Office Uses</b>					
Adult oriented business					SE
Animal hospital, excluding outside kennels		P			
Animal hospital, with outside kennels		C		P	
Automotive repair service, minor		P		P	P
Automotive repair service, major				P	P
Car wash		P			
Check cashing/pay day loan stores		SE			
General services (indoors, low impact)	P	P		P	P
Janitorial and maintenance service		P		P	P
Office	P	P	P	P	P
Personal services (barber, beauty salon, massages, etc.)	P	P			
Radio/television broadcast studio		P			
Repair, machinery and heavy equipment				P	P
Repair, major household appliances		P			
Repair, minor	P	P			
Restaurants, Standard	P	P	P	P	P
Restaurants, walk-up	P	P		P	P
Restaurant, food truck court				S	S

Services requiring drive-thru/drive-in	C	P		P	P
Services requiring outdoor storage				P	P
Storage, self-storage/mini-warehouse		P		P	P
Tattoo parlor		SE			
Warehouse				P	P
<b>Accessory Uses</b>	<b>B-1</b>	<b>B-2</b>	<b>INST</b>	<b>M-1</b>	<b>M-2</b>
Alcoholic beverage sales	S	S	S	S	S
Manufacturing, accessory to permitted retail use		P		P	P
Offices, accessory to a permitted business use	P	P	P	P	P
<b>Lodging Uses</b>	<b>B-1</b>	<b>B-2</b>	<b>INST</b>	<b>M-1</b>	<b>M-2</b>
Campgrounds		SE			
Hotel		P	P		
<b>Residential and Residential Care Uses</b>	<b>B-1</b>	<b>B-2</b>	<b>INST</b>	<b>M-1</b>	<b>M-2</b>
Assisted/independent living facilities			P		
Nursing home			P		
Upper-story dwellings	S	S			
<b>Institutional, Recreational and Cultural Uses</b>	<b>B-1</b>	<b>B-2</b>	<b>INST</b>	<b>M-1</b>	<b>M-2</b>
Armory		P	P	P	P
Athletic facility, outdoor		P	P		
Auction house		P		P	
Bus depot, bus station		P	P	P	P
Club or lodge, private	SE	P	P		
Day care facilities	S	S	S		
Governmental uses	P	P	P	P	P
Fitness/exercise centers and gymnasiums		P	P		
Funeral home	SE	P	P		
Hospital					
Institutional use, low intensity	P	P	P		
Institutional use, medium intensity	SE	SE	P		
Institutional use, high intensity		SE	P		
Medical/dental clinic		P	P		
Medical research facility			P	P	P
Movie theatre		P			
Museum		P	P		
Parking lots and garages, commercial and public		P	P	P	P
Parks and playgrounds	P	P	P		
Public utility facilities	P	P	P	P	P
Public works facilities and storage yards			P	P	P
Recreation/amusement, Indoor or Outdoor	SE	P			
Studios, art/music/dance	C	P			
Transit stop, public	P	P	P	P	P
<b>Manufacturing and Industrial Uses</b>	<b>B-1</b>	<b>B-2</b>	<b>INST</b>	<b>M-1</b>	<b>M-2</b>
Contractor yards				P	P
Distribution facility				P	P
Dry cleaning/laundry plants				P	P
Food manufacture (bakeries, bottling, dairies, food processing)				P	P
Highway maintenance yards and buildings				P	P
Industrial equipment and supply sales and repair				P	P
Industrial park				S	S
Junkyards, auto-wrecking, and salvage yards					P
Manufacture, general (Including alcoholic beverages,				P	P

appliances, electronics, machine tools, machinery assembly, metal fabrication, pharmaceuticals, plastic extrusion, textiles, or any other use that is fully contained and poses no potential adverse impacts on neighboring property)					
Manufacture, heavy (Including volatile uses; tank farms; plants for processing stone, chert, gravel, cement, asphalt, clay, coal or iron ore; any other use that poses potential adverse impacts on neighboring property)					C
Mill, feed, grain, lumber, other building materials with open storage					P
Pest control service				P	P
Printing and publishing				P	P
Sanitary sewage treatment facilities				P	P
Tire recapping and retreading		P		P	P
Truck terminal and repair				P	P
Warehousing and distribution				P	P
Welding, woodworking, furniture manufacture and machine shops				P	P

P = Permitted Use, C = Conditional Use, subject to approval by Commission, S = Permitted Use, subject to supplemental use regulations in Sec. 3.11.1, SE = Special Exception Use, subject to approval by the BZA (see Sec. 2.5.3). All uses shall be subject to the applicable provisions and limitations of the applicable district. Where indicated under the Use Column of the Table, certain Special Exceptions shall also be subject to the applicable Supplemental Use Regulations in Sec. 3.11.1.

The uses listed in this table are not exhaustive. The Zoning Official shall determine if a proposed use is substantially similar to or could fall within a category of use listed. If a use is not substantially similar to a use listed in this table, said use shall be deemed “not permitted.” If there is some uncertainty on the part of the Zoning Official as to whether or not a proposed use is substantially similar to a use category, they reserve the right to forward the requested use to the BZA for Special Exception consideration. If the Zoning Official does determine that the use is substantially similar to a use category permitted within a particular district, but is uncertain of the potential impacts on surrounding properties, they reserve the right to forward the request to the Planning Commission for Conditional Use consideration.

**§5.14. C-PUD Conventional Planned Unit Development District.** This district is established to provide areas for a variety of land uses, set in a medium density suburban environment with improved open space. Development within a PUD is subject to approval of a regulating plan. See Sec 2.5.3.C.

**5.14.1. Permitted Uses:**

- Attached and detached dwellings
- Office and institution uses.
- Retail and service uses, except: vehicle sales, service and rental; drive-in theater, and retail and service uses which store materials or equipment outside of a building.
- Testing laboratories, research facilities and light manufacturing activities which are conducted entirely within an enclosed building and have no negative impact on surrounding property.

**5.14.2. Dimensional Requirements.** See Table 5-5.

**5.14.3. Site Design Regulations.** See Article 6.

**5.14.4. Other regulations.**

A. District Development Criteria

1. Minimum land area shall be as follows
  - a. PUDs containing a mixture of residential uses: five (5) acres.
  - b. All other PUDs including office parks, special destinations, industrial parks, and mixed-use developments: ten (10) acres
2. Minimum lot sizes and setbacks for each use shall be determined by development plan.
3. Maximum area of ground coverage by buildings and parking shall be seventy-five (75) percent for each lot or parcel.
4. Maximum height for buildings and maximum permitted floor area for each lot and parcel of land shall be noted on the development plan when presented to the city for final development plan review.

**TABLE 5-5  
QUANTITATIVE DEVELOPMENT  
CRITERIA FOR CONVENTIONAL ZONES**

District	Minimum Lot Area	Minimum Lot Width At Front Building Line	Front Setback	Rear Setback	Side Setback	Street Side Setback	Maximum Height of Structure	Maximum Area of Impervious Surface
EST	3 acres	150 ft	50 ft	50 ft	50 ft	50 ft	35 ft 2 ½ stories	30%
R-1 (1)	15,000 sf	100 ft	40 ft	40 ft	10 ft	15 ft	35 ft 2-1/2 stories	40%
R-1 (2)	10,500 sf	75 ft	35 ft	40 ft	10 ft	15 ft	35 ft 2-1/2 stories	50%
R-1 (3)	6,000 sf	50 ft	20 ft	20 ft	8 ft Or 0 ft/12 ft	15 ft	35 ft 2 stories	70%
R-1 (4)	Single Family - 7,200 sf Duplex – 9000 sf	Single Family - 50 ft Duplex - 65 ft	30 ft	35 ft	8 ft	15 ft	35 ft 2-1/2 stories	60%
R-1 (5)	2,000 sf	25 ft	20 ft	20 ft	0 ft	15 ft	35 ft 2 stories	80%
B-1	*	*	15 ft	20 ft	10 ft	15 ft	35 ft 2 stories	80%
B-2	*	*	20 ft	20 ft	0 ft/10 ft	15 ft	65 ft 5 stories	80%
INST	*	*	20 ft	20 ft	10 ft	15 ft	65 ft 5 stories	80%
M-1	*	*	30 ft	20 ft	20 ft	20 ft	65 ft	80%
M-2	*	*	40 ft	25 ft	25 ft	25 ft	100 ft	80%
C-PUD	**	**	**	**	**	**	**	**

\*Lots shall be of sufficient size to provide adequate parking and loading space with sufficient access and circulation space in addition to the space required for the normal operations of the use.

\*\*Lot size, setbacks, height, and maximum area of impervious surface shall be specified on the required development plan.

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## ARTICLE 6. DEVELOPMENT STANDARDS

### §6.1. Building and Site Design Standards

#### 6.1.1. Purpose and Intent

The building and site design standards are intended to protect and preserve the quality and character of the built environment in the city. More specifically, the purposes of this section are to:

- A. Encourage high quality development as a strategy for investing in the city's future;
- B. Emphasize the city's unique community character;
- C. Maintain and enhance the quality of life for the city's citizens;
- D. Shape the city's appearance, aesthetic quality, and spatial form;
- E. Reinforce the civic pride of citizens through appropriate development;
- F. Increase awareness of aesthetic, social, and economic values;
- G. Protect and enhance property values;
- H. Minimize negative impacts of development on the natural environment;
- I. Provide property owners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land;
- J. Encourage a pedestrian- and bicyclist-friendly environment;
- K. Enhance the city's sense of place and contribute to the sustainability and lasting value of the city;
- L. Shape development in a manner that is most beneficial to the citizens in the city; and
- M. Ensure greater public safety, convenience, and accessibility through the physical design and location of land-use activities.

#### 6.1.2. Applicability

- A. General. Unless exempted by Subsection 6.1.2(C), Exemptions, the building and site design standards in this section apply to all new residential, nonresidential, and mixed-use development or redevelopment in the city. For expansions or alterations, the building design standards apply to an expanded or altered portion of any existing building, and to the entire structure when an expansion or alteration exceeds 50 percent of the building's existing square footage at the time of the expansion or alteration.
- B. Review for Compliance. Review of proposed development to ensure compliance with the standards in this section shall occur at the time of Site Plan, Preliminary Plat, Development Plan, or Building Permit review, as appropriate.
- C. Exemptions. The following development shall be exempt from the standards in this section to the extent they conflict or overlap with the following:
  - 1) Development subject to a Site Plan, Preliminary Plat, Conservation Design Plan, Development Plan, or Building Permit approved prior to the effective date of this ordinance, provided this approval has not expired; and
  - 2) Temporary housing or temporary structures permitted as part of an Educational Facility or Institutional Use in accordance with Section 3.4.3.

**6.1.3. Height and Density.** No building shall hereafter be erected or altered so as to exceed the height limit or to exceed the density regulations of this Ordinance for the district in which it is located.

A. *Accessory Structures and Appurtenances.* Chimneys, cooling towers, elevator bulkheads, head houses, fire towers, gas tanks, steeples, penthouses, stacks, tanks, water towers, ornamental towers and spires, or necessary mechanical appurtenances, where permitted may be erected to any height not in conflict with existing or hereafter adopted ordinance of the City except that, where permitted in connection with residential uses, such structures shall be limited to a height of twenty (20) ft above the maximum height of the applicable district. The height of wireless telecommunications facilities shall be in accordance with the Wireless Telecommunications Facilities Siting Ordinance 1320-1999 Section 9 “Height of Telecommunications Tower(s)”.

B. *Storage Buildings.* The limitation on number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in the applicable district.

**6.1.4. Lots.**

A. *Lot Size.* No lot, even though it may consist of one or more adjacent lots of record in single ownership, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per dwelling unit or other requirements of this Ordinance are not maintained. This prohibition shall not be construed to prevent the purchase or condemnation of narrow strips of land for public purposes.

B. *General Requirements for Lots without Sanitary Sewer Access.* No residential lot, not connected or planned to be connected to a sanitary sewer system, shall be permitted to be less than 15,000 sf in area. Unsewered lots shall not be created by subdivision nor developed until the applicant has submitted evidence that the soil conditions of the subject land are adequate to accommodate individual disposal systems at the proposed density. Such evidence shall be provided to the Commission at the time of any required subdivision approval. Upon a finding of poor soil percolation characteristics by the Department with due consideration for the site and the size and location of the proposed dwelling, the Commission may require a minimum site area of up to 20,000 sf. Plans for installation of such individual septic systems shall be in accord with applicable State and County regulations and as approved by the Limestone County Health Department.

C. *Access to Lots.* No building shall be erected on a lot that does not abut a public thoroughfare, unless otherwise specifically permitted in this Ordinance.

D. *Minimum Lot Width and Lot Frontage.* Except as provided herein, any lot not meeting the required lot width and lot frontage of the applicable district shall be considered a flag lot and shall only be permitted in accordance with the applicable provisions of the Subdivision Regulations.

- 1) For lots fronting on cul-de-sacs, the lot width at the front building line shall be no less than the minimum lot width required in the applicable district; and the minimum lot frontage shall be no less than forty (40) ft, as measured along the arc of the front lot line.
- 2) For lots along the outer side of curved thoroughfares, the minimum lot frontage shall be established by the following equation and as described in Figure 6-1:

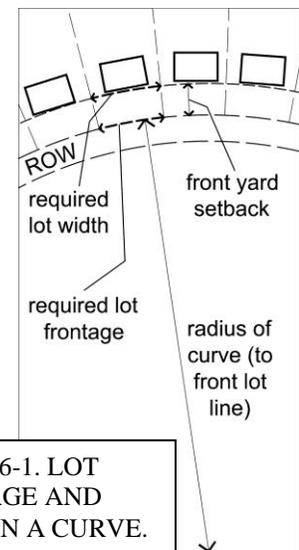


FIGURE 6-1. LOT FRONTAGE AND WIDTH IN A CURVE.

$$\text{Min. Lot Frontage} = \frac{\text{radius of curve} \times \text{min. lot width}}{\text{radius of curve} + \text{min. front yard setback}}$$

**6.1.5. Yards.**

- A. Yard Use Limitations. No part of a yard or other open space required about any building or use for the purpose of complying with the provisions of this Ordinance shall be included as a part of a yard or other open space similarly required for another building or use.
- B. General Yard Modifications. Every part of a required yard shall be open to the sky unobstructed by any structure or part thereof, and unoccupied for storage, servicing or similar use except as provided herein.
- 1) Sills, belt courses or ornamental features may project beyond the building line not more than six (6) inches.
  - 2) Cornices or eaves may project beyond the building line not more than eighteen (18) inches.
  - 3) Decks and other un-roofed habitable structures, or ornamental features which do not extend more than five (5) feet above grade may project beyond the rear or side building lines, provided such projections be not closer than five (5) feet to a lot line.
  - 4) Mechanical/electrical appurtenances which bottoms do not extend more than five (5) feet above bottom grade may project within the required minimum distance from property line to building line.
- C. Conflicting setbacks. When setbacks as prescribed by this Ordinance are in conflict with setbacks indicated on a subdivision plat, the more stringent setbacks shall apply.
- D. Setbacks from Major Arterials. A minimum setback of fifty (50) ft, of which the first twenty (20) ft for all non-residential uses shall be landscaped and maintained in accordance with Sec. 6.2, shall be required along all major arterials, as defined in the Athens Transportation Plan, unless the applicable zoning regulations require a greater setback; provided however, that residential uses that do not derive their access from the major arterial shall be excluded from this provision. In addition:
- 1) Exterior storage of materials shall be in the side and rear yards only and shall be contained and screened by fencing or landscaping in such a manner as to be neat in appearance when viewed from any street. No exterior display of products or merchandise is permitted in the required front yard except for sales of farm equipment, new and used cars, trailers, recreational vehicles, and manufactured homes. However, such uses shall not be permitted in the first ten (10) ft of the required front yard.
  - 2) Off-street parking spaces are not permitted in the first twenty (20) ft of the required front yard as measured from the arterial ROW.
  - 3) All businesses offering merchandise of any description for sale or rent shall have a permanent sales building on the lot except as provided in Paragraph D below.
  - 4) The temporary, seasonal sale of perishable farm products is permitted so long as all evidence of such operations is removed from the premises each night and such operations are not conducted in any part of the required front yard.
  - 5) Where these regulations conflict with other applicable zoning provisions, the more stringent shall apply.
- E. Rear Yard Modifications. The rear yards heretofore established shall be modified in the following cases:

- 1) Where a lot abuts upon an alley, one-half of the alley width may be considered as part of the required rear yard.
- 2) An unenclosed balcony, porch steps or fire escape may project into a rear yard not more than ten (10) ft.
- 3) Where the provisions of Sec. 3.5.4.B are applicable.

**6.1.6. Principal Buildings and Structures.**

A. One Principal Building on a Lot. Every building hereafter erected, moved, or structurally altered shall be located on a lot, and in no case shall there be more than one (1) principal building and its customary accessory buildings on the lot.

- 1) In the case of institutional, commercial or industrial buildings in an appropriate zoning district, the Commission may, upon Site Plan approval, approve additional buildings in accordance with the applicable district regulations.
- 2) In the case of a tract of land under single ownership being of sufficient size to accommodate more than one single-family or multi-family building, the Commission may approve the construction of more than one building, if in its opinion the land on which the building is constructed can at a future date be subdivided into lots that will meet all requirements of the Zoning Ordinance and Subdivision Regulations pertaining to such subdividing and density requirements.

**6.1.7. Accessory Structures**

A. Accessory Buildings and Structures Generally. Accessory buildings may be erected on any lot in accordance with the following:

- 1) Accessory structures shall include but not be limited to: storage and other buildings, swimming pools, detached garages and carports.
- 2) Accessory structures on detached dwelling unit lots may contain a dwelling if permitted by the zoning district. Occupancy of a dwelling in an accessory structure shall be limited to members of the family, as defined herein, that reside in the detached dwelling unit on the lot.
- 3) Accessory structures, except for underground storm shelters, are not allowed in front of the primary structure.
- 4) Accessory structures shall not occupy more than thirty (30) percent of the required rear yard space.
- 5) A garage or carport may be located beside a primary structure, but must meet the side setbacks applied to the house.
- 6) Rear yard accessory structures shall not be closer than five (5) feet to any side or rear lot line or any structure, except that rear yard accessory structures of two (2) or more floors shall not be closer than ten (10) feet to any side or rear lot line.
- 7) Distance of accessory structures from any other structure shall be five (5) feet unless the accessory structure is unenclosed by walls.
- 8) Accessory structures on detached dwelling unit lots shall not exceed two (2) floors.

B. Accessory antennas. This section governs antennas which are accessory to the principal use of a premises. Commercial radio and television transmission antennas, television receiving antennas for cable television systems, telecommunications antennas, and other antennas which constitute a separate business from the principal use of the premises or which are an integral part of the principal use of the premises, are not accessory antennas, and are governed

by the Wireless Telecommunications Facilities Siting Ordinance 1320-1999 Section 9  
“Height of Telecommunications Tower(s)”.

1) General Provisions.

- a) The following antennas which are accessory to a residential use are permitted in any residential district:
  - (i) Radio and television antennas, other than parabolic antennas, which do not exceed fifty (50) ft in height and are located on the same premises as the dwelling to which they are accessory.
  - (ii) Parabolic antenna greater than two (2) ft in diameter, and does not exceed 16 ft in height, which is located on the same premises as the dwelling which it serves.
  - (iii) Parabolic antenna less than two (2) ft in diameter, which is attached to the dwelling to which it is accessory and does not extend more than six (6) ft above the roof line of the dwelling.
- b) The following antennas which are accessory to commercial use are permitted in any non-residential district:
  - (i) Radio and television receiving antennas, other than parabolic antennas, which do not exceed the maximum building height of the zoning district and are located on the same premises as the business to which they are accessory.
  - (ii) Transmitting and receiving antennas for communication with vehicles owned by the business, which do not exceed the maximum building height of the zoning district and are located on the premises of the business to which they are accessory.
  - (iii) Parabolic antenna located on the same premises as the business which it serves, and does not exceed 16 ft in height if detached, and 6 ft above the roofline if attached.
- c) A maximum of one antenna is permitted per lot.
- d) All antennas not attached to a building shall adhere to the setback requirements of accessory structures.
- e) All antennas within EST, R-1-1, and Conventional Non-residential Districts shall be located behind the front building line.
- f) All antennas within Conventional Residential Districts other than EST and R-1-1, and within Traditional Districts shall be located to the rear of the primary building.
- g) All antennas are considered structures, and shall require a Building Permit and conform to the Building Code.

C. Safe Rooms. Safe rooms for unlimited occupancy are permitted as a principal or accessory structure in any business or industrial district. Safe rooms operated by a local, state or federal governmental agency may be located in any district.

- 1) Above ground shelters intended for occupancy by not more than two (2) families are permitted in any district as an accessory structure.
- 2) Underground shelters intended for occupancy by not more than two (2) families are permitted at any location in any yard notwithstanding other provisions of this Ordinance, provided the structure or its overburden does not exceed thirty (30) inches above the natural grade of the yard.

- 3) Safe rooms intended for occupancy by more than two (2) families may be permitted as Special Exception Uses in accordance with Section 2.5.3, except when developed as part of a mobile home or recreational vehicle park.
- 4) Nothing in this Ordinance shall be construed to prohibit the multiple use of a safe room with other permitted uses of the applicable district.
- 5) In a Special Flood Hazard Area Zone A or AE, only above grade safe rooms are permitted. The building shall be elevated as called for by the Athens Code of Ordinances Chapter 14, Article III Flood Ordinance. An elevation certificate must be submitted to the Building Inspection Department before a Certificate of Occupancy can be issued.

D. Private Swimming Pools. Pools and related mechanical appurtenances shall not be located in any applicable easement and shall only be located in conformance with applicable deeds and covenants.

- 1) Single-family and duplex residential districts.
  - a) Permanent pools shall be located to the rear of the principal dwelling or use.
  - b) Permanent pools, whether wholly or partially above grade level, and related mechanical appurtenances shall not be located closer than ten (10) ft to any property line or structure.
  - c) Pools constructed below grade level shall be:
    - (i) Located no closer than ten (10) ft from any property line or structure as measured from water's edge. Related mechanical appurtenances shall also adhere to this setback.
    - (ii) Enclosed by a fence in accordance with the City's adopted Building Code.
  - d) All exterior lighting fixtures shall be constructed to direct the beam below the horizontal plane of the fixture and shall reflect away from any abutting property. Said fixtures may not extend higher than ten (10) ft.
- 2) Multifamily and non-residential districts. Swimming pools for multi-family and non-residential uses shall meet minimum standards deemed by the approving authority to be appropriate upon review of the specific proposal.

E. Recreational Facilities.

- 1) Single-family and duplex residential districts. All recreational facilities (tennis courts, basketball courts, or similar permanent recreational facility) constructed in a single-family or duplex residential district shall meet the following minimum requirements:
  - a) Shall be located to the rear of the principal dwelling or use.
  - b) Shall not be located any closer than twenty-five (25) ft from any property line and residential structure.
  - c) All fences shall meet the requirements of Section 6.3 Fences and Walls.
  - d) All exterior lighting fixtures shall be constructed to direct the beam below the horizontal plane of the fixture and shall reflect away from any adjacent property.
- 2) Multifamily and non-residential districts. Recreational facilities for multi-family and non-residential uses shall meet standards deemed by the approving authority to be appropriate upon review of the specific proposal.

### 6.1.8. Transitional Features

A. Purpose and Intent. Transitional features are architectural elements or site aspects used to provide a transition between land uses, subdivisions, and sites in an effort to mitigate conflicts and to provide design compatibility. It is the intent of these standards to:

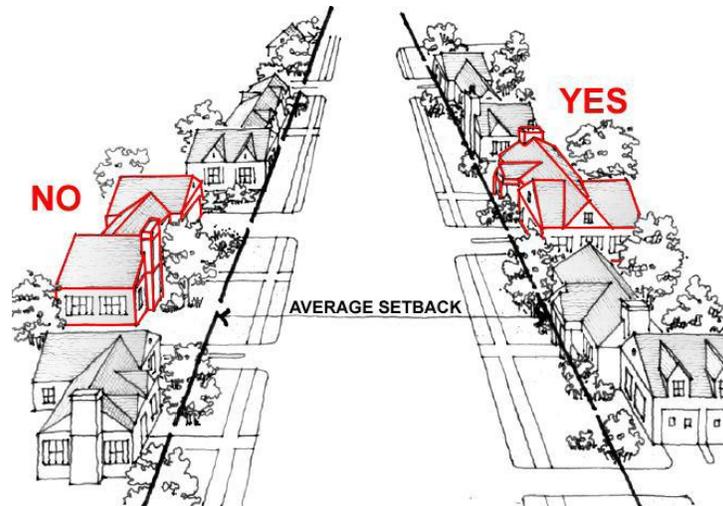
- 1) Blend new development with existing development form and pattern;
- 2) Reduce potential adverse impacts between different land uses or buildings differing in scale, mass, height, proportion, form, or architecture;
- 3) Limit the excessive consumption of available land through the utilization of large vegetated buffers;
- 4) Limit interruptions in vehicular and pedestrian connections created by efforts to segregate uses; and
- 5) Establish or maintain vibrant pedestrian-oriented areas where differing uses can operate in proximity to one another.

B. Applicability

- 1) Transitional features shall be required:
  - a) When design compatibility cannot be achieved between land uses, lots, or structures; or
  - b) Between lots or uses within a single mixed-use development located in either traditional or Conventional Zones.
- 2) In Conventional Zones, the DRT may require the use of transitional features in addition to the use of a buffer, in accordance with the standards in Subsection 6.4.7, Buffers, where such transitional features are necessary to reduce potential adverse impacts between different land uses or buildings differing in scale, mass, height, proportion, form, or architecture. If the applicant disagrees with the decision of the DRT regarding the use of transitional features, the applicant may appeal the decision to Planning Commission and/or Council, depending on the type of application.
- 3) In Traditional Zones, the DRT may require the use of a buffer in-lieu of or in addition to the use of a transitional feature where such buffer is necessary to reduce potential adverse impacts between different land uses or buildings differing in scale, mass, height, proportion, form, or architecture. If the applicant disagrees with the decision of the DRT regarding the use of buffers or transitional features, the applicant may appeal the decision to Planning Commission and/or Council, depending on the type of application.

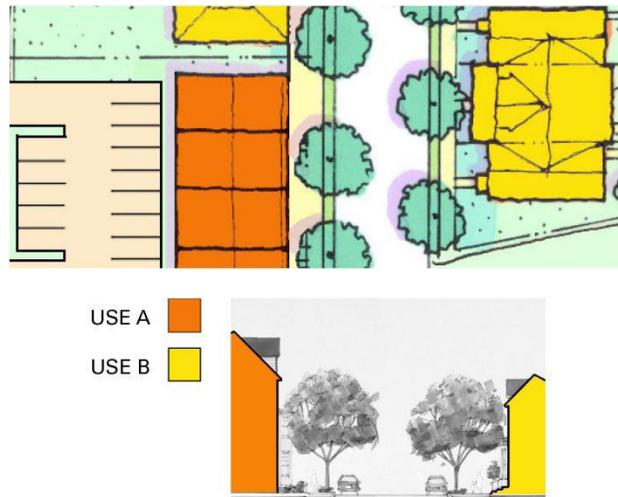
C. Standards. In areas where existing blocks or 500 ft long frontages including the subject property are at least 75% developed, and a transition between different land uses or buildings differing in scale, mass, height, proportion, setbacks, form, or architecture is needed, the following approaches shall be used, subject to the approval of the Zoning Official and the Building Department, to establish a transition between uses and buildings:

- 1) For differing uses, use setbacks that are within 25 percent of the average setbacks for existing uses on the same block face provided no new use is closer to the right-of-way than the closest existing principal structure;
- 2) In residential districts or developments (no differing uses), no building shall be set back more, or located closer to the street, than the average of the setbacks of the existing dwellings on the same side of the street, within the same block or two hundred fifty (250) feet each side thereof, whichever is less.



**Figure 6-2: The new construction (outlined in red) on the right demonstrates appropriate average setbacks. The dwelling outlined in red on the left has a front setback that is too deep.**

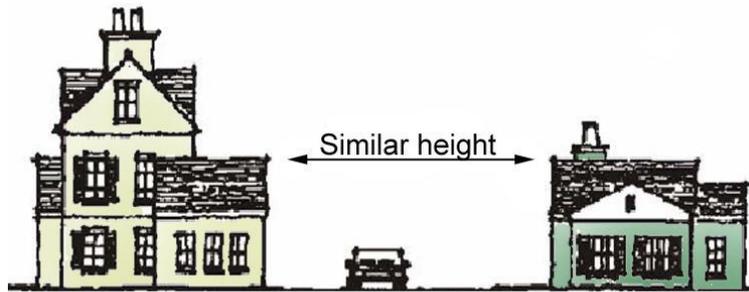
- 3) Use lot widths that are within 40 percent of the average lot width for existing lots on the same block;
- 4) Ensure the perceived façade width and height on façades of adjacent structures and structures on opposing sides of a street are consistent with each other such that neither façade exceeds the other's dimensions by more than 25 percent;



**Figure 6-3: Ensuring similar façade height and width dimensions of opposing façades can be an effective means of establishing a transition between uses.**

- 5) Graduate building height, scale, and mass through utilization of any of the following methods:
  - a) Building step-backs to reduce the bulk of a building's upper floors;

- b) Dividing buildings into smaller parts, including detached buildings, to reduce effective visual bulk and to maintain the scale and rhythm of the existing pattern of development;
- c) Sight lines or angular planes to gauge the appropriate building height necessary to achieve a steady, incremental transition; or
- d) Other techniques to break up the scale of a building to complement existing development patterns, as approved by the DRT or the Department of Neighborhood Services.



**Figure 6-4: Step-backs in building heights between different use types can be an effective transitional element.**

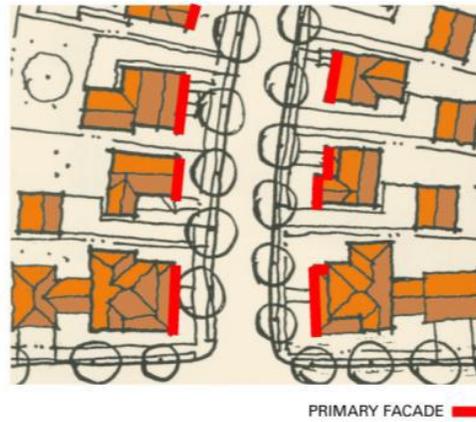
- 6) Use similarly sized and patterned architectural features such as windows, doors, awnings, arcades, pilasters, cornices, wall offsets, building materials, and other building articulations included on the lower intensity use as depicted in Figure 6-7.



**Figure 6-5: The example on the bottom demonstrates effective use of transition features.**

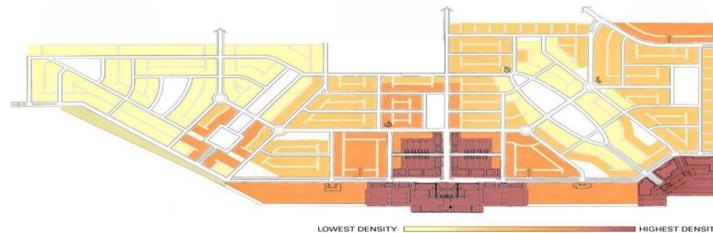
- 7) Locate off-street parking, loading, service, and utility areas in a manner consistent with similar site features on surrounding sites. When adjacent to residential areas, off-street parking, loading, service, and utility areas shall be strategically located to mitigate disturbance to nearby residents. Additionally, loading and service areas shall not front a street and shall be screened in accordance with Subsections 6.4.5, Perimeter Landscape Standards, and 6.4.9 Screening;
- 8) Prevent incompatible exterior lighting or sources of audible noise or disturbance from building façades facing lower intensity uses;
- 9) Prevent abrupt changes in roof form by allowing adjacent incompatible uses to use similar roof types, slopes, or arrangements;

- 10) Orient outdoor dining, gathering areas, and other site attributes such as, vending machines, away from adjacent residential uses;
- 11) Orient primary building façades directly across from opposing primary façades regardless of use type (as seen in Figure 6-8); and



**Figure 6-6: Organizing buildings so that the primary façades face one another can serve as a transitional feature when two different building types occupy opposing sides of a street.**

- 12) When dealing with multi-building developments on one or more lots, establish a continuum of use intensity where uses of moderate intensity (colored orange in Figure 6-7) are sited between high-intensity uses (colored brown in Figure 6-9) and low-intensity uses (colored yellow in Figure 6-7) (e.g., office uses between retail and detached residential).



**Figure 6-7: Multi-building developments can be organized to concentrate the highest intensity uses in a single area and feather the intensity and density outwards from high intensity centers.**

**6.1.9. Residential Development.** Attached and detached residential structures shall comply with the following basic residential design standards.

A. Basic Standards

- 1) Building Compatibility
  - a) Traditional Zones

- (i) Residential development in Traditional Zones shall be physically integrated with surrounding residential structures through the use of design compatibility, including elements such as appropriate scale, setbacks, materials, roof forms, lot sizes, and streetscape.



**Figure 6-8: The detached dwelling in the foreground exhibits compatibility with the surrounding dwellings in regard to design, scale, setbacks, and materials.**

- (ii) When design compatibility cannot be achieved between two or more different residential use types (e.g., detached and attached residential uses), transitional features as set forth in Subsection 6.3.4 shall be provided.
- b) Conventional Zones. Within Conventional Zones, either transitional features or buffers (See Subsection 6.4.7, Buffers.) shall be used between adjacent but differing residential use types (e.g., detached and attached residential uses).
- 2) Building Orientation. All residential development within Traditional Zones shall be located parallel to the associated street or be consistent with existing development patterns rather than being sited at unconventional angles, unless irregular lot layouts require alternative orientations.



**Figure 6-9: This image depicts dwellings that are parallel to the street and consistent with one another.**

- 3) Setbacks. Setbacks should be in accordance with Article 4, Traditional Zoning Regulations, or Article 5, Conventional Zoning Regulations.
- 4) Façade Standards
  - a) Primary façade materials shall not change at outside corners and shall continue along any side façade visible from a street right-of-way; however, materials may change where side or rear wings meet the main body of the dwelling.



**Figure 6-10: The Dwelling on the left demonstrates appropriate exterior wrapping, while the image on the right depicts a dwelling with inappropriate material changes at the corner of the building.**

- b) Materials changes shall occur along a horizontal line or where two forms meet. It is acceptable, however, that change of materials occur as accents around windows, doors, cornices, at corners, or as a repetitive pattern.



**Figure 6-11: This image demonstrates how material changes should occur along straight lines.**

5) Foundations.

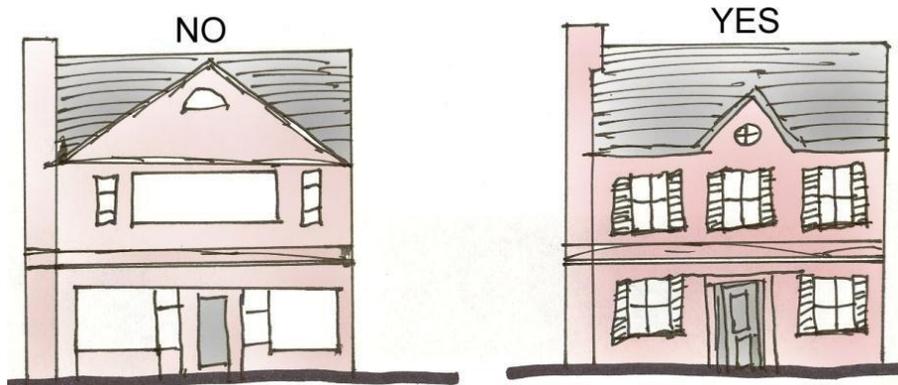
- a) For homes within the Traditional Zoning Districts, the finished floor elevation at the front façade shall be located above grade in accordance with the following standards:
  - (i) For setbacks of ten feet or more, the finished floor elevation of the front facade shall be a minimum of 12 inches above grade; and
  - (ii) For setbacks of less than ten feet, the finished floor elevation of the front facade shall be a minimum of 24 inches above grade.



**Figure 6-12: Residential structures incorporate raised foundations, as depicted in the photo to the right, to give a vertical orientation and well-proportioned appearance, as well as to provide privacy for occupants.**

- b) Exposed foundation walls or piers shall be clad in face brick, stone, stucco, or some other masonry material accurately imitating these materials. Smooth-faced standard concrete block is prohibited unless troweled with a stucco-like finish to a thickness in which the joints of the block are not visible.
- c) In cases where piers are used, painted or stained latticework screening shall be installed between piers on front and side building façades.
- d) Nothing in this subsection shall prevent the use of slab foundations, provided:

- (i) The outer edge of the slab is clad in the materials required in this subsection; and
  - (ii) It extends to the minimum height above grade required in traditional zones.
- 6) Porches. If porches are provided, they shall have a minimum useable depth of at least six feet.
- 7) Windows. Windows on primary façades shall be vertically proportioned so that the vertical dimension is greater than the horizontal dimension, and vertically aligned between floors. Exceptions may be approved to accomplish a particular architectural theme, such as in the prairie style. Where used, shutters shall be proportioned to cover one-half the width of the window from each side or the total window from one side.



**Figure 6-13: The drawing on the right demonstrates appropriate vertical alignment for windows.**

- 8) Materials
- a) Materials permitted in Traditional Zones are listed in Article 4, Traditional Zone Regulations.
  - b) Developments with more than one residential structure shall use materials that are compatible with one another.
  - c) The use of aluminum siding, corrugated metal siding, or exposed smooth-faced concrete block is prohibited. High-quality metal siding (e.g., stainless steel, copper, brushed nickel, brass, etc.) may be approved for use on a case-by-case basis.
  - d) Vinyl siding and synthetic stucco (EIFS) shall be subject to the following limitations in Conventional Zones:
    - (i) Limited to a maximum of 50 percent of the net façade area of any detached residential structure façade visible from a public street right-of-way;
    - (ii) Prohibited on front facade of any attached residential structure;
    - (iii) Limited to a maximum of 50 percent of the net façade area of any attached residential structure side or rear façade visible from a public street right-of-way;
    - (iv) Prohibited on accessory structures; and
    - (v) Where permitted, EIFS shall be prohibited at any point within two feet of the exterior grade level.

- e) Where two or more materials are proposed to be combined on a facade, the heavier and more massive elements shall be located below the lighter elements (i.e., brick shall be located below stucco). It is acceptable to provide the heavier material as a detail on the corner of a building or along cornices or windows.



**Figure 6-14: These homes demonstrate how heavier materials (brick) should be located below lighter materials (wood siding).**

- f) The exposure width of horizontal siding shall be no more than six inches.
- g) The exterior building material of chimneys shall not be siding (vinyl or fibrous cement), and shall either:
  - (i) Match the building material of the foundation; or
  - (ii) Be stone or brick.

**6.1.10. Detached Residential Structures.** In addition to the basic standards for all residential development, detached residential structures shall comply with the following:

A. Reverse Frontage Discouraged

- 1) Generally
  - a) Except for circumstances listed in Subsection 6.3.5(2)(a)(ii), Acceptable Situations, residential lots with a reverse frontage are generally discouraged, particularly in Traditional Zones.
  - b) Lots along the perimeter of a subdivision should generally be oriented so that dwellings front perimeter streets or open space instead of backing up to streets around the outside of the subdivision. This is particularly important for lots fronting local streets internal to a development.
- 2) Acceptable Situations. Reverse frontage is acceptable for residential structures on lots in the following locations, provided the rear of the dwelling is properly screened:
  - a) Lots or sites fronting freeways, arterial, or collector streets in Conventional Zones; and
  - b) Existing platted lots in residential subdivisions or Planned Unit Developments approved prior to the effective date of this ordinance.
- 3) Screening for Reverse Frontage. Residential developments with reverse frontage lots shall provide a Type A Buffer between the lots and the public street. (See Figure 6-54).



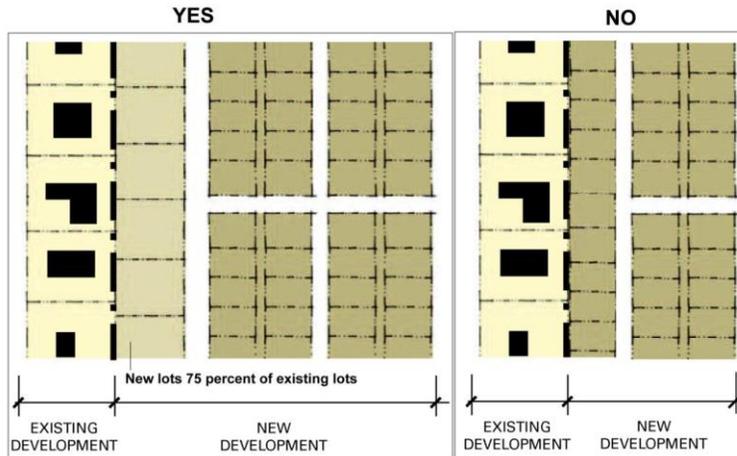
**Figure 6-15: The image on the left demonstrates appropriate screening for reverse frontage lots. Fences or walls without landscape are inappropriate.**

- 4) Alternatives to Reverse Frontage. The use of a parallel access drive is an alternative to reversed frontage. Where curb cuts for driveways are not an option along the associated street, access by rear alleys is another alternative in Traditional Zones.



**Figure 6-16: Rear alleys can be used as an alternative to reverse frontage lots.**

- B. Lot Size. Except where modified through the planned unit development process (See Subsection 2.4.2.), lots intended for new detached residential dwellings adjacent to existing lots intended for detached residential dwellings shall be no less than 75 percent of the average lot size of existing contiguous lots.



**Figure 6-17: New lots intended for detached residential development should be of a comparable size to any abutting detached residential lots as a means of maintaining compatibility.**

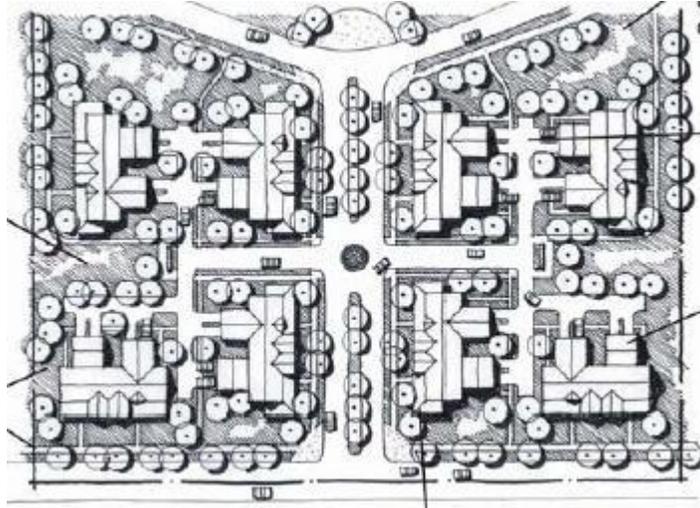
C. Primary Entrance Orientation

- 1) Detached residential development shall be oriented so that the primary entrance faces the street or an open space, such as a square.
- 2) In the case of corner lots, the primary entrance shall face the street from which the structure derives its street address.
- 3) Alternative orientations may be considered by the Planning Department in cases where such alternative orientations are consistent with existing adjacent development.

**6.1.11. Attached Residential Structures.** In addition to the basic standards for all residential development (See Subsection 6.3.5(1)), attached dwellings shall comply with the following standards:

A. Orientation.

- 1) The primary entrance and front façade of individual buildings within an attached residential development shall be oriented towards the following (listed in priority order):
  - a) Perimeter streets;
  - b) Primary internal streets;
  - c) Common open space set-aside areas;
  - d) Parks or other common open space; and
  - e) Secondary internal streets.



**Figure 6-28: This diagram demonstrates proper orientation of buildings within a multiple-building attached residential development.**

- 2) Primary entrances or façades shall not be oriented towards off-street parking lots, garages, or carports.
- 3) Walls of buildings on corner lots in Traditional Zones shall be constructed a maximum of ten feet from the back of the sidewalk or street right-of-way edge, whichever is the greatest distance from the street.

**B. Building Design**

- 1) Building details, including roof forms, siding materials, windows, doors, and trim shall reflect a consistent architectural style.
- 2) The maximum length of any attached residential building, regardless of the quantity of dwellings, shall be 200 feet.
- 3) No more than six side-by-side townhouse dwelling units shall be attached in any single row.
- 4) All sides of a attached residential building visible from lands occupied by or designated for detached residential uses, an existing public street right-of-way, or other public lands shall display a similar level of quality and architectural detailing.



**Figure 6-29: This attached residential structure exhibits a similar level of architectural detail on all sides visible from a street or from other detached residential uses.**

- 5) Individual attached residential buildings served by common entryways and containing six or fewer units shall be constructed to give the appearance of a large single-family detached home.



**Figure 6-30: This image demonstrates how an attached residential structure of six or fewer units can be constructed to appear as a large detached residential structure.**

- 6) Attached residential developments with structures housing seven or more units per structure shall incorporate a variety of distinct building designs and shall be distinguished through the inclusion of a minimum of two of the following attributes:
  - a) A variation in length of 30 percent or more;
  - b) A variation in the size (square footage) of the building footprint by 30 percent or more;
  - c) A variation in color or in use of materials, or both;

- d) A variation in the type of attached residential dwellings contained in the structure (e.g., vertically attached or horizontally stacked); or
  - e) A distinct variation in building height by at least 20 percent and roof form.
- C. Height. Except for structures located in areas subject to the traditional standards of this ordinance (See Subsection 6.1.4.), buildings located within 100 feet of lands occupied by or designated for detached residential development shall not exceed two stories.
- D. Façade Standards
- 1) Variation in building façade elevations shall be included on all attached residential building façades.
  - 2) Long, monotonous, blocky, uniform, or repetitive façades shall be prohibited.



**Figure 6-31: This attached residential development lacks sufficient façade variation yielding a monotonous appearance.**

- 3) Façades facing streets or containing the primary entrance(s) to dwellings shall provide a minimum of three of the following design features for each residential unit fronting onto a street:
  - a) Projections or recesses in the façade plane every 30 feet (with a minimum depth of two feet);
  - b) Different exterior building materials and/or colors for each unit (e.g. alternating among brick, painted brick, siding, and stone);
  - c) One or more dormer windows or cupolas;
  - d) A recessed entrance;
  - e) A covered porch or balcony;
  - f) Pillars, posts, or pilasters;
  - g) One or more box or bay windows with a minimum twelve-inch projection from the façade plane;
  - h) Eaves with exposed rafters or a minimum six-inch projection from the façade plane;
  - i) Dormers;
  - j) A parapet wall with an articulated design rather than a simple rectilinear form; or
  - k) Multiple windows with a minimum four-inch wide trim.

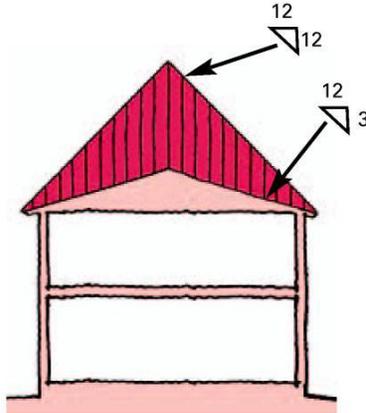


**Figure 6-32: These attached residential structures demonstrate how different materials, changes in wall planes, offsets, projections, recesses, and other architectural techniques can promote variety in building façades.**

- 4) Building façades facing arterial streets shall include brick, stone, or siding (wood or fibrous cement) for a minimum of 75 percent of the net façade area.
- 5) Horizontal variations in materials along the façade of an attached residential building shall occur in conjunction with a change in wall plane, preferably at the inside corner of a wall.

E. Roof Forms

- 1) Attached residential structures shall incorporate roof pitches between 3:12 and 12:12; however, alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.



**Figure 6-33: This image illustrates the difference between the maximum 12:12 roof pitch (top) and the minimum 3:12 roof pitch (bottom).**

- 2) Parapet walls fronting a street shall include three-dimensional cornice treatments.
- 3) Roof forms shall be designed to correspond and denote building elements and functions such as entrances and arcades.



**Figure 6-34: Roof forms can be used to denote building features such as entrances. Parapet walls can add visual interest through the use of a three-dimensional cornice treatment.**

F. Off-Street Surface Parking. In addition to the standards in Section 6.9, Off-Street Parking and Loading, attached residential structures shall comply with the following:

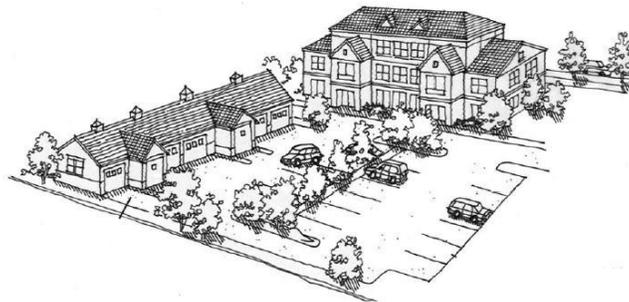
- 1) No off-street surface parking shall be located between the structure and the street it fronts.
- 2) Off-street surface parking located on the side of a building shall not occupy more than 30 percent of the lot's street frontage along the primary street. In making that calculation, associated driving areas and driveways shall be included as part of such off-street surface parking.



**Figure 6-35: Off-street surface parking lots located to the rear of a structure allow an active and cohesive streetscape to be maintained.**

G. Garage Standards. Attached and detached garages and carports shall comply with the following standards:

- 1) Garages and car ports serving attached residential structures shall be located to the side or rear of such buildings and shall be oriented perpendicular to the primary streets located around the perimeter of the development.



**Figure 6-36: Garages serving attached residential structures must be oriented perpendicular to the primary streets serving the development to minimize their visual impact.**

- 2) The Zoning Official may allow attached residential structures to include garage doors that face the primary street fronting the structure only in cases where it is necessary to retain existing vegetation or address difficult topography.
- 3) An attached or detached garage shall not project beyond the front of the primary façade of the dwelling it serves.

H. Streetscape Elements. Streetscape elements (e.g., benches, trash receptacles, light fixtures, bollards, fountains, bicycle racks, etc.) included within an attached residential development shall be compatible with the architectural features of the structures, and shall help to establish a unifying theme throughout the site.

**6.1.12. Nonresidential and Mixed-Use Development.** Except where specifically exempted, commercial, office, institutional, industrial, and mixed-use structures and sites shall comply with the following standards:

A. Orientation

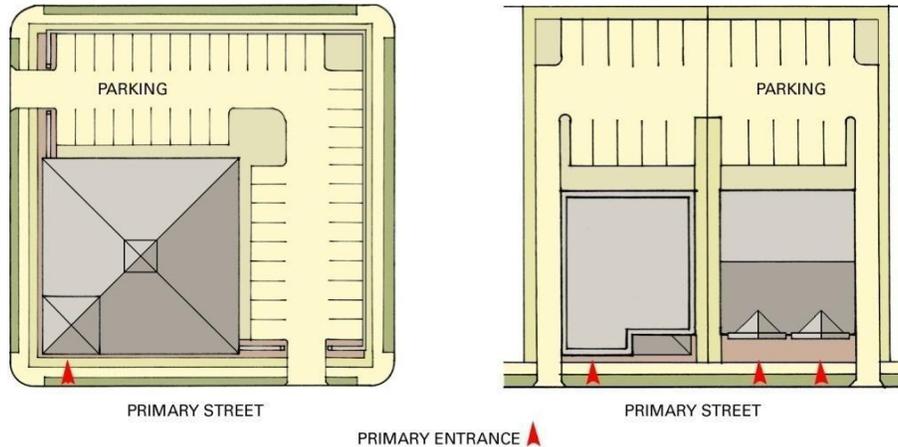
1) Traditional Zones

- a) The primary façade of a building shall be parallel to the street it fronts.
- b) The building side containing the primary entrance shall be oriented towards the street. Buildings in Traditional Zones often have multiple entrances, including those to other streets and parking areas.



**Figure 6-37: Buildings are more pedestrian-oriented when primary entrances are located adjacent to the sidewalk or street instead of to surface parking lots.**

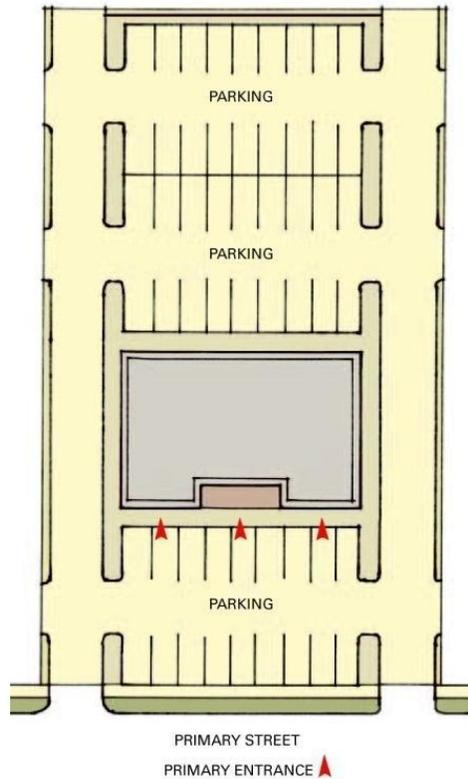
- c) In the case of multi-building developments, the primary entrances of buildings shall be oriented in towards a street along the perimeter of the development, towards streets interior of the development, or towards formal open space (e.g., civic spaces or plazas).
- d) Primary entrances shall not be oriented towards off-street surface parking lots.
- e) Parking lots shall be oriented to the side and rear of the building.
- f) Nothing in this section shall prevent corner entrances to buildings, or buildings with entrances facing both a primary street and a parking lot.
- g) Developments with parking in the rear may add appropriate directional signage guiding the traveling public to said parking.



**Figure 6-38: As a means of promoting pedestrian orientation and maintaining neighborhood scale and character, surface parking areas serving nonresidential or mixed-uses in traditional zones are located to the side or rear of the structure.**

2) Conventional Zones

- a) The primary façade of a building shall be parallel to the street they front unless an alternate orientation is consistent with existing adjacent development.
- b) The primary entrances of buildings shall be oriented:
  - (i) Towards a street along the perimeter of the development;
  - (ii) Towards streets in the interior of the development;
  - (iii) Towards a formal open space (e.g., civic spaces, plazas) inside the development.
  - (iv) Towards a primary drive aisle designed in accordance with Section 6.9, Off-Street Parking and Loading; or
  - (v) Towards a parking lot, located between the building and street along the perimeter of the development.
- c) Except for the M-1 and M-2 districts and properties fronting major arterial roadways, the following shall apply:
  - (i) In parking lots of 100 parking spaces or less, parking lots located between the building and street along the perimeter of the development shall not exceed 60 feet in width (typically one aisle with two single-loaded bays).
  - (ii) In parking lots of more than 100 parking spaces, parking lots located between the building and street along the perimeter of the development shall not exceed more than 180 feet in width.
- d) The width of parking lots shall be designed per Subsection 6.3(9), Off-Street Parking Location.



**Figure 6-39: For lots of 100 parking spaces or less, limiting surface parking to a maximum width of 60 feet in front of a building helps to mitigate the visual impact of surface parking lots.**

B. Setbacks. Setbacks shall be in accordance with Article 4, Traditional Zone Regulations, or Article 5, Conventional Zone Regulations, based on the applicable building type and standards.

C. Building Façades. Building façades shall comply with the following standards:

- 1) Rear and side façades, if visible from public streets, shall have a similar architectural treatment as used on the primary or front façade;
- 2) Blank building walls facing streets are prohibited;
- 3) Buildings shall have a defined base and cap; and
- 4) Remote walls that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due to topography or natural features preserved in an open space lot shall be exempt from these requirements.



**Figure 6-40: This building successfully blends the vertical height of the building with the horizontal banding of the base, middle, and cap.**

- 5) Window and door openings shall have a vertical orientation and shall be vertically aligned between floors.
- 6) Within Traditional Zones, buildings shall be constructed (through the use of materials, design elements, or architectural details) to emphasize the proportion of height to width so that building façades are vertically oriented.



**Figure 6-41: This image depicts a building with an orientation that is primarily horizontal, which is inappropriate for Traditional zones in Athens.**

- 7) Where a clearly established development character and scale exist, new infill development shall include:
  - a) Window and door openings with area ratios and proportions similar to those on adjoining buildings; and

- b) Key design elements of surrounding buildings with respect to windows, doors, rhythm of bays, detailing, roof forms, materials, and colors.



**Figure 6-42: This building demonstrates successful integration as an infill structure into an existing context.**

- 8) Prototypical or franchise designs shall be adapted to reflect the design standards of this subsection, the applicable district standards, and the character of the city.



**Figure 6-43: This example of an alternative national restaurant chain store design shows how prototypical architecture can be modified to be consistent with local character.**

- D. Loading and Service Areas. Except for M-1 and M-2 Districts or double frontage and/or corner lots, loading and service areas shall not front a public or private street and shall be screened in accordance with Subsections 6.4.5 Perimeter Landscape Standards and 6.4.9, Screening.
- E. Façade Variations. Buildings shall use wall offsets or other variations to break up the mass of a building, maintain building rhythm along a street, and to establish a human scale in accordance with the standards:
- 1) Traditional Zones. Building façades containing the primary building entrance, visible from a street, or visible from land used by or intended for residential development shall incorporate façade variations a minimum of every 25 feet.



**Figure 6-44: This building uses pilasters to divide a single façade into distinct vertically-oriented storefronts that maintain the building rhythm along the street.**

- 2) Conventional Zones. Building façades containing the primary building entrance, visible from a street, or visible from land used by or intended for residential development shall incorporate façade variations a minimum of every 35 feet; buildings over 20,000 square feet may increase the minimum requirement for façade variations to every 50 feet.
- 3) Exemptions. Remote walls that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due to topography or natural features preserved in an open space lot shall be exempt.
- 4) Standards. The following shall be used either alone or in combination to meet the façade variation requirements and shall be applied in a manner that is integral to the building form and construction:
  - a) Color or material changes having a minimum width of ten feet with a minimum depth or projection of six inches beyond the primary façade plane;
  - b) Pilasters having a minimum depth of eight inches, a minimum width of eight inches, and a minimum height of 80 percent of the façade's height;
  - c) Awnings or canopies, provided the awning or canopy is not translucent, back-lit, or internally illuminated;
  - d) Arbors or trellises of materials and color complimentary to the primary building, provided the location of the arbor or trellis does not obstruct any type of access (pedestrian, handicap, emergency, loading, etc.);
  - e) Windows and/or a change in fenestration;
  - f) Faux windows or areas of special brick, tile, or stone pattering, if window openings are not conducive to the use of the building;
  - g) Recessed entries, accented by canopies, awnings, porticos, or rood overhangs;
  - h) Balconies or decks, a minimum of 6 feet in depth and width;
  - i) Arcades or covered walkways;
  - j) Roofline changes, such as changes in roof planes or changes in the top of a parapet wall, when coupled with correspondingly aligned façade material changes;

- k) For sloped roof buildings, varying the roofline through a knee wall or providing a six-inch or greater offset in the façade plane; or
- l) Other architectural features, as approved by the DRT and/or Planning Commission.



**Figure 6-45: This building on a lot within a conventional ZONES successfully uses arcades, wall offsets, and variations in roof line to break up the mass of the building and maintain a pedestrian orientation.**

#### F. Building Materials

- 1) Basic Standards. The following building materials standards shall apply to buildings containing commercial, office, civic and institutional, and mixed-uses:
  - a) Building façades of buildings three stories or less facing a major arterial street and Interstate 65 shall include brick, stone (real or faux), marble, or scored precast concrete for a minimum of 75 percent of the net façade area.
  - b) Building façades of buildings more than three stories high facing a major arterial street and Interstate 65 may use scored precast concrete, glass, and architectural metals as the primary building materials for the first three stories.
  - c) Building materials in Traditional Zones shall be primarily brick, stone, or shall be composed of other materials compatible with surrounding structures; however, smooth wood, or fibrous cement siding may be allowable as a transitional feature as described in Subsection 6.3.4, Transitional Features.
  - d) Where two or more materials are proposed to be combined on a facade, the heavier and more massive elements shall be located below the lighter elements (e.g., brick shall be located below stucco). It is acceptable to provide the heavier material as a detail on the corner of a building or along cornices or windows.
  - e) Primary facade materials shall not change at outside corners, and shall continue a minimum distance of two feet from the front corners along both side façades.
  - f) Materials changes shall occur along a horizontal line or where two forms meet. It is acceptable, however, that change of materials occur as accents around windows, doors, cornices, at corners of the homes, or as a repetitive pattern.
  - g) For façades of buildings three stories or less, foundations shall be composed of brick, split-faced block, cast stone, or stone. Buildings two stories or greater may meet this requirement with scored precast concrete that resembles stone.

- h) Heavily or medium-tinted glass, reflective glass, or glass with an applied film that inhibits view into the ground floor from a sidewalk or street shall be prohibited on the first floor of buildings in Traditional Zones.
- 2) EIFS on Visible Façades. Where permitted, EIFS shall not exceed 50 percent of an exterior building wall's net façade area when such wall is visible from a building's primary entrance or the primary street which it faces.
  - 3) Split-Face Concrete Block on Visible Façades. Except where prohibited, split-face concrete block is acceptable for use as a primary building material for up to a maximum of 50 percent of the net façade area of an exterior wall visible from a building's entrance or public right-of-way provided:
    - a) The concrete block is split-face and not smooth face;
    - b) The block is integrally stained, remains unpainted, and incorporates a mortar color that differs from the color of the concrete block;
    - c) The wall incorporates a cavity wall, water-repellant, and a clear sealant to prevent moisture penetration; and
    - d) The wall meets all other applicable massing and façade standards for nonresidential and mixed-use buildings.
  - 4) Split-Face Concrete Block on Other Façades. Except where prohibited, split-face concrete block that is integrally stained, painted, or unpainted is acceptable for use as a primary building material for up to a maximum of 50 percent of the net façade area of exterior walls neither visible from a building's primary entrance or from a street provided:
    - a) The painted block is painted to match the color scheme of the building with an elastomeric paint with a minimum elasticity of 300 percent that is applied to a minimum dry thickness of 30 mils;
    - b) Unpainted block walls incorporate a mortar color that differs from the block color, a cavity wall, water-repellant, and a clear sealant to prevent moisture penetration; and
    - c) The wall meets all other applicable massing and façade variation standards for nonresidential and mixed-use buildings.
  - 5) Remote Building Walls. Remote building walls on lots in Conventional Zones that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due topography or natural features preserved in an open space lot, may use real or synthetic stucco (EIFS), precast concrete panels, tilt-up concrete panels, or integrally stained or painted split-face concrete block for the entire façade, provided:
    - a) The wall matches the color scheme of the building;
    - b) The base of the wall is masonry; and
    - c) Integrally stained or painted split-face concrete block meets the standards for painted block walls in subsection (d)(i) and (d)(ii) above.
  - 6) Prohibited Materials. The following exterior materials shall be prohibited:
    - a) EIFS or synthetic stucco within two feet of the grade or a doorway;
    - b) Rough-hewn wood;
    - c) Neon; and
    - d) Exposed metal panels (e.g., corrugated metal), on vertical wall surfaces. This subsection shall not be construed to prohibit metal roofs, flashing, aluminum

storefront associated with windows, or high-quality metal siding such as copper, bronze, or other decorative metal, which may be used on a case-by-case basis. Where permitted, high-quality metal siding shall be non-reflective and complimentary to the architectural style.

- 7) Industrial Uses and Districts. The following standards apply in the M-1 and M-2 Districts:
  - a) Foundations shall be composed of brick, split-faced block, cast stone, or stone;
  - b) Exposed metal panels (such as corrugated metal) shall be permitted;
  - c) and EIFS or synthetic stucco is prohibited within two feet of the grade or a doorway.

G. Colors. Nonresidential and mixed-use structures shall comply with the following standards:

- 1) Structures shall not use more than three main colors.
- 2) Accent or trim colors shall not be included within the three color limit.
- 3) Overly bright, neon, or “day-glow” colors shall not be used as main or accent colors.

H. Roof Forms. The following standards shall apply to roofs of nonresidential and mixed-use structures:

- 1) The roof form standards in this subsection shall apply to the full length of any roof that is within public view.
- 2) Roof forms shall be used to conceal all mechanical equipment and to add architectural interest to a structure.
- 3) Flat or low-pitched roofs with parapet walls are encouraged within Traditional Zones; however, sloped roofs are permitted as necessary as a transitional feature as allowed in Subsection 6.3.4, Transitional Features.
- 4) When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of four inches from the parapet façade plane.



**Figure 6-46: Flat roofs behind parapet walls with cornice treatments are appropriate for use within traditional ZONES.**

- 5) Except for mansard roofs, cupolas, and steeples, sloped roofs shall include two or more sloping roof planes with greater than or equal to one foot of vertical rise for

every three feet of horizontal run, and less than or equal to one foot of vertical rise for every one foot of horizontal run.

- 6) Green roofs, which use vegetation to improve stormwater quality and reduce runoff, are permitted as an alternative to the roof forms described in this subsection.

#### I. Off-Street Parking Location

- 1) Traditional Zones. Nonresidential and mixed-use structures in Traditional Zones shall comply with standards found in Article 4, Traditional Zone Regulations.

- 2) Conventional Zones

- a) Location

- (i) On lots in Conventional Zones that are located on corner lots adjacent to street intersections, the following applies:

- For parking lots of 100 parking spaces or less, off-street parking lots exceeding 60 feet in width (typically one aisle with two single-loaded bays) shall be prohibited between a building and the street it faces.
- For parking lots of more than 100 parking spaces, off-street parking lots exceeding 180 feet in width shall be prohibited between a building and the street it faces on lots in Conventional Zones that are located adjacent to street intersections.

- (ii) Nothing in this subsection shall be construed to limit the width of off-street parking areas on such lots when the parking areas are located behind buildings or on sides not adjacent to a public street intersection.

J. Large-Scale Development. Developments composed of one or more structures engaged in retail or wholesale sales each exceeding 20,000 square feet, or developments with a single large commercial establishment exceeding 20,000 square feet and one or more smaller additional structures shall comply with the standards in this subsection as well as the following:

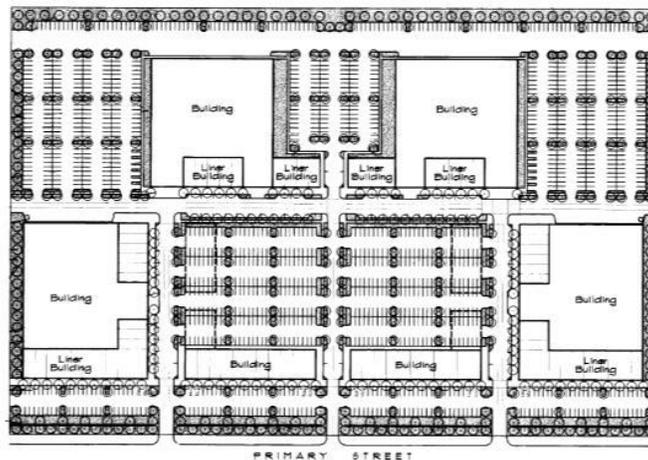
- 1) Liner Buildings

- a) A series of smaller “liner buildings” shall be positioned along the primary façade of the large structure to break up the structure’s mass.
- b) As an alternative to liner buildings, the primary façade of a large-scale development structure can be designed to appear as multiple small storefronts, except that individual doorways shall not be required.



**Figure 6-47: The mass of large-scale development can be made more human-scaled and pedestrian-friendly through the use of techniques like liner buildings or architecture replicating liner buildings as depicted here.**

- 2) Parking Lots
  - a) Off-street surface parking lots serving large-scale development sites shall be designed to create the effect of internal “streets” through the use of landscape, island placement, and building location around drive aisles.
  - b) Off-street parking lots with 250 or more spaces shall include primary drive aisles.
  - c) Utility placement on sites with large parking lots shall be configured to allow for future infill of new buildings.



**Figure 6-48: Parking areas serving large-scale developments with multiple buildings can be designed to create a series of internal “streets”.**

- 3) Building Orientation. Developments with more than one structure shall be designed to frame parking lot drive aisles to create the appearance of a city street.

K. Streetscape Elements. Streetscape elements (e.g., benches, trash receptacles, light fixtures, bollards, fountains, bicycle racks, etc.) included within a development in a traditional or

Conventional Zone shall be compatible with the architectural features of the structures and shall help to establish a unifying theme throughout the site.



**Figure 6-49: Streetscape elements such as benches, planters, and other features help to establish a unifying theme in larger developments.**

#### **6.1.13. Conservation Subdivision**

A. Purpose and Intent. The Conservation Subdivision is a voluntary development arrangement intended to provide additional development flexibility to build on smaller lots in a way that protects the natural and historic features on the site. This is done in order to:

- 1) Conserve open land, including those areas containing agricultural lands and unique and sensitive natural features such as floodplains, wetlands, unbuildable soils, stream corridors, and steep slopes;
- 2) Retain and protect existing environmental, natural, and cultural resources, including mature stands of trees, tree lines, fencerows, hedgerows, and historic resources;
- 3) Create a linked network of open spaces;
- 4) Promote existing rural character within agricultural and rural areas; and
- 5) Provide reasonable economic use of the property.

B. Procedure. Development of a Conservation Subdivision shall require T-PUD or C-PUD zoning and shall be subject to the procedures and standards for Required Development Plan in Subsection 2.5.2. All additional design requirements for the development beyond the minimum standards of this Ordinance shall be noted on the master development plan. Once the development plan is approved and the PUD zoning affixed to the property, the developer will then proceed through the subdivision process outlined in the adopted Subdivision Regulations.

#### **6.1.14. Traditional Neighborhood Development (TND)**

A. Purpose and Intent. Traditional Neighborhood Development (TND) is a voluntary development arrangement that uses design in the tradition of small American villages and neighborhoods that flourished during the nineteenth and early twentieth centuries. These standards are intended to create developments including the following elements:

- 1) A mix of residential and neighborhood-serving nonresidential uses;
- 2) A focus on street character through use of front porches and gardens;
- 3) A sensitive approach to the design and location of off-street parking and service areas;
- 4) The incorporation of public parks, greens, or village squares; and
- 5) Good access to integrated transportation networks, with the pedestrian and mass transit having equal consideration to the automobile.

B. Procedure. Development of a Traditional Neighborhood Development shall require T-PUD zoning and shall be subject to the procedures and standards for Required Development Plan in Subsection 2.5.2. All additional design requirements for the development beyond the minimum standards of this Ordinance shall be noted on the master development plan. Once the development plan is approved and the PUD zoning affixed to the property, the developer will then proceed through the subdivision process outlined in the adopted Subdivision Regulations.

#### **6.1.15. Design Modifications**

##### **A. Appeal of Design Standards**

- 1) Design modifications may only be granted by the Planning Commission to the development standards of Chapter 6 Building and Site Design Standards as part of the Development Plan, or Site Plan review process, when such exceptions will enhance the appearance and design of commercial and multiple-family development and other development subject to review.
- 2) An applicant may request a design modification for developments in order to achieve a more desirable site development than would result if the requirements of this ordinance were strictly adhered to. Design modifications may be granted under the provisions of subsection B, below.
- 3) Generally, design modifications are limited to minor changes of the provisions set forth in Chapter 6.
- 4) No design modification shall be granted under this section that would impact overall bulk lot requirements: for example, decrease the landscape surface ratio, decrease the number of required parking spaces, decrease the amount of required on-site landscape material, or decrease the required open space.

B. Findings. A request for design modification shall be submitted in writing by the applicant along with the initial filing of a plan. The request shall state fully the grounds for the request and all of the facts upon which the applicant is relying. The Planning Commission shall not grant a design modification unless it is found that the applicant has presented sufficient justification and documentation that:

- 1) The design modification will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located;
- 2) The conditions upon which the request is based are unique to the design intent for the development which the design modifications are sought and are not applicable generally to other property;
- 3) The design modification is necessary because of the particular design intent of the development, which would not be achievable if strict adherence to these requirements was carried out; and

- 4) The design modification will not vary the provisions of the Athens Land Use Plan.
- C. Conditions. In granting design modifications, reasonable conditions or restrictions may be imposed if appropriate or necessary to protect the public health, safety, general welfare, or convenience, and to secure the purposes of this ordinance.
- D. Application Review and Action. Applications for a design modification exception shall be reviewed and acted upon by the Athens Planning Commission.

**§6.2. Landscape, Buffers, and Screening**

**6.2.1. Purpose and Intent.** It is the purpose of this section to promote and protect the public health, safety and general welfare by providing for the planting, maintenance, and preservation of trees, shrubs and other plants within the city. The intent of this section is to promote this purpose by:

- A. Ensuring the planting, proper installation, maintenance, and survival of trees, shrubs, and other plants;
- B. Ensuring the protection of community residents and visitors from personal injury and property damage, and the protection of the city from property damage, caused or threatened by the improper planting, maintenance or removal of trees, shrubs, or other plants;
- C. Reducing stormwater impacts and the costs associated therewith while also mitigating against erosion and sedimentation through the establishment of root systems and appropriate groundcovers intended to protect and restore soils and land denuded as a result of construction, grading, or other land disturbing activity;
- D. Enhancing the appearance and visual quality of the built landscape through the use of an appropriate variety of plant types, sizes, species, and placement, while also providing visual screening of service areas; and
- E. Protect and enhance property values and quality of life through the buffering of incompatible uses, softening of the built environment through plantings, and integration of existing vegetation.

**6.2.2. Applicability of Landscape Standards**

- A. General. Except where expressly exempted, these standards shall apply to all development and redevelopment.
- B. Review for Compliance. Review for compliance with the standards of this subsection shall occur at the time of submittal of a Site Plan, Preliminary Plat, or Development Plan, as appropriate.

**6.2.3. General Requirements for Landscape**

- A. Landscape Plan. In order to ensure compliance with the standards of this subsection, a Landscape Plan that demonstrates how landscape will be planted on a development site shall be included with or as a part of any application for Site Plan, Preliminary Plat for Subdivision, or Development Plan, whichever is appropriate.
- B. Planting Standards. Plantings shall comply with the following standards:
  - 1) Minimum Size at Time of Planting
    - a) Deciduous canopy trees shall be a minimum of two inches in caliper at the time of planting, as determined in the latest edition of American Standard for Nursery Stock.

- b) Understory trees shall have a caliper of one and one-half inches at time of planting, as determined in the latest edition of American Standard for Nursery Stock. Multi-stem varieties shall be a minimum of ten feet in height above ground level at the time of planting.
  - c) Evergreen trees shall be a minimum of six feet in height and a minimum of two inches in caliper at the time of planting.
  - d) Except where required to be taller, shrubs shall be a minimum of 18 inches in height above ground level at the time of planting, and shall typically grow to a minimum height of five to six feet within four years.
  - e) When trees exceeding the minimum size at time of planting standard are proposed, the minimum caliper of such trees shall be clearly noted on the Site Plan or Development Plan (as appropriate).
  - f) In cases where application of the requirements in this subsection result in a fraction in the number of shrubs to be provided, the minimum number of shrubs to be provided shall be rounded upwards to the next highest whole number.
- 2) Plant Diversity. To curtail the spread of disease or insect infestation in a plant species, new plantings shall comply with the following standards:
- a) When fewer than 20 trees are required on a site, at least two different genus shall be used, in roughly equal proportions.
  - b) When more than 20 trees are required to be planted on site, at least three different genus shall be used, in roughly equal proportions.
  - c) Required shrubs shall use the same plant diversity requirements.
  - d) Nothing in this subsection shall be construed to prevent the use of a larger number of different genus than specified above.
- 3) Credit for Existing Vegetation. Existing healthy, well-formed canopy and understory trees as well as healthy shrubs shall be credited toward the requirements of this subsection, provided the vegetation is:
- a) Surveyed, inventoried, and protected before and during development of the site;
  - b) Located in suitable locations to meet the standards of this subsection; and
  - c) Maintained thereafter in a healthy growing condition.
- 4) Stabilization. All landscape planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.
- 5) Berms.
- a) Berms are discouraged as a landscape or screen feature on lots in Traditional Zones and within mixed-use developments, except where extensive buffering is needed, such as lots abutting major thoroughfares, or where Traditional Zones abut Conventional Zones.
  - b) Where allowed, berms shall comply with the following standards:
    - (i) The slope of all berms shall not exceed a three-to-one ratio (horizontal to vertical), shall have a top width at least one-half the berm height, and a maximum height of eight feet above the toe of the berm.
    - (ii) Berms exceeding four feet in height shall maintain a four-to-one ratio (horizontal to vertical).
    - (iii) Berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation.

- (iv) Berms proposed to be placed along street rights-of-way shall not be permitted within sight distances at intersections.
  - (v) Berms shall in no case damage the roots or trunks of existing healthy vegetation designated to be preserved.
- 6) Planting in Easements. Nothing except shrubs or groundcover shall be planted or installed within any underground or overhead utility, drainage, or gas easement without the written consent of the utility provider, easement holder, or the city.
- 7) Minimum Quality and Size Standards
- a) All newly planted landscape plant materials shall conform to the latest version of the American Standard of Nursery Stock.
  - b) The following plants shall be prohibited and shall not be credited towards the minimum requirements of this subsection:
    - (i) Plants listed as invasive exotic pest plants by a reputable source;
    - (ii) *Pyrus calleryana* 'Bradford', commonly known as a Bradford Pear tree;
    - (iii) *Acer saccharinum*, commonly known as a Silver Maple tree; and
    - (iv) *Euonymus kiautschovicus*, commonly known as the Manhattan Euonymous shrub.

#### **6.2.4. Site Landscape**

- A. Purpose. Site landscape material is intended to soften the visual impact of building foundations and provide for the even dispersal of trees and shrubs across a development site.
- B. Applicability. All development in the city shall comply with the standards in this subsection.
- C. A minimum of six (6) percent of the total site area shall be landscaped in accordance with criteria outlined in this Section.
- D. Credit toward Other Landscape Requirements
  - 1) Existing trees may be credited towards the requirements of this subsection.
  - 2) Street trees provided along the frontage of a lot may be credited towards the requirements of this subsection provided they are not replacement trees provided as mitigation.
- E. Foundation Planting Requirements. On lots containing nonresidential and mixed-uses, when a building is not abutted by sidewalk, landscaping consisting of 1 undergrowth tree and 6 shrubs per 50 lf shall be placed around the building perimeter of the primary facade, a minimum of three feet from the building.
- F. Landscaping of vehicle use areas shall conform to the criteria as set forth in this Ordinance and landscape plans for same shall be submitted for review and approval in accordance with the requirements of this Section.



**Figure 6-50: Shrubs are typically placed along building foundations on primary façades for nonresidential and mixed-use structures.**

**6.2.5. Vehicular Use Area Landscape**

- A. General Standards. All vehicular use areas within the city (including but not limited to parking spaces, aisles, loading zones, and driveways) associated with nonresidential and attached residential development shall include landscape materials both inside the vehicular use area and around its perimeter as a means of mitigating its microclimate and visual impacts.

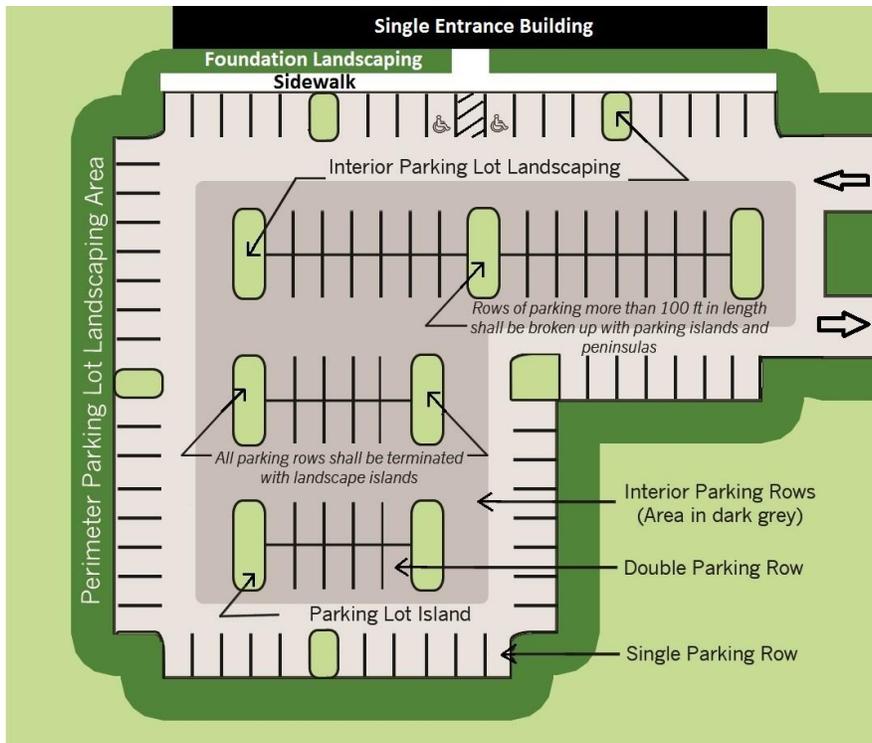
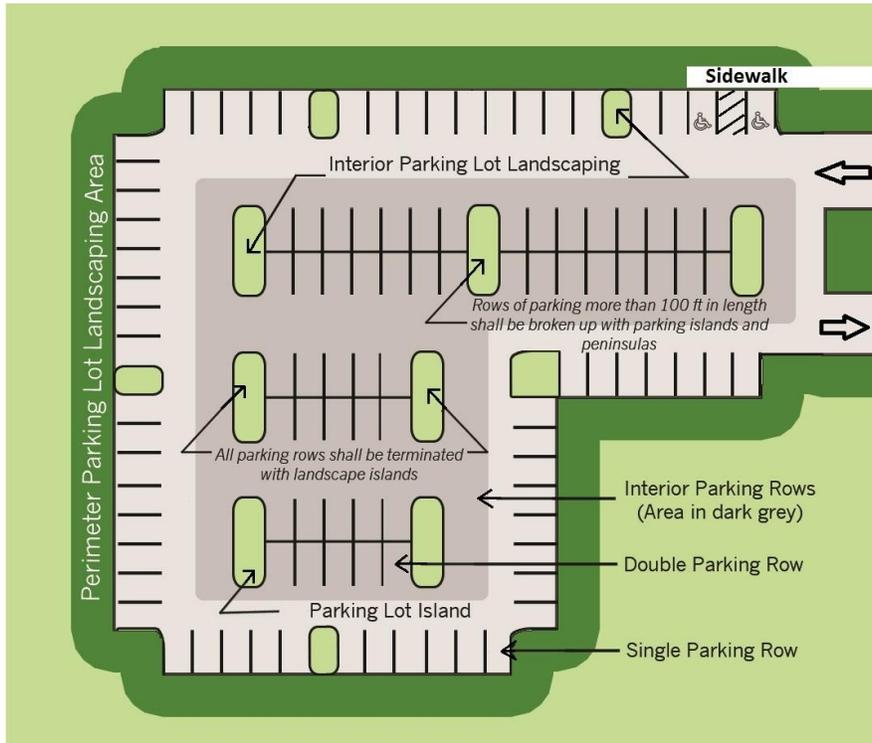


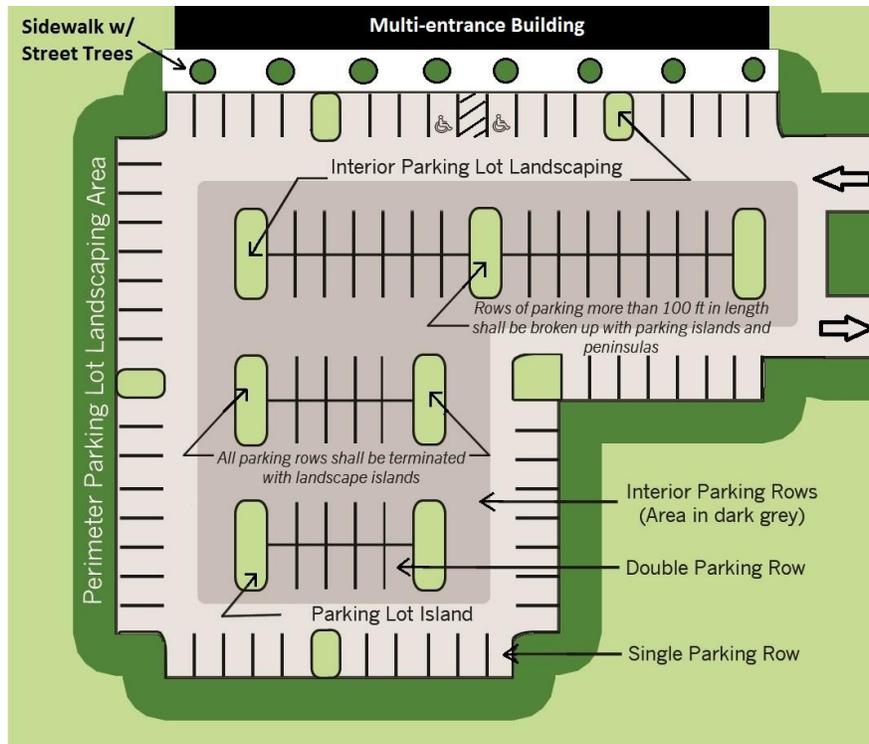
**Figure 6-51: Off-street surface parking lots without interior and perimeter landscape are unattractive to pedestrians and give the impression of low development quality.**

**B. Interior Landscape Standards**

- 1) General Interior Landscape Standards. Except for parking structures, all off-street surface parking lots shall provide and maintain landscaped planting areas within the interior of the parking lot in accordance with this subsection.
- 2) Size. Each planting area shall contain minimum areas in accordance with this subsection that are adequate to accommodate the root growth of the plant material

used. The size of the planting area and size of plant material at maturity shall allow for a two-and-one-half foot bumper overhang from the face of the curb.





**Figure 6-52: Typical parking lot landscape design**

- 3) Design. Vehicular use areas shall comply with the following standards:
  - a) All parking rows shall be capped by landscaped islands, peninsulas, or perimeter landscaping.
  - b) Interior parking rows over 100 ft in length shall be broken up with parking islands and peninsulas. An additional island shall be added for every 100 lf.
  - c) Landscaped islands and peninsulas shall have a minimum width of 8 ft. Such shall be at least 18 feet wide if they contain a pedestrian pathway as required in Subsection 6.5.9, Pedestrian Pathways.
  - d) No parking space shall be separated from the trunk of a canopy tree by more than 60 feet. Perimeter vehicular use area landscape or other required landscape may be used to meet this requirement.
  - e) All landscape planting areas shall be stabilized and maintained with seed, sod, ground covers, mulches, or other approved materials to prevent soil erosion and allow rainwater infiltration.
- 4) Backfill. Construction debris shall not be buried on site.
- 5) Protection of Planting Areas. All planting areas shall be protected from vehicle damage by the installation of six-inch-high curbing or wheel stops, where appropriate; however, this standard shall not prohibit the use of planting areas as on-site stormwater management devices.



**Figure 6-53: Curbing or other devices can help to define landscape islands in parking lots and help to limit damage to landscape materials by vehicles.**

C. Perimeter Landscape Standards. In addition to the interior landscape standards, vehicular use areas shall be screened from view of public streets and adjacent uses in accordance with the following standards:

1) Minimum Standards

a) Traditional Zones

- (i) Vehicular use areas on lots within Traditional Zones shall maintain a minimum perimeter planting strip with an average width of five feet as measured from the outer edge of the vehicular use area.
- (ii) The planting strip shall contain a continuous hedge composed of a double staggered row of evergreen shrubs with a minimum planting height of 30 inches and a maximum on-center spacing of three feet.
- (iii) The minimum planting strip width may be reduced to a minimum width of two and 1/2 feet through the provision of a masonry wall or ornamental metal fence.

b) Conventional Zones

- (i) Vehicular use areas on lots within Conventional Zones shall maintain a minimum perimeter planting strip with an average width of eight feet as measured from the outer edge of the vehicular use area.
- (ii) The planting strip shall contain a row of 6 shrubs per 50 lf with a minimum planting height of 30 inches.
- (iii) Up to 25 percent of the shrubs may be deciduous, but in no event shall deciduous shrubs be used in areas fronting public street rights-of-way.
- (iv) In addition to the required shrubs, the planting strip shall include canopy trees a minimum of two inches in caliper and 12 feet in height at time of planting
- (v) Canopy trees shall be provided at a rate of two and one-half trees per 100 linear feet of the perimeter of the total vehicular use area(s). Clustering or grouping of these trees is permitted.

- (vi) Understory trees may be used in areas where the presence of overhead utilities prevents the use of canopy trees.
  - (vii) Trees may be planted in front of, behind, or within the shrub row.
  - (viii) The minimum planting strip width may be reduced to five feet through the provision of an ornamental metal fence or masonry wall.
- 2) Adjacent to Buffers or Streetscape Landscape Areas. Perimeter landscape strips associated with a vehicular use area shall not be required if the vehicle use area is contiguous to a required buffer and the screening intent of this chapter is met.

#### **6.2.6. Buffers**

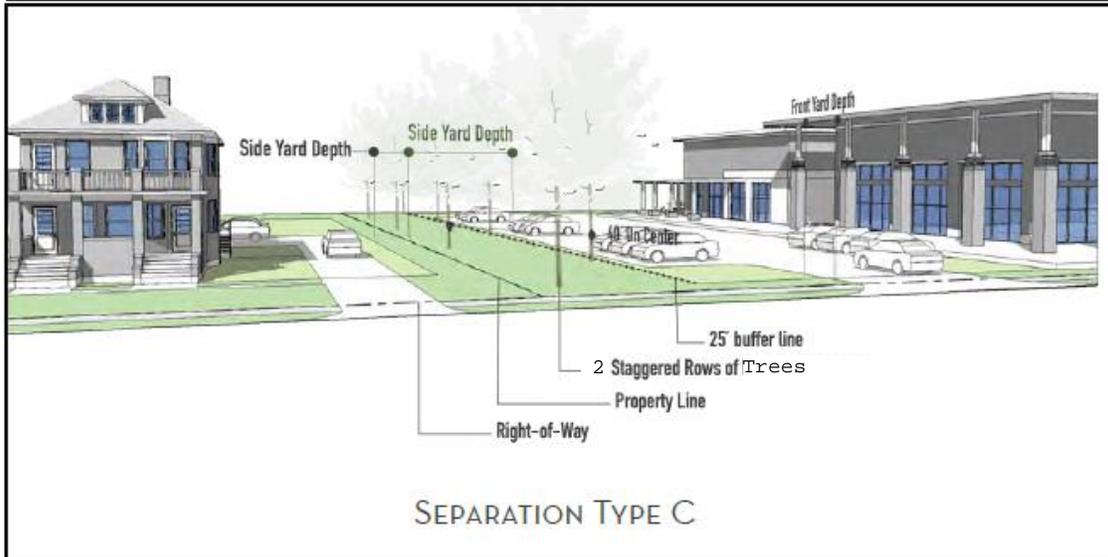
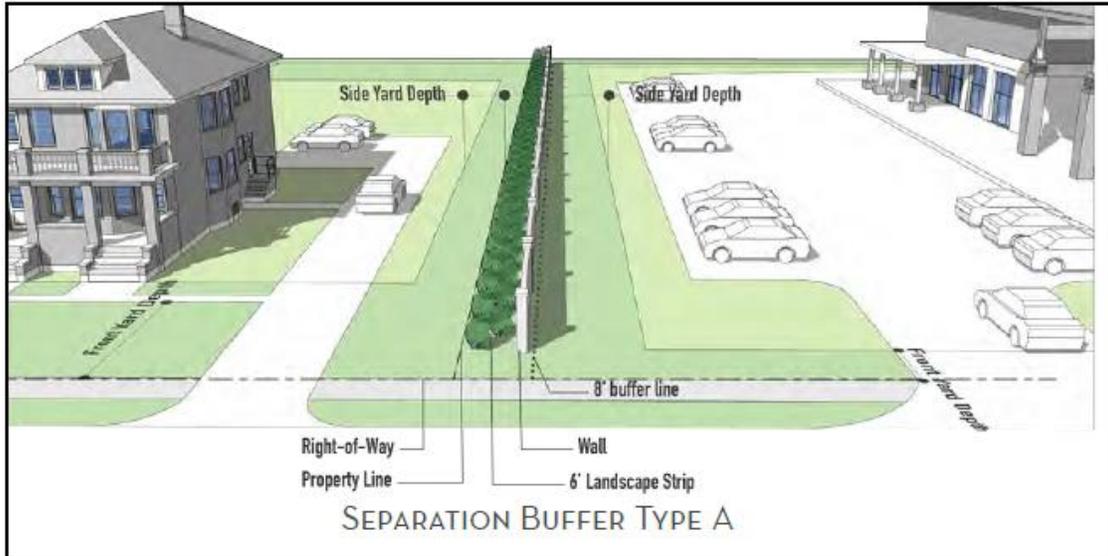
A. Purpose. Landscape buffers are intended for use when the impacts of incompatible uses cannot be mitigated through design compatibility concepts or transitional features.

B. The following types of separation buffers are hereby established (see figure 6-54).

- 1) Type A - Solid wall with exterior landscaping. (8' minimum width) This buffer can be used to minimize the width of the separation buffer while maintaining a visual and auditory separation between uses. A solid, opaque wall constructed of brick, stone, masonry, or products designed to resemble these materials shall be at least 6' in height (10' maximum height). A 6' wide landscape strip (minimum width) shall be located on the exterior side of the wall facing the adjacent properties. One evergreen shrub shall be installed for every 4 linear feet of wall. One understory or ornamental tree can be substituted for every 4 shrubs, provided the tree is a minimum of 8' tall and 3" in caliper.
- 2) Type B - Planting Screen. (15' minimum width) At maturity, intended to be a completely visually opaque barrier. At a minimum, 3 staggered rows of evergreen shrubs spaced 5' on center from one another shall fill the entire length of the buffer. The vegetation used shall be designed to grow to a minimum height of 8 - 10 feet.
- 3) Type C - Semitransparent Greenspace. (25' minimum width) A wide buffer designed to provide limited visual permeability between uses. At a minimum, the buffer shall contain trees planted at a maximum of 40' on center from one another.

C. Responsibility for Buffer Installation

- 1) Vacant Parcels. Where a developing parcel is adjacent to a vacant parcel zoned for incompatible uses, the developing parcel shall provide 50 percent of the perimeter buffer required adjacent to the vacant land.
- 2) Existing Land Uses
  - a) Where a developing parcel is adjacent to an existing use, the developing parcel shall provide the full perimeter buffer required adjacent to the existing use.
  - b) Where all or part of a perimeter buffer exists on the adjacent developed parcel, but the buffer does not fully comply with the standards of this subsection, the developing parcel shall be responsible for providing all the additional planting material necessary to meet the standards of this subsection.
  - c) If the existing developed parcel contains a buffer meeting the standards of this subsection, then the developing use is not required to provide a buffer.



**Figure 6-54: Types of buffers.**

3) Adjacent to Nonconforming Sites. Where a developing parcel is adjacent to an existing lawfully established use that is more intense and has no buffer, then the developing use shall only be responsible for providing a maximum of 50 percent of the required landscape buffer.

D. Location of Buffers. Buffers required by this subsection shall be located along the outer perimeter of the parcel and shall extend to the parcel boundary line or right-of-way line; however, the buffer may be located along shared access easements between parcels in nonresidential developments.

E. Up to 25 percent of the vegetation within a buffer may be deciduous

F. Increase in Required Plantings. Additional buffering may be required if the inspection for release of a Performance Agreement reveals that the buffering fails to meet the standards or intent of this subsection. In no case shall the additional buffering and screening material, combined, exceed 10% of the total estimated cost of the landscaping on the site.

G. Development Within Required Buffers. The required buffer shall not contain any development, impervious surfaces, or site features that do not function to meet the standards of this subsection or that require removal of existing vegetation, unless otherwise permitted in this ordinance.

#### **6.2.7. Street Trees**

A. Where Required. Street trees shall be required along both sides of all public streets and private drive aisles within developments, except along rural roads, alleys, and the undeveloped edges of neighborhood parkways in accordance with the following standards:

##### **B. Location**

###### **1) Within Tree Pits**

- a) Street trees planted within tree pits shall have a minimum planting surface area of at least nine square feet.
- b) Tree pits shall be located within sidewalk areas, and may be placed adjacent to the back of the curb.
- c) Tree pits shall include irrigation systems and shall include structural soils or screened backfill to ensure appropriate root growth and drainage.



**Figure 6-55: When planted within tree pits, street trees need sufficient room for water absorption and root growth.**

- 2) Within a Planting Strip
  - a) Street trees may be planted within a planting strip having a minimum width of at least five feet; however, if the width of the planting strip is increased to 8 feet, a lot may count the area of the planting strip within the adjacent right-of-way towards meeting open space and landscape surface area requirements.
  - b) Unless otherwise approved, the street tree planting strip shall be located between the back of the curb and the edge of the sidewalk.
  - c) The trunks of street trees shall be a minimum of two and one-half feet from the street curb when planted.



**Figure 6-56: Street trees located between the sidewalk and the street help support a pedestrian-friendly environment.**

C. Species

- 1) Except in areas underneath existing overhead utilities or upper-story balconies projecting into the right-of-way, street trees shall be large-maturing canopy trees.
- 2) In areas beneath existing overhead utilities or other building features, understory trees shall be used. Nothing in this subsection shall preclude the use of multi-

stemmed understory trees provided they meet the minimum size at time of planting requirements in this subsection.



**Figure 6-57: Understory trees may be used in areas underneath existing overhead utilities, with the consent from the utility and/or easement holder.**

D. Spacing

- 1) Traditional Zones. Canopy trees shall be planted between 35 to 40 feet on-center.
- 2) Conventional Zones. Canopy trees shall be planted between 40 to 50 feet on-center.
- 3) Understory Trees. Understory trees in traditional and Conventional Zones shall be planted between 25 to 30 feet on-center.
- 4) Clustering. Clustering of street trees is permitted when utility conflicts or required sight distances prevent the minimum spacing requirements.

E. Sign Visibility

- 1) Application. These standards are to intended establish street tree configurations that maintain adequate sight distance for traffic control signs. Typical sign types include mid-block crossing warnings, speed limit signs, stop signs and yield signs. These standards recognize that different criteria are needed for different travel speeds.
- 2) Speed Limit 25 streets. On streets with a designated speed limit of 25 mph, no tree shall be located closer than 45 feet in front of the sign as measured horizontally along the street.



**Figure 6-58: Street trees should not obstruct the view of traffic control signage.**

- 3) Speed Limit 30 or 35 streets. On streets with a designated speed limit of 30 to 35 mph, no tree shall be located closer than 60 feet in front of the sign as measured horizontally along the street.
- 4) Speed Limit 40 and above streets. On streets with a designated speed limit of 40 mph or higher, no tree shall be located closer than 75 feet in front of the sign as measured horizontally along the street.
- 5) Trees Closer to the Signs. In cases where street trees are located closer to traffic control signage than the minimum distances in (b), (c), and (d) above, the vertical clearance between the grade and the lowest branches shall be at least ten feet, and no street tree shall be closer than 25 feet to the sign.
- 6) Curb Extensions and Bulbouts. These standards shall not apply when traffic control signs are located within curb extensions or bulbouts that are closer to the street's travel lanes than tree planting areas.

**F. Credit Towards Other Landscape Requirements**

- 1) In the event that street trees are credited towards the site, vehicular use area, buffer, streetscape, or screening requirements of this subsection as applied to individual lots, the landowner or the home/property owner's association shall be responsible for maintaining the trees.
- 2) In the event that street trees are credited towards the requirements of this subsection as applied to an entire development, the landowner owning land adjacent to the trees or the home/property owner's association shall be responsible for maintaining the trees.

**G. Maintenance.** Street trees approved by the City and installed by the developer within public rights-of-way shall be maintained by the City. The property owner shall be responsible for ensuring that trees planted on private property are well maintained.

### 6.2.8. Screening

A. Purpose and Intent. The purpose for these screening standards is to conceal specific areas of high visual impact or hazardous areas from off-site views. The standards apply to ground-based, wall-mounted, and roof-based equipment and service areas associated with development in traditional and Conventional Zones. The standards are further intended to:

- 1) Provide both visual and physical separation of site attributes and adjacent lands;
- 2) Not dominate off-site views into a development or use; and
- 3) Be compatible with the surrounding environment.

B. Applicability

- 1) These screening standards shall apply to all development and redevelopment in the city.
- 2) In the event there are other screening standards applicable in a base or overlay district that conflict or overlap with the standards in this subsection, the standards related to the base or overlay district shall control.

C. Items to be Screened. The following areas shall be screened in accordance with this subsection:

- 1) Refuse collection, dumpsters, recycling bins, and refuse handling areas;
- 2) Service entrances, maintenance areas, equipment areas, and building or ground-mounted mechanical equipment, including, but not limited to transformers, backflow preventors, telephone risers or equipment cabinets, generators, or similar devices;
- 3) Mechanical equipment on roofs;
- 4) Water meters, gas meters, electrical meters, air conditioning, or similar HVAC equipment;
- 5) Loading docks, berths, or similar spaces; however, those in a M-1 and M-2 Districts that do not front collector or arterial streets shall be exempt; and
- 6) Outdoor storage of materials, stock, or equipment where permitted by this ordinance.

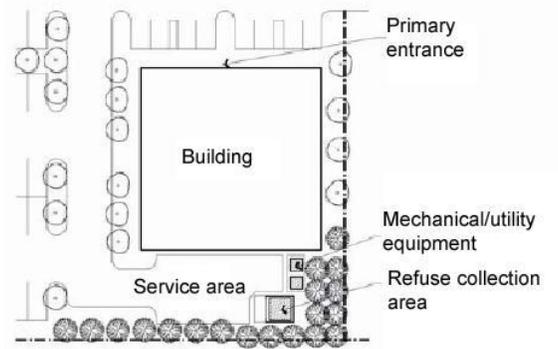


**Figure 6-59: The image depicts how ground-based equipment located above grade can be screened from view.**

D. Minimum Screening Standards

- 1) Site elements and other items required to be screened shall be fully screened from all off-site views so that no portion of the item being screened is visible from streets or adjacent lands.

- 2) Site elements subject to this subsection shall be fully screened at all times (including immediately following planting if vegetative materials are to be used), unless otherwise specified, regardless of adjacent uses, districts, or other landscape material.
- 3) Refuse collection, dumpsters, recycling bins, and refuse handling areas shall be screened with a walled enclosure with gates in accordance with the standards in this subsection.



**Figure 6-60: Site elements like refuse collection areas, mechanical and utility equipment, and other service areas can be screened with walls or vegetation.**

E. Screening Methods. The following techniques are permitted methods of complying with the minimum standards of this subsection:

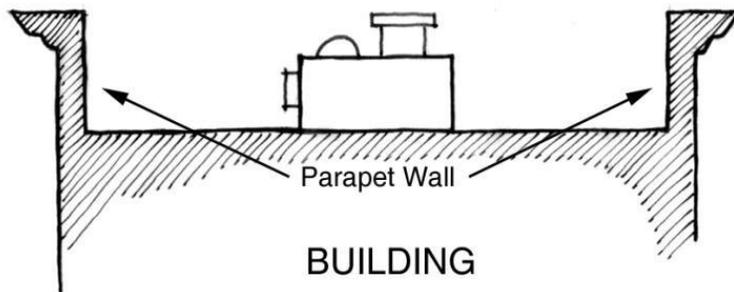
- 1) Traditional Zones. The following methods of screening may be used in Traditional Zones:
  - a) Vegetative Materials. Vegetative materials may be used for screening provided:
    - (i) Vegetative materials are planted in two rows in staggered fashion;
    - (ii) All trees shall be evergreen with a minimum height at time of planting of at least six feet above grade;
    - (iii) All shrubs shall be upright and evergreen with the minimum height necessary to fully screen the item intended for screening (but no less than 30 inches in height) at the time of planting;



**Figure 6-61: This image demonstrates how vegetative material used for screening can create an opaque screen from grade level**

**up to a minimum height of six feet when planted in two staggered rows.**

- (i) Shrubs shall be spaced so as to create a hedge and spaced no more than three feet on-center; and
- (ii) Vegetative material shall be provided in a planted strip located immediately adjacent to the element being screened, having a minimum width of five feet and supplemented with mulch or other appropriate ground cover.
- b) Fencing and Walls. Site features subject to the standards in this subsection may be screened through the use of a fence or wall constructed in accordance with the standards in Subsection 6.3.7, Fences and Walls Used for Screening Site Features.
- c) Opaque Gates. In cases where the items required to be screened are visible from streets or adjacent lands due to vehicular drive aisles or parking areas, opaque gates shall be provided.
- d) Parapet Walls and Penthouse Screens
  - (i) Parapet walls or other techniques included as an integral part of the building design shall be used to totally screen any roof-based mechanical equipment from public rights-of-way or adjacent lands.
  - (ii) All roof vents, pipes, antennas, satellite dishes, or other roof penetrations (except chimneys), shall be fully screened, located on the rear elevations, or otherwise configured to the maximum extent practicable to have a minimal visual impact as seen from a public street.



**Figure 6-62: Parapet walls shall be used to completely screen any roof-based mechanical equipment.**

- (iii) In cases where roof-based mechanical equipment, roof vents, pipes, antennas, satellite dishes, or other roof penetrations (except chimneys) are too tall to be screened by a parapet wall or changes in the surrounding grade make rooftops with parapets visible from public rights-of-way or adjacent lands, a penthouse screen shall be used for screening.
- e) Integrated Building Elements or Features. In lieu of vegetation, fencing, walls, parapets, or penthouse screens, building design or other structural features (e.g., knee walls, alcoves, wing walls, roof extensions, etc.) may also be used to fully or partially enclose site features required to be screened. In cases where only partial enclosure is achieved, the enclosure shall include an opaque gate or door designed to be compatible with the building colors and materials.



**Figure 6-63: This service area screening is architecturally integrated with the building.**

- 2) Conventional Zones
  - a) Any screening method available for use within Traditional Zones shall be allowable within Conventional Zones.
  - b) Earthen berms shall also be allowable as screening methods in Conventional Zones provided the berm:



**Figure 6-64: Earthen berms supplemented with landscape can provide an effective screen in conventional zones.**

- (i) Complies with the standards in this subsection;
- (ii) Measures at least four feet in height;
- (iii) Is planted with landscape materials consistent with the requirements for a Type C buffer; and
- (iv) Will not require removal of existing trees of six inches in caliper or more.

- 3) Alternative Screening Methods. Alternative screening methods or materials that are not listed may be used following approval by the Building Department, and provided that they are determined by the Building Department to be comparable to screening methods described in this subsection.

F. Increase in Planting Requirements. Additional screening may be required if the inspection for the release of the Performance Agreement reveals that the screening is not consistent with the standards or intent of this subsection. In no case shall the additional buffering and screening material, combined, exceed 10% of the total estimated cost of the landscaping on the site.

#### **6.2.9. Other Landscape Standards**

##### **A. Time for Installation of Required Landscape**

- 1) Time Limit. All landscape, including mulching and seeding, shall be completed in accordance with the approved Site Plan, Preliminary Plat, Development Plan, or Building Permit prior to issuance of a Certificate of Occupancy unless a guarantee prepared in accordance with Chapter 6, Performance Agreements is in place to ensure that all landscape standards will be met at a predetermined later date. The installation of these requirements shall comply with the required planting standards set forth in this subsection.
- 2) Extensions. The Engineering Services and Community Development may grant extensions related to the installation of the landscape improvements in the following circumstances and under the following conditions:
  - a) Extensions may be granted due to unusual environmental conditions, such as drought, ice, over-saturated soil (deep mud), or inappropriate planting season for the plant species.
  - b) Extensions may be granted due to the substitution or unavailability of plant species or acceptable plant size as specified on the Landscape Plan in cases where such materials are not commercially available within a reasonable time.
  - c) Extensions may be granted due to circumstances beyond the developer's or landowner's control, such as incomplete construction or utility work to occur in a proposed landscaped area within 30 days after expected site completion, provided the developer or land owner submits a letter from the utility company stating the estimated installation date.
  - d) Other circumstance warranting extension in the opinion of Engineering Services and Community Development.

##### **B. Maintenance of Landscape Materials**

- 1) Maintenance
  - a) The owner shall be responsible for the maintenance of all landscape areas not in the public right-of-way.
  - b) Unless otherwise specified by the city, owners shall be responsible for maintaining street trees planted adjacent to the site in conjunction with the development of the site.
  - c) Homeowners associations are responsible for the maintenance of open space lots, medians, and street trees associated with the development.
  - d) Landscape areas shall be maintained in accordance with the approved Landscape Plan and shall present a healthy and orderly appearance free from refuse and debris.

- e) All plant life shown on an approved Landscape Plan used to meet a minimum requirement of this ordinance shall be replaced if it dies, is seriously damaged, or removed.
- 2) Damage Due to Natural Occurrence
- a) In the event that any vegetation or physical element functioning to meet the standards of this subsection is severely damaged due to an unusual weather occurrence or natural catastrophe, or other natural occurrence such as damage by wild or domestic animals, the owner or developer may be required to replant if the landscape standards are not being met.
  - b) The owner shall have one growing season to replace or replant.
  - c) The Building Department shall consider the type and location of the landscape buffer or required vegetation area as well as the propensity for natural re-vegetation in making a determination on the extent of replanting requirements.
- 3) Protection During Operations. The owner or developer shall take actions to protect trees and landscape from unnecessary damage during all facility and site maintenance operations. Plants shall be maintained in a way that does not obstruct sight distances at roadway and drive intersections, obstruct traffic signs or devices, and/or interfere with the use of sidewalks or pedestrian trails.
- 4) Maintain Shape. All required trees and shrubs used for screening purposes and buffering shall be maintained in their characteristic natural shape, and shall not be severely pruned, sheared or topped. Required trees shall not be shaped as shrubs. Trees and shrubs required by this chapter that have been severely pruned, sheared, topped, or any trees shaped as shrubs that no longer meet their intended function shall be considered as damaged vegetation in need of replacement, and shall be replaced within one growing season.



**Figure 6-65: Severe pruning or shaping interferes with the tree's intended purpose as a screening element, and may require the tree to be replaced.**

C. Monitoring of Compliance with Landscape Standards

- 1) Inspections Prior to Certificate of Occupancy / Release of the Performance Agreement. The Building Department shall inspect the site to determine if the landscape material is living, healthy, and installed in accordance with the approved Landscape Plan and the standards in this subsection.
- 2) Inspections After Release of the Performance Agreement. The Engineering Services and Community Development shall inspect the site one year after the release of the

Performance Agreement in order to ensure compliance with the approved Landscape Plan and to ensure that the landscape is properly maintained. Failure to maintain required landscape areas (trees and shrubs) in accordance with the standards of this subsection shall constitute a violation of this ordinance.

- 3) After Maintenance Period. Following the maintenance period associated with a Performance Agreement, Engineering Services and Community Development shall ensure compliance with the standards in this subsection, and to ensure that the landscape is properly maintained and to pursue remedies for the violation of this ordinance.

### **§6.3. Fences and Walls**

**6.3.1. Purpose and Intent.** This section sets forth the standards for fences and walls.

#### **6.3.2. Applicability**

- A. General. Except where expressly exempted, these standards shall apply to all development and redevelopment.
- B. Review for Compliance. Review for compliance with the standards of this section shall occur as a part of review of the Site Plan, Preliminary Plat, Development Plan, or Building Permit, as appropriate.

#### **6.3.3. Location**

- A. Permitted Locations. Fences and walls constructed in accordance with the standards in this section may be constructed within:
  - 1) A required yard or setback;
  - 2) A utility easement only through the express written consent from the utility or entity holding the easement; and
  - 3) A required landscape area or open space set-aside provided impact to existing or planted vegetation is minimized to the maximum extent practicable as determined by Engineering Services and Community Development.
- B. Prohibited Locations. No fence or wall shall be installed that:
  - 1) Encroaches into an alley right-of-way (except for temporary fencing necessary for public safety);
  - 2) Blocks or diverts a natural drainage flow on to or off of any other land;
  - 3) Compromises safety by blocking vision at street intersections or obstructs the visibility of vehicles entering or leaving driveways or alleys;
  - 4) Blocks access to any above ground or pad-mounted electrical transformer, equipment vault, or similar device;
  - 5) Removes, as determined by Engineering Services and Community Development, or significantly damages a tree located within a Tree Protection Zone; or
  - 6) Is located within six feet of a fire hydrant.

#### **6.3.4. Basic Standards Applicable to All Fences and Walls**

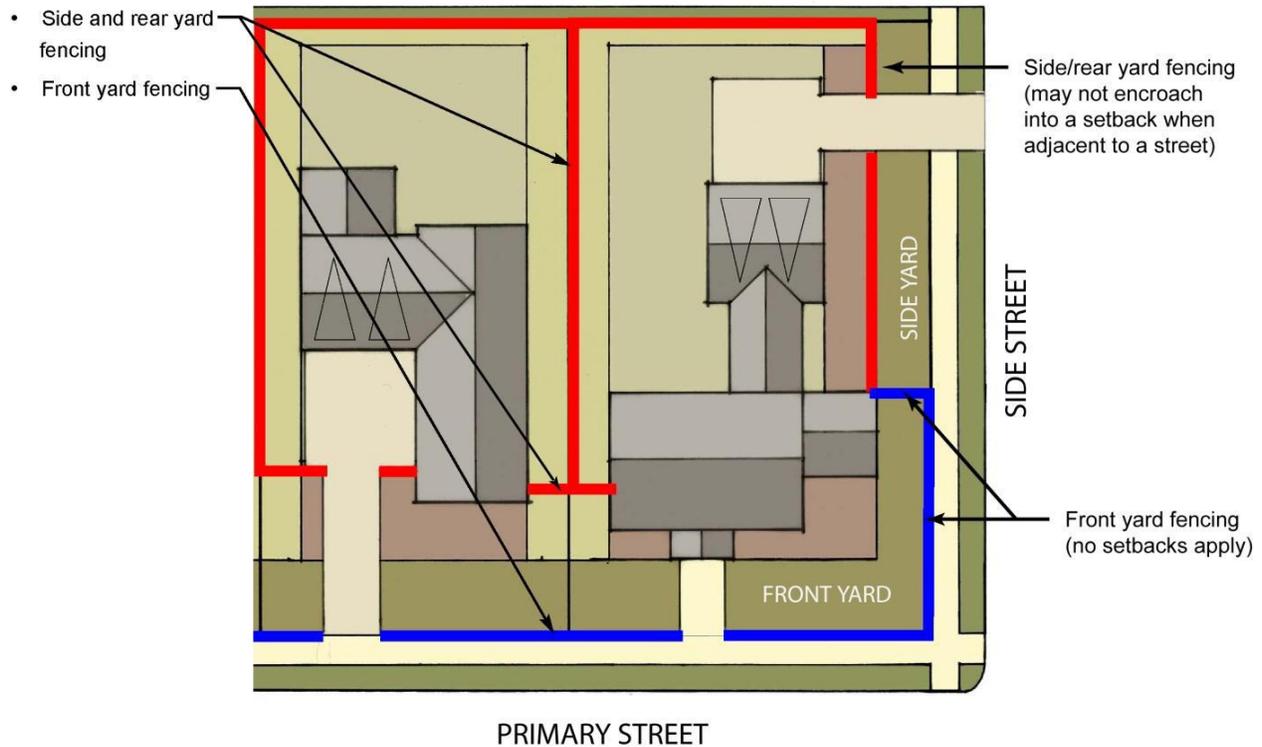
- A. Appearance. All fences and walls shall:
  - 1) Be constructed of any combination of brick, stone, masonry materials, treated wood posts and planks, rot-resistant wood (such as cypress or redwood), or metal, except

that chain link fencing shall be coated with dark green or black vinyl when used for any use within traditional and residential districts, except the EST Estate and Agricultural District;

- 2) Be of a uniform architectural style and color palette compatible with the associated building;
- 3) Be oriented such that the “finished” side of the fence or wall faces adjoining lots or the public right-of-way;
- 4) For a fence serving a nonresidential use, include masonry columns every 50 feet on-center or less and either install a completely opaque fence or provide a single row of evergreen shrubs with a maximum on-center spacing of five feet located on both sides of the fence;
- 5) Be limited to a maximum opacity of 75 percent (that is, obscure no more than 75 percent of the view into the site) when located within a front yard or within 20 feet of a public street right-of-way (retaining walls, fences, and solid masonry walls shall be exempt from this standard); and
- 6) Be maintained in good repair and in a safe and attractive condition, including but not limited to replacement of missing, decayed, or broken structural and decorative elements.

#### B. Maximum Height by Function and Location

- 1) Height. Fences or walls shall not exceed 4 ft in height in a front yard, and 8 ft in height in a side or rear yard. For purposes of this subsection, height shall be measured from finished grade. The use of a berm to increase fence or wall height is prohibited.
- 2) Location
  - a) Front Yards
    - (i) Fences or walls located between the primary street right-of-way and the front facade of the structure shall be subject to the height standards for fences or walls in front yards.
    - (ii) Fences and walls located between a side street right-of-way and the side of a structure shall be subject to the height standards for fences and walls in front yards. For the purposes of this subsection, the “side of a structure” shall include the portion of a structure located between the front and rear façades.
  - b) Side and Rear Yards. Except on lots with a side street frontage, fences and walls located behind the front façade of the structure shall be subject to the height standards for fences and walls located in side or rear yards.



**Figure 6-66: Fence and wall height is determined by the wall or fence's location relative to the streets fronting the lot and the structure's front and rear façades.**

- 6.3.5.** Fences and Walls Used for Screening Refuse Areas or Recyclable Containers. In addition to the basic standards applicable to all fences and walls, fences and walls used for screening dumpsters and refuse areas shall comply with the following standards:
- A. Walls used to screen trash dumpsters, refuse collection areas, or recycling containers shall:
    - 1) Fully screen all refuse containers from public view;
    - 2) Be constructed of masonry materials that match the main colors and materials of the associated building they serve;
    - 3) Include opaque gates designed to complement the wall or fence materials used; and
    - 4) Be supplemented with plantings around the perimeter located no more than five feet on-center, if located on a lot within a Conventional Zone.
    - 5) Built to a height of one (1) foot above the containers being screened.
  - B. Any enclosure intended for screening dumpsters, refuse areas, or recycling containers that contains a compaction unit shall include a floor drain within the containment pad that is tied directly to the sanitary sewer system in accordance with the standard specifications for sanitary sewers;
  - C. Any enclosures provided for restaurants or other eating establishments shall be sized to accommodate the storage of grease barrels in addition to dumpsters and recycling containers.
  - D. All nonresidential uses utilizing city garbage containers shall enclose all refuse collection and storage areas in accordance with this subsection.

- E. To allow for dumpster gates to remain closed as often as possible, either a pedestrian door or a wall offset for pedestrian access shall be provided.



**Figure 6-67: This image demonstrates how dumpster enclosures can be constructed of high quality materials and provide a completely opaque screen to a height above the dumpsters or recycling containers.**

- 6.3.6. Fences and Walls Used for Screening Vehicular Use Areas:** In addition to the general standards applicable to all fences and walls, fences and walls used for screening vehicular use areas shall comply with the following standards:
- A. Traditional Zones. When vehicular use areas on lots within Traditional Zones are screened by a fence or wall (instead of vegetative material), the fence or wall shall use one or more of the following to satisfy the perimeter landscape requirements in Subsection 6.2.5, Vehicular Use Area Landscaping:
- 1) A solid masonry wall with a minimum height of three feet and a maximum height of six feet located around the perimeter of the vehicular use area; or
  - 2) A decorative metal fence with a minimum height of three feet and a maximum height of six feet that shall be located within a two-foot-wide planting strip supplemented with 30-inch-high evergreen shrubs and planted between the fence and the lot line. The shrubs shall be planted a minimum distance apart of three feet on-center.



**Figure 6-68: Masonry walls are an appropriate and optimal means of screening off-street surface parking areas on lots in traditional ZONES.**

B. Conventional Zones. When vehicular use areas on lots within Conventional Zones are screened by a fence or wall (instead of vegetative material), the fence or wall shall use one or more of the following to satisfy the perimeter landscape requirements in Subsection 6.4.5, Vehicular Use Area Landscaping:

- 1) A masonry wall:
  - a) With a minimum height of three feet and a maximum height of six feet;
  - b) With a minimum opacity of 75 percent of the entire wall surface along any single lot line; and
  - c) Located within a five-foot-wide strip around the perimeter of the vehicular use area.
- 2) A decorative metal fence with a minimum height of three feet and a maximum height of six feet that shall be located within a four-foot-wide planting strip supplemented with 30 inch high evergreen shrubs and planted between the fence and the lot line. The shrubs shall be planted a minimum of three feet on-center.



**Figure 6-69: This image demonstrates how ornamental fencing and landscape can provide effective screening of vehicular use areas.**

- 6.3.7. Fences and Walls Used for Screening Site Features.** In addition to the basic standards applicable to all fences and walls, fences and walls used for screening ground-based or building-mounted site features such as mechanical equipment, loading and service areas, or outdoor storage shall:
- A. Fully screen the site feature from all off-site views;
  - B. Be the minimum height necessary to screen feature, but in no instance exceed the maximum height specified by Sec. 6.3.4.B, Fence and Wall Height; and
  - C. Include evergreen shrubs planted a maximum of five feet on-center within a landscape strip five-feet-wide on lots within Conventional Zones.

Fences and Walls Within Buffers – See Sec. 6.2.6



**Figure 6-70: This fence incorporates masonry columns for added visual interest in areas close to streets.**

- 6.3.8. Retaining Walls.** In addition to the basic standards applicable to all fences and walls, retaining walls shall comply with the following standards:
- A. Cast-in-place concrete or smooth-face block retaining walls are prohibited within front yards unless they are clad with a masonry veneer wherever visible; and
  - B. The color of segmental retaining walls shall match one of the primary colors used on the principal structure.
  - C. Retaining walls shall be maintained in good repair and in safe condition at all times, so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding land or public rights-of-way. In the event that a retaining wall is not maintained in reasonable order and condition, then the Building Department may serve written notice of the deficiencies upon the property owner. If the deficiencies cited by the Building Department have not been corrected within 30 days after written notice, then the department shall have the authority to correct the deficiencies. The cost of the correction shall be assessed jointly and severally against the properties within the development that have a right of enjoyment of the retaining wall. The entire cost of correcting the deficiency shall be a lien upon each of the properties from the date that the lien is filed in the Revenue Office of Limestone County.
- 6.3.9. Prohibited Fencing and Gate Materials**

- A. Permanent fences, gates, and walls constructed of chain link without vinyl coating or with plastic or metal slats shall be prohibited; however, chain link fencing used as temporary tree protection fencing is not required to be vinyl coated.
- B. Wire fences or above-ground electrified fences for the control of livestock shall be permitted only within the Estate and Agricultural (EST) district or as part of an approved Development Plan.

**§6.4. Environmental Protection Standards**

- 6.4.1.** Riparian Setbacks. Development and land-disturbing activities shall comply with the standards in the Athens Code of Ordinances Chapter 74 Article III "Land Excavation and Fill".
- 6.4.2.** Erosion and Sedimentation Control. Development and land-disturbing activities shall comply with the standards in the Stormwater Management Ordinance.
- 6.4.3.** Stormwater Management Facilities
  - A. These facilities shall be designed to be an integral and aesthetic part of the site landscape.
  - B. Measures for aeration, such as fountain features, shall be used to reduce stagnation in retention ponds.
  - C. Wet detention/retention areas may be planted with moisture tolerant plant material, trees and native grasses to enhance their presence within the built environment.
  - D. Fences and walls associated with stormwater management facilities shall be provided in accordance with the standards in Section 6.3, Fences and Walls.
- 6.4.4.** Floodplain and Floodway Protection. Development and land-disturbing activities shall comply with the standards in the Athens Code of Ordinances Chapter 14 Article III "Flood Ordinance".

**§6.5. Off-Street Parking and Loading**

- 6.5.1.** Purpose and Intent. In order to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent lands, ensure the proper and uniform development of parking areas throughout the city, prevent the establishment of excessive amounts of off-street surface parking, and encourage appropriate infill and reinvestment within established areas, off-street parking and loading spaces for each use shall be provided in accordance with the standards established in this section.
- 6.5.2.** Applicability
  - A. General. The off-street parking and loading standards of this section shall apply to all new development and redevelopment in the city.
  - B. Expansions and Alterations. The off-street parking and loading standards of this section shall apply when an existing structure or use is expanded, enlarged, or otherwise increased in capacity, or where there is a change in use, and such expansion or change in use will result in increased vehicle trips.
- 6.5.3.** General Standards for Off-street Parking, Stacking, and Loading Areas
  - A. Use of Parking Area, Stacking Area, or Loading Space. All vehicular parking areas, stacking areas, and loading spaces required by this section shall be used only for those purposes. Any other use, including but not limited to vehicular storage, vehicle sales, vehicular repair work,

vehicle service, or display of any kind, shall constitute a separate business use of the space, and may not be counted towards required off-street parking, stacking, or loading spaces.

B. Identified as to Purpose and Location When Not Clearly Evident. Off-street parking areas of three or more spaces and off-street loading areas shall include painted lines, or other methods of identifying individual parking spaces and loading areas and distinguishing such spaces from aisles.

C. Surfacing

1) General

- a) All off-street parking and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent material, except as provided for in Subsection 6.5.11.H Alternative Materials.
- b) Surfacing materials shall be maintained in a smooth, well-graded condition, except for approved porous paving.
- c) Except on detached residential lots, development in the EST District, or as provided for in Subsection 6.5.11.H, Alternative Materials, gravel parking areas shall not be used to satisfy the minimum number of required off-street parking spaces.

2) Spaces Exceeding Maximum Standards. Where the number of off-street parking spaces added during new development or redevelopment exceeds the maximum number allowed by Table 6-1, Minimum Off-Street Parking Standards, such spaces shall comply with the standards of Subsection 6.5.11, Alternative Parking Plan.

D. Arrangement

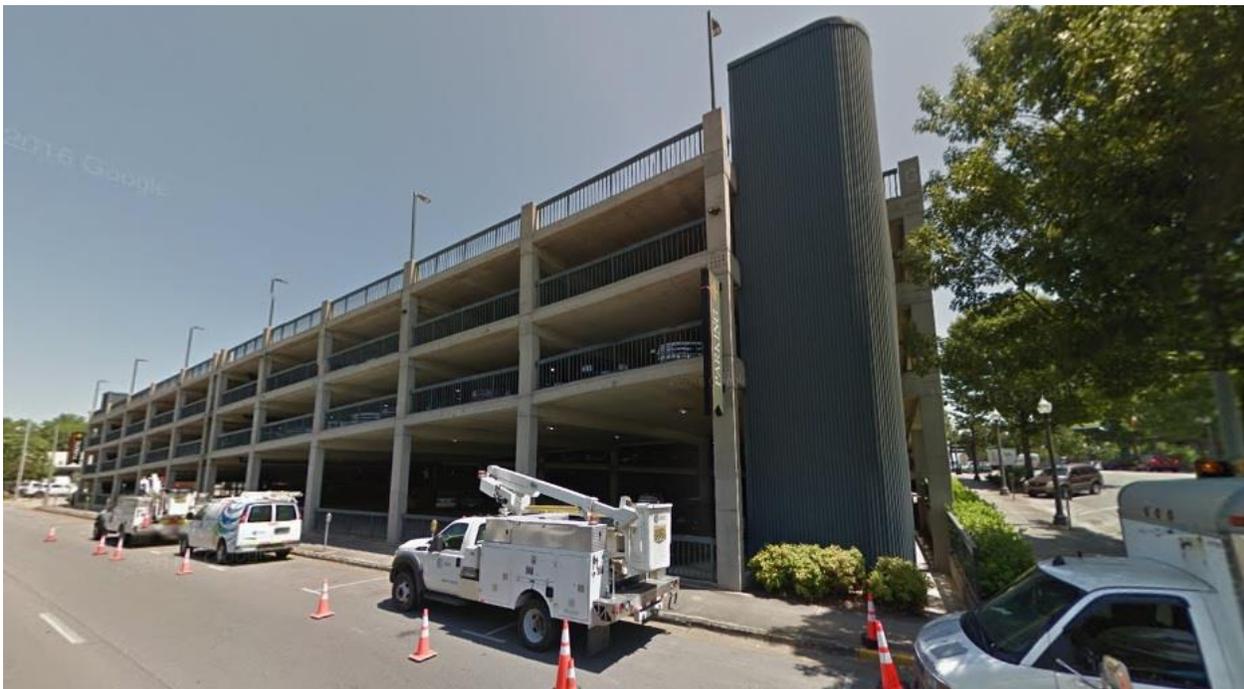
1) Convenient Access

- a) Access points shall be located in conformance with the adopted Traffic Circulation Standards.
- b) All off-street parking and loading areas shall be arranged for convenient access and safety of pedestrians, bicyclists, and vehicles. Any proposed traffic control devices, where necessary to promote the safe and efficient movement of traffic, shall be in conformance with the *Manual on Uniform Traffic Control Devices*.
- c) Except for detached residential uses, townhouses, or where tandem parking is approved through an Alternative Parking Plan, off-street parking areas with three or more spaces shall be configured so that an automobile may be parked and un-parked without moving another automobile.
- d) Off-street parking areas (including those serving detached residential uses), shall be designed to accommodate the minimum number of required parking spaces without use of the public right-of-way.
- e) Except within allowable on-street parking areas, in no instance shall parking or maneuvering incidental to parking (except for ingress and egress) be on a public street or sidewalk.

2) Backing onto Public Streets. All off-street parking and loading areas, except on lots used for detached residential dwellings, shall be arranged so that no vehicle shall be required to back from such facilities directly onto public streets, unless approved by the Streets Department Manager.

E. Drainage. All off-street parking and loading areas shall comply with the adopted Athens City Stormwater Management Specifications and Standards.

- F. Exterior Lighting. New or redeveloped off-street parking and loading areas shall be lighted so as to prevent glare or excessive light on adjacent land, and unless exempted, shall comply with the standards of Section 6.7, Exterior Lighting. This standard does not apply to parking and loading areas serving detached residential uses.
- G. Landscape. Except for parking areas on the same lot as a detached residential use, all off-street parking and loading areas shall be landscaped in accordance with Subsection 6.2.5, Vehicular Use Area Landscape.
- H. Curbs and Motor Vehicle Stops. All off-street parking and loading areas shall provide curbs or similar devices to prevent vehicles from overhanging on or into public right-of-way, sidewalks, walkways, adjacent land, or landscape areas. Motor vehicle stops are permitted only for handicap spaces, in parking structures, or adjacent to stormwater features that promote infiltration.
- I. Maintained in Good Repair
- 1) Maintained at All Times. All off-street parking and loading areas shall be maintained in good repair and in safe condition at all times so as not to constitute a hazard to public safety or a visual or aesthetic nuisance to surrounding lots.
  - 2) Periodically Restored. All off-street parking and loading areas shall be periodically painted or otherwise maintained to retain a clear identification of separate parking stalls or loading areas.
- J. Maximum Slope
- 1) Paved off-street parking areas shall not exceed a six percent slope.
  - 2) Within off-street parking areas on sloping sites (four percent or greater), parking bays shall run parallel to elevation contours.
- K. Review for Compliance. Review for compliance with the standards of this subsection shall occur at the time of Site Plan, or Development Plan review as appropriate.
- L. Construction of Off-street Parking and Loading Areas. All required off-street parking and loading areas shall be completed prior to the issuance of a Certificate of Occupancy for the use or uses they serve. In the case of phased development, off-street parking and loading areas shall only be provided for the portions of the development for which a Site Plan, or Development Plan is approved.
- M. Parking Decks. Parking decks constructed within the city of Athens shall be designed to simulate a multistory building in exterior appearance and fit the context of the surrounding built environment. Each deck shall meet the façade and materials requirements of Sec. 6.1.8 Nonresidential and Mixed-Use Development. In Traditional Zones, for decks with a linear width of over 100 feet, the ground floor of the deck shall be designed to accommodate commercial units along the primary street.



**Figure 6-71: This illustration depicts the difference between a parking deck appropriately designed to fit within the context of the built environment around it, and one that does not. The latter example creates dead space on the street that discourages the creation of an active, pedestrian oriented environment.**

**6.5.4. Off-Street Parking Standards**

- A. **Parking Plan Required.** A parking plan (where appropriate), shall be submitted with an application for a Site Plan, Development Plan, or any development that is required to provide more than three off-street parking spaces. The plan may be included within the required Circulation Plan, and shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the off-street parking facilities to the uses or structures such facilities are designed to serve. (See Section 6.6, Mobility and Circulation.)
- B. **Minimum Number of Spaces Required.** Unless otherwise expressly stated in this section, off-street parking spaces for non-industrial uses shall be provided in accordance with Table 6-1, Minimum Off-Street Parking Standards:

**Table 6-1, Minimum Off-Street Parking Standards**

<b><i>Residential Uses</i></b>	<b><i>Number</i></b>
Detached dwelling	2 per unit
Attached dwelling unit	2 per unit
<b><i>Institutional Uses</i></b>	<b><i>Number</i></b>
Auditorium	1 per 3 seats
Botanical gardens	10 per acre
Business-vocational school	1 per 50 sq. ft. of classroom
Church	1 per 5 seats of main assembly area
College-university	1 per 50 sq. ft. of classroom
Community center, YMCA, YWCA	1 per 300 sq. ft. GFA
Dormitory	2 per 3 occupants
Exhibition Hall	1 per 150 sq. ft. GFA
Fire station	6 spaces
Golf and country clubs	7 spaces per hole, or 1 space per 3 members
Government offices	1 per 250 sq. ft. GFA
Hospital	1 per 3 beds
Library	1 per 800 sq. ft. GFA
Museum, art gallery	1 per 800 sq. ft. GFA
Nursing home	1 per 6 beds
Police station	1 per 250 sq. ft. GFA
Post office	1 per 250 sq. ft. GFA
Private clubs and lodges	1 per 200 sq. ft. GFA
Stadium, arena, coliseum	1 per 3 seats
Elementary and middle schools	1 per 8 auditorium seats plus 1 per 3 employees
High schools	1 per 6 auditorium seats plus 1 per 2 employees
<b><i>Amusements and Recreation</i></b>	<b><i>Number</i></b>
Bowling alley	2 per lane
Carpet golf	2 per hole
Drive-in theater	1 per 5 viewing stations
Game room	1 per 100 sq. ft. GFA
Golf driving range	2 per tee
Health and athletic club	1 per 300 sq. ft. GFA
Movie theater	1 per 3 seats

**Retail Commercial and Services****Number of Spaces per 1,000 sq. ft. GFA**

	Traditional	Conventional
Retail establishments such as: Art supply and frame, book store, florist, card shop, pet shop, sporting goods, gift shop, shoe store, paint store, jewelry store, apparel sales, hardware store, drug store, auto parts store, convenience store, liquor store, grocery and simi-retail uses.	3	4
Major appliance sales, office or medical equipment sales, garden shops, home improvement centers, furniture stores, department or discount stores, piano and organ sales, carpet showrooms, auto dealerships, building material sales, and large showroom establishments, Broadcast or recording studio, banks, offices <sup>2</sup> , dance studio, photographic studio, research or testing lab, veterinarian, quick copy service, optician, and other similar services	3	4

**Retail establishments such as:****Number of Spaces**

	Traditional	Conventional
Barber and beauty shops (per station)	2	2
Day care center (per employee)	2	2
Funeral home (per 50 sq. ft. of public area)	1	2
Gasoline service station:		
Per pump	1	2
Per repair bay	2	3
Hotel and motel (per room)	1	1
Laundromat (per two machines)	1	1
Restaurant, night club, tavern, bar, lounge (per 100 sq. ft. of floor area)	1	1.5
Fast food restaurant (per 100 sq. ft. of floor area)	1	1.5

<sup>1</sup>Where off-street parking spaces are shown for categories of establishments, establishments listed in the category may not be a permitted use in all districts for which required parking is shown.

<sup>2</sup>Required off-street parking for office buildings located in a PUD District for offices shall be four (4) spaces per one thousand (1,000) square feet of floor area.

<sup>3</sup>Day care centers shall also provide off-street area for the dispatch of children.

C. Off-Street Parking Standards for Selected Service and Industrial Uses. Uses subject to the alternative off-street parking standards shall provide the minimum number of spaces identified in Table 6-2, Off-Street Parking Standards for Selected Industrial Uses:

**Table 6-2, Off-Street Parking Standards for Selected Industrial Uses**

<i>Wholesale, Manufacturing and Warehouse Uses</i>	<i>Number</i>
Wholesale, manufacturing, and service establishments in the C-5, M-1, P1 and PMUD districts	1 per employee
Mini-warehouse	1 per 20 units
Truck and heavy equipment sales	1 per 1,000 sq. ft. GFA
Office-warehouse facilities	1 per 800 sq. ft. GFA
Bus terminal	3 per loading station

D. Uses with Variable Parking Demand Characteristics

- 1) Uses that reference this subsection in Table 6-1, Minimum Off-Street Parking Standards, have widely varying parking and loading demand characteristics, making it difficult to establish a single off-street parking or loading standard. Upon receiving a development application for a use subject to this subsection, the Engineering Services and Community Development shall apply the off-street parking and loading standard specified for the listed use that is deemed most similar to the proposed use or establish minimum off-street parking standards on the basis of a parking and loading study prepared by the applicant. Such a study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by Engineering Services and Community Development, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. Comparability will be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop the recommendations.
- 2) In approving a parking requirement for a proposed use that is less than identified in Table 6-1 or Table 6-2, sufficient area shall be reserved in accordance with Subsection 6.5.11.D to allow for adequate parking to be installed upon a change in use or increased parking demand over time.

E. Mixed Uses. Unless otherwise approved, lots containing more than one use shall provide parking spaces in an amount equal to the total of the standards for all individual uses. This provision shall not limit the ability to submit an Alternative Parking Plan to reduce the minimum number of required off-street parking spaces in recognition of different operating hours or peak business periods.

F. Maximum Number of Spaces Permitted. In no event shall an attached residential, nonresidential, or mixed-use development provide more than 120 percent of the minimum number of parking spaces established in Table 6-1, Minimum Off-Street Parking Standards, as surface spaces except through the approval of an Alternative Parking Plan. (See Subsection 6.5.11.)

- 1) Additional Requirements
  - a) Any off-street surface parking spaces provided in excess of the maximum number of off-street parking spaces required in Table 6-1, Minimum Off-Street

Parking Standards, shall comply with the standards of Subsection 6.5.11.A, Provision over the Maximum Allowed.

- b) Off-street surface parking spaces provided in excess of the maximum number of spaces shall be pervious.
- G. Compact Spaces. Within lots of 20 or more spaces, up to 25 percent of the minimum number of required off-street parking spaces identified in Table 6-1, Minimum Off-Street Parking Standards, may be provided as compact car spaces, provided the following standards are met:
- 1) Minimum Dimensions
    - a) Each compact car parking space shall have minimum dimensions in accordance with Figure 6-72, Dimensional Standards for Parking Spaces and Aisles;
    - b) The minimum width of compact spaces shall be increased to eight feet and seven inches for spaces at a 60 degree angle to the aisle serving them, and ten feet and six inches for spaces at a 45 degree angle to aisle serving them;
  - 2) Location. Compact car parking spaces shall be located no closer to the primary building entrance than any standard parking spaces; and
  - 3) Designated. All compact car spaces shall be designated by signage or pavement marking.
- H. Placement. The location or placement of off-street parking areas on a development site shall be limited in accordance with the placement standards in Article 4, Traditional Zoning Regulations and Section 6.1, Building and Site Design Standards.

#### **6.5.5. Computation of Required Off-Street Parking Spaces**

- A. Fractions. When measurements of the number of required parking spaces result in fractions, the space standard shall be rounded upward to the next highest whole number.
- B. Different Use Areas. Except as provided for in this subsection, parking shall be calculated separately for each different use area in a building or on a site, including all accessory uses.
- C. Combinations of Uses. If the Engineering Services and Community Development determines that a proposed use represents a combination of uses listed in Table 6-1, Minimum Off-Street Parking Standards, the minimum and maximum parking space standards shall be those that would apply if the two (or more) uses were developed separately, unless the Engineering Services and Community Development determines that a lower standard would be adequate because of differences in peak operating hours.
- D. On-Street Parking and Other Public Parking. Except on detached residential lots, Traditional Zones, mixed-use developments, Conservation Subdivisions, PUD's, or as part of an Alternative Parking Plan, on-street parking on streets and other public parking spaces shall not be used to satisfy the off-street parking standards of this subsection. Except for the DWTN District, those areas and development types that do allow on-street and other public parking spaces to count towards required off-street parking requirements, said spaces must be within 250 feet of the use requiring the parking.
- E. Determination by Engineering Services and Community Development
  - 1) Parking standards for uses not specifically listed in Table 6-1, Minimum Off-Street Parking Standards, shall be determined by the Engineering Services and Community Development based on the standards for the closest comparable use or by reference to standard parking resources published by the National Parking Association or the American Planning Association.

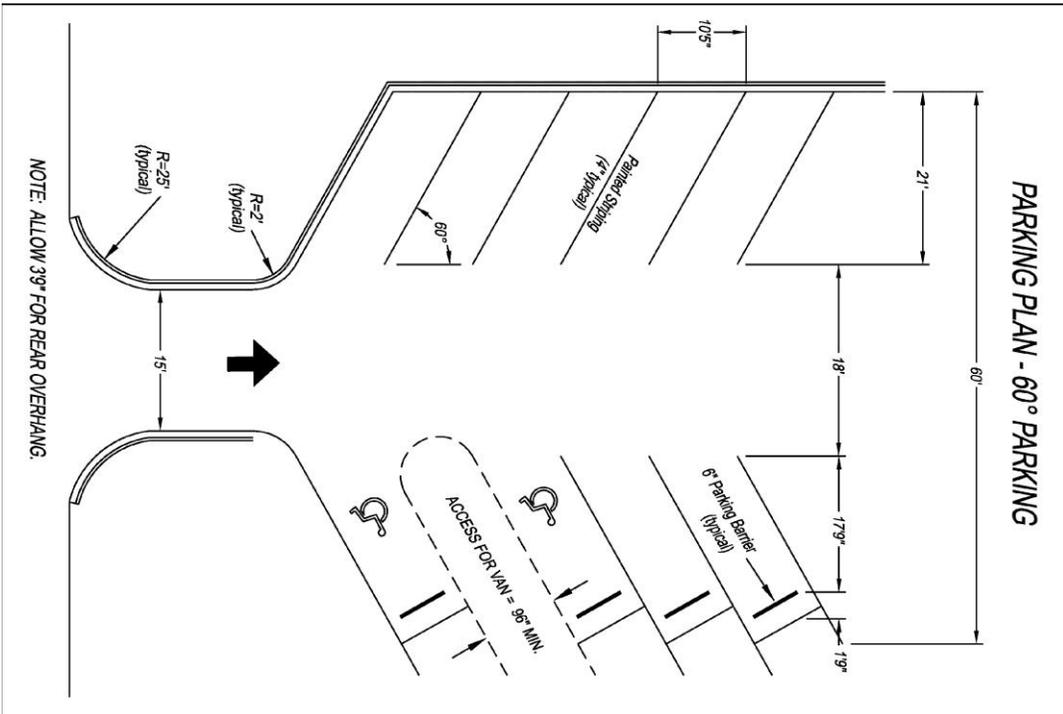
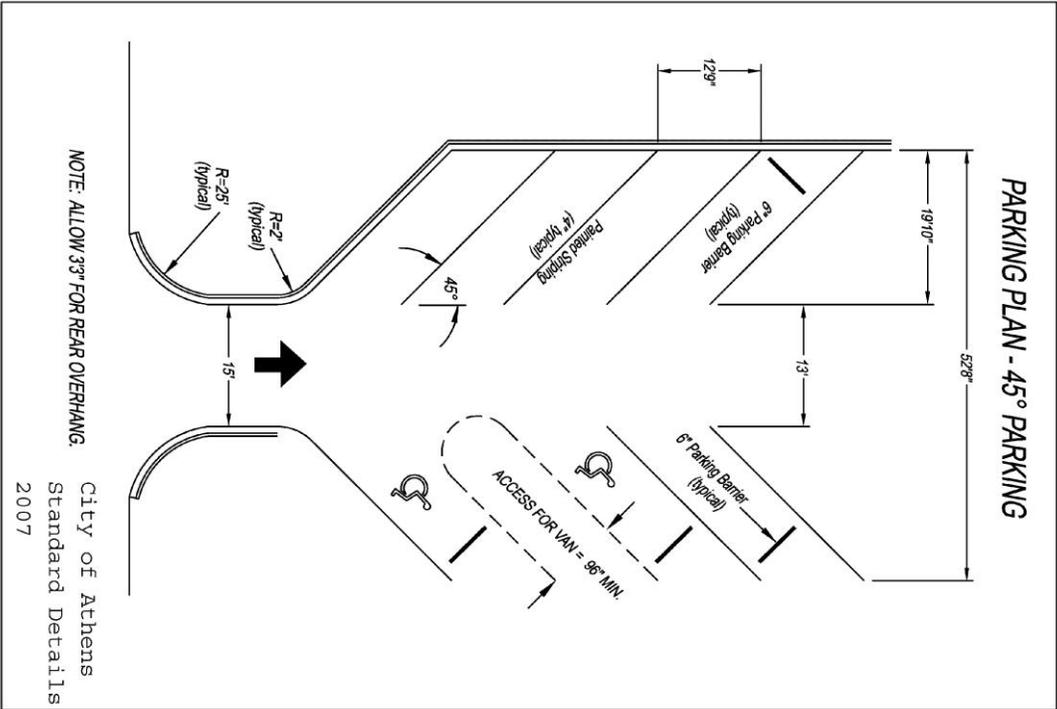
- 2) The Engineering Services and Community Development may alternately require the submittal of a parking demand study that justifies estimates of parking demand based on the recommendations of the Institute of Traffic Engineers (ITE), and includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

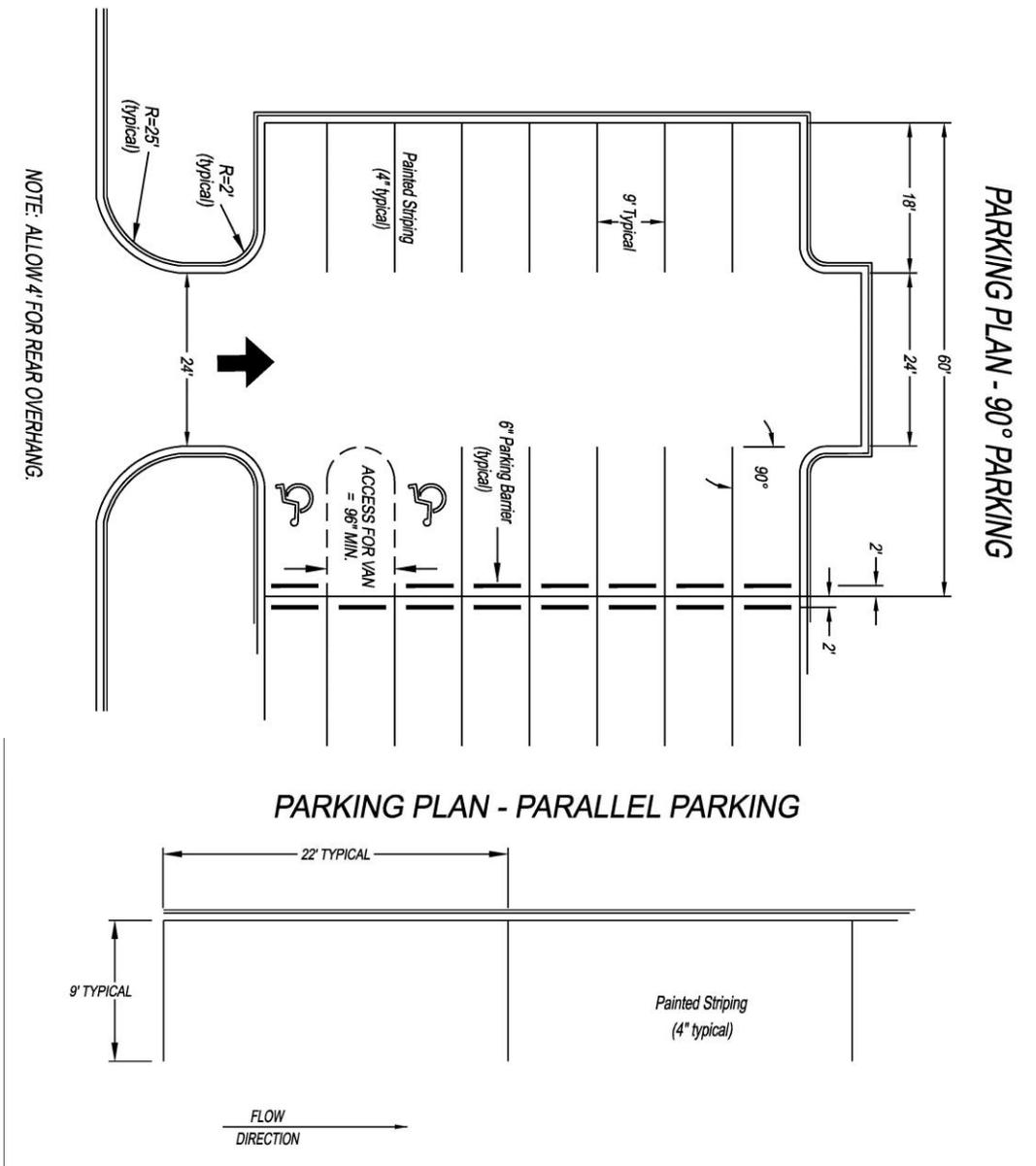
- 6.5.6. Stacking Spaces for Drive-through and Related Uses.** In addition to meeting the off-street parking standards in Table 6-1, Minimum Off-Street Parking Standards, uses with drive-through facilities or similar auto-orientation, including, but not limited to, financial institutions, automotive service or wash facilities, restaurants with a drive through, dry cleaners, and pharmacies shall provide adequate automobile stacking spaces on site and shall be arranged so that no vehicle stacking area shall cause automobiles to queue within public rights-of-way.
- 6.5.7. Accessible Parking Spaces for Disabled Persons.** A portion of the total number of required off-street parking spaces in each off-street parking area shall be specifically designated, located, and reserved for use by persons with physical disabilities in accordance with Table 6-3, Minimum Accessible Parking Spaces.

<b>Table 6-3: Minimum Accessible Parking Spaces</b>				
Total Required Parking in Lot	1-100 spaces	101-500 spaces	501-1000 spaces	1001+ spaces
Min. Number of Handicap Accessible Parking Spaces	1 for each 25 spaces	5 plus 1 for each 50 spaces over 500	2% of total	20 plus 1 for each 100 spaces over 1000

**6.5.8. Dimensional Standards for Parking Spaces and Aisles**

- A. **General.** The dimensions for standard car parking spaces and parking lot aisles shall comply with Figure 6-72, Dimensional Standards for Parking Spaces and Aisles:
- B. **Dimensional Adjustments.** Parking structures may be subject to dimensional adjustments based on utilization, but in no case shall the standard space width be less than eight feet. Reduction in design standards shall be subject to approval by Engineering Services and Community Development Department.
- C. **Primary Drive Aisles.** Primary drive aisles within large off-street surface parking lots of 250 or more spaces located in Conventional Zones shall be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary façades of structures being served by the drive. They shall also meet the following standards:
  - 1) Primary drive aisles shall have a maximum cross section of 40 feet to serve two travel lanes and accommodate parallel parking spaces along both sides of the drive aisle in areas not needed for turning movements;
  - 2) Primary drive aisles shall be striped to designate parallel parking spaces, where appropriate, but in no case shall parallel parking spaces be designated within 60 feet of the primary building entrance(s);





**Figure 6-72: This illustration depicts the required configuration for off-street surface parking spaces.**

- 3) Sidewalks meeting the standards in Section 6.6, Mobility and Circulation, shall be provided adjacent to the building's front facade; and
- 4) Street trees planted in accordance with the standards in Subsection 6.2.7, Street Trees, shall be provided along both sides of the primary drive aisle except that

understory trees may be used adjacent to the building façade within 40 feet of building entrances.



**Figure 6-73: Primary drive aisles are designed to appear as an extension of the public street network through the inclusion of sidewalks, “street” trees, and parallel parking spaces where appropriate.**

**6.5.9. Sidewalks and Pedestrian Pathways.**

- A. All sidewalks and pedestrian pathways within a site development shall be ADA compliant and meet the standard specifications for construction adopted by the City.
- B. Surface parking lots containing 250 or more surface parking spaces shall provide at least one paved pedestrian pathway with a minimum width of five feet to the primary entrance of the building(s) being served by the parking lot. The pedestrian pathway shall be located within a landscaping island and shall serve to connect the primary building entrance with the sidewalk system around the site. The pedestrian pathway shall use alternative materials or contrasting color when crossing a drive aisle.

**6.5.10. Bicycle Facilities.** Developments with surface parking areas with 50 or more spaces shall provide bicycle parking facilities, which shall comply with the following standards:

- A. Location. Bicycle parking spaces shall be conveniently located, but in no case shall such facilities be located farther than one hundred linear feet from the primary building entrance;
- B. Number of Spaces. Bicycle parking spaces shall be provided at the following rates:
  - 1) On lots within Traditional Zones, one bicycle parking space per every ten off-street parking spaces; and
  - 2) On lots within Conventional Zones, one bicycle parking space per every 20 off-street parking spaces.
- C. Securing Device. Include a rack or other device to enable bicycles to be secured.

**6.5.11. Alternative Parking Plan.** The DRT shall be authorized to approve an Alternative Parking Plan that proposes alternatives to providing the number and configuration of off-street parking spaces required by Section 6.5 and Table 6-1, Minimum Off-Street Parking Standards, in accordance with the standards listed below. Nothing in this subsection shall limit the use of one or more of the following off-street parking alternatives by a single use. If

an applicant disagrees with the decision of the DRT, the applicant may appeal the decision to the Planning Commission.

A. Provision Over the Maximum Allowed. Requests to provide more than the maximum number of off-street parking spaces required by Subsection 6.5.4.F, Maximum Number of Spaces Permitted, shall comply with the following:

- 1) Parking Demand Study. Requests for exceeding the maximum number of required off-street parking spaces shall be accompanied by a Parking Demand Study demonstrating how the maximum number of parking spaces specified by Subsection 6.9.4(6), Maximum Number of Spaces Permitted, is insufficient for the proposed development.
- 2) Minimum Amount Required. Requests to exceed the maximum number of off-street spaces allowed are limited to the minimum number of additional spaces required as recommended in the required Parking Demand Study.
- 3) Surfaced with Alternative Materials. All off-street parking spaces provided in excess of the maximum specified in Subsection 6.5.4.F, Maximum Number of Spaces Permitted, are surfaced with a pervious surfacing material acceptable to the city.

B. Shared Parking. Requests for shared parking shall comply with the following standards:

- 1) Proximity to Use. Shared parking spaces shall be located within 1,320 linear feet of the primary entrance of all uses served, unless remote parking shuttle bus service is provided. Shared parking spaces shall not be separated from the use they serve by an arterial or collector street. In addition, adequate, safe, and accessible pedestrian access must be provided from and to the shared parking areas.
- 2) Same or More Intensive Use. A shared parking area shall be located on a site with the same or more intensive zone district classification than required for the primary uses served.
  - a) Applicants requesting to use shared parking as a means of satisfying the off-street parking standards must submit a shared parking request that justifies the feasibility of shared parking. Justification shall include information on the size and type of the proposed development, the composition of tenants, the anticipated rate of parking turnover, and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.
    - (i) The maximum reduction in the number of parking spaces required for all uses sharing the parking area shall be 50 percent.
    - (ii) Directional signage that complies with the standards of this ordinance shall be added to direct the public to the shared parking spaces. It is preferable for the employees of an establishment to use these spaces.
  - b) A Shared Parking Plan shall be enforced through a written agreement among all owners of record. An attested copy of the agreement between the owners of record must be recorded. Recordation of the agreement shall take place prior to issuance of a Certificate of Occupancy for any use to be served by the shared parking area. A shared parking agreement may be revoked only if all required off-street parking spaces will be provided in accordance with the requirements of Table 6-1, Minimum Off-Street Parking Standards.

C. Off-Site Parking for Nonresidential Uses. All off-street parking areas for any nonresidential use shall be provided on the same lot as the use it serves. However, parking may be allowed on another lot where there are practical difficulties in the location of the parking area or if public safety or public convenience, or both, are better served by a remote location. Off-site parking for nonresidential and mixed-uses shall comply with the following standards:

- 1) Same Ownership. The parking area is located on land under the same ownership as the use it serves, or a recorded easement in perpetuity that has been established for the use of an off-site location for parking.
- 2) Pedestrian Way Required. A pedestrian way, not more than 600 feet in length, is established from the parking area to the use to be served.
- 3) No Undue Hazard. The parking area is convenient to use without causing unreasonable:
  - a) Hazard to pedestrians;
  - b) Hazard to vehicular traffic;
  - c) Traffic congestion;
  - d) Interference with commercial activity or convenient access to other parking areas in the vicinity;
  - e) Detriment to the appropriate use of business lands in the vicinity; or
  - f) Detriment to any abutting residential neighborhood.

D. Deferred Parking. See Section 7.4, Deferred Improvements Program.

E. Parking Structures. The off-street parking required by this section may be located in a parking structure, whether on the same or on a different lot than the uses which it serves. Ground floor parking provided in a parking structure shall be screened, insofar as practicable, from surrounding uses and from public view as required by Subsection 6.2.5, Vehicular Use Area Landscape. In addition, for uses located on the same lot as the structure, the conditions required for shared parking shall apply. For uses located on a different lot as the structure, the conditions required for off-site parking shall apply.

F. Valet and Tandem Parking. An off-street parking program utilizing limited tandem parking for commercial uses shall comply with the following standards:

- 1) The development served shall provide 75 or more parking spaces;
- 2) No more than 30 percent of the total number of spaces shall be designated as tandem; and
- 3) A valet parking attendant must be on duty during hours of operation.

G. On-Street Parking. The use of on-street parking to meet a portion of the minimum off-street parking requirements is permitted if it complies with the following:

- 1) Adequate on-street or structured parking exists within 500 linear feet from the primary entrance of the proposed use;
- 2) The proposed development is located within a Traditional Zone, or is a TND or Conservation Subdivision;
- 3) Except within the DWTN Downtown District, no more than 25 percent of the off-street parking space requirement is met through the use of on-street parking;
- 4) There is no negative impact to existing or planned traffic circulation patterns; and
- 5) Parking spaces and the path must be meet current dimensional and accessibility requirements.

H. Alternative Materials. The use of pervious or semi-pervious parking area surfacing materials, including but not limited to “grasscrete”, ring and grid systems used in conjunction with grass seed or sod, permeable concrete or asphalt, porous or grid pavers, or recycled materials such as glass, rubber, used asphalt, brick, block and concrete may be approved for the required vehicular surface area on a lot provided that such areas are

properly maintained. Decorative dust-free gravel used in conjunction with reinforced matting, grid pavers, or pervious asphalt, is permitted as an alternative parking area surfacing material in Traditional Zones. Where possible, such materials should be used in areas proximate to and in combination with on-site stormwater control devices and/or landscape islands. For parking alternatives using grass or other vegetation, overgrown weeds and grass are prohibited (Athens Code of Ordinances Sec. 46-57).



**Figure 6-74: Pervious or semi-pervious surfacing materials such as grasscrete or grasspave may be used as an alternative surfacing material for surface parking areas.**

**6.5.12. Loading Space Standards**

- A. Applicability. Unless waived by the Engineering Services and Community Development or the Planning Commission, nonresidential uses shall provide loading/unloading facilities in accordance with this subsection.
- B. Number of Required Off-street Loading Berths. The minimum number of loading spaces or berths shall be provided on-site for all developments specified in Table 6-4, Loading and Unloading Requirements, depending on the use or its gross floor area. The applicant may provide a greater number of spaces than those required by this subsection.

## **Table 6-4 - Number of Required Off-street Loading Berths**

*Retail Operations:* One (1) loading space for each 20,000 sf of GFA or fraction thereof.

*Wholesale and industrial operations:*

<u>Building Area in Square Feet</u>	<u>Number of Spaces</u>
0 – 40,000	1
40,000 – 100,000	2
100,000 – 160,000	3
160,000 – 240,000	4
240,000 – 320,000	5
320,000 - 400,000	6
Each 90,000 above 400,000	1

### C. Standards

#### 1) Minimum Dimensions

- a) Except for industrial uses, each loading berth or space required by this subsection shall be at least 12 feet wide by 25 feet long (or deep), with at least 14 feet of overhead clearance. Each off-street loading space shall have adequate, unobstructed means for the ingress and egress of vehicles.
- b) Industrial uses shall provide loading berths at least 12 feet wide and 55 feet long, with at least 14 feet of overhead clearance.

2) Location. Within Traditional Zones, loading areas shall be located to the rear of the use they serve. In addition, the loading area shall be located adjacent to the buildings loading doors, in an area that promotes their practical use.

3) Delineation of Loading Spaces. All loading spaces shall be delineated by signage and striping and labeling of the pavement.

4) Access to a Street. All loading areas shall be provided with safe and convenient access to a street, but in no case shall the loading space extend into the required aisle of the parking lot.

5) Paving. The ground surface of loading areas shall be paved with a durable, dust-free and hard material such as surface and seal treatment, bituminous hot mix or Portland cement, concrete, or some comparable material. Such paving shall be maintained for safe and convenient use at all times.

## **§6.6. Mobility and Circulation**

**6.6.1.** Purpose and Intent. The purpose for this section is to establish mobility and circulation standards that treat alternative modes of travel (including walking) with the same degree of importance as that afforded to motor vehicles. This section is intended to:

- A. Provide safe, efficient, and convenient vehicular, bicycle, and pedestrian access and circulation patterns within and between developments;
- B. Foster a pedestrian-friendly distribution of land uses and street network;

- C. Create a safe, continuous network of pedestrian walkways within and between developments;
- D. Reduce interference with through traffic by other vehicles, bicycles, or pedestrians entering, leaving, and crossing streets;
- E. Establish a pedestrian network that offers clear circulation paths from the parking areas to building entries that creates a friendlier, more inviting image;
- F. Assure safe access to and from streets by emergency vehicles; and
- G. Establish a requirement for the preparation of a Circulation Plan that addresses transit, bicycle, pedestrian, and vehicular circulation both within a development and with surrounding developments.

**6.6.2.** Applicability. The standards in this section shall apply to development on all lots in the city, as well as to public and private street rights-of-way.

**6.6.3.** Development Standards for Sidewalks. All sidewalks and pedestrian pathways within a development shall be ADA compliant and meet the standard specifications for construction adopted by the City.

**6.6.4.** Circulation Plan Required

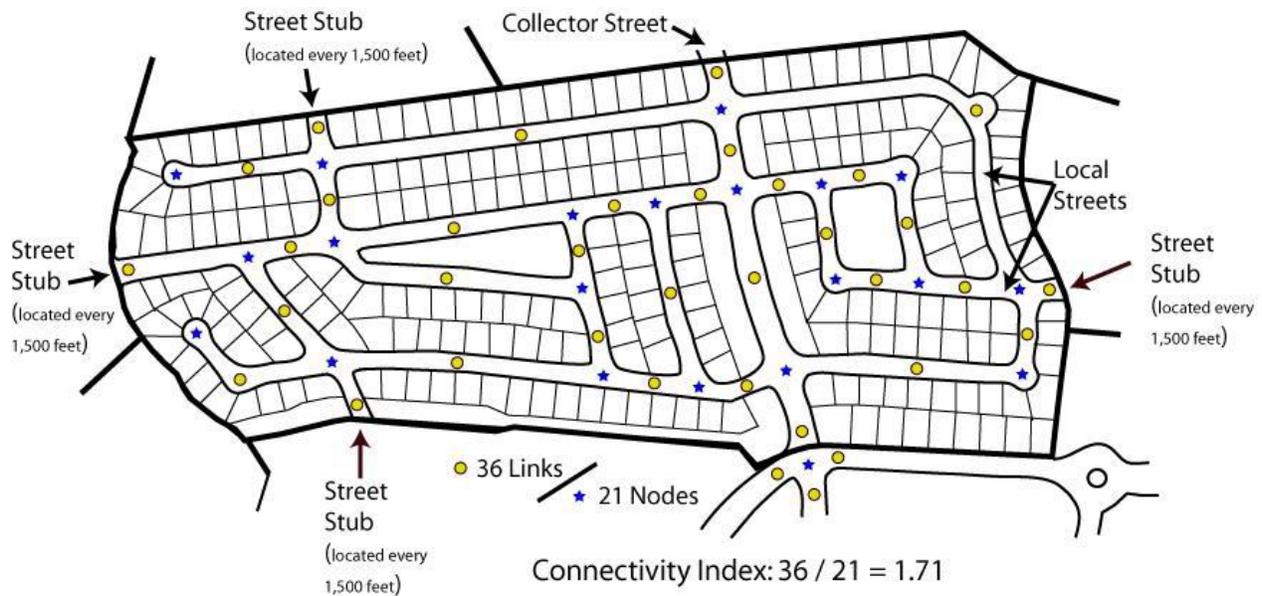
- A. Applicants for a developmental subdivision and large scale developments shall prepare a Circulation Plan.
- B. The Circulation Plan shall address street connectivity, emergency and service vehicle access, parking movements, accommodation of loading operations, turning radii, traffic calming measures where future “cut-through” traffic is likely, and similar issues.
- C. The DRT may waive the requirement for a Circulation Plan on a case-by-case basis in the event that a new development has no impact upon circulation or proposes no change in existing circulation patterns. This provision shall not be construed to exempt development that includes additional parking, driveways, or substantial modifications to the existing pedestrian network.
- D. A Circulation Plan shall be submitted with the Concept Plan, Preliminary Plat, Final Plat, Site Plan, or Development Plan.
- E. Traffic Impact Analysis. As a part of the required Circulation Plan, the City Engineer may require, at no cost to the city, a traffic impact study to be prepared in accordance with the standards set in the Athens Traffic Circulation Standards.

**6.6.5.** Connectivity

A. Internal Street Connectivity

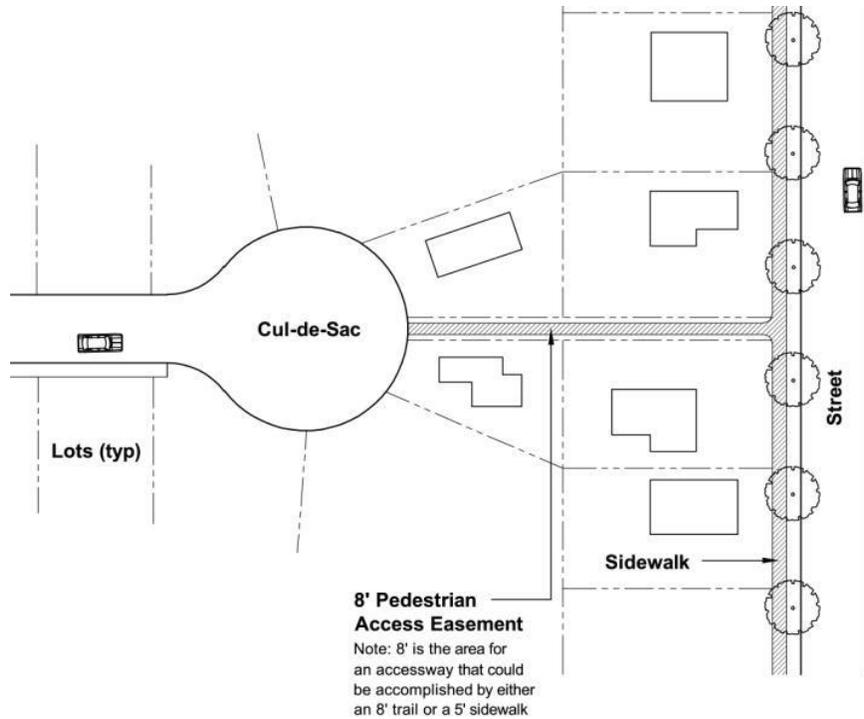
- 1) Circulation Plans for development on lots in the Traditional Zone shall provide for multiple connections to the existing city street network wherever possible.
- 2) Except for lots within the Traditional Zone, Circulation Plans prepared for all new development shall maintain internal street connectivity through the use of a connectivity index, in accordance with the following standards:
  - a) All development shall achieve a connectivity index score of 1.65 or greater;
  - b) The connectivity index for a development is calculated by dividing its links by its nodes. Nodes (stars) exist at street intersections and cul-de-sac heads within the development. Links (circles) are stretches of road that connect nodes. Street stub-outs are considered as links, but temporary dead-end streets internal to a development, private streets in gated sections, or alleys shall not be counted as

links. One link beyond every node that exists in the development and provides access to the street network shall be included in the index calculation.



**Figure 6-75: This figure provides an example of how to calculate the connectivity index. In the diagram, there are 36 links (circles) and 21 nodes (stars); therefore the connectivity index is 1.71 ( $36/21 = 1.71$ ). In addition, each side of the development includes at least one street stub or connection to the greater street system every 1,500 feet.**

- c) The connectivity index standard of 1.65 or greater may be reduced by the DRT if the owner/developer demonstrates it is impossible or impracticable to achieve due to topographic conditions, natural features, or adjacent existing development patterns. If an applicant disagrees with the decision of the DRT, the applicant may appeal the decision to the Planning Commission or the Council (depending upon the type of application).
  - d) Whenever cul-de-sac streets are created, at least one eight-foot-wide pedestrian access/public utility easement shall be provided, to the maximum extent practicable, between each cul-de-sac head or street turnaround and the sidewalk system of the closest adjacent street or pedestrian sidewalk or pathway.
  - e) Temporary dead end streets terminating at the perimeter of a development shall be counted as a link. In no case shall a temporary dead end street terminating at a point internal to the development be counted as a link.
- 3) Gated Streets. Gated streets, or sections of neighborhoods with gated private streets, are permitted provided the development achieves and maintains the minimum connectivity index score in Subsection (2) above. Private streets are to be built to City standards and inspected prior to final approval.

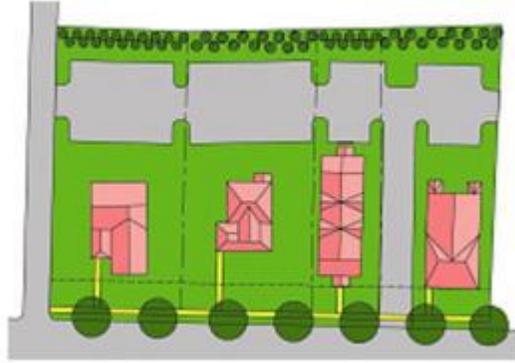


**Figure 6-76: Pedestrian accessways from cul-de-sac heads to the larger pedestrian system help preserve pedestrian connectivity where street connections cannot be made.**

B. External Street Connectivity. In addition to the internal street connectivity requirements, Circulation Plans for all new development, except for lots within the Traditional Zone, shall maintain external street connectivity in accordance with the following standards:

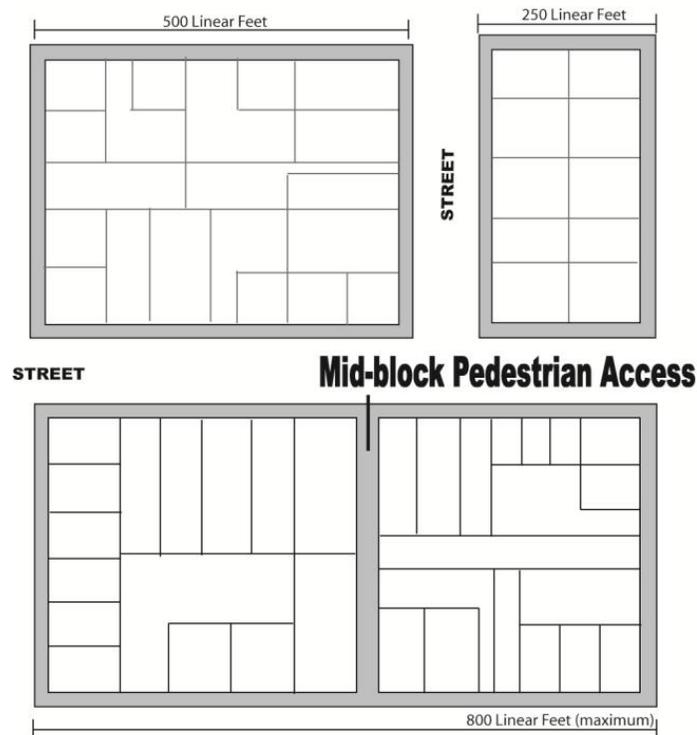
- 1) The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and intended for future development or in which the adjoining lands are developed and include opportunities for such connections. Traffic calming measures shall be integrated into the development to mitigate the impact of potential future “cut-through” traffic.
- 2) Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development at least every 1,500 feet for each direction (north, south, east, and west) in which development abuts vacant lands. Such street stubs shall not be required to abut adjacent development lacking existing or planned street connections, floodplains, wetlands, riparian buffers, slopes exceeding 14 percent, or other unique site conditions preventing a street connection with the determination of the DRT.
- 3) Residential streets affected by external street connectivity requirements may be candidates for traffic calming treatments upon the recommendation of the Engineering Department. If an applicant disagrees with the decision of the Engineering Department regarding traffic calming, the applicant may appeal the decision to the Planning Commission or Council, depending on the type of application.

- 4) Street and sidewalk connections shall be made between neighborhood commercial centers and adjacent residential neighborhoods.
  - 5) Shared commercial/residential connections with arterials shall be primarily oriented towards commercial centers.
  - 6) At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, a sign shall be installed by the City at the developer's expense at the temporary street stub with the words "STREET TO BE EXTENDED BY THE AUTHORITY OF THE CITY OF ATHENS" to inform property owners.
  - 7) The Final Subdivision Plat and the deeds for all residential dwellings shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped property.
- C. Cross Access Between Adjacent Uses. To encourage shared parking and shared access points on public streets, circulation plans prepared for all new attached residential, nonresidential, and mixed-use development shall comply with the following standards:
- 1) Except on lots within the M-1 and M-2 Districts, internal vehicular circulation areas shall be designed to allow for cross-access to adjacent lots with attached residential, nonresidential, or mixed-uses.
  - 2) A stub for future cross access shall be provided from the vehicular use area to all adjacent vacant land designated for attached residential, nonresidential, or mixed-uses.
  - 3) A minimum distance of 40 feet shall be required between a cross-access way and driveway entrance apron.
  - 4) Cross-access ways shall allow for two-way traffic between parcels through the use of a single drive aisle with a minimum width of 22 feet or through two one-way aisles each with a minimum width of 11 feet. The maximum median separation width shall be 15 feet with a left-turn pocket or four feet without a left-turn pocket.
  - 5) When cross-access is determined to be impractical by the DRT on the basis of topography, the presence of natural features, or vehicular safety factors, the requirement for cross-access may be waived if appropriate bicycle and pedestrian connections are provided between adjacent developments or land uses. If an applicant disagrees with the determination of the DRT, the applicant may appeal the decision to the Planning Commission or Council, depending on the type of application.
  - 6) A cross-access easement must be recorded prior to issuance of a Certificate of Occupancy for the development.



**Figure 6-77: Cross-access ways between surface parking lots serving different developments promote better access management and facilitate pedestrian activity.**

- 6.6.6. Block Standards.** Circulation plans associated with developments of two or more lots shall comply with the standards in the Subdivision Regulations, as well as the following block standards:
- A. **Block Length.** Except for areas that contain steep slopes, the average block length in a development shall not exceed 600 linear feet between the right-of-way edges of intersecting streets. Except in cases where environmental or topographic constraints exist or the property has an irregular shape, no individual block shall exceed a maximum length of 800 linear feet.
  - B. **Block Width.** To the maximum extent practicable, the width of any block shall be sufficient to permit at least two tiers of lots of appropriate depth for the base district exclusive of any public alleys, watercourses, or other rights-of-way located outside platted lots. This standard shall not apply to areas that contain steep slopes where it is more desirable to reduce environmental impacts.
  - C. **Internal Mid-Block Pedestrian Access.** In cases where a block length exceeds 600 feet, sidewalks in easements or on open space lots shall be provided mid-block internally to connect parallel streets on the long side of the block.



**Figure 6-78: Mid-block pedestrian accessways help maintain pedestrian access within long blocks.**

**6.6.7. Internal Pedestrian Circulation.** All attached residential, nonresidential, and mixed-use development shall comply with the following standards:

- A. Continuous Pathways Required. Continuous internal pedestrian walkways shall be provided to connect off-street surface parking areas with primary building entrances.
- B. Connection to Public Sidewalk System. At least one internal pedestrian walkway with a minimum width of five feet shall be provided from the on-site pedestrian network to the public sidewalk system. In the case of corner lots, a connection shall be made to the sidewalk of both streets.
- C. Distinguished from Driving Surfaces. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low-maintenance surface materials such as pavers, bricks, or scored/stamped concrete or asphalt to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
- D. Connection to Private Trail Systems. Internal pedestrian walkways are encouraged to connect with planned or existing private trail systems in adjacent developments.

**6.6.8. Minimum Street Standards.** New streets proposed in a circulation plan shall comply with the following standards:

- A. Designation of Streets. All streets shall bear one of the following designations:
  - 1) Arterial Streets. Streets designated as arterial in the Transportation Plan of the City of Athens (ATP) shall be considered to be arterial streets.
  - 2) Collector Streets. Streets designated as collector on the ATP, shall be considered to be collector streets.

- 3) Local Streets. All other streets formally accepted for perpetual maintenance by the city and not designated as an arterial or a collector street, shall be considered to be local streets.

#### B. Street Design

- 1) Public street design shall conform to the arrangement, width, and location standards specified in the Athens Transportation and Street Technical Standards.
- 2) In instances where a new street is not indicated on the ATP, it should support a rectangular grid or modified grid street network to the maximum extent practicable. Curvilinear street networks should only be used when:
  - a) Topographic or environmental constraints make use of the grid pattern undesirable;
  - b) Established development patterns on adjacent lands make the grid pattern infeasible; or
  - c) Used in conjunction with a grid pattern to limit exceptionally long vistas exceeding 1,200 feet down straight streets.

C. Private Streets. Private streets shall be built to the same standards as required for public streets.

D. Arterial and Collector Street Location. If an arterial or collector street is located within or adjacent to a development, the development shall continue the street to a logical termination point.

#### E. Maximum Street Width

- 1) Street widths shall be kept to a minimum while still allowing for cars to move safely in order to calm traffic, reduce the street-crossing distance for pedestrians, minimize stormwater runoff created by excessive impervious areas, and minimize taxpayer costs for maintaining unnecessary paved surfaces.



**Figure 6-79: Narrow streets are more attractive to pedestrians, reduce stormwater runoff, and minimize maintenance costs.**

F. Striping. All streets within public rights-of-way shall use thermoplastic materials for lane striping.

G. Poles, Bridges, and Barriers

- 1) Traffic poles, whether provided by the city or developer should be black or dark green in color.
- 2) All bridge or safety barriers shall be stacked stone, concrete with a decorative finish, or shall be painted dark green or black.

**6.6.9.** Alley and Cul-de-Sac Layout. Circulation plans for developments that use alleys or cul-de-sacs shall comply with the following standards:

A. Cul-de-Sacs. Cul-de-sacs shall comply with the following standards:

- 1) Cul-de-sacs shall be designed according to the Athens Transportation and Street Technical Standards adopted with the Subdivision Regulations.
- 2) In Traditional Zones, cul-de-sacs shall be permitted where existing development, floodplains, wetlands, slopes exceeding 14 percent, or other unique site conditions prevent a street connection; however, the minimum connectivity index score shall be maintained. (See Subsection 6.6.4, Connectivity.)
- 3) In Conventional Zones, cul-de-sacs shall be permitted in developments where the minimum connectivity index score can be maintained. (See Subsection 6.6.4, Connectivity.)
- 4) Cul-de-sac streets shall not extend for more than 500 feet as measured from the center of the cul-de-sac turn around to the nearest right-of way boundary of the adjoining street right-of-way intersection.
- 5) Cul-de-sac or temporary dead end streets shall not serve more than 20 lots in a development.
- 6) Cul-de-sac streets shall terminate in a circular turn around.
- 7) Cul-de-sacs shall have curbed planting islands containing least one tree. Nothing in this subsection shall prevent installation of stormwater quality facilities.



**Figure 6-80: Cul-de-sacs are most appropriately used in areas of steep topography and where stream crossings are prohibited, as shown in this image.**

B. Alleys

1) General Standards

- a) Alleys shall be designed according to the Athens Transportation and Street Technical Standards adopted with the Subdivision Regulations.
- b) Garages accessed from alleys shall be designed in accordance with Subsection 6.1.7.G, Garage Standards.
- c) “T-shaped” alleys, where one alley terminates into another alley, shall be prohibited except when in the opinion of the DRT, said arrangement is the only available option due to unique site conditions.
- d) Alleys shall not be included within the connectivity index calculation. (See Subsection 6.6.4, Connectivity.)
- e) Structures shall be labeled with the street name and house number along the alley.
- f) Garbage and utility service shall be served from alleys in developments where alleys are located; however, water utilities may be served from the front of the structure.
- g) Garbage cans shall be placed on 2-foot by 2-foot concrete pads located on each lot.
- h) No vehicle, fence, structure, vegetation, or wall shall be erected, maintained, or planted within the alley right-of-way or within two feet of the edge of the alley’s pavement/curb, whichever is greater.
- i) Mailboxes shall be:
  - (i) Either be located in the alley, or in mailbox gangs adjacent to the alley; and
  - (ii) Located at least two feet from the concrete pads so as to avoid conflicts with garbage collection.

- 2) Residential Development. Alleys shall be required to serve detached residential lots in Conventional Zones with a lot width of 50 feet or less, detached residential lots in Traditional Zones with lot widths of 40 feet or less, and attached dwellings in traditional and Conventional Zones, except where topographic or environmental constraints make use of alleys undesirable.



**Figure 6-81: Alleys allow service functions to occur at the rear of dwellings and reduce the impact of cars, driveways, and garage doors on streets.**

- 3) Nonresidential and Mixed-Use Development. Alleys or service lanes are encouraged for commercial development to provide areas for utilitarian functions and delivery services separate from the realm of pedestrians and general traffic.



**Figure 6-82: Alleys serving nonresidential uses provide space for deliveries, trash removal, and other functions, and help to limit traffic impacts and negative visual impacts along streets.**

**6.6.10.** Visibility at Intersections. Circulation plans prepared for new development shall comply with the minimum visibility standards in the Traffic Circulation Standards.

**6.6.11.** Traffic Calming Measures. Circulation plans prepared for new streets serving residential, nonresidential, and mixed-use development shall comply with the standards for traffic calming in the Traffic Circulation Standards.

**6.6.12.** Vehicular Access Standards. Circulation Plans shall comply with the vehicular access standards in the Traffic Circulation Standards.

**6.6.13.** Driveway Design Criteria. The Circulation Plan shall provide for compliance with the driveway design standards in the Traffic Circulation Standards.

**6.6.14.** Sidewalks

A. Location of Public Sidewalks. Sidewalks are required on both sides of all arterial and collector streets and on one side of all local streets. Sidewalks are not required along Interstate 65, rural roads, alleys, and the undeveloped edge of neighborhood parkways. Sidewalks shall comply with the standards in the Subdivision Regulations and this subsection.

B. Conventional Zones. Sidewalks shall be set back a minimum of five feet behind the street curb along lots within Conventional Zones. The intervening space between the back of the curb and the edge of the sidewalk is intended for the placement of street trees in accordance with Subsection 6.2.7, Street Trees.

C. Traditional Zones

1) Along residential lots within Traditional Zones, sidewalks shall be set back a minimum of five feet behind the street curb. The intervening space between the back of the curb and the edge of the sidewalk is intended for the placement of street trees in accordance with Subsection 6.2.7, Street Trees.

2) Along nonresidential and mixed-use lots within Traditional Zones, sidewalks may be located at the back of the curb. In no instance shall the intervening space between the back of the curb and the façade of a building be less than ten feet.

3) Lots shall provide street trees in accordance with the standards in Subsection 6.2.7, Street Trees.

D. Minimum Width. Sidewalks running along lots, contiguous to buildings, or abutting off-street parking lots shall meet the following minimum width standards:

1) In no instance shall a sidewalk located within a public street-right-of-way have a minimum width less than five feet.

2) Sidewalks running in a perpendicular direction from off-street parking spaces shall have a minimum width of seven feet.

3) Sidewalks abutting a nonresidential or mixed-use structure shall have a minimum width of eight feet.

4) Sidewalks designed as multiuse paths shall have a minimum width of ten feet. The width may be reduced to eight feet in portions of the path to minimize disturbance to existing vegetation or other environmental constraints.

E. Configuration

1) Sidewalks shall be constructed of concrete, brick, textured pavers or a combination of these materials and shall be raised above the adjacent street level.

- 2) Pedestrian street crossings at all intersections may be raised above the adjacent street level as a traffic-calming measure.
- 3) Sidewalks shall connect with existing or planned sidewalks at property boundaries.
- 4) Sidewalks shall connect building entries within and between developments.
- 5) Except where brick or pavers are used, all public sidewalks shall maintain a brushed concrete finish for safety.



**Figure 6-83: Textured pavers are an appropriate design element that can be used to accentuate pedestrian crossings.**

**6.6.15. Access Permit Required/Appeals**

- A. No curbs or rights-of-way shall be cut, paved, or otherwise altered for the purposes of obtaining access until a permit approving the access cut has been secured from the Streets Department and any other governmental agency owning or controlling street right-of-way.
- B. Whenever the Streets Department disapproves the location and design of a residential access, or when it is claimed that an equally good or more desirable access plan can be employed, or when it is claimed that the true intent and meaning of this ordinance have been misconstrued or wrongly interpreted, then the property owner, or his duly authorized agent, may appeal the decision of the Streets Department to the BZA.

**§6.7. Exterior Lighting**

- 6.7.1. Purpose.** All exterior lighting shall be designed and installed to maintain adequate, safe illumination levels in public areas and on private lands, utilizing durable light fixtures and minimal mounting heights that minimize objectionable off-site glare.
- 6.7.2. Applicability**
  - A. General. Unless exempted, the provisions of this section shall apply to multifamily residential, nonresidential, and mixed-use development.
  - B. Public and Private Lighting Distinguished. For the purposes of this section, public light poles and fixtures shall refer to lighting intended to illuminate rights-of-way or streets, and private lighting fixtures shall refer lighting intended to illuminate private parking areas and access drives.
- 6.7.3. Exemptions.** Lighting and fixtures identified as historic by Engineering and Community Development, or approved as part of a Certificate of Appropriateness for a historic property shall be exempt from the standards of this section.

#### 6.7.4. General Standards for Exterior Lighting

A. Lighting Plan Required. A Lighting Plan shall be submitted with an application for a Site Plan, or Development Plan, whichever is appropriate.

B. Illumination Direction. Lighting shall:

- 1) Be arranged to minimize glare and reflection upon adjacent lands;
- 2) Be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated;
- 3) Not distribute light onto surrounding lands beyond an angle of 35 degrees from a vertical plane; and
- 4) Use low-wattage architectural lighting for upwardly-directed lighting intended to illuminate structures or landscape elements.

C. Equipment and Location

- 1) Public lighting poles or light standards shall be of a type approved by the Athens Utilities Electric Department. The final installation location and quantity of all street lights shall be determined by Streets and Sanitation Department.
- 2) Private lighting poles may be located within landscaped areas or planting islands, but in no instance shall poles be located in a manner that conflicts with required landscape such as canopy trees.
- 3) Ground-oriented, pedestrian-scale lighting shall be considered as an alternative to pole-mounted fixtures along pedestrian walkways.



**Figure 6-84: Pedestrian-scale lighting is appropriate along sidewalks and in other pedestrian areas such as plazas.**

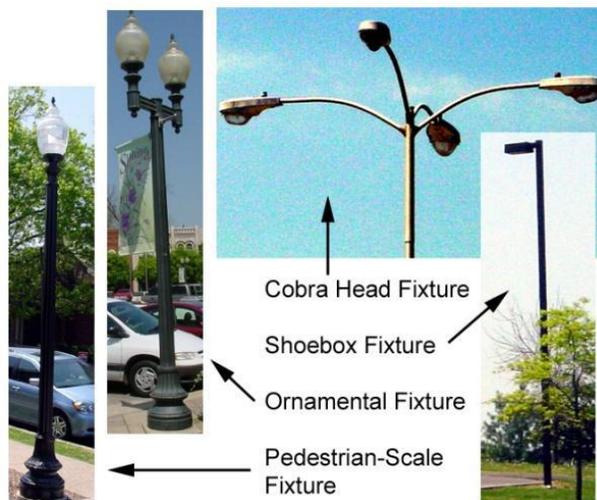
- 4) No exterior lighting shall have any blinking, flashing or fluttering lights or other illuminating device that has a changing light intensity, brightness, or color.

D. Maximum Lighting Height

- 1) Public and Private Lighting in Residential Areas. Public and private lighting in residential and mixed-use developments shall not exceed 20 feet in height, measured from finished grade to highest part of fixture or pole assembly.
- 2) Public Lighting Fixtures in Nonresidential and Mixed Use Areas. The height and style of public lighting fixtures serving nonresidential and mixed uses shall be exempt from the standards in this subsection.
- 3) Private Lighting Fixtures in Nonresidential and Mixed Use Areas. For nonresidential and mixed use developments private fixtures shall not exceed 30 feet in height, measured from finished grade to highest part of fixture or pole assembly. Light fixtures shall not exceed 20 feet in height within 50 feet of detached residential dwelling units or vacant land that is zoned to permit detached residential structures. If, due to topographical or other issues, the illumination is intrusive within 50 feet of detached residential dwellings, additional shielding of the private fixtures shall be required.

#### E. Lighting Fixtures

- 1) Lighting fixtures shall be compatible with the character, scale, and function of both the principal structure and surrounding area.
- 2) Public and private lighting fixtures in residential developments shall be a pedestrian-scale ornamental fixture.
  - a) Shoe-box and cobra-head style fixtures shall be prohibited as public lighting within residential developments.
  - b) Ornamental style light fixtures shall include internal lamp shielding, such as metal louvers or glass reflectors, to reduce objectionable glare; however, ornamental style light fixtures that rely on prismatic glass, acrylic, or polycarbonate outer globes as their only lamp shielding method are prohibited.
- 3) Public fixtures serving nonresidential and mixed uses shall be exempt from the standards in this section.



**Figure 6-85: This image demonstrates the different forms of lighting fixtures.**

F. Shielding

- 1) Interior. No interior light source shall be positioned, aimed, or configured so as to result in the light source being visible from land occupied by existing residential development.
- 2) Canopies. Within a canopy structure, lenses of light sources shall be flush with the canopy or recessed.
- 3) Awnings. Awnings or canopies used for building accents over doors, windows, or similar features, shall not be internally illuminated (i.e., from underneath or behind the awning).

G. Light Levels. All lighting shall have the intensities and uniformity ratio consistent with the *Lighting Handbook* of the Illuminating Engineering Society (IES), and shall be designed and located so that the illumination measured in lumens per square meter (lux) at the finished grade shall comply with the standards in Table 6-5, Illumination Requirements. The illumination shall take into account changes in finished grade, walls, building, and other existing or proposed site conditions.

<b>Type of Off-Street Parking Area</b>	<b>Min. Light Level</b>	<b>Max./Min. Uniformity Ratio</b>
Non-residential and residential off-street parking areas	10 lux	10:1
Parking garages and underground parking	50 lux	4:1
Garage stairwells	100 lux	NA
Garage rooftop surfaces	10 lux	10:1

H. Hue. For private fixtures, different types of light color shall not be mixed within a development site.

**6.7.5.** Wall-mounted Lights. Wall-mounted lights shall be screened by the building’s architectural features or contain a 35 degree cutoff shield to prevent the light source from being visible from any adjacent residential property or public street right-of-way. Nothing in this subsection shall prevent the use of sconces or other decorative lighting fixtures provided that the source of illumination is not visible from adjacent lands used or zoned for residential purposes, and provided that the maximum illumination values comply with the standards in Table 6-5, Illumination Requirements.

**6.7.6.** Floodlights and Spotlights. Floodlights and spotlights shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on a portion of the building façade or other intended site feature and away from adjoining lands or the right-of-way. On-site lighting may be used to accent architectural elements of building(s). Such lighting shall be installed in a fixture that is shielded so that no portion of the light bulb extends below the bottom edge or above the top edge of the shield, and the main beam from the light source is not visible from adjacent lands of the adjacent right-of-way. Floodlights or other type of lighting attached to light poles that illuminate a nonresidential site or building(s) are prohibited.

**6.7.7.** Exemptions for a Security Plan. Government facilities, parks and open areas, public safety, uses where sensitive or dangerous materials are stored, or other uses that may warrant illumination levels higher than the maximum permitted, may submit to the Engineering Services and Community Development a Site Security Plan requesting exterior lighting that deviates from the standards in this subsection. The Engineering Services and Community

Development shall approve the Site Security Plan, or approve it with conditions, upon a finding:

- A. Necessary for Public Safety. The deviation from the standards in this subsection are necessary for the adequate protection of the public;
  - B. Site or Area Conditions. The condition, location, or use of the land, or the history of activity in the area, indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding land; and
  - C. No Significant Adverse Effect. The deviation from the standards in this subsection indicated in the site security plan are the minimum required and will not have a significant adverse effect on neighboring lands.
- 6.7.8.** Illumination of Outdoor Sports Fields, Courts, and Performance Areas. In addition to the requirements of Table 6-5, Illumination Requirements, lighting of outdoor sports fields, courts, and performance areas shall comply with the following standards:
- A. All lighting fixtures shall be equipped with a glare control package (e.g., louvres, shields, or similar devices), and the fixtures shall be aimed so that their beams are directed and fall within the primary playing or performance area; and
  - B. The hours of operation for the lighting system for any game or event shall not continue more than one hour after the end of the game or event.
- 6.7.9.** Sign Lighting. Lighting fixtures illuminating signs shall comply with the standards of this subsection, and such fixtures shall be aimed and shielded so that direct illumination is focused exclusively on the sign face.

## **§6.8. Sign Regulations**

These Sign Control Regulations are adopted as a supplement to “The Zoning Ordinance of the City of Athens, Alabama”, under the zoning authority of the City in furtherance of the more general purposes set forth in the Zoning Ordinance.

- 6.8.1. Purpose and Intent.** The purpose of these Sign Control Regulations are: to provide guidelines for orderly and harmonious display of signs within the corporate limits of the City of Athens, Alabama; to encourage the effective use of signs as a means of communication while providing for the safety of the pedestrian and traveling public by limiting distraction, hazards, and obstructions; to maintain and enhance the aesthetic environment and the City’s ability to attract sources of economic development and growth; to avoid the erection of displays which produce deleterious and injurious effects to adjacent properties and to the natural beauty of the environment; and to promote the mental and physical health, safety and welfare of the public. It is the City’s intent that these regulations be content-neutral, providing guidance for the construction and placement of signs regardless of messages or ideas conveyed through them.
- 6.8.2. Application and Enforcement.** The provisions of these regulations shall be subject to such exceptions, additions, or modifications as herein provided by the following supplementary regulations:
- 6.8.3. Applicability.** The provisions of this article shall apply to all areas within the corporate limits of the City of Athens, Alabama. It shall be unlawful for any person to construct, reconstruct, erect, place, establish, create, enlarge, alter, replace or maintain any sign or cause the same to be done within the corporate limits of the City, except in conformity with the requirements of these regulations.

A. Status of nonconforming signs.

- 1) If at any time a nonconforming sign is removed for any reason, it shall not be replaced.
- 2) All non-permanent signs shall comply with these sign control regulations within the period of time for which they are permitted. (For instance, nonconforming temporary signs shall be removed within two (2) months of the date of their approval, or the adoption of this Ordinance, as amended, whichever is earlier.) Nonconforming signs that do not have a current permit shall be removed or brought into compliance and permitted within ten (10) business days, upon notification.
- 3) All nonconforming permanent signs that may be able to be brought into compliance shall be brought into compliance with these regulations when such sign undergoes alteration, in any way other than sign “maintenance.”

B. Applicability in historic districts. Within the Robert Beaty, George Houston, and Athens State College Historic Districts, or any other locally designated historic districts, signs shall comply with the design guidelines of the applicable historic districts *and* the provisions for sign type, position, density, area and height in the applicable zoning districts. Where the historic design guidelines and the sign regulations of this article are in conflict, the more restrictive standards shall apply.

**6.8.4.** Business License. No person or persons or firm shall construct or alter any sign within the corporate limits of the City without first obtaining a business license as required by the License Code of the City. This provision shall not apply to persons employed by licensed firms, or to the owner of or employees of the owner doing the entire work of construction or erection.

**6.8.5.** Application Approval and Building Permit Required. Except as otherwise provided for in this Article, it shall be unlawful for any person to construct or alter within the corporate limits of the City, or cause the same to be done without first obtaining Signage Application Approval, as described herein, and a Building Permit from the Department.

A. Issuance of a Permit. No Building or Sign Permit shall be issued for an individual sign requiring a permit until a Signage Application for the lot or tract of land on which the sign will be erected or placed has been approved. The Signage Application must be submitted to the Department, by the owner or the owner’s agent, and approved by the Commission, or Zoning Official in the case of administrative approval, whichever is appropriate.

B. Administrative Signage Application approval.

- 1) Proponents of attached accessory signs, window signs, and temporary signs may apply for administrative Signage Application approval by the Zoning Official upon the submission of all applicable documents as listed below.
- 2) Signs that may qualify for administrative approval are: detached accessory signs; construction site identification signs; residential identification signs; directional signs; business center signs; non-accessory signs; and all other detached, on-premise signage visible from a public/semipublic street. Upon submission of all applicable documents as listed below said documents shall be reviewed by the Department. If the Zoning Official deems necessary, these signs shall be reviewed by the Commission.

C. Billboard signs. Refer to Section 6.8.30 Billboard Signs.

**6.8.6.** Components of a Signage Site Plan. The Signage Site Plan shall contain the following information:

A. Attached Accessory or Window Signs:

- 1) Scalable measured drawings using a scalable architectural or engineering scale, or photographs, of the façade of the building in question showing the location of the proposed signage on said building
- 2) Scalable measured drawings or other graphic depictions of said signage indicating the appearance of the sign, the information to be conveyed, including drawings showing the dimensions, construction, details, supports, size, electrical wiring and components, materials of the signs and methods of attachments, lighting, and lettering or graphic style.

B. Detached Signs:

- 1) An accurate and scaled plot plan, drawn by a licensed, registered or certified architect, designer, drafter, engineer, or landscape architect
- 2) Location of buildings, parking lots, driveways, and landscaped areas on such lot or tract of land, showing setback dimensions
- 3) Location of electric or telephone lines overhead or underground
- 4) Location and width of utility and drainage easements
- 5) Computations of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of detached signs allowed on the lot included in the plan under this Ordinance
- 6) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, and location of each sign on the buildings
- 7) Drawings showing the dimensions, construction, details, supports, size, electrical wiring and components, materials of the signs and methods of attachments, lighting, and lettering or graphic style.

**6.8.7. Issuance Denial.** When a permit is denied by the reviewing authority, notice shall be given to the proponent of the denial with a written statement of reason(s) within the following seven (7) working days. If administrative approval is denied, the signature of the Zoning Official shall accompany said denial.

**6.8.8. Appeals of Permit Denial.** Upon denial of an application by the reviewing authority (e.g. the Zoning Official in cases of administrative review or the Commission in cases of Site Plan review or other cases referred to the Commission by the Zoning Official), such denial may be appealed to the BZA. During application or appeal process the Zoning Official shall sign the denial within seven (7) days of the review. The denial notification shall include the reason(s) for the denial. Appeals from the BZA shall be to the Circuit Court.

**6.8.9. Permit Fees.** The Council may, at its discretion and from time to time, establish by resolution, a fee to cover the costs of Signage Site Plan review. Application for Sign Permits shall be filed with the Department after Signage Site Plan approval by the reviewing authority.

**6.8.10. Inspection of Signs.** All permanent detached signs shall be subject to a footing inspection and all electrical signs to an electrical inspection by the Building Official. The person constructing or altering any sign shall notify the Building Official upon completion for final inspection.

**6.8.11. Exceptions.** No permit shall be required for signs erected and maintained pursuant to and in discharge of any governmental functions, as required by law, ordinance, or governmental regulation.

**6.8.12. Penalties and Injunctions.** Any violation of these regulations shall be punishable by a fine of not more than \$200.00 for each and every violation. Each day that a violation remains uncorrected shall be considered a separate offense.

**6.8.13. General Sign Regulations.**

- A. Public Right-of-Way. No sign of any type, or any part of a sign, or any foundation or support of any sign, whether requiring a permit or not, shall be erected, located, or placed in or projected over any public thoroughfare or alley ROW, or in any utility or drainage easement, except as provided by this Ordinance.
- B. Power and Telephone Poles. No sign shall be placed or mounted on power poles and/or telephone poles, nor be maintained or erected in any way that will interfere with power lines and/or telephone lines. Signs shall not be located closer than ten (10) ft to any existing or proposed power line, nor shall they be placed directly under the power lines.
- C. Code Enforcement. All signs shall meet the standards and codes, adopted and enforced by the City.
- D. Sign Appearance. Signs and all components, supporting structures, and attachments shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked panels, and broken or missing letters, presenting a clean and finished appearance, and shall be maintained in safe condition, free from damage or the results from excessive weathering. At any time the Building Official shall find that any permitted sign is in a bad state of repair, or is in danger of falling, or presents a hazard from electrical shock or fire, or at any time a permitted sign is found to be in such a bad state of repair or maintenance so as to adversely affect the property values in the surrounding neighborhood, then the Building Official shall make and enter an order directed to the owner or person in charge of the sign commanding its removal or its repair or maintenance. Any orders issued under this Section shall be subject to an appeal to the BZA.
  - 1) Sign area appearance. The area within ten (10) feet in all directions of any part of a detached sign shall be kept clean of debris and trash, and excessive weed or grass growth, as per the City of Athens Weed Control Ordinance.
  - 2) Sign backs. Exposed backs of all signs shall be painted a single color and shall present a clean and finished appearance.
- E. Changing Message Signs, Electronic Reader Board Signs, Electronic Center Signs. These signs will be counted as part of the total signage area permitted per frontage in any district. They shall meet the requirements specified for the type of signage it serves as: attached or detached, permanent or portable, on- or off-premises as well as other provisions for signage as specified in this Article. They shall meet the requirements for illuminated or flashing signs in Section 6.8.19.
  - 1) Such signs shall be permitted in the B-2, INST, M-1, and M-2 Districts only.
  - 2) “Waterfall” messages, scrolling messages, and other similar electronic messages shall be prohibited as set forth in Section 6.8.19. Any sign which changes messages, e.g., temperature, time, announcements, etc., shall hold the conveyed information conveyed for a period of at least ten (10) seconds before it is replaced with another message or data.
  - 3) The portability of the sign does not preclude it from the requirements of this Ordinance (see Section 6.8.24 Temporary Signs).
  - 4) In order to reduce glare and brightness, such displays shall have a monochrome appearance at all times, with a background color of black and letters and numbers of a lighter color. Pictures shall not be displayed.

- F. Illuminated Signs, Flashing Signs. Illuminated signs and outside lighting devices including beacons and spotlights, shall emit only light of constant intensity. No sign shall be illuminated by, contain, or display flashing, blinking, intermittent, rotating, moving lights or lights of changing degrees of intensity. Illuminated signs shall not cause glare or reflection that constitutes a traffic hazard or nuisance.
- G. Revolving or Animated Signs. No sign shall revolve or be animated, or utilize movement or apparent movement in order to attract the attention of the public.
- H. Electrical Lights. All signs with electrical lights and components shall conform to the codes adopted and enforced by the City of Athens.
- I. Occupant Identification. In addition to all other permitted signage, one sign denoting the address of the occupants of the premises is permitted in any district. These signs shall not exceed two (2) sf in area.
- J. Attached Signs. Attached signs shall not extend more than eighteen (18) inches into any required yard and:
- 1) Attached, flush-mounted signs shall not:
    - a) extend more than eighteen (18) inches perpendicular to the wall surface
    - b) extend beyond the corner end of the wall surface
    - c) extend more than eighteen (18) inches above the top of such wall
  - 2) Attached, projecting signs may project more than eighteen (18) inches beyond the wall surface, but shall not:
    - a) extend more than thirty-six (36) inches perpendicular to the wall surface
    - b) extend beyond the corner end of the wall surface nor more than eighteen (18) inches above the top of such wall
    - c) extend closer than eight (8) ft to the sidewalk or otherwise obstruct a pedestrian way
  - 3) May be placed on walls other than the wall defined in this ordinance as the façade, so long as the total size does not exceed the linear width of the façade.
  - 4) Roof-mounted signs. Permanent roof mounted signs shall not be located in any district.
- K. Temporary Signs. In no event shall any temporary sign be permitted in violation of any provisions of this Ordinance, and shall be administratively approved by the Zoning Official.
- 1) Banners, Posters, Special Purpose Flags, Portable Signs, Vehicle/Trailer Mounted Signs, etc. These are considered a type of temporary, non-permanent signage as defined in Article 9.
    - a) Every property within the city is entitled to one (1) temporary sign. In each of the following instances, one (1) additional temporary sign may be placed on a property for a maximum of two (2) temporary signs at any given time.
      - If the property is a corner lot.
      - If the property is for sale or lease.
      - If the property is occupied by more than one tenant (group occupancy).
      - If the property is under construction.
    - b) These signs are also prohibited from being attached to any railroad trestle or bridge which crosses a ROW.
    - c) The size of the temporary sign shall not exceed the following size limits:

- Four (4) sf on residential properties.
  - Thirty-two (32) sf on non-residential properties.
  - Thirty-two (32) sf on non-improved properties along arterial and collector streets.
- d) In the event a non-residential entity with a permanent location desires to advertise a product or special event, said entity may utilize a temporary sign according to Subsection (a) above only on the property where they are permanently located. Said temporary sign(s) shall follow all other rules for size and placement enumerated within this Ordinance and shall be subject to an application approved by the Zoning Official to ensure it satisfies the requirements of this Ordinance. Approved applications for these temporary signs have a maximum lifespan of twenty-one (21) days. The sign covered by an approved application must be removed once the application expires.
- e) In the event a non-residential entity is sponsoring a community event, open to the public, held in a location not customarily home to a commercial enterprise, a maximum of four (4) off-premise temporary signs shall be permitted. Said temporary signs shall follow all other rules for size and placement enumerated within this Ordinance and shall be subject to an application approved by the Zoning Official to ensure it satisfies the requirements of this Ordinance. Approved applications for these temporary signs have a maximum lifespan of twenty-one (21) days. The sign covered by an approved application must be removed once the application expires.
- f) Portable signs must conform to wind load requirements and must be anchored or supported to guard against the effects of wind.
- g) Vehicle/trailer-mounted signs are prohibited with the exception of motor vehicles that are operated by the owner or designee daily for transportation. No application is required for these motor vehicles. All motor vehicles must be in working condition with current tag and insurance.
- 2) Pennants and Streamers. Pennants and streamers may be used for advertising purposes or other purposes of attraction only in the B-2 district.
- All pennants and streamers that are displayed are expected to be in a good state of repair and not through their appearance to be detrimental to the image of the City. They shall not be allowed to become an eyesore due to shredded, torn, faded, or worn material that is obviously neglected for maintenance by the business displaying them. Such neglect of their appearance or the supporting ropes, cords, cables, etc., that support them such that their appearance may become unsuitable for their intended purpose may result in an order of removal by the City.
- 3) Elections. From time to time, primary, general, and special elections for Federal, State, and local positions are held within the city. For a period of two (2) months prior to the certified election date, the applicability and enforcement of the provisions of this Sec. 6.8.13.K shall be suspended until the day after said election is held.
- L. National and State Flags. All business and institutions, in any district, may display the flag of the United States of America and the Alabama State flag; however, the use of the United States flag and the Alabama flag shall be for patriotic and not commercial purposes. Any display of the United States flag or the Alabama flag must be done with respect and in accordance with appropriate protocols and traditions of the nation and the state. Reference for other information about the flag of the United States: United States Code, Title 36, Chapter 10.

- M. Two-sided Sign. A two-sided sign shall not have two signs in a “stacked” arrangement with one sign face above another, unless authorized as a component of a Business Center Sign, which otherwise meets the requirements of this Ordinance. A two-sided sign shall be regarded as one sign so long as the two sides are at no point separated by a distance in excess of forty-two (42) inches and are parallel to each other and each sign face is equal in size to the face it is opposite.
- N. Window Sign. Signs fixed or mounted directly on or in windows shall not require a permit and shall not count against the signage allocation for the premises, provided that such signs do not cover more than ten (10) percent of the total window area. In such case that the window signage is greater than ten (10) percent; the signage shall count against the signage allocation for the premises.
- O. Public Endangerment and Nuisance. The following signs are considered either a public endangerment or a public nuisance. Such signs are prohibited and shall not be given a nonconforming status. Any existing sign(s) found to be a public endangerment shall be removed or otherwise brought into conformity with the provisions of this Article *immediately*. Any existing sign(s) found to be a public nuisance shall be removed or brought into conformity within thirty (30) days of notice of non-compliance.
- 1) Public endangerment:
    - a) Dangerous signs and signs which can be confused as traffic control devices. Signs which may be confused with or construed as a traffic control device or that copy, imitate, or in any way approximate an official traffic signal or sign, flashing blue, green, red or amber lights, or containing the words “stop”, “go slow”, “caution”, “danger”, “warning”, or similar words, or device designed to cause the public to focus attention on the sign, where the ultimate purpose is to draw attention to the service or product being offered and not warn the public of a real danger.
    - b) Public hazards. No sign shall be located as to cause a public hazard, obstruct or impair motorist vision, diminish safe ingress or egress to any property, or impede flow of pedestrian or vehicular circulation in parking areas, sidewalks or public thoroughfares.
    - c) Right of-way view. Signs which interfere with the view of street traffic, or interfere with, any sign displayed by public authority for the purpose of giving traffic instruction or direction or other public information, are prohibited. Signs within a required sight triangle shall not be over thirty (30) inches in height, or shall not be within ten (10) ft of grade level at the street or drive.
    - d) Obstructions. No signs, nor any means of supporting or staying such signs shall be placed or constructed so as to obstruct or interfere with any door, window, fire escape or other means of ingress, light, or ventilation.
  - 2) Public nuisance:
    - a) Signs on public property, which includes public ROWs and utility and drainage easements, shall not be attached to or maintained upon trees, or painted or drawn upon rock or other natural features.
    - b) Noisy signs. Signs incorporating any noisy electronic or mechanical device(s) are prohibited.
    - c) Abandoned signs are prohibited. It shall be the responsibility of the property owner to remove all abandoned signs.
- P. Obscene Advertising Signs. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner, including, but not limited to:

- 1) Any signs depicting any sexual act or simulated sexual acts of any nature, or any sexual acts which are prohibited by law
- 2) Any signs whereon a nude body, or any anatomical portion of the body considered to be of the sexual areas of the body is exposed and not covered with clothing. Covering with letters or printing cannot be used in place of clothing
- 3) Scenes wherein artificial devices are employed to depict, or drawings are employed to portray any of the prohibited signs, photographs or graphic representations described above
- 4) Any other graphic illustration pertaining to specified sexual activities, and/or specified anatomical areas

Q. Billboard Signs. Additional Billboard signs, except for directional signs, shall not be permitted within the corporate limits of the City.

- 1) Replacement of Existing Billboards. Billboard signs in existence on the effective date of this subsection, which are subsequently destroyed or removed, may be replaced subject to the following conditions:
  - a) If, on the date of removal or destruction, the sign did conform to the requirements in effect on the date of removal or destruction, then the sign may be replaced, provided:
    - (i) Upon first obtaining a Building Permit through the Department, the repair or replacement shall be completed within six (6) months after the removal or destruction of the old sign
    - (ii) The replacement sign meets all sign requirements in effect when a construction permit is issued
    - (iii) The replacement sign is located at the same location as the sign it replaces
  - b) If on the date of the removal or destruction, the sign did not conform to the requirements in effect on the date of removal or destruction, then the sign may be replaced, provided:
    - (i) Upon first obtaining a Building Permit through the Department, the repair or replacement shall be completed within six (6) months after the removal or destruction of the old sign
    - (ii) The replacement sign meets all requirements in effect when a construction permit is issued
    - (iii) The site of the sign shall be reviewed by the Commission, according to Section 6.8.13.Q.4 below and approval must be granted before a Building Permit can be issued. If said approval is not granted, no such Building Permit shall be issued.
  - c) Responsibility for proving that the repairs in Items 1 or 2 above are made within six (6) months of the destruction or removal of said sign, and that the changes made bring the sign in compliance with applicable regulations is solely upon the proponent of said sign.
  - d) If a sign which was removed or destroyed is not actually replaced within the six (6) month time limit enumerated in this Subsection, then the sign that was removed or destroyed shall not be replaced, and the location from which the sign was removed or destroyed shall no longer be considered available for the erection of a Billboard sign.
  - e) If the sign was removed as a consequence of (i) the construction of a public works or (ii) a governmental body's exercise of the power of eminent domain, then the sign may be replaced at a different location on the same parcel of

property upon which the sign was located prior to the removal, so long as the replacement complies with the standards of Section 6.8.30.D and other applicable laws. Moreover, any such replacement must first obtain Signage Site Plan Approval in the same manner as that required for Detached Signs

- 2) Any Billboard Sign, existing on property in an EST District that is rezoned to a residential district, shall be removed within sixty (60) days of said rezoning.
- 3) An existing Billboard Sign shall be maintained, repaired, and retain a “good sign appearance” as defined Section 6.8.13.D.
- 4) An existing Billboard Sign is considered conforming if it adheres to the following standards:
  - a) shall not be located closer than 1,000 ft to another billboard or non-accessory detached sign along the same side of the thoroughfare
  - b) shall not be located within 300 ft radius of any other billboard or non-accessory detached sign
  - c) shall not be less than 200 ft from any residential district
  - d) shall not be closer than 100 ft to any existing or approved thoroughfare intersection
  - e) shall not be located within 200 ft of an on-premise accessory detached sign, whether on the same property or on adjacent property.
  - f) Double-faced or V-type billboard signs shall be considered as one sign.
  - g) Stacked single-face billboards shall not be replaced except by a non-stacked double-faced or V-type billboards.
- 5) No portion of Sec. 6.8.13.Q shall limit the placement of detached accessory signs.

**6.8.14. *Exceptions and Exemptions.*** This Ordinance shall not apply to any signs erected and maintained pursuant to and in discharge of any government function, or required by any law of governmental function.

**6.8.15. *Computations Of Sign Area and Height.*** The following principles shall control the computation of sign area and sign height.

- A. ***Computation of Area of Individual Signs.*** The area of a sign’s face is expressed in square footage calculated from the total perimeter of the writing, display of color or any background material included in the sign’s design, and encompasses all the sign’s graphic components and symbols. The area calculation will be based on a combination of circles, rectangles, squares, triangles, etc., as appropriate. The sign’s face is differentiated from the backdrop or structure to which it is fixed, and does not include the supporting framework, bracing, or wall which supports the sign face. If a sign’s components, such as complete words, phrases, and graphics are proposed for a façade without being attached to a singular cabinet or background, the area of said components may be calculated separately. Individual characters shall not be calculated independently from one another.
- B. ***Computation of Area of Multi-faced Signs.*** The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

C. Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at grade level to the top of the highest attached component of the sign, including border, trim, frame, supports, and all other structural members and appurtenances.

**6.8.16. Permitted Signs in HN, TN-3, TN-2, TN-1, R-1, R-2, and R-3 Districts.** See Table 6-6 for sign type, position, density, area, and height regulations.

A. Attached.

- 1) Location: Attached signs shall be surface-mounted, flat against the wall of the principal building, extending not more than three (3) inches outside the wall surface.
- 2) Size: 2 sf
- 3) Illumination: Not permitted

B. Detached sign for approved non-residential uses.

C. In addition to all signage permitted by right, one (1) additional sign measuring no greater than 40 sf shall be permitted within the common area at the entrance to a subdivision if the neighborhood contains 25% or more homes and/or lots for sale.

D. Residential identification sign, such as for subdivision or multi-family complexes, located at vehicular entrances or attached to a building wall.

E. On-premises directional signs for approved non-residential uses.

F. Residential building identification signs.

G. Occupant identification sign, used to identify individual residential homes.

**6.8.17. Permitted Signs in Planned Development Districts.**

A. Residential areas. See Section 6.8.37.

B. Non-residential development. See Sections 6.8.39 and 6.8.40 as appropriate.

Table 6-6: Sign Position, Density, Area, and Height by District			
HN, TN-3, TN-2, TN-1, R-1, R-2, and R-3 Districts			
Sign Type	Sign position	Sign density, area and height regulations	
Signs for non-residential uses	attached or detached	Max. density	1 sign per frontage per premises
		Max. area per sign	1 sf per linear foot of façade, 40 sf max.
		Max. height	10 ft
Residential identification signs	attached or detached	Max. density	2 signs per entrance
		Max. area per sign	40 sf
		Max. height	6 ft
Directional signs for non-residential uses (on-premises)	detached	Max. density	2 signs per premises
		Max. area per sign	3 sf
		Max. height	30 in
Residential building identification signs	attached	Max. density	1 sign per façade or building wall
		Max. area per sign	3 sf
		Max. height	Signs shall not extend above the roof or parapet
Occupant identification signs (for single-family homes only)	attached or detached	Max. density	1 sign per premises
		Max. area per sign	2 sf 3 sf for historical identification signs
		Max. height	3 sf

Table 6-7: Sign Position, Density, Area, and Height by District			
B-1, TB Districts			
Sign Type	Sign position	Sign density, area and height regulations	
Attached accessory signs	attached	Max. density	1 primary sign per facade
		Max. area per sign	1 sf per linear foot of facade, up to 100 sf max.
		Max. height	Signs shall not extend above the roof or parapet
		Max. area per establishment	100 sf
Detached accessory signs (for lots with only one occupant, tenant, commercial or business enterprise)	detached	Max. density	For frontage of 250 ft or less, 1 sign per lot For frontage in excess of 250 ft, 2 signs per lot with 150 ft min. between such signs
		Max. area per sign	40 sf
		Max. height	10 ft
		Max. area per premises	60 sf
Business center signs	detached	Max. density	1 sign per center (no other detached signs permitted)
		Max. area per sign	100 sf for each 250 sf of frontage or fraction thereof
		Max. height	10 ft
Directional signs (on-premises)	detached	Max. density	1 sign per entrance/exit
		Max. area per sign	4 sf
		Max. height	30 in

**6.8.18.** *Permitted Signs in B-1, TB Districts.* See Table 6-7 for sign type, position, density, area, and height regulations.

- A. Attached accessory signs.
- B. Accessory detached signs.
- C. Business center signs.
- D. On-premises directional signs.
- E. Window signs. See Section 6.8.27.

**6.8.19.** *Permitted Signs in B-2, M-1, and M-2 Districts.* See Table 6-8 for sign type, position, density, area, and height regulations.

- A. Attached accessory signs.
- B. Accessory detached signs.
- C. Business center signs.
- D. Non-accessory detached signs.
- E. Marquee signs, for theatres only.
- F. On-premises directional signs.
- G. Off-premises directional sign, permitted only for a business on a no-outlet street, having access from a major arterial highway and where the area is not served by an existing business center sign that could otherwise be used. If several individual businesses existing on the same

thoroughfare wish to erect an off-premise directional sign, and a business center sign is not available for use, they may be allowed to erect a multi-business, off-premises directional sign structure at the intersection of the no-outlet street and arterial highway.

H. Window signs. See Section 6.8.27.

**6.8.20. Permitted Signs in DWTN District**. See Table 6-9 for sign density, area, and height regulations.

A. Attached accessory signs.

B. Detached sign. Detached accessory signs shall not be permitted, except where: (a) the use/structure is specially approved to be setback from the ROW greater than sixty (60) ft, or (b) the use is primarily open space, such as a park.

C. Marquee signs, for theatres only.

D. On-premises directional signs.

E. Window signs. See Section 6.8.27.

<b>Table 6-8: Sign Position, Density, Area, and Height by District</b>			
<b>B-2, M-1, and M-2 Districts</b>			
<b>Sign Type</b>	<b>Sign position</b>	<b>Sign density, area and height regulations</b>	
Attached accessory signs	attached	Max. density	1 primary sign per facade
		Max. area per sign B-2: M-1 and M-2:	1.5 sf per linear foot of facade. 3 sf per linear foot of facade
		Max. height	Signs shall not extend above the roof or parapet
Detached accessory signs (for lots with only one occupant, tenant, commercial or business enterprise)	detached	Max. density	For frontage of 250 ft or less, 1 sign per lot For frontage in excess of 250 ft, 2 signs per lot with 150 ft spacing min.
		Max. area per sign	150 sf
		Max. height	B-2 (along collector and local streets): 18 ft B-2 (along arterials), M-1 and M-2: 25 ft
		Max. area per premises	300 sf
Business center signs	detached	Max. density	1 sign per center
		Max. area per sign	150 sf + 1 sf per 2 ft of frontage over 50 ft
		Max. height B-2(along collector and local streets): B-2(along arterials), M-1, M-2:	18 ft 25 ft + 1 ft per 60 ft of frontage over 100 ft
		Max. area per premises	800 sf
Marquee signs (for theaters only)	attached	Max. density	1 sign per premises
		Max. area per sign	300 sf
		Max. height	Signs shall not extend above the roof or parapet; 9 ft min. ground clearance
Directional signs (on-premises)	detached	Max. density	1 sign per entrance/exit; or 1 entrance sign and 1 exit sign for premises with only 1 driveway
		Max. area per sign	4 sf
		Max. height	30 in

Directional signs (off-premises)	detached	Max. density	1 sign per intersection and 50 ft from any other permanent, detached sign
		Max. area per sign	4 sf per business entity
		Max. height	30 in

Table 6-9: Sign Position, Density, Area, and Height by District			
DWTN Downtown District			
Sign Type	Sign position	Sign density, area and height regulations	
Attached accessory signs	attached	Max. density	1 primary sign per facade
		Max. area per sign	1 sf per linear foot of facade, up to 100 sf max.
		Max. height	Signs shall not extend above the roof or parapet; 9 ft min. ground clearance
		Max. area per establishment	100 sf
Detached accessory signs (for lots with only one occupant, tenant, commercial or business enterprise)	detached	Max. density	1 sign per premises
		Max. area per sign	40 sf
		Max. height	15 ft
Marquee signs (for theatres only)	attached	Max. density	May be in addition to other permitted signs
		Max. area per sign	300 sf
		Max. height	Signs shall not extend above the roof or parapet; 9 ft min. ground clearance
Directional signs (on-premises)	detached	Max. density	1 sign per entrance/exit
		Max. area per sign	4 sf
		Max. height	30 in

**6.8.21. Permitted Signs in INST, TI Districts.** See Table 6-10 for sign density, area, and height regulations. The total area of all permitted signage for any one such establishment shall not exceed one (1) sf per linear foot of building frontage with the maximum size of 300 sf.

- A. Attached accessory signs.
- B. Accessory detached signs.
- C. Medical business center signs.
- D. On-premises directional signs.
- E. Off-premises directional signs, permitted only for a business on a no-outlet street, having access from a major arterial highway or collector street and where the area is not served by an existing business center sign that could otherwise be used. If several individual businesses existing on the same thoroughfare wish to erect an off-premise directional sign, and a business center sign is not available for use, they may erect a multi-user, off-premises directional sign structure at the intersection of the no-outlet street and subject arterial or collector.
- F. Window signs. See Section 6.8.27.

Table 6-10: Sign Position, Density, Area, and Height by District			
INST, TI Districts			
Sign Type	Sign position	Sign density, area and height regulations	
Attached accessory signs	attached	Max. density	1 primary sign per facade
		Max. area per sign	60 sf
		Max. height	Signs shall not extend above the roof or parapet; 9 ft min. ground clearance
		Max. projection	9 inches from wall surface
Detached accessory signs (for lots with only one occupant, tenant, commercial or business enterprise)	detached	Max. density	For frontage of 250 ft or less, 1 sign per lot For frontage in excess of 250 ft, 2 signs per lot with 150 ft spacing min.
		Max. area per sign	60 sf
		Max. height	8 ft
		Max. area per premises	120 sf
Medical business* center signs	detached	Max. density	1 sign per frontage
		Max. area per sign	100 sf
		Max. height	15 ft
		Max. area per premises	300 sf
Directional signs (on-premises)	detached	Max. density	1 sign per entrance/exit
		Max. area per sign	4 sf
		Max. height	30 in
Directional signs (off-premises)	detached	Max. density	1 sign per intersection and 50 ft from any other permanent, detached sign
		Max. area per sign	4 sf per business entity
		Max. height	30 in
*The total area of all permitted signage for any one hospital or medical office building shall not exceed one (1) sf per linear foot of facade up to a maximum of 300 sf.			

**6.8.22. Permitted Signs in EST Estate and Agricultural District.**

- A. **Residential.** Signs on residential property shall be subject to the provisions for signs in residential districts. See Section 6.8.37.
- B. **Other Uses.** Signs for all other Permitted Uses and Special Exception Uses shall be subject to the provisions for signs in the B-1 District. See Section 6.8.39.

**§6.9. Underground Utilities**

- 6.9.1. Applicability.** Except in the M-1 and M-2 Districts, within new developments, all utilities, such as cable television, electrical (excluding transformers), gas, sewer, telephone, and water lines, shall be placed underground.
- 6.9.2. Option to Require Assessment of Cost Difference.** In the event that the city or any public utility within the city elects at its own expense to install underground utilities along or adjoining any street or future planned street, then, upon the subdivision of the property in question, the city through the subdivision regulations, may require as a condition of plat approval the payment of an assessment by the property owner (or Performance Agreement with adequate surety established) representing the additional cost to the utility of placing the service underground over the normal cost of extending the service to the property in question.



**Figure 6-86: Overhead utilities can create visual clutter.**

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## **ARTICLE 7. PERFORMANCE AGREEMENTS**

### **§7.1. Performance Agreement**

- 7.1.1.** In the event an applicant seeks a Certificate of Occupancy prior to all required improvements being installed, a Performance Agreement shall be in the amount of 110 percent of the actual estimated cost as determined by the engineer or landscape architect of record, and affirmed by Engineering Services and Community Development and based on the recommendations of city departments. The Performance Agreement shall secure site improvements and private access improvements required pursuant to this ordinance, including necessary off-site improvements.
- 7.1.2.** At the time the applicant requests to enter into a Performance Agreement, the applicant shall submit a letter to the Engineering Services and Community Development in which he agrees to have a registered professional engineer or landscape architect, depending on the type of improvements, involved in the construction phase of the project for the purpose of monitoring construction in order to determine conformity with approved plans and specifications.
- 7.1.3.** The period within which required improvements shall be completed shall not exceed one year from the date the Performance Agreement is signed; however, extensions and reductions may be approved by the Engineering Services and Community Development in accordance with this chapter.
- 7.1.4.** The Performance Agreement shall name the city as obligee and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution. The Performance Agreement shall remain in force in its full face amount until improvements are completed and accepted by the Engineering Services and Community Development or appropriate city departments, whichever is applicable. The Performance Agreement may be reduced as provided in Section 7.3, Reduction or Release of Performance Agreements.

### **§7.2. Surety Required**

- 7.2.1.** A Performance Agreement authorized by the Engineering Services and Community Development shall be secured by either an irrevocable standby letter of credit with an automatically renewable feature, (often termed as an “evergreen” letter of credit), a cashier’s check, or other method of surety deemed adequate by Engineering Services and Community Development. The beneficiary of the surety shall be the City of Athens.
- 7.2.2.** The financial institution shall permit the letter of credit to be presented for collection at a place physically located within Limestone, Madison, or Morgan County, Alabama. Alternatively, for site plans and final plats approved by the Planning Commission or Administratively, the financial institution may choose to provide a means for facsimile presentation, under the following conditions:
  - A.** Financial institution must operate a minimum of one branch or office open to the public, located in Limestone, Madison, or Morgan County, Alabama.
  - B.** Presentation of draw documents by Beneficiary shall also be permitted via overnight courier service to the financial institution’s department where issuance of letters of credit transpires.
  - C.** Facsimile number(s) for presentation shall be printed in the letter of credit, with a statement that modifications to, or discontinuation of, facsimile numbers shall be provided to the Beneficiary via amendment.
  - D.** A means of backup shall be provided in the letter of credit, for an occasion when the facsimile number is inoperable for any reason:

- 1) Backup shall include either a physical location address in Limestone, Madison, or Morgan County, Alabama, to be accessed only if the facsimile number is inoperable for any reason; or,
- 2) Financial institution shall print in the letter of credit that if for any reason the facsimile number noted in the letter of credit is inoperable at a time when Beneficiary is attempting to present draw documents, then draw documents shall be considered timely when the financial institution is presented with a facsimile machine transmittal showing an attempted presentation by Beneficiary, along with satisfactory draw documents.

**§7.3. Reduction or Release of Performance Agreement and Surety**

- 7.3.1.** The Performance Agreement may be reduced one time by the Engineering Services and Community Development.
- 7.3.2.** A request for reduction of the surety or release of the Performance Agreement shall be submitted to Engineering Services and Community Development. The appropriate city department may release the Performance Agreement, extend the Performance Agreement, or reduce a surety.
- 7.3.3.** Extensions of Performance Agreements shall be as determined by the appropriate city departments but shall be for no greater than one year.
- 7.3.4.** A request for reduction of the surety or release of the Performance Agreement shall not be granted until all of the following have been completed:
  - A. The applicant shall present a letter to the Engineering Services and Community Development requesting reduction of the surety, including the percentage amount of completion of the improvement, or release of the Performance Agreement, including a written statement from the engineer or landscape architect employed by the applicant stating that the improvements have been installed in accordance with the approved plans and specifications.
  - B. The appropriate city department has submitted a statement to the Engineering Services and Community Development indicating that the required improvements and/or required landscaping have been inspected and satisfactorily completed in accordance with the approved plan.
- 7.3.5.** Once such a written statement from the engineer or the landscape architect has been received stating that the improvements have been installed in accordance with the plans and specifications approved by the appropriate city departments, an inspection by the relevant department shall be performed at no cost to the applicant.
- 7.3.6.** At the time an extension, reduction or release of a Performance Agreement is approved, the Engineering Services and Community Development or other appropriate city department, whichever is applicable, shall establish the expiration date of the Performance Agreement. However, the maintenance obligation or Performance Agreement shall not have an expiration date of greater than one year.
- 7.3.7.** No Performance Agreement shall be reduced to less than twenty-five percent (25%) of its full-face amount, irrespective of the estimated cost of completing the improvements. The amount of reduction shall range from fifty percent (50%) to seventy-five percent (75%) of its full-face amount, contingent upon the actual amount of completion of the improvements.
- 7.3.8.** The applicant's costs incurred in connection with a request for the extension, reduction of the surety or release of the Performance Agreement and surety (that is, landscape architect or

engineering inspections fees, legal fees, and so forth) shall be borne by the applicant, regardless of whether his request is ultimately granted.

**§7.4. Deferred Improvements Program.** The City recognizes that there are occasionally unique circumstances, typically where small, start-up businesses are concerned, where required improvements are to a scale that makes obtaining a bond or letter of credit, and frontloading a project with capital investment for all required improvements is unduly burdensome. It is the intent of this section to offer an alternative means of getting site improvements constructed while being cognizant of the challenges faced by start-up, small businesses. This section shall only apply where the applicant is seeking to locate within an existing building and nonconforming improvements are required by Sec. 3.7 if this ordinance.

**7.4.1. Program Standards.** The City, at its discretion, shall be free to offer an applicant the opportunity to defer improvements to a property according to the following:

- A. The applicant has a site plan drawn by a professional engineer or landscape architect.
- B. The engineer or landscape architect develops a schedule for required improvements set over the course of time set in this section.
- C. The schedule for improvements, with associated percentages of the total cost of improvements, shall be as follows:
  - 1) 25% of the total improvements are due at the time a Certificate of Occupancy is issued.
  - 2) 50% of the total improvements shall be in place one (1) year following the issuance of the Certificate of Occupancy.
  - 3) 75% of the total improvements shall be in place two (2) years following the issuance of the Certificate of Occupancy.
  - 4) 100% of the total improvements shall be in place three (3) years following the issuance of the Certificate of Occupancy.
- D. The applicant shall enter into a contract with the City, agreeing to the terms of this section and ensuring that 100% of the required improvements are made within the course of time set by this section. Within the contract, the applicant will agree that the issuance of a City business privilege license for their business is contingent on their meeting the obligations of this section.

**7.4.2. Alternative Program for Deferred Parking.** An applicant may submit a request to defer the construction of up to 50 percent of the required number of parking spaces specified in Table 6-1, Minimum Off-Street Parking Standards, or Table 6-2, Off-Street parking Standards for Selected Industrial Uses, if the request complies with the following standards:

- 1) Reserve Parking Plan. The request is accompanied by a Reserve Parking Plan identifying: (a) the amount of off-street parking being deferred, and (b) the location of the area to be reserved for future parking, if needed, and (c) spaces are drawn to show how it could be built to meet parking standards including dimensional, accessibility requirements, grading, drainage, lighting, landscaping, signage, and all other requirements for a site plan.
- 2) Parking Demand Study. Adequate assurance is provided that within 12 months after the initial Certificate of Occupancy is issued for the proposed development, the applicant will submit a Parking Demand Study to the Engineering Services and Community Development that demonstrates the parking demand for the development and the adequacy of existing parking spaces. If the study indicates that the existing parking is adequate, then the construction of the remaining number of parking spaces

shall not be required. If the study indicates additional parking is required, it shall be provided consistent with the Reserve Parking Plan and the standards of Section 6.5, Off-Street Parking and Loading.

- 3) Limitations on Reserve Areas. Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes.
- 4) Landscape Required. If ultimately developed for off-street parking purposes, areas reserved for future parking shall be landscaped with an appropriate ground cover and shall comply with all relevant landscape standards of this ordinance.
- 5) Total required handicap parking is developed in the initial phase.

B. The applicant shall enter into a contract with the City, agreeing to the terms of this section and ensuring that 100% of the required improvements are made and appropriate ancillary information/materials/reports are provided within the course of time set by this section. Within the contract, the applicant will agree that the issuance of a City business privilege license for their business is contingent on their meeting the obligations of this section.

**7.4.3.** Failure to meet obligations. Any failure to meet the obligations of this section shall result in the revocation of the business' City business privilege license.

**7.4.4.** Business failure. In the event that a business does not survive the length of time set in the contract, and required improvements were not made, the property will be considered nonconforming.

**§7.5. Maintenance.** Upon the release of the Performance Agreement, the applicant shall be required to maintain the completed improvements and required landscape to insure against defects in workmanship and materials.

**§7.6. Failure to Complete Improvements.** The Engineering Services and Community Development may declare the agreement to be in default and notify the Planning Commission of the need to call the agreement and surety in accordance with Section 2.4, Specific Development Review Procedures.

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## ARTICLE 8. ENFORCEMENT

**§8.1. Enforcement.** Any uses of land or dwellings or construction or alteration of buildings, or structures erected, altered, razed or converted in violation of any of the provisions of this Ordinance are hereby declared to be a nuisance per se. The Zoning Official is hereby authorized to apply to a court of equity to abate the nuisance created by such unlawful use of structure. Whenever the Zoning Official has declared a structure to be nonconforming with the provisions of this Ordinance, the owner or occupant shall, within seventy-two (72) hours from the issuance of a notice from the Zoning Official to vacate such premises, accomplish such vacation of such structure or premises which shall not again be used or occupied until such structure or premises has been adapted to conform to the provisions of this Ordinance.

**8.1.1. Penalties for Violation** For any and every violation of the provisions of this Ordinance and for each and every day that such violation continues, said violation(s) shall be punishable as a misdemeanor by a fine of \$100.00 or by imprisonment for not more than ten (10) days, or by both such fine and imprisonment. Each day any such violation continues shall constitute a separate offense.

**8.1.2. Remedies.** In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the Zoning Official or any other appropriate authority or any adjacent or neighboring property owner who would be damaged or caused hardship by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to stay or prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure or land.

## **ARTICLE 9. RULES OF CONSTRUCTION AND DEFINITIONS**

### **§9.1. Interpretation of Commonly Used Terms and Words.**

- 9.1.1. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense.
- 9.1.2. Words used in the singular number include the plural, and words used in the plural include the singular, unless the natural construction of the wording indicates otherwise.
- 9.1.3. The terms “Council”, “Commission”, and “Board” shall mean the “Athens City Council”, “City of Athens Planning Commission”, and “City of Athens Board of Zoning Adjustment”, respectively, unless otherwise indicated.
- 9.1.4. The word “herein” means “in these regulations”.
- 9.1.5. The terms “this Ordinance”, “regulations”, or “these regulations” mean the “Zoning Ordinance of the City of Athens, Alabama”.
- 9.1.6. The word “person” includes an individual as well as a firm, association, corporation, an incorporated association of persons such as a club, a partnership, trust, company, or any other legal entity.
- 9.1.7. The terms “used”, “used for”, or “occupied” as applied to any land or building shall be construed to include the words “designed for, intended, arranged, or designated to be used or occupied”.
- 9.1.8. The word “structure” shall include the word “building”, and “building” shall include “structure”; and, the words “building” or “structure” includes any part thereof.
- 9.1.9. The word “lot” shall include the words “plot”, “parcel”, or “tract”.
- 9.1.10. The word “shall” is always mandatory.
- 9.1.11. The word “may” is always discretionary.
- 9.1.12. The terms “map” and “zoning map” shall mean the “Official Zoning Map, City of Athens.”

### **§9.2. Definition of Specific Terms and Words.**

Abandoned signs. A sign advertising an activity, product, or business no longer conducted or located on the premises upon which the sign is located.

Abutting. Being in actual contact; such as by touching along a property line or at a point. Properties that are separated by a right-of-way may be “adjoining”, but not “abutting”. However, properties separated by an easement shall be considered “abutting”.

Access way. See “Driveway”.

Accessory dwelling. The use of a structure, accessory to a single-family dwelling, whether attached or detached, as a living space.

Accessory sign. A sign related to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is located. An accessory sign may also display a non-commercial message.

Accessory structure. A structure on the same lot with, of nature customarily incidental or subordinate to, and related exclusively to the principal use of the premises or structure.

Accessory use. A use of land or buildings which is normally incidental, subordinate to and related exclusively to the principal use of the premises.

Adjacent. Either abutting or on opposite sides of a thoroughfare or right-of-way that separates it from the subject property. However, properties separated by a freeway or railroad ROW shall not be considered “adjacent”.

Adult Oriented Business. Any business required to have a special operating license for an adult-only enterprise by the State of Alabama according to Section 13A-12-200.12 of the Code of Alabama 1975, as amended and is in compliance with any and all other regulations within the Code of Alabama 1975, as amended.

Advertisement. The calling of a service, product, or activity to the attention of the public, including identifying such service, product, or activity.

Alley. A public way which affords a means of access to abutting property and which is not intended for general traffic circulation.

Alter and alteration. Any change or modification in accommodations, construction, dimensions, or occupancy of a building or structure. For signs, the replacement, enlargement, reduction, or reshaping of, or addition to, a sign, sign trim, frame, pole, brackets, or any supporting member. Any change in the number of poles supporting a sign; or, except as authorized under the definition of “maintenance” herein defined, the replacement or modification of any words, letters, numerals, symbols, or other surface features of a sign in order to create a substantially different visual effect constitutes an alteration.

Animal Equivalent Units. A unit of measure of the number of livestock kept and raised on property based on the size of the livestock and as shown in the table at right. Animal equivalent units are used in determining the allowable concentration of livestock on a property. Equivalents for animals not listed in are determined by the Commission as needed. Offspring are not counted until they are weaned. Animals, which are not weaned, are counted when they reach half their adult weight based on industry standards.

Animal Equivalent Units	
Horse 1 unit	Sheep/Goat 0.4 units
Cow 1 unit	Rabbit 0.1 units
Emu 0.4 units	small fowl 0.1 units

Antenna. Any exterior apparatus designed to transmit and/or receive electromagnetic waves.

Applicable district. That zoning district in which a building, structure, use, subdivision or property is located or proposed to be located.

Architect or Applicant’s architect. A professional architect licensed in the State of Alabama.

Assisted living facility. A licensed facility in which room, board, meals, laundry, and assistance with personal care and other services are provided for not less than twenty-four (24) hours in any week to a minimum of two (2) ambulatory adults not related by blood or marriage to the owner and/or administrator.

Association. A partnership, limited partnership, limited liability company (LLC), or any form of unincorporated enterprise.

Attached dwelling unit: A dwelling unit in a building which contains two (2) or more dwelling units.

Attached Sign. A sign fastened or affixed to, mounted against, or otherwise connected to, a building or other non-sign structure, provided however, that the primary purpose of the supporting structure is not the display of the sign.

Automotive services. Automotive service establishments shall be categorized as follows:

Gas/service station. A service station including gasoline sales and minor repair, but not including vehicle sales or rental, auto painting, body work, major repair, dismantling for recovery of parts, automatic washing, or storage of vehicles or vehicle parts for more than thirty (30) days.

Automotive repair service, Minor. A place of business engaged in the repair and maintenance of automobiles and light trucks including the sale, installation, and servicing of mechanical equipment and parts but not including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

Automotive repair service, Major. A place of business engaged in the repair and maintenance of automobiles and light trucks including the sale, installation, and servicing of mechanical equipment and parts including painting, body work, upholstery work, fabrication of parts, or rebuilding of engines.

Awning. A frame attached to a building wall, over which canvas, cloth, plastic or other fabric is stretched, in order to provide shade or cover or to serve as an ornamental feature of the building.

Awning sign. A sign painted upon or otherwise applied to an awning but which is not internally illuminated.

Banners, posters, etc. A type of temporary sign of canvas, plastic sheeting, paper, cardboard or cloth without its own supporting frame, but attached to posts, poles, or other stationary structures by cords, ropes, elastic bands (shock cords, bungee cords, etc.) or other fasteners; or affixed to a flat surface such as an exterior wall, window, or mansard.

Barrier. A physical structure limiting access to a protected area.

Basement. That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Berm. A planted or landscaped elevated ground area between two other areas, generally designed to restrict view and to deflect or absorb noise. Berms with ground cover that necessitates moving shall have a slope not greater than one (1) ft of rise per three (3) ft of run.

Best management practices (BMPs). Structural practices and vegetative measures which, when properly designated, installed and maintained, provide erosion and sedimentation control for rainfall events.

Billboard. A large panel(s) designed to carry outdoor advertising. For the purposes of this Ordinance a sign shall be considered a “billboard” when its size is a minimum of 150 sf up to a maximum of 400 sf in area per sign face, and having only one sign face per side.

Block. A unit of land bounded by thoroughfares or a combination of thoroughfares, public land, public parks, cemeteries, railroad rights-of-way, watercourses, or any other barrier to the continuity of development.

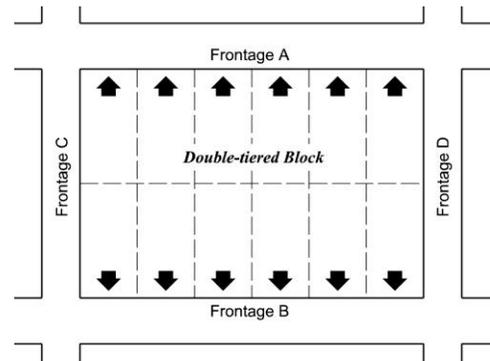
Block, Double-tiered. A residential block bounded on all sides by thoroughfares and within which lots front only on two of the surrounding thoroughfares, as shown in the illustration at right. The corner lots of such blocks shall be considered “standard corner lots”.

Board. The Board of Zoning Adjustment of the City of Athens, Alabama.

Buffer. A landscaped strip of land provided between two or more properties, uses, or buildings to mitigate the incompatible characteristics of adjacent uses and/or buildings. Buffers may include berms, shrubs, trees, fences or walls, other screening devices, or a combination of such devices.

Buildable area. The portion of a lot remaining after required yards have been provided.

Building. A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels; and when supported by divisions walls from the ground up without ingress and egress provided between such divisions or suitable openings, each portion of such building so divided shall be deemed a separate building.



Double-tiered block

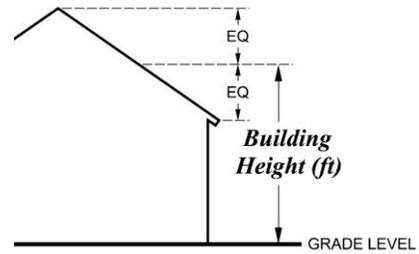
**Building area.** The portion of a lot or tract of land occupied by the principal building, including porches, carports, accessory buildings, and other structures.

**Building area, maximum.** The greatest percentage of a lot or tract of land permitted to be occupied by buildings and structures, as defined above in “building area”, but excluding driveways, sidewalks, and swimming pools.

**Building code.** The International Building Code published by the International Code Council, Inc., as adopted by the City of Athens, and amended from time to time. Refer to Section 2.3.6(B).

**Building face or wall.** All window and wall area of a building in one plane or elevation.

**Building height.** The vertical extent of a building measured (in feet) from grade level to the highest point of the parapet for flat roofs, to the decked line for mansard roofs, and to the mean height between eaves and ridges for gable, hip, and gambrel roofs. Building height may also be measured in stories, which does not include basements and cellars, unless specifically provided otherwise.



Building height

**Building line.** The extreme overall dimensions of a building as staked on the ground, including porches, chimneys, and similar projections at grade level, whichever is nearest to the property line. The front building line shall refer to that portion of the building nearest the front lot line.

**Building Official.** The Building Official for the City of Athens, Alabama or his authorized designee.

**Building, Portable.** A building transportable in one or more sections, which is built on a permanent chassis, and designed to be occupied and used with or without a permanent foundation.

**Building, Principal.** A permanent building in which is conducted or is intended to be conducted the principle use of the lot or tract of land on which said building is located. A principal building shall be a permanent building which has a roof supported by columns or walls, with walls constructed of wood, metal, glass, brick or masonry materials, which completely enclose the principal building area.

**Building line:** A line defining the distance from the property line or lines beyond which a structure may be built in compliance with this ordinance.

**Build-to line.** A line parallel to the front lot line, which establishes the maximum setback allowed within the applicable district. Example: A build-to line of twenty (20) ft requires that the front building line can be no further than twenty (20) ft from the front lot line. A corner lot shall be considered to have two such build-to lines in applicable districts.

**Business center sign.** An on-premise detached sign which identifies a complex of two (2) or more occupants or tenants on the same lot or tract of land.

**Caliper.** Trunk diameter of a tree in inches measured six (6) inches above grade level for trees up to four (4) inch caliper, and twelve (12) inches above grade level for larger trees.

**Carport.** An accessory structure attached to a principal building, having a roof with one or more open sides and intended for the sheltering of motor vehicles.

**Certificate of Occupancy.** Official certification that a premise conforms to the provisions of the Zoning Ordinance and Building Code and may be used or occupied.

**Changing message sign, electronic reader-board sign, electronic message center sign.** A sign of any material, with changeable lettering that may be electronically or manually changed, which is designed to be either portable or permanently mounted, either attached to or separate from other signage structures or structures upon which signs are attached or mounted.

Child development facility. Any child development program or club that promotes extended educational services that is funded partially or completely by federal, state, or local government revenue. (i.e.: Head Start Programs, Boys and Girls Clubs, etc.) The definition of “child development facility” shall also include any day care center licensed by the Alabama Department of Human Resources.

City. The City of Athens, Alabama, unless otherwise noted.

Clinic: An establishment, public or private, where there are no overnight facilities and where people are given examination, diagnosis and treatment as out-patients by physicians, dentists, optometrists or other members of the medical profession.

Club, Private. A bona fide nonprofit organization which fully complies with the definition of the term “club” as prescribed by Alabama law. A certificate to exemption from federal income taxation issued pursuant to the Federal Internal Revenue Code, as amended, shall be presumptive evidence that said establishment is not operated for pecuniary gain, that the property, as well as the advantages of same, belongs to all the members and that the said organization is bona fide nonprofit. No alcoholic beverages may be sold except for consumption on the licensed premises of any such club.

Cold Frame: An unheated outdoor apparatus consisting of a wooden or concrete frame and a top of glass or clear plastic, used for protecting seedlings and plants from the cold no more than thirty-two (32) square feet in area and four (4) feet in height

Common property. Land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites within a PUD.

Community Event. An event that is open to the general public and held for a limited time once a year at any particular location. Examples include music festivals, plays, conventions, auctions, and similar events.

Community Garden: A lot(s) or parcel(s) of land managed and maintained by a non-profit organization, an association, or a group of individuals from multiple households to grow and to harvest food, crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption, or donation. Community Gardens may be divided into separate plots for cultivations by individuals, or may be farmed collectively by the members of the group, and may include common areas maintained and used by group members. A Community Garden does not include a garden or edible landscaping maintained by an individual or members from one household for personal use.

Community Garden Structure: A detached structure, the use of which is customary to community gardens.

Condominium. A building, or group of buildings, in which residential dwelling units, offices or floor area that are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Conservation subdivision. A subdivision of single-family detached dwellings, wherein portions of the site containing environmental features are left substantially undeveloped for preservation and/or recreation but where the developer may otherwise build the maximum number of lots permissible under the base zoning district for the entire site by clustering such dwellings on the portion(s) of the site not containing said environmental features.

Construction site identification sign. A temporary sign located on the site of a construction project which identifies the owners, architects, engineers, contractors, mechanics, artisans, craftsmen, financial institutions, and other individuals or firms involved with the construction, but does not include any advertisement of any product, service, or activity, except that such sign may include information regarding sale or leasing, and words announcing the name or character of the building enterprise or the purpose for which the building is intended.

Container. Except where otherwise indicated by context, the single bottle, can, keg, bag, barrel, box or other receptacle in which products are originally packaged for the market by the manufacturer or importer, and from which product may be consumed or dispensed.

Contiguous. See “abutting”.

Convenience store. A retail establishment which offers the retail sales of an assortment of container food items (snacks, grocery items), refrigerated food items stored in display coolers, tobaccos, toiletries, accessory items, and other convenience items; and which may offer the sale of beer and wine, but not liquor, in unopened containers, for off-site consumption, as an accessory part of the principal establishment being retail sales of other products; and which may or may not include the sale of automotive fuels dispensed by the purchaser.

Corral. A pen or enclosure for confining or capturing livestock. This is normally a smaller fenced enclosure within a larger equestrian operation.

Council or City Council. The City Council of the City of Athens, Alabama.

Cul-de-sac. The dead-end street terminated by a vehicle turnaround area having a minimum right-of-way radius of fifty (50) ft.

Day care center. A child care facility, licensed and regulated by the Alabama Department of Human Resources, receiving thirteen (13) or more children for care during all or part of the day. The term does not include: programs operated as part of public or private schools; programs operated on federal governmental premises; and special activities programs such as athletics, crafts, and similar activities conducted on an organized and periodic basis by civic, charitable and governmental organizations.

Day care home, Family. A child care facility, licensed and regulated by the Alabama Department of Human Resources, within a single-family dwelling, which receives on a regular basis not more than six (6) children for care during part of the day.

Day care home, Group. A child care facility, licensed and regulated by the Alabama Department of Human Resources, within a single-family dwelling, which receives on a regular basis at least seven (7) but no more than twelve (12) children for care during part of the day, has at least two (2) adults present and supervising the activities.

Deciduous plants. Plants that shed their leaves during their dormant season and produce new leaves the following growing season.

Density. The number of lots or dwelling units per acre of land unless specifically provided otherwise.

Detached dwelling unit: A dwelling unit which is the main building on a lot.

Detached sign. A sign not physically connected in any way to a building or other non-sign structure located on the same premises as the sign, but instead mounted on or attached to a pole or manufactured sign framework permanently embedded in the ground, whose primary purpose is to display the sign.

Development. Any manmade change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

Directional sign. A sign of a non-commercial nature which directs the reader to the location of a public, religious, or educational institution, or to the location of a historical structure or area, or to the location of a public park or building; or signs directing traffic on private property such as ingress and egress signs; or signs displayed for the direction and convenience of the public, including signs which identify restrooms, location of public telephones, public entrances, freight entrances, etc.. Such signs may display a business name or logo or directional information or symbols, but shall not bear nor display any advertisement.

District. A zoning classification applied to land by this Ordinance in which are prescribed regulations regarding land uses, signage, parking, building setbacks, open spaces, and other characteristics of development.

Drip line. The circumference of a tree's natural unaltered canopy extended vertically to the ground.

Drive-in theatre. A theatre so arranged and conducted that the customer or patron may view the performance while being seated in a vehicle.

Driveway. A vehicular access, or curb cut, in private ownership intended for use by vehicles entering or leaving an off-street parking area.

Dormitory: A structure other than a dwelling, designed, used or offered for residential occupancy, which is part of an institution, and serves only the members, students or employees thereof.

Duplex: A building containing two (2) dwelling units.

Dwelling or Dwelling unit. A building, or any portion thereof that is designed, arranged, and/or used for living quarters for one (1) or more persons living as a single family unit, having its own cooking and kitchen facilities, but not including units in hotels or other structures designed for transient residence.

Earthwork. The breaking of ground, except common gardening and grounds care.

Easement. A grant by the property owner of use, by the public, a corporation, or person(s) of a strip or portion of land for specified reasons, or as created by operation of law. Such uses and reasons may include drainage, utilities, telecommunications, access, ingress or egress. Such easements may be temporary or may be attached to the property in perpetuity.

Electrical code. The National Electrical Code as adopted by the City Council.

Electrical sign. A sign with electric wiring or lighting therein or thereon, or lights used in conjunction with the sign, this includes use of neon, florescent tubing, or flood lights.

Engineer or Applicant's engineer. A professional engineer licensed in the State of Alabama.

Erect. Construct, including built, reconstruction, alteration, moved upon or any physical operations on the premises required for the building, principal structure, sign or accessory structure or use. Excavation, earthwork, fill, drainage work, utilities installations and other work as it relates to the construction or use of a building, principal structure, sign or accessory use shall be considered within the meaning of erect.

Evergreen plants. Plants that retain their leaves during their dormant season.

Facade. The exterior of a building extending the entire width of a building elevation that faces a public thoroughfare.

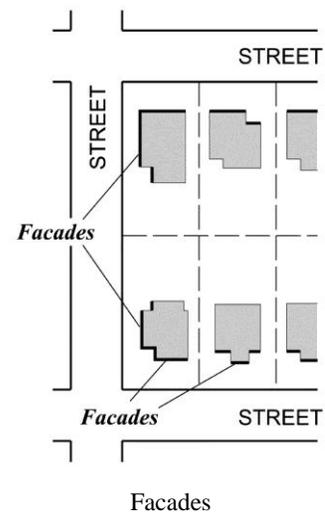
Family: One or more persons related by blood, marriage, adoption, or by some other legal custodial relationship, living as a single housekeeping unit in a dwelling unit, including persons who reside in the dwelling unit and are employed to care for family member; or three (3) unrelated individuals living as a single housekeeping unit in a dwelling unit. However, notwithstanding the preceding definition, a family shall also be deemed to include up to three (3) unrelated persons occupying a dwelling unit and living as a single, non-profit housekeeping unit, if any one or more of said three (3) unrelated occupants is handicapped as defined in Title VII of the Civil Rights Act of 1968 as amended by the Fair Housing Act Amendments of 1988 and the Alabama Fair Housing Law, Section 24-8-1, *et seq.*, Ala. Code 1975.

Farming, Commercial livestock operation. The keeping and raising of livestock and/or poultry, of at least fifty (50) animal equivalent units, for commercial purposes.

Fence. A structure intended as a barrier or enclosure.

First floor. The lowest floor surface of that portion of a structure defined as a story.

Flood. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of rivers or streams or the unusual and rapid accumulation of runoff of surface waters from any source.



**Floodplain.** A relatively flat or low area adjoining a river or stream which is periodically subject to partial or complete inundation of floodwaters, or a low area subject to the unusual and rapid accumulation of runoff of surface waters from any source.

**Floodproofing.** Any combination of structural or non-structural additions, changes, or adjustments which reduces or eliminates flood damage to real estate, improved real property, water supply and sanitary sewer facilities, electrical systems, and structures and their contents.

**Floodway.** The stream channel and the portion of the adjacent floodplain which must be reserved solely for the passage of floodwaters in order to prevent an increase in upstream flood heights of more than one (1) ft above the predevelopment conditions.

**Floodway fringe areas.** Land lying outside a designated floodway but within the area subject to inundation by the 100-year flood.

**Floor area, Habitable.** For residential uses, the area of the first floor plus the area of the floors next above, and the area under a sloping roof having a minimum ceiling height of six (6) ft. Garage floor area, basements, decks, porches, patios, terraces, and carport floor area are not included as habitable floor area.

**Floor area, Non-residential.** The gross floor area, including basement, of any non-residential structure.

**Foot candle.** A measure of light striking a surface one square foot in area on which one unit of light (lumen) is uniformly distributed.

**Fowl.** Winged animals or livestock including chickens, geese, ducks, and exotic birds, but not including birds kept as domestic pets.

**Fowl house.** An enclosed or partially enclosed agricultural structure used for the keeping and raising of two or more chickens or other fowl.

**Frontage, Block.** All the property on one (1) side of a thoroughfare between two intersecting thoroughfares measured along the ROW line of the thoroughfare, or if the thoroughfare is dead-ended, then all of the property abutting on one (1) side between an intersecting thoroughfare and the dead end of the thoroughfare.

**Frontage, Lot.** That dimension of a lot along its front lot line and, where applicable, its street side lot line.

**Frontage, Street.** That portion of a lot along a thoroughfare, whether along a front lot line or street side lot line.

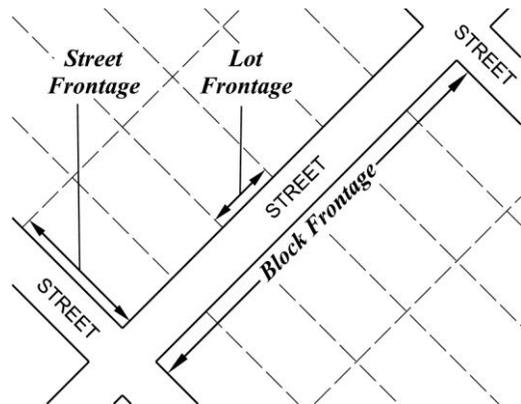
**Garage, Private.** A private garage is a garage for which the principal use is the storage of privately owned vehicles and constituting an accessory use on the lot.

**Garden Coordinator:** The person having legal or equitable interest in a propose project subject to the provision of this article. The coordinator performs the role of management of the community gardens in coordination with the city.

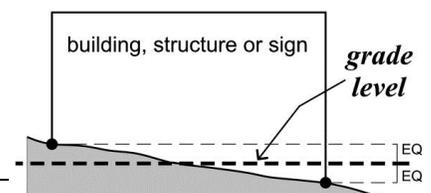
**Gas station.** Any building, structure or land at which the sale of combustible and flammable fuels is conducted. Gas stations which also have motor vehicle repair services as a component of the business shall be considered “gas/service stations” (see “automotive services: gas/service station”).

**General merchandise.** The sale of antiques; apparel; art, crafts and supplies; books, magazines, and stationery; flowers; gifts; hardware; hobby items (including but not limited to bicycles, skates, and skateboards); household items; jewelry; records and CDs; and sundries at retail.

**Grade level.** For buildings, the average level of the finished grade at the front building line. For detached signs, the lower of (1) existing, average



Block Frontage, Lot Frontage, and Street Frontage



Grade Level

grade at the sign edge prior to construction or (2) the newly established average grade at the sign edge after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. For trees, landscaping, and light fixtures, the level of finished grade at the base of the tree, plant, or fixture.

Greenway. An open space corridor that links urban, suburban, and rural communities to natural and scenic areas with a network of connected trails, walkways, and natural preservation areas.

Grocery store. A retail establishment whose primary function is the sale of packaged or unprepared food and grocery items for consumption off the premises and whose floor space is at least 10,000 sf.

Gross floor area (GFA). The sum of the horizontal areas of all floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including any space where the floor-to-ceiling height is less than six (6) ft and not including stairwells or elevators.

Ground cover. Plants, mulch, gravel, and other landscape elements used to prevent soil erosion, compaction, etc. Ground cover includes flowers, woody vines, evergreen plants or other organic living plants (including sod), generally characterized by vertical growth of less than eighteen (18) inches in height.

Hardship. A circumstance existing when the conditions imposed by the Zoning Ordinance would deprive a property owner of certain development rights that are enjoyed by other property owners within the same zoning district. The standards for determining if a hardship justifies a variance is contained in Section 2.5.4, which excludes self-created and economic hardships.

Hazardous uses. All uses which involve the storage, sale, manufacture, processing or handling of materials which are easily ignited and likely to burn with moderate rapidity or cause smoke, including materials which are highly flammable, explosive, noxious, toxic, or inherently dangerous to humans, animals, land, crops, or property.

Hobby farm. The production, keeping, or maintenance of farm animals and/or the growing of flowers, produce, or plants, as an accessory use to the principal dwelling and where any income derived from such use is incidental to the income of the residents thereof.

Home occupation. An occupation for gain or support conducted frequently or continuously in the primary residential dwelling of the person/family conducting the business, in a residential district. Home occupations shall be in accordance with Section 3.11.1.

Hoop House: An apparatus made of polyvinyl chloride (PVC) piping or other material covered with translucent plastic, constructed in a half-round or hoop shape, used for growing and protecting plants no more than 200 sq. ft. in area and 8 ft in height

Hospital. A public or proprietary institution providing medical diagnosis, treatment, or other care of human ailments, operating under license by the Alabama State Health Department, and which, unless otherwise specified, shall be deemed to include institutions primarily for treatment of contagious diseases and the insane or feeble minded but not including nursing homes.

Hotel. A building or part thereof occupied as the more or less temporary abiding place of individuals in which the rooms are usually occupied singularly for hire and in which rooms no provision for cooking is made and in which building there is usually a kitchen and public dining room for the accommodation of the occupants and guest. A hotel shall maintain a central, internal lobby, and all rooms shall be accessible only from the interior of the building.

Hotel/Motel lounges. A use within a hotel or motel, in close proximity or convenient to the guest registration area, which offers the sale of beer, table and/or fortified wine and liquors for on-site consumption as an accessory part of the principal lodging operation.

Impervious surface. A surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, thoroughfares, swimming pools, fountains, sidewalks, tennis courts, and any concrete or asphalt surface. Pervious paving areas are not considered impervious surfaces.

Improvements. Those physical additions and changes to the land that may be necessary to produce usable and desirable developments including but not limited to driveways, landscaping, thoroughfares and alleys, sidewalks, curbs, gutters, utilities, and stormwater management facilities.

Independent living facility. Attached dwellings, restricted to occupancy by handicapped persons or persons sixty-two (62) years and older, which may provide common facilities and services, but which are not defined as an assisted living facility.

Industrial park. A tract of industrial land subdivided into at least two (2) parcels planned and/or managed by an industrial development authority.

Island. An interior landscaping feature surrounded on all sides by driving and/or parking surfaces.

Institution. A structure or use occupied by a group, cooperative, or other entity created for non-profit purposes or for public use or services; but excluding those of an industrial nature such as garages, repair or storage yards, warehouses, and correctional institutions; and as categorized below:

Low-intensity institutional uses. Civic, service, and fraternal organizations; cultural facilities; day care centers; dormitories; elementary schools; group homes with more than six (6) residents; nursing homes rest homes, and other homes for the aged, assembly 100 seats and under.

Medium-intensity institutional uses. Government buildings up to 12,500 sf; health institutions up to 50,000 sf; junior high and middle schools; assembly up to 750 seats; other institutions up to 50,000 sf.

High-intensity institutional uses. Government buildings greater than 12,500 sf; health institutions greater than 50,000 sf; assembly greater than 750 seats; high schools, universities, colleges, junior colleges; stadiums and arenas; other institutions greater than 50,000 sf.

Junkyard. Any place, structure, lot or tract of land, or portion thereof, where junk, waste, discarded, salvaged or similar materials such as old iron or other metal, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are stored, bought, sold, exchanged, baled, packed, dissembled or handled, and including storage of machinery or motor vehicles and dismantling of such vehicles or machinery.

Kennel, Indoor. A building in which five (5) or more domestic animals are permanently or temporarily boarded, groomed, trained or treated, for compensation.

Kennel, Outdoor. A lot or premises on which five (5) or more domestic animals are permanently or temporarily boarded, groomed, trained or treated, for compensation.

Land area. Property which is not water surface area.

Landscape architect or Applicant's landscape architect. A professional landscape architect licensed in the State of Alabama.

Landscape element. A plant material (living or non-living) or an ornamental material (river rock, brick, tile, statuary, etc.) differentiated from surrounding off-street parking area surfacing materials.

Landscape materials, Organic. Plants or non-living materials made from plants, e.g. pine straw, bark chips, etc.

Landscaping. Trees, shrubs, ground covers, vines, walkways, ponds, fountains, benches, sculptures, and similar materials used for creating an attractive appearance. No artificial plants, trees or like materials may be counted toward meeting the landscaping requirements of this Ordinance.

Landscaping, Foundation. Those landscape areas provided against the front of the principal structure.

Landscaping, Interior. Those landscape areas provided within an off-street parking area.

Landscaping, Perimeter. Those landscape areas provided between an off-street parking area and adjoining properties. Perimeter landscaping shall exclude landscaping between an off-street parking area and buildings on the same legal lot.

Landscaping, Street frontage. Those landscape areas between off-street parking areas and adjacent street rights-of-way.

**Livestock.** Animals of any kind kept, bred, or raised for commercial or other purposes, excluding house pets such as domestic cats, dogs, fish, fowl, and other similar animals kept for personal pleasure and excluding swine.

**Living area:** The area on all floors of a building exclusive of porches, unfinished basements, unfinished attics, garages or breezeways.

**Lodging.** Transient or short-term living accommodations provided by a hotel, motel, extended stay facility, or bed and breakfast facility or through the short-term rental of a dwelling unit.

**Lot.** A parcel of land intended for transfer of ownership or for building development, which shall be comprised of land area or a combination of land area and water surface area conforming to the area and dimensional regulations of the applicable district. Said land area shall be contiguous and have frontage upon a public thoroughfare. The word “lot” includes the word “plot”, “parcel”, or “tract”. Lots are classified into the following categories:

**Corner lot.** A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of a thoroughfare that form an interior angle of less than 135 degrees. The point of intersection of the street lines is the corner.

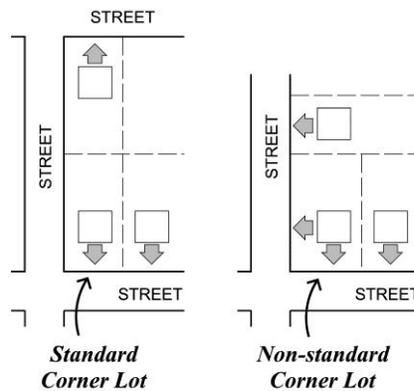
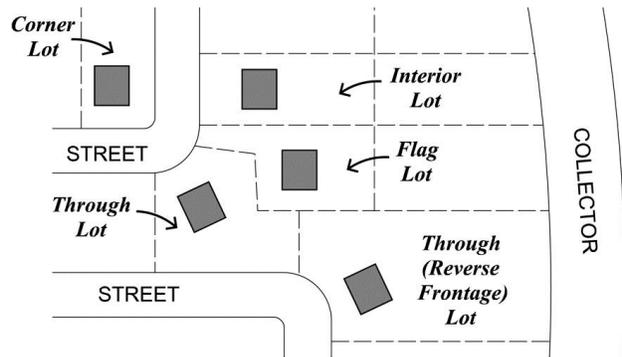
**Corner lot, standard.** Generally, a corner lot on a double-tiered block. However, a corner lot, on a double-tiered block, that is used for non-residential or multi-family uses shall only be treated as a “standard corner lot” (in determining whether a street side yard or front yard is required) when the property facing the subject lot from across the lesser thoroughfare is also occupied by a non-residential or multi-family use. A corner lot that is not on a double-tiered block shall not be considered a “standard corner lot” in any case.

**Flag lot.** A lot that does not meet the lot width requirements of its district at the front lot line.

**Interior lot.** A lot other than a corner lot.

**Through lot.** A lot abutting two (2) or more thoroughfares other than a corner lot.

**Through lot, reverse-frontage.** A through lot with primary frontage on the abutting thoroughfare of lesser classification.

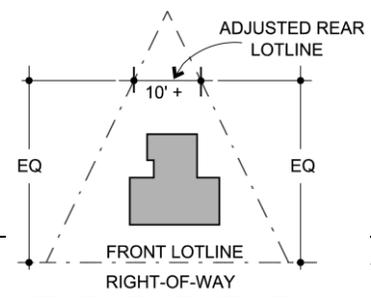


Lot Types

**Lot, Depth.** The mean distance of the side lines of the lot measured from the midpoint of the front lot line to the midpoint of the rear lot line. In the case of a lot, in which the side lot lines converge in a point, the lot depth shall be measured using the adjusted rear lot line (see definition of “Lot line, Rear lot line”).

**Lot line.** A line of record bounding a lot that divides one (1) lot from another lot or from an alley, thoroughfare or any other public space. Lot lines are classified into the following categories:

**Front lot line.** A lot line separating the front of the lot from the thoroughfare. For standard corner lots, there shall be a front lot line and a “street side lot line”. On all other corner lots and on all through lots, all lot lines abutting a thoroughfare shall be front lot lines.

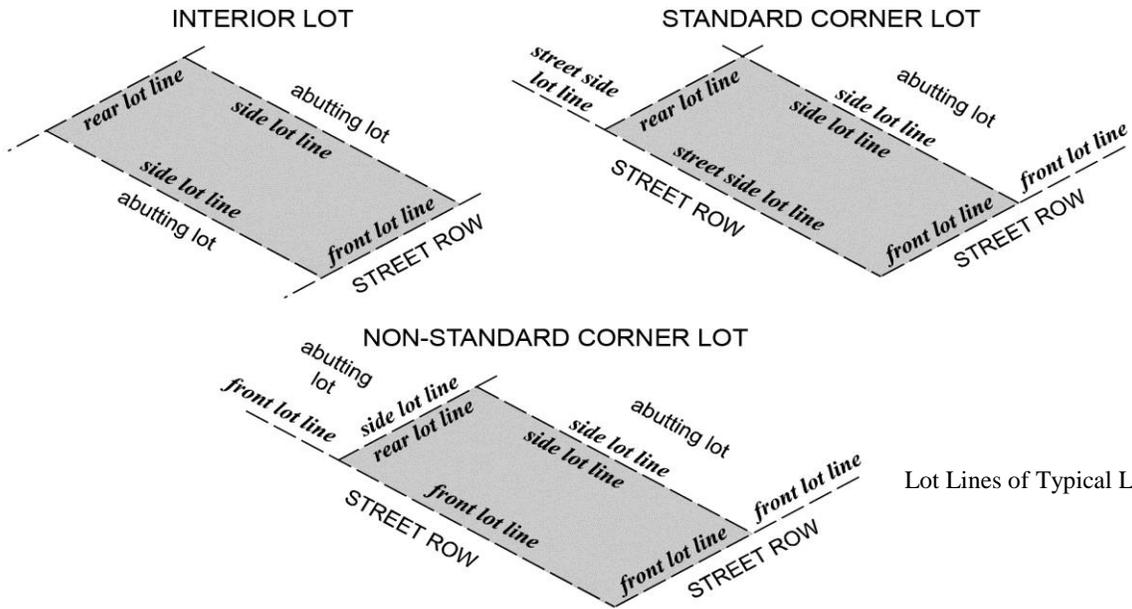


Adjusted Rear Lot Line

**Rear lot line.** A lot line, which is most distant from a front lot line. For non-standard corner lots, that lot line which is generally parallel to the front lot line of lesser dimension. For the purposes of determining rear yard setbacks on a lot where the side lot lines meet in a point, the rear lot line shall be assumed to be a line not less than ten (10) ft long drawn within the lot between the two side lot lines and parallel to the front lot line, and shall be referred to as the “adjusted rear lot line”.

**Side lot line.** Any lot line, which is not a front or rear lot line. For non-standard corner lots, that lot line which is generally parallel to the front lot line of greater dimension.

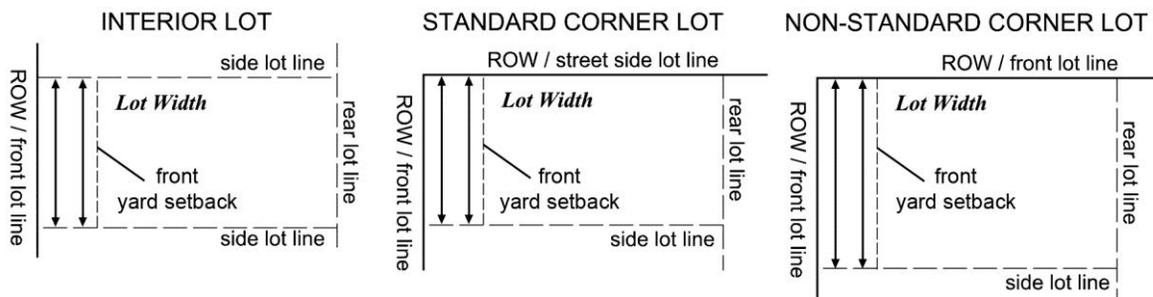
**Street side lot line.** That lot line, other than the front lot line, of a standard corner lot, which abuts a thoroughfare. The street side lot line is generally longer than the front lot line.



Lot Lines of Typical Lots

**Lot of record.** A lot which is part of a subdivision, a plat of which has been recorded in the Office of the Probate Judge of Limestone County, or a lot described by metes and bounds, the description of which has been so recorded, and which actually exists as so shown.

**Lot, Width.** For interior lots, the distance between the side lot lines. For standard corner lots, the distance between the side lot line and the street side lot line. For other corner lots, the distance between the side lot line and the opposing front lot line. Such distance shall be measured along a straight line, which is at right angles to the axis of the lot, and shall be measured so at any point between the front lot line and the front building line. When a lot abuts on a curved thoroughfare or cul-de-sac, the lot width is determined using the arc length (see also Section 5.5.4).



Lot Width of Typical Lots

**Luminaire.** A complete lighting unit that consists of one or more lamps and ballast, if needed, together with other parts designed to distribute light, position and protect lamps, and connect lamps to the power source.

Maintenance of signs. The normal care and minor repair necessary to maintain safe, attractive, and finished sign structure, trim, frame, poles, brackets, and surface. This includes the replacement of any part of a sign with equivalent material for the purpose of maintenance that does not affect its design, size, structural framework, exterior dimensions, or its structural members and uprights. Replacing or updating of copy or logo on a valid nonconforming on-premise sign shall be considered maintenance only if the type, category, or nature of the activity or product or service being advertised remains the same, provided the sign is not otherwise altered. Changing of the message or copy of any off-premise or on-premise detached sign shall be considered a part of normal maintenance.

Major vehicle repair: Rebuilding of engines and other components, painting, grinding, sanding, fabrication of parts, and other activities which require the storage of vehicles or are detrimental to property, health or safety beyond the district in which it is located, due to emission of odor, gas, dust, fumes, smoke, noise, vibration or waste material.

Manufactured home, Class A. A double-wide manufactured home that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies the following criteria:

- a) The manufactured home has a length not exceeding four (4) times its width, with length measured along the longest axis and width measured at the narrowest part of the other axis.
- b) The manufactured home has a minimum of 960 sf of enclosed and heated living area.
- c) The roof has a minimum vertical rise of three (3) ft for each twelve (12) ft of horizontal run and the roof is finished with a type of shingle that is commonly used in standard residential construction.
- d) All roof structures have an eave projection of no less than six (6) inches, which may include a gutter.
- e) The exterior siding consists predominantly of vinyl or aluminum horizontal siding (whose reflectivity does not exceed that of gloss white paint), wood, or hardboard, comparable in composition, appearance and durability to the exterior siding commonly used in standard residential construction
- f) The manufactured home is set up in accordance with the standards set by the Alabama Manufactured Home Institute. Screening of the foundation area is a continuous, permanent masonry foundation or skirting, unbroken except for required ventilation and access, and which is installed under the perimeter of the manufactured home.
- g) Stairs, porches, entrance platforms, ramps, and other means of entrance and exit is installed or constructed in accordance with the Building Code, freestanding or attached firmly to the primary structure and anchored securely to the ground.
- h) The moving hitch, wheels and axles, and transporting lights have been removed.

Manufactured home, Class B. A single-wide manufactured home that meets or exceeds the construction standards promulgated by the US Department of Housing and Urban Development that were in effect at the time of construction.

Manufactured home, Class C. A manufactured home that does not meet the definition of a Class A or Class B manufactured home. Class C manufactured homes shall not be allowed in the City, except as existing structures permitted prior to the adoption of this Ordinance.

Manufactured home park. A parcel of land under single ownership designed, maintained, intended, or used for the purpose of supplying a location and accommodations for one or more Class A or Class B manufactured homes occupied for dwelling purposes are located, regardless of whether a charge is made for accommodations.

Marquee. A permanent roofed structure attached to and supported by a building and projecting over public property or sidewalk.

Marquee sign. A sign attached to or painted on or inscribed on, and partly or fully supported by, or made an integral part of, a marquee.

Merchandise Store with Incidental Table Wine Sales. An establishment principally operated for the sale of apparel, home décor, art, jewelry, antiques, or specialty gift merchandise, and that also offers the sale of a diversified selection of both domestic and imported table wine, but not beer or liquor, in unopened containers for off-site consumption. The sale of alcoholic beverages shall be no more than ten (10) percent of its gross annual sales, and no more than fifteen (15) percent of the public floor space may be dedicated to the public display of alcoholic beverages.

Mezzanine. An intermediate or fractional story between the floor and ceiling or a main story occupying not more than one-third (1/3) of the floor area of such main story.

Mini-warehouse: A structure or group of structures, not to exceed one ( 1) story in height, partitioned for leasing of individual storage spaces of five hundred (500) square feet or less, wherein no retail or wholesale trade is conducted.

Mixed-use development. Development consisting of a residential and commercial component, including, but not limited to, dwellings, lodging facilities, retail and services, and office uses that are either within the same building, on the same parcel, or part of a PUD providing unified control and design, direct pedestrian access, and joint use of parking, driveways, utilities and other ancillary facilities.

Modular building, on-frame. A factory-built structure, other than a manufactured home, which is designed only for installation on a site-built permanent foundation; is constructed on a single chassis to be moved as a whole from the factory to its destination; is designed with the possibility of relocating once so erected or installed; and is designed and manufactured to comply with a nationally recognized model building code or equivalent local code, or with a state or local modular building code recognized as generally equivalent to building codes for site-built housing

Modular building, off-frame. A factory-built structure, other than a manufactured home, which is designed only for erection or installation on a site-built permanent foundation; is brought to its destination in multiple pre-fabricated pieces and is assembled on the foundation; is not designed to be moved once so erected or installed; and is designed and manufactured to comply with a nationally recognized model building code or equivalent local code, or with a state or local modular building code recognized as generally equivalent to building codes for site-built housing

Modular home. A modular building designed and intended for use as a detached single-family dwelling.

Motel. A lodging establishment meeting the definition of “hotel” except that sleeping units are typically accessible from the exterior of the building.

Mulch bed. An area, generally bordered by a retaining device, with a covering of mulch over the soil.

Natural features. In reference to zoning application submission requirements, natural conditions on a subject property that may be impacted by land development, including but not limited to, forest or tree cover; sinkholes; surface water bodies; rock outcroppings; wetlands; and intermittent or perennial streams.

Non-accessory sign. A sign unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such a sign is located.

Nonconforming building or structure. A building or structure that does not conform to the area and dimensional requirements of the applicable district or other applicable requirements of this Ordinance.

Nonconforming improvements. Improvements on a lot that do not conform to the requirements of this Ordinance, the Subdivision Regulations, or other applicable regulations, including but not limited, to off-street parking, driveways, drainage, landscaping, screening, and buffers.

Nonconforming lot. A lot that does not conform to the area and dimensional requirements of the applicable district or other applicable requirements of this Ordinance.

Nonconforming sign. A sign that does not conform to the sign regulations. Such a sign, if it conformed in all respects to the sign regulations and applicable zoning provisions in effect when it was erected, shall for the purposes of this Ordinance be deemed nonconforming but not illegal.

Nonconforming use. The use of any building, structure or land which does not conform with the use regulations of the applicable district or other applicable provisions of this Ordinance.

Non-residential. That which is used or intended for uses other than residential purposes.

Nuisance. Any use which causes noise, smoke, gas, vibration, fumes, dust, odors or other objectionable conditions which adversely impacts neighboring properties.

Nursery school, kindergarten, or day care center. Any premises or portion thereof used for educational work or parental care, for only a portion of the day, of children of less than the age required for enrollment in the public school system.

Nursing home. A licensed facility providing inpatient care for convalescents or other persons not acutely ill and not in need of acute general hospital care, but who do require skilled nursing care.

Office. Space or rooms for professional, administrative, clerical and similar uses.

Office/technical use. Office use combined with an equipment intensive use, wherein twenty (20) percent or more of the net usable floor area of a building is devoted to large equipment used by administrative employees for business process functions, such as data processing and communications equipment.

Off-premise sign. A sign that draws attention to or communicates information about a business, service, product, commodity, accommodation, attraction, church, school, public or charitable institution or other enterprise or activity that exists or is being conducted, sold, offered, maintained, or provided at a location other than the premises on which the sign is located, or otherwise conveys a commercial or noncommercial message unrelated to the premises upon which the sign is located.

On-premise sign. A sign that draws attention to or communicates information about a business, service, product, commodity, accommodation, attraction, church, school, public or charitable institution, or other enterprise or activity that exists or is being conducted, sold, offered, maintained, or provided on the premises where the sign is located.

Open space. Land, not covered by parking areas, rights-of-way or buildings other than recreational structures, which is landscaped or left in a natural state as required within this Ordinance or the Subdivision Regulations and which is intended for natural or scenic preservation and/or passive recreational uses.

Open space, Common. Land area within a PUD held in common ownership and maintained by a homeowners' or condominium association of all of the residents for recreation, protection of natural features, amenities or buffers; is freely accessible to all residents of the development; and is protected by covenant and the provisions of this Ordinance to ensure that it remains in such use(s). For the purposes of calculation, common open space shall not include surface water bodies nor land occupied by common driveways, parking areas, or rights-of-way; nor shall it include areas within lots for single-family dwellings or duplexes. Common open spaces shall be left in a natural state or landscaped, and may include recreational structures.

Open storage. Unroofed storage areas, whether fenced or not.

Ornamentation. Decorative features of a non-living material used to enhance a landscaped area.

Parcel: A tract of land that is not part of a subdivision, the map of which has not been recorded in the office of the judge of probate.

Parking and vehicular area (PVA). All area, other than in a public ROW, designated and/or used for the parking and movement of vehicles, including access ways, drive aisles, stacking spaces, and loading areas.

Parking area. An open, unoccupied space which is surfaced by an all-weather surface equivalent to 4 inches of gravel, bituminous pavement, or concrete, used or intended to be used for parking of vehicles, plus the necessary access space. It shall always be located outside the street right-of-way and required side yards, and in or on which no business is conducted.

Parking area, Underground. A parking area completely covered by a structure or by grass or other landscaping elements.

Parking garage. A structure used for parking of vehicles and having one or more parking levels above the grade of surrounding land.

Parking area, Off-street. An area, other than a public right-of-way, designated and/or used for the parking and movement of vehicles. This definition includes access ways, drive aisles and loading areas.

Parking, On-street. Areas at the edges of a thoroughfare that are authorized for short-term storage of motor vehicles.

Parking Space/Pad: A clearly designated area located on private property, having a dust free surface, constructed by either asphalt pavement, concrete, solid pavers or their equivalent. Used for the temporary occupancy by a vehicle.

Pedestrian way. An improved pedestrian walkway located on either public or private property.

Peninsula. An interior landscaping feature attached on only one side to perimeter landscaping, buildings, etc., and surrounded on all other sides by off-street parking areas.

Person. A natural person, association of natural persons, partnership, corporation or other legal entity.

Pervious paving. Materials used for surfacing parking lots and driveways such as porous concrete or modular porous paver systems that are designed to allow infiltration of stormwater and are consistent with Stormwater Best Management Practices. Pervious paving areas are not considered as impervious surface areas for the purpose of calculating impervious surface coverage.

Place of worship. A structure set apart primarily for the use or purpose of public worship, and whose sanctuary is tax exempt under the laws of this state, and in which religious services are held and with which a clergyman is associated, and the entire structure is kept for that use and not put to any other use inconsistent therewith.

Planned development or Planned unit development. A tract of land under single corporation, firm, partnership, or association ownership, planned and developed as an integral unit, in a single development operation or a defined programmed series of development operations in accordance with an approved development plan.

Planning commission: The City of Athens Planning Commission.

Planting strip. A strip of land, between a curb and sidewalk or between an off-street parking area and a sidewalk or thoroughfare, reserved exclusively for landscaping.

Portable sign. A sign of any material, with or without changeable lettering, which is designed to be or is portable, and which is mounted on a vehicle, trailer, stand, or similar structure, with or without wheels, and is not permanently embedded in the ground.

Pre-application conference. An initial and informal stage of development review at which the developer may make known concept plan proposals and the Zoning Official may respond and/or advise the developer concerning the development regulations and other issues related to the development.

Premises. A lot, parcel or tract of land together with the buildings and structures thereon, having a separate street address.

Principal use. The principal purpose for which a lot, the principal building thereon, or establishment therein is designed, arranged or intended, and for which it is or may be used, occupied or maintained.

Projecting sign. An attached sign erected on the face or outside wall of any building, column, building post, or supporting structure and projecting out at an angle.

Public hearing. A hearing before the Athens City Council, Planning Commission, or Board of Zoning Adjustments held pursuant to Title 11, Chapter 52 of Code of Alabama, 1975, as amended.

Public improvement. Any thoroughfare, park, water line, sanitary drainage system or similar improvement installed to serve abutting or nearby private or public property constructed by either a private entity or a public agency and ultimately owned and maintained by a public entity.

Public place. Any place or gathering which the public generally attends or is admitted to either by invitation, common consent or right, or by payment of an admission or other charge, and without limiting the foregoing, shall include any streets, alleys, sidewalks, public easements, or right-of-ways, parking lots designed for use by the general public, public buildings, buildings which are open to the public including but limited to school buildings or grounds, parks and libraries, places where school related and recreational games or contests are held, any theater, auditorium, show, skating rink, dance hall or other place of amusement or any club, provided that such term shall not mean or include premises which have been duly licensed under the ordinances of the city and the laws of the state for sale or consumption of such beverages and provided that no private gathering is included within the meaning of public place with respect to the owners or occupants of such premises or place or to any persons specifically invited therein: provided, that such term shall not mean or include premises which have been duly licensed by the city for sale thereon of such beverages.

Public property. Property owned by a municipality, a county, the state or the United States government, except property used for public utility purposes. All public street rights-of-way are public property.

Public utility. Any person, firm, corporation, municipal department or board, duly authorized by the Alabama Public Services Commission, to provide electricity, gas, steam, telephone, telegraph, transportation, water or sewer service to the general public.

Recreational vehicle. See “Travel trailer”.

Restaurant, Accessory. A restaurant, incidental to a principal use, whose primary purpose is to provide internal dining facilities for the use of patrons to the principal use and not to attract the patronage of the general public. A restaurant located in a mixed-use building directly accessible from the exterior shall be considered a principal use.

Restaurant, Drive-thru. An establishment where food is cooked or prepared, and where there is drive-up window service or other service to customers in their vehicles. Such restaurants may also have dine-in areas. This term shall also include “drive-in restaurants” and “drive-up restaurants”.

Restaurant, Standard. An establishment where food is cooked, patrons dine on or off the premises, and where there is no walk-up window service or (drive-in or drive-thru) service to customers in their vehicles. In regard to. A standard restaurant may be further categorized as a Class I or Class II restaurant in accordance with the definitions in the Athens Alcoholic Beverage Ordinance, Section 6-33 and as amended.

Restaurant, Walk-up. An establishment located in a walkable, mixed-use environment selling food and drink for consumption on or off the premises, including a walk-up window but not including any service for customers in their vehicles. On-premise dining may be provided up to six (6) seats either within the building, on the premises, or in an approved location on the abutting sidewalk.

Right-of-way (ROW). The total width of any land reserved or dedicated as a thoroughfare, alley, pedestrian way, or similar public or private uses.

Roof-mounted sign. An attached sign which is affixed primarily and directly to a roof of any building.

Rooming/boarding house. Any residential building, other than a hotel, motel, or apartment house, or portion thereof which contains not less than one (1) nor more than six (6) guest rooms and which are designed or intended to be used, let, or hired out for lodging or occupancy by one (1) or more individuals not of the immediate family living in said residence for compensation whether paid directly or indirectly, and by prearrangement for definite time periods.

School. A state accredited public or private elementary, intermediate, middle, junior high or senior high school.

Screening. A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, densely planted vegetation, natural vegetation, including a transitional buffer or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum capacity from the ground to a height as required by Section 6.2.8.

Setback or Required Yard or Minimum Yard. The minimum required distance between the ROW of a thoroughfare or the adjacent property line and the nearest exterior surface of a building or structure on such premises. See also “Yard”.

Setback, Contextual. A required setback on a lot in a given district which is adjusted in relation to the depth of the setback required in an abutting district occurring along the same block frontage. Refer also to Section 6.1.4.

Shopping center. Two or more retail or service establishments located in one (1) building, or a group or cluster of architecturally unified buildings; said buildings being under singular or common ownership or management, with selected tenants, and having an integrated parking area.

Shrub. A woody plant, generally multi-stemmed, smaller than a tree; consisting of several small stems or small branches near the ground; and either deciduous or evergreen.

Sidewalk. A pedestrian walkway located within a public or private street right-of-way in accordance with the Subdivision Regulations.

Sight distance, Intersection. The length of a line of sight between a motorist, when stopped at an intersection or driveway, and the nearest intersection, driveway, alley or other signalized or non-signalized access point to the left or to the right of the motorist, as required by the City of Athens Traffic Circulation Standards.

Sight triangle, Clear. An area of unobstructed vision at a thoroughfare intersection or driveway defined by the minimum intersection sight distance required by the City of Athens Traffic Circulation Standards.

Sign. A display board, screen, placard, or any other device, or any painted or pasted-on display, which is visible from any public place, thoroughfare, and upon which is displayed or included any letter, word, numeral, banner, flag, emblem, logo, symbol, decoration, device, representation, or similar item used as, or which is in the nature of, an identification, announcement, direction, notice, advertisement, or other attention getting device. For the purpose of Article 13, this definition shall also include painted, pasted, self-supporting, and attached words, letters, numerals, symbols, emblems, and other such displays which are themselves painted, pasted, or attached directly to a structure and not mounted on any signboard, or any banner produced on cloth, paper, or fabric of any kind, either with or without a frame.

Sign characteristics. The following definitions apply to the sign regulations by district in Section 6.8:

- a) Position. The structural position of signs on a building, lot or tract of land.
- b) Maximum density. The maximum number of signs permitted per units specified.
- c) Dimension. The dimensional characteristics of the sign, including:
  1. Maximum area per sign. The maximum permitted surface area of a sign including decorative borders. The area measured within the periphery of self-supporting letters or displays. This calculation applies to one (1) sign face.
  2. Maximum height. The maximum permitted vertical distance of a sign measured from the vantage point of the primary public right-of-way to the top of the sign, including its border.
  3. Maximum area per premises. The maximum permitted total area of all permitted signs contained within the boundary of the site of display.

Sign repair. The replacement of any part of a sign with equivalent material for the purpose of maintenance that does not affect its design, size, structural framework, exterior dimensions, or its structural members and uprights.

Site Plan. A plan, as required by Section 2.5.2 that provides detailed information about the layout of private land development and required public improvements prior to preparation of construction drawings for a land development that does not include subdivision of property that would otherwise be subject to a preliminary plat.

Sod. Various types of grasses planted and maintained in a lawn condition.

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. Such uses may be permitted upon review by the Board only if specific provision for such a use is made in the applicable district regulations.

Specialty beverage store. An establishment principally operated for the sale of a diversified selection of both domestic and imported beer and/or wine, but not liquor, in unopened containers for off-site consumption.

Specialty Wine and Beer Establishments means an establishment principally operated for the sale of a diversified selection of domestic beer, imported beer, domestic wine, and imported wine. Where otherwise permitted by the Alabama Alcoholic Beverage Control Board, such establishments must apply and hold the following licenses: (i) Retail table wine for off-premises consumption, (ii) Retail beer license for off-premises consumption, (iii) Retail table wine license for on-premises consumption, and (iv) Retail beer license for on-premises consumption. All sales for off-premises consumption must be in sealed containers.

A specialty wine and beer establishment must also offer incidental food service, including the sale of food for on-premises consumption and the sale of containerized, gourmet food for off-premises consumption, but not in such a manner that the establishment will constitute a Class I or Class II Restaurant.

A specialty wine and beer establishment shall offer up to two tasting events per month of their product. With respect to these tastings, no alcohol shall be served free-of-charge.

Stacking space. A space intended for the queuing of vehicles to a drive-thru window or other intermittent stopping point, such as a fuel pump, ATM, or drop box.

Stand. An area within the manufactured home park which has been improved for a single manufactured home as provided in this Ordinance.

State liquor store (ABC Store). A store operated by the Alabama Alcoholic Beverage Control Board, which offers the retail sale of liquors and fortified wines for off-site consumption in unopened containers in a separate (or freestanding) establishment.

Stem. See “trunk”.

Stormwater management. A program of controls and measures designed to regulate the quantity and quality of stormwater runoff from a development while promoting the protection and conservation of ground waters and groundwater recharge.

Story. That part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than fifty (50) percent, by cubic content, is below the height level of the adjoining ground.

Story, Half. A story situated within a sloping roof, the floor area of which, at a height of five (5) ft above the floor, does not exceed two-thirds (2/3) of the floor area in the story directly below it; and at least 200 sf of floor space maintains a height of at least seven (7) ft six (6) inches. A half story containing living quarters independent of the principal residence or use shall be counted as a full story.

Street line. The dividing line between a right-of-way and the abutting property.

Structure. Anything constructed or erected, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground, including buildings and signs.

Structure, Principal. A permanent structure not accessory to the principle use of a premises, including but not limited to, off-premises signs and certain types of antennas and public utility structures.

Substantial improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the repair or improvement or (2) before the damage occurred. For the purpose of this Ordinance, substantial improvement is considered to occur when the alterations of any wall, ceiling, floor or other structural part of the building commences,

whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions, or (2) any alterations or restoration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Surveyor or Applicant's surveyor. A professional surveyor licensed in the State of Alabama.

Swale. A depression in the ground which channels storm water runoff, where the side slopes are no steeper than four (4) to one (1) run to rise.

Telecommunications facility. A facility owned or operated by a public utility or a business, that transmits and/or receives electromagnetic waves, including antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunications towers, or alternative supporting structures and uses.

Telecommunications tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antenna, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers and similar towers.

Temporary sign. Any display, informational sign, or other advertising device in any zoning district and that is of a non-permanent nature and is intended to convey information about a specific, timed event rather than an ongoing occurrence.

Thoroughfare. A facility, either public or private and either deeded or by easement, which provides access to abutting properties and is intended for general circulation. A thoroughfare includes the entire area between street lines. Thoroughfares shall conform to the following categories:

Access Road. A minor thoroughfare one side of which is parallel and in close proximity to a major thoroughfare and the other side of which provides access to abutting properties. Also referred to as a frontage or service road.

Arterial. A major thoroughfare, which primarily provides for inter-community travel. Refer to City of Athens Traffic Circulation Standards for listing of arterial thoroughfares.

Collector. A thoroughfare, which provides for inter-community travel, connecting population centers, and carrying large volumes of traffic at speeds higher than desirable for local streets. Refer to City of Athens Traffic Circulation Standards for listing of arterial thoroughfares.

Cul-de-Sac. A local thoroughfare terminating in a vehicular turnaround at one end.

Local Road or Street. A minor thoroughfare used primarily for access to abutting properties.

Timed event. An occasion intended to attract a large number of people and includes events that have an admission fee or free admittance to the general public, including but not limited to grand openings, fairs, carnivals, circuses, festivals, animal shows, contests, races, and entertainment shows. Sales events at businesses may be included in this category as long as the signage refers to a specific, timed sales event rather than an ongoing occurrence. Such an event is designed, intended and expected to take place or to be completed within a reasonably short and definite time period and having a defined beginning and ending date.

Total floor area: The floor area of all stories of a building including garages, carports, and porches.

Townhouse: Attached dwelling units situated on individual lots.

Travel trailer or Recreational vehicle. A vehicle less than forty (40) ft in length and used for temporary or recreational living, or sleeping purposes, and standing on wheels, whether self-propelled or requiring a separate vehicle for power.

Tree. A self-supporting woody plant, usually having a single woody trunk and a potential DBH of two inches or more, and normally attaining a mature height of twenty-five (25) ft or more. For the purposes of this Ordinance, trees may be categorized as follows:

Tree, Large shade. A large tree that grows over small shade trees and having a height of fifty (50) ft or more at mature height.

Tree, Native. An oak, hickory, sycamore, pine, yellow poplar, sweet gum, elm, hackberry or sugarberry, magnolia, cypress, or a newly planted tree on a development site.

Tree, Public. A tree located on City property, including public ROWs, or any tree owned by the City.

Tree, Small shade. A tree of thirty (30) to forty (40) ft at mature height.

Tree cover. The area directly beneath the crown and within the drip line of a tree.

Tree credits. A means of crediting existing trees for trees that would have to be planted, if existing trees could not be saved and protected as stated in this Ordinance.

Tree removal. The relocation, cutting down, poisoning, or in any other manner destroying or causing to be destroyed, a tree as defined in this Ordinance.

Trunk. A principal upright supporting structure of a tree or shrub.

Two-sided sign. A sign having two sign faces displayed opposite each other on either side of a common supporting structure.

Use, Principal. The purpose for which land or buildings and structures thereon are designed, arranged or intended to be used, occupied or maintained.

Upper story dwellings. Dwelling units within mixed-use buildings wherein no dwelling units are located on the first habitable floor.

Used car sales establishment. An establishment that sells previously owned motor vehicle(s) where such sale is not accessory to a new automobile dealership, except when the owner or a private motor vehicle offers not more than one of his or her own vehicles for sale on his or her own private property.

Variance. A relaxation of the terms of this Ordinance where such will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action(s) of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Vegetation. Living plant material including grass, plants, ground covers, shrubs, trees, etc.

Vehicle/trailer-mounted sign. A signs exhibiting the name, logo, or other information of a business, or a service, or an event that is placed on the side(s) of vehicle or are trailer-mounted with the intent of using such as a rolling or stationary advertisement.

V-sign. A sign with two attached sides on which the faces of the sign are not parallel and the smallest angle of the sign is not greater than thirty (30) degrees.

Warehouse/Wholesale, Alcoholic beverages. A place for storage of alcoholic beverages by a licensee of the Alabama Alcoholic Beverage Control Board for wholesale trade and distribution of alcoholic beverages stored and distributed in unopened containers for off-premise consumption.

Watercourse. Any depression serving to give direction to a flow of water, having a bed and well-defined banks, and that it shall, upon the rule or order of the Commission also include other generally or specifically designated areas where flooding may occur. The flow of water need not be on a continuous basis, but may be intermittent resulting from the surface runoff of precipitation.

Water surface area. Property within lakes, ponds, rivers and year-round streams. Water surface area shall not include property within storm drainage structures, drainage ways which periodically contain water, no swimming pools and other structures which contain water.

Waterway, Regulated. A perennial stream shown with a continuous blue line on a USGS Map; a waterway under the regulation of the U.S. Army Corps of Engineers, which include navigable waterways and “Waters of the United States” as defined by the Code of Federal Regulations (33 CFR Part 328).

Wetland. Areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesale establishment. Any establishment which exclusively sells goods in large quantities, as for resale by a retailer. Such establishments do not include “wholesale clubs” and other similar establishments that sell memberships to the public for the retail sale of small quantities of goods.

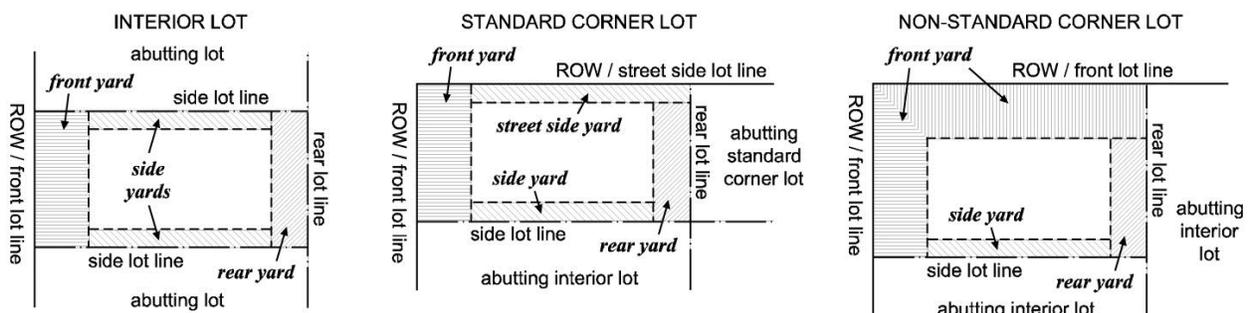
Yard. Any open area on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations. A “required” yard shall refer to a yard the depth of which is specified within this Ordinance for the applicable district. See the following illustration for yard configurations on typical lot types.

Yard, Front. The yard, extending across the entire width of the lot between the front setback line and the front lot line, or if an official future street right-of-way line has been established, between the front building line and such future right-of-way line.

Yard, Rear. The yard extending across the entire width of the lot between the rear setback line and the rear lot line.

Yard, Side. The yard between the side setback line and the adjacent side lot line and between the front yard and the rear yard.

Yard, Street side. A yard extending across the side of a “standard corner lot” between the rear line of the front yard and the rear lot line, and between the principal building and the street line.



Yards of Typical Lots

Yard sale sign. A temporary sign which advertises a garage or yard sale held at a residence.

Zoning lot: A lot or parcel created by the combination of two (2) or more lots or parcels which are adjacent or contiguous to each other and are under common ownership on the effective date of this ordinance or subsequent thereto, where any of such individual lot(s) or parcel(s), do not meet the minimum requirements of this ordinance prior to combination.

Zero lot line dwelling. A single-family dwelling abutting one side lot line without a yard setback but having a required yard setback on the opposing side.

Zoning Official. The person appointed by the City Council to enforce all provisions of the Zoning Ordinance.

**§9.3. Abbreviations used in this Ordinance.**

ac – acre(s)

ADEM – Alabama Department of Environmental Management

ALDOT – Alabama Department of Transportation

ANSI – American National Standards Institute

ATM – automated teller machine

BFE – base flood elevation

bldg. – building

BMP – best management practices

BR – bedroom

BZA - Board of Zoning Adjustment

DBH – diameter at breast height

DRT - Departmental Review Team

EQ – equal

EIFS - exterior insulation finishing system

fc – foot candle

ft – foot or feet

GFA – gross floor area

Hwy. – highway

ITE – Institute of Transportation Engineers

lf – linear feet

lux – lumens per square meter

max. – maximum

min. – minimum

mph – miles per hour

na – not applicable

NFA – net floor area

NRCS – National Resources Conservation Service

oc – on center

PUD – Planned Unit Development

PVA – Parking and Vehicular Use Area

ROW – right-of-way

sf – square feet

St. – street

USDA – United States Department of Agriculture

% – percent

Section – Section, Subsection, Paragraph or Item within this Ordinance or other regulations, as specified

## ARTICLE 10. ACKNOWLEDGMENTS

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Ronnie Marks, **Mayor**

### **City Council**

Chris Seibert – District 1

Harold Wales – District 2

Jimmy Gill – District 3

Joseph Cannon – District 4

Wayne Harper – District 5

### **City Administrators**

James Rich – Public Works

Taz Morell – City Engineer

Micah Cochran – Engineering Services/Community Development

Allison Crawford – Engineering Services/Community Development

Amy Golden – Engineering Services/Community Development

Gary Scroggins – Athens Utilities/Electric Department

Jim Lannom – Athens Utilities/Electric Department

Harrison Bauer – Water/Wastewater Services Department

Steve Carter – Gas Department

Ben Wiley – Parks and Recreation Department

Brian Thornton – Fire Department

Annette Barnes – City Clerk

Holly Hollman – Communications Specialist

Amy Golden – Communications Specialist

Dale Haymon – Information Technology Department

Shane Black – City Attorney

### **The Planning Commission of Athens, Alabama:**

Rod Huffman, Chair

Gina Garth, Vice-Chair

Rick Johnson

Venard Hendrix

Ronnie Marks, Mayor

Harold Wales, Councilman

Robert Malone

Jerald Blaxton

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Bill Ming	Developer
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Jennifer Williamson	President, Chamber
Trisha Black	Director, Spirit of Athens
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Nick Hamlin	Home Builder
Sam Gates	Home Builder
Kenny Winter	Home Builder
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Troy Elmore	Realtor
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Mae Davis	Community Organizer
Maria Taylor	Community Organizer
David Christopher	Business Owner
Doug Gates	Business Owner
Carl Hunt	Business Owner
Al Wassum	Board of Zoning Adjustment
John McCartney	Board of Zoning Adjustment
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