ZONING ORDINANCE
OF THE
CITY OF ATHENS, ALABAMA

ORDINANCE NUMBER _____2007-1669_____

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TABLE OF CONTENTS

Article/Section Page

1 Preliminary Provisions 1-1
1.1 Title 1-1
1.2 Short Title 1-1
1.3 Authority 1-1
1.4 Jurisdiction 1-1
1.5 Purpose 1-1
1.6 Legal Status Provisions (Amended Ord. No. 2008-1711) 1-2
1.7 Using this Ordinance 1-3

2 Definition of Terms (Amended Ord. No. 2008-1711) **..... 2-1**
2.1 Interpretation of Commonly Used Terms and Words 2-1
2.2 Definition of Specific Terms and Words (Amended Ord. No. 2012-1819) 2-1
2.3 Abbreviations Used in this Ordinance 2-23

3 Method 3-1
3.1 Minimum Requirements, Land Covenants, and Categories of Uses 3-1
3.2 Establishment of Districts 3-1
3.2 Zoning Districts 3-1
3.3 Official Zoning Map 3-2

4 Administration and Review Procedures 4-1
4.1 General Administration 4-1
4.2 Building Permit 4-1
4.3 Certificate of Occupancy 4-2
4.4 Appeals 4-3
4.5 Enforcement 4-3
4.6 Site Plan Review 4-4
4.7 Zoning Amendments 4-9
4.8 Conditional Uses (Amended Ord. No. 2012-1819) 4-10

5 General Provisions 5-1
5.1 Application of Regulations 5-1
5.2 Necessary Repairs Permitted 5-1
5.3 Use (Amended Ord. No. 2011-1815) 5-1
5.4 Height and Density 5-2
5.5 Lots 5-3
5.6 Yards 5-3
5.7 Principal and Accessory Buildings and Structures (Amended Ord. No. 2011-1815) 5-6
5.8 Temporary and Portable Buildings and Structures 5-10
5.9 Walls and Fences 5-12

6 Agricultural District Regulations 6-1
6.1 Intent 6-1
6.2 Permitted Uses 6-1
6.3 Uses Subject to Supplemental Use Regulations 6-1
6.4 Conditional Uses 6-1
6.5 Special Exception Uses 6-2
6.6 Dimensional Requirements 6-2
6.7 Sign Regulations 6-3
6.8 Parking Requirements 6-3

7 Residential District Regulations (Amended Ord. No. 2012-1844) **..... 7-1**
7.1 R-1 (1) Low Density Single Family Residential District 7-1
7.2 R-1 (2) Medium Density Single Family Residential District 7-3
7.3 R-1 (3) High Density Single Family Residential District 7-4
7.4 R-1 (4) Zero Lot Line Single Family Residential District 7-5
7.5 R-1 (5) Single Family Attached Residential District 7-7
7.6 R-2 (1) Duplex Residential District 7-9
7.7 R-3 (1) Multiple Family Residential District 7-10
7.8 R-MH Manufactured Home Residential District 7-12

8 Non-residential District Regulations (Amended Ord. No.2008-1711; Ord. No. 2011-1788) **..... 8-1**
8.1 B-1 Neighborhood Business District 8-1
8.2 B-2 General Business District 8-3
8.3 B-3 Highway Business District 8-5
8.4 B-4 Central Business District 8-7
8.5 MC Medical Center District 8-8
8.6 INST Institutional District 8-9
8.7 M-1 Light Industrial District 8-10
8.8 M-2 General Industrial District 8-11

9 Planned Development Districts 9-1
9.1 General Requirements and Procedures 9-1
9.2 P-R Planned Residential Development District 9-5
9.3 P-TND Traditional Neighborhood Development 9-7
9.4 P-MU Planned Mixed Use Development District 9-15
9.5 P-OD Planned Office/Distribution District 9-19

10 Flood District Regulations 10-1
10.1 Floodway Districts 10-1
10.2 F-1 Floodway District 10-2
10.3 F-2 Floodway Fringe District 10-4

11 Nonconformities 11-1
11.1 Nonconformities 11-1
11.2 Nonconforming Lots 11-1

11.3 Nonconforming Uses or Structures 11-2
11.4 Nonconforming Improvements 11-2

12 Supplemental Use Regulations 12-1
12.1 Home occupations 12-1
12.2 Day care facilities 12-3
12.3 Alcohol beverage sales (Amended Ord. No. 2008-1711; Ord. No. 2011-1788) 12-5
12.4 Bed and breakfasts 12-9
12.5 Rooming/boarding houses 12-9
12.6 Upper-story dwellings 12-10
12.7 Conservation subdivisions 12-10
12.8 Industrial parks 12-14
12.9 Gas/service stations 12-15
12.10 Pawn shops, collateral loan/exchange, payday loan, and check-cashing establishments (Amended Ord. No. 2013-1877) 12-16
12.11 Temporary real estate sales offices 12-16
12.12 Recreational vehicle parks 12-16
12.13 Self-storage and mini-warehouse storage facilities 12-18
12.14 Accessory dwellings 12-20

13 Sign Control Regulations 13-1
13.1 Purpose and Intent 13-1
13.2 Application and Enforcement 13-1
13.3 General Sign Regulations (Amended Ord. No. 2008-1692) 13-3
13.4 Computation of Sign Area and Height 13-9
13.5 Permitted Signs by District 13-9
13.6 Severability 13-16

14 Parking Regulations 14-1
14.1 Off-Street Parking Requirements 14-1
14.2 Off-Street Loading and Unloading Space 14-6

15 Landscaping and Site Lighting Requirements 15-1
15.1 Intent and Purpose 15-1
15.2 Application 15-1
15.3 Landscaping Requirements 15-2
15.4 Screening 15-8
15.5 Buffers 15-10
15.6 Off-Street Parking Area Lighting Requirements 15-13
15.7 Inspections and Notifications of Violations 15-14

16 Board of Adjustment 16-1
16.1 Establishment of a Zoning Board of Adjustments 16-1
16.2 Powers and Duties 16-1
16.3 Administrative Appeals 16-2

16.4 Variances....16-2
16.5 Special Exception Uses....16-3
16.6 Rehearings....16-4
16.7 Appeals from Action of the Board....16-4

ARTICLE 1. PRELIMINARY PROVISIONS

§1.1. Title.

This Ordinance shall be known as and may be cited as the "The Zoning Ordinance of the City of Athens, Alabama".

§1.2. Short Title.

This Ordinance and all subsequent amendments, attachments, and supplements thereto shall also be known as the "Athens Zoning Ordinance".

§1.3. Authority.

An ordinance establishing comprehensive zoning regulations for the City of Athens, Alabama, and providing for the administration, enforcement, and amendment thereof, in accordance with the provisions of Title 11, Chapter 52, Article IV, Sections 11-52-70 through 11-52-84, inclusive of the Code of Alabama (recompiled 1975) and providing for the repeal of all ordinances in conflict herewith.

§1.4. 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.

§1.5. Purpose.

The fundamental purpose of this Ordinance is to promote the health, safety, morals and general welfare of the present and future inhabitants of the City of Athens and to provide for the orderly development and growth of Athens, in accordance with the Comprehensive Plan, by:

- Providing methods to preserve and maintain a healthful environment for the benefit of present and future generations by providing standards to control the amount of open space and impervious surfaces within a development - to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts;
- Controlling and regulating the growth of Athens, concentrating development in areas where adequate sewerage facilities, roads, and schools can be provided, and limiting development in areas where these facilities are not and should not be provided;
- Conserving 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;
- Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses;
- Providing standards for all types of dwelling units so that all the people may have access to decent, sound, and sanitary housing in accordance with the goals of the Federal Housing Act, among which is the provision of adequate zoning to meet a fair share of the region's housing needs;
- Lessening the danger of congestion of traffic on the roads and highways, limiting excessive numbers of intersections, driveways, and other vehicular conflict points, minimizing other hazards, and insuring the continued usefulness of all elements of the existing highway system for their planned function;
- Securing safety from fire, panic, flood, and other dangers;

- Providing adequate privacy, light and air;
- Securing economy in local governmental expenditures;
- Conserving property values throughout Athens;
- Protecting landowners from adverse impacts of adjoining developments;
- Dividing the incorporated area of Athens into districts according to the use of land and buildings, the intensity of such uses (including bulk and height), and surrounding open space.

Each purpose listed above serves to balance the interest of the general public of Athens and those of individual property owners.

§1.6. Legal Status Provisions.

1.6.1. *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.

1.6.2. *Effect on Prior Zoning Ordinances*. This Ordinance in part carries forward by re-enactment some of the provisions of the Zoning Ordinance of the City of Athens adopted on July 18, 1960, as subsequently amended. It is not the intent of the City Council by adoption of this Ordinance to repeal the prior Ordinances, as amended, but rather to re-enact and continue in force without interruption such existing provisions, so that all liabilities which have accrued thereunder shall be preserved, and may be enforced. The enactment of this Ordinance shall not affect any action, suit, or proceeding instituted or pending at this time under the above-referenced Zoning Ordinances, as amended. All provisions of the above-referenced Zoning Ordinances, as amended, which are not re-enacted herein are hereby repealed. All suits at law or in equity and/or all prosecutions resulting from the violation of the 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. (**Ord. No. 2008-1711, 08-25-2008**).

1.6.3. *Effective Date*.

ADOPTED on this the 10th day of December, 2007.

_ss: John M. Crutcher_____
President-City Council, City of Athens, Alabama

APPROVED this the 10th day of December, 2007.

_ss: Dan Williams_____
Mayor, City of Athens, Alabama

ATTEST:

__ss: John Hamilton_____
City Clerk, City of Athens, Alabama

§1.7. Using this Ordinance.

1.7.1. *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 §6.5.4.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 §6.5.4.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 §6.5.4.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 §6.5.4.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)…

1.7.2. *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.

1.7.3. *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.

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ARTICLE 2. DEFINITION OF TERMS

For the purpose of interpreting this Ordinance, certain words and terms are herein defined. The following words shall, for the purpose of this Ordinance, have meaning herein indicated.

§2.1. Interpretation of Commonly Used Terms and Words.

2.1.1. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense.

2.1.2. 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.

2.1.3. The terms "Council", "Commission", and "Board" shall mean the "Athens City Council", "City of Athens Planning Commission", and "City of Athens Zoning Board of Adjustment", respectively, unless otherwise indicated.

2.1.4. The word "herein" means "in these regulations".

2.1.5. The terms "this Ordinance", "regulations", or "these regulations" mean the "Zoning Ordinance of the City of Athens, Alabama".

2.1.6. 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.

2.1.7. 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".

2.1.8. The word "structure" shall include the word "building", and "building" shall include "structure"; and, the words "building" or "structure" includes any part thereof.

2.1.9. The word "lot" shall include the words "plot", "parcel", or "tract".

2.1.10. The word "shall" is always mandatory.

2.1.11. The word "may" is always discretionary.

2.1.12. The terms "map" and "zoning map" shall mean the "Official Zoning Map, City of Athens."

§2.2. 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 for no more than two (2) persons in accordance with §12.14.

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 structure, single-family residential. A structure customarily incidental to a single-family residence including but not limited to private garages, tool houses and garden sheds, children's play areas and play equipment, private barbecue pits/grills, private residential swimming pools, and similar structures and uses.

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".

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.

Alternative support structure. A building or structure other than a tower, which is used to support an antenna(s), such as a steeple, power pole, water tank, sign, clock tower, light pole and other similar structures.

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.

Approving authority or Reviewing authority. The authority(ies) responsible for review and approval of a rezoning, Site Plan, Conditional Use, planned development, or other proposal as required by this Ordinance, including one or a combination of the following as applicable: Zoning Official, Commission, Board, or Council.

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. [2003-1457]

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.

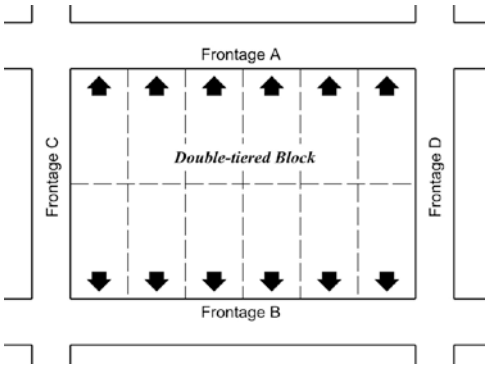
Berm. A planted or landscaped elevated ground area between two other areas, generally designed to restrict view and to deflect or absorb noise. Berms with ground cover that necessitates moving shall have a slope not greater than one (1) ft of rise per three (3) ft of run.

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".



Double-tiered block

Board. The Zoning Board of 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 as required by §15.5.

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.

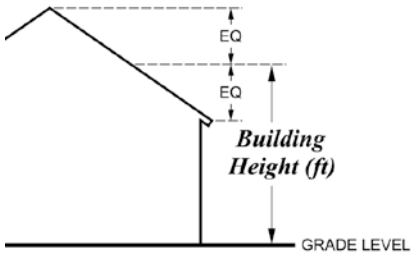
Building area. The portion of a lot or tract of land occupied by the principal building, including porches, carports, accessory buildings, and other structures.

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.

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.

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.

Cartway. That portion of a public thoroughfare or right-of-way intended for use by vehicles, including on-street parking spaces where provided.

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.) [2003-1457] The definition of "child development facility" shall also include any day care center licensed by the Alabama Department of Human Resources. [2007-1451]

City. The City of Athens, Alabama, unless otherwise noted.

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. **(Ord. No. 2012-1819, 01-09-2012)**.

Commercial livestock operation. See "Farming, Commercial Livestock Operation".

Commission or Planning Commission. Unless otherwise specified, the Planning Commission of the City of Athens, Alabama.

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 planned development.

Conditional Use. A use that would not be appropriate generally or without restriction throughout the applicable district, but which, if controlled as to number, area, location, traffic, noise, light, buffering, screening, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in a given district only upon approval of the Commission, only in accordance with the conditions specified by the Commission upon review, and only where specific provision for such Conditional Use is made in the applicable district.

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. Refer also to §12.7.

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. [See also Ordinance No. 2003-1451, Alcoholic Beverage regulations for additional qualifications.] [2003-1457]

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. [2003-1449]

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.

Crown. The branches and leaves of a tree or shrub with the associated upper trunk.

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.

Department. The Department of Community Development in the City of Athens, Alabama.

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.

Diameter at breast height (DBH). The diameter of a tree trunk measured in inches at a height of four and one-half (4-1/2) ft above the ground. If a tree splits into multiple trunks below four and one-half (4-1/2) ft, then the trunk is measured at its most narrow point beneath the split.

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.

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 housekeeping unit, having its own cooking and kitchen facilities, but not including units in hotels or other structures designed for transient residence.

Dwelling, Duplex. A building designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy by two (2) families living independently of each other, the structure having two (2) dwelling units.

Dwelling, Multiple-family. A building or structure designed, arranged or used for residential occupancy by three (3) or more families, with or without common or separate kitchen or dining facilities, including apartment houses, apartment hotels, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, town houses, and similar housing types, but not including hotels, motels, hospitals, or nursing homes.

Dwelling, Single-family. A building designed and arranged to provide sleeping, cooking and kitchen accommodations and toilet facilities for occupancy by one (1) family only, the structure having only one (1) dwelling unit. As used in this Ordinance, this shall not include “manufactured home”, which shall be referred to separately.

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.

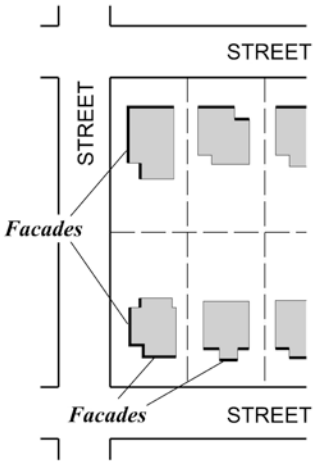
Façade. The exterior of a building extending the entire width of a building elevation that faces a public thoroughfare.

Family. An individual or two or more persons related by blood, marriage, or legal action; or a group of no more than five (5) persons living as a single housekeeping unit.

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.



Facades

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.

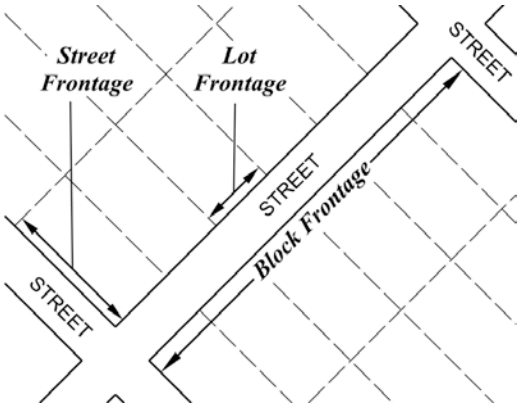
Fowl house. An enclosed or partially enclosed agricultural structure used for the keeping and raising of two or more chickens or other fowl.

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.

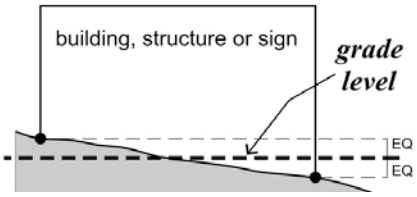


Block Frontage, Lot Frontage, and Street Frontage

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 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.



Grade Level

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 §16.4, 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 categorized as either major or minor home occupations in accordance with §12.1 and the following definitions:

> Home occupation, Major. A home occupation which: (1) has no exterior evidence of the home occupation with the exception of signs permitted by §13.5.1; (2) is conducted within a single-family detached, zero-lot-line, or attached dwelling; (3) accommodates the off-street parking needs of the dwelling and up to one (1) additional parking space for the home occupation; and (4) is operated by and employs only family members residing on the premises.
>
> Home occupation, Minor. A home occupation which: (1) has no exterior evidence of the home occupation; (2) does not generate traffic in excess of ten (10) round trips or twenty (20) one way trips in one (1) day in addition to trips generated by the residence; (3) does not create a need for off-street parking beyond normal dwelling needs; and (4) is operated by and employs only family members residing on the premises.

Home occupation sign. A sign advertising an activity conducted entirely within a residence for which a home occupation has been approved.

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.

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.
>
> Medium-intensity institutional uses. Government buildings up to 12,500 sf; health institutions up to 50,000 sf; junior high and middle schools; religious institutions up to 750 seats; stadiums and arenas up to 5,000 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; religious institutions greater than 750 seats; high schools, universities, colleges, junior colleges; other institutions greater than 50,000 sf.

Institutional sign. A place of worship or school identification sign, bulletin board, or directional sign.

Island. An interior landscaping feature surrounded on all sides by driving and/or parking surfaces.

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.

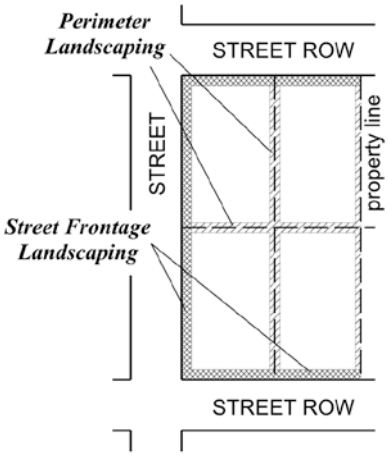
Landscaping. Trees, shrubs, ground covers, vines, walkways, ponds, fountains, benches, sculptures, and similar materials used for creating an attractive appearance. No artificial plants, trees or like materials may be counted toward meeting the landscaping requirements of this Ordinance.

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.



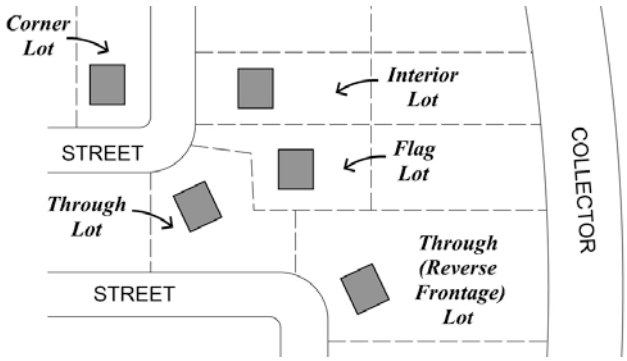
Perimeter and Street Frontage Landscaping

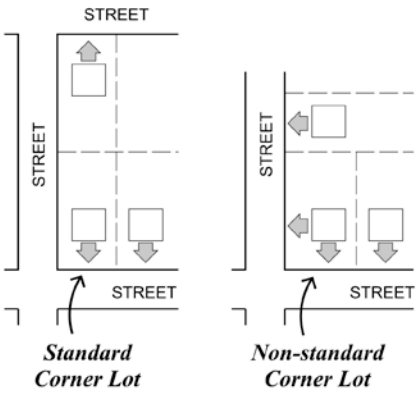
Land subject to flood. For purposes of this Ordinance, land subject to flood and the flood elevation shall be considered along Town Creek and Swan Creek within the corporate limits of Athens. The elevation and the land subject to flood is shown on the chart entitled "High Water Profiles, Town and Swan Creeks, Vicinity of Athens, Alabama," (Tennessee Valley Authority, July 1964), and the proposed floodway maps of Town and Swan Creeks, Athens, Alabama, March 1965.

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.

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:





Lot Types

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.

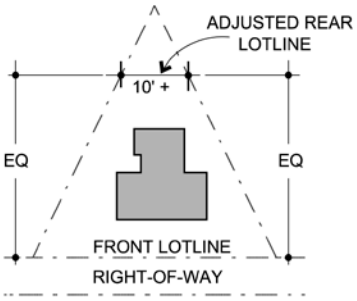
Through lot, reverse-frontage. A through lot with primary frontage on the abutting thoroughfare of lesser classification.

Lot, 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.

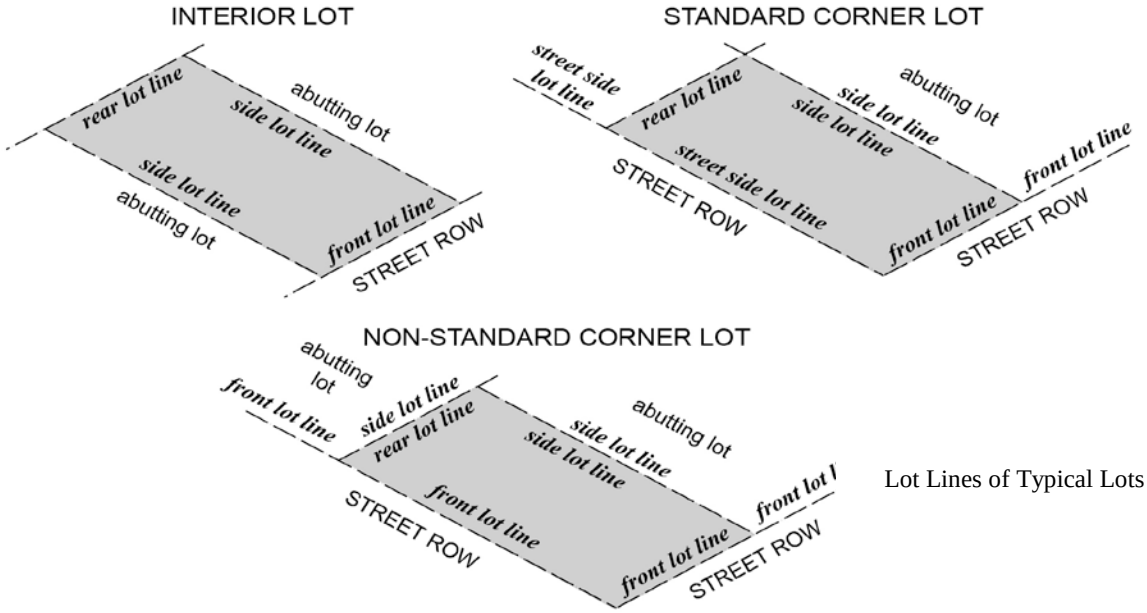
Rear lot line. A lot line, which is most distant from a front lot line. For non-standard corner lots, that lot line which is generally parallel to the front lot line of lesser dimension. For the purposes of determining rear yard setbacks on a lot where the side lot lines meet in a point, the rear lot 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".



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.

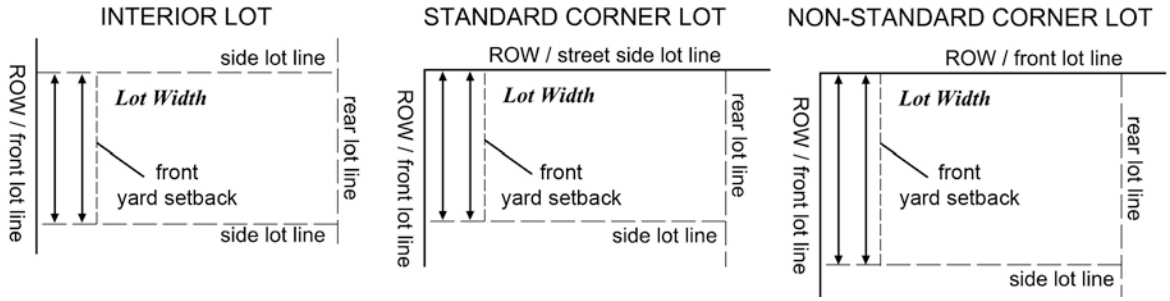
Street side lot line. That lot line, other than the front lot line, of a standard corner lot, which abuts a thoroughfare. The street side lot line is generally longer than the front lot line.



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 §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.

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.

Meal. A diversified selection of food some of which is not capable of being consumed in the absence of at least some articles of tableware and which cannot be conveniently consumed while on is standing or walking about. [2003-1457]

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.

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 planned development providing unified control and design, direct pedestrian access, and joint use of parking, driveways, utilities and other ancillary facilities.

Modular building. A factory-built structure, other than a manufactured home, which is designed only for erection or installation on a site-built permanent 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. A material (pine straw, bark chips, wood chips, etc.) placed on the ground to stabilize soil, protect roots, limit weed growth, and otherwise promote tree and shrub growth by simulating the role of natural forest leaf-litter.

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 requirements of Article 13. 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 other than residential purposes. Mixed-use developments and lodging uses shall be considered are non-residential uses.

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 planned development 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.

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. A vehicular storage space for one (1) vehicle, in accordance with the requirements of §14.1.

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. [2003-1457]

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.

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. The principal use of an establishment, building, or lot shall be determined, for retail and service uses, by the majority – more than fifty (50) percent – of the gross sales receipts during any ninety (90) day period. [2003-1457] In other cases, the use with the greatest square footage shall be considered the principal use.

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.

Prompt replacement. Replacement of required landscaping within three (3) weeks of notice.

Proponent (of a sign). The land owner, sign owner, or contractor that is seeking to obtain approval of, or a permit for construction or alteration of a sign.

Public hearing. A hearing before the Athens City Council, Planning Commission, or Zoning Board of 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. [2003-1457]

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.

Real estate sign. A temporary sign advertising the sale, rental, or lease of the premises or part of the premises on which the sign is displayed.

Recreational vehicle. See “Travel trailer”.

Residential identification sign. A sign that identifies the name of a residential subdivision, condominium development, townhouse or apartment complex.

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. [2003-1457]

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 §15.4.

Self-storage facility, Limited access. A self-storage facility with limited access points from the exterior of the building to interior halls that provide the only access to individual storage units.

Self-storage facility, Multi-access. A self-storage facility with access points from the exterior of the building(s) to individual storage units.

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 §5.6.4.

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 §13.5:

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.

Significant increase in trip generation. A change in the use of a property, including land, structures, or facilities, or an expansion of the size of structures or facilities, causing an increase in the trip generation of the property exceeding ten (10) percent (either peak or daily) and 100 vehicles per day more than the existing use for adjacent thoroughfares under local jurisdiction; or exceeding twenty-five (25) percent (either peak or daily) and 100 vehicles per day more than the existing use for all thoroughfares under state jurisdiction.

Site Plan. A plan, as required by §4.6.1 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, unopened 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.

As used in this definition, the phrase "diversified selection" shall mean a selection of no less than one hundred (100) different commercially available types of wines (with at least (6) bottles of each type in stock at the premises), and no less than thirty (30) different commercially available types of beer (with at least one case of each type in stock at the premises). (Ord. No. 2008-1711, 08-25-2008)

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. [2003-1457]

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 political sign. Any attached or ground sign advertising a candidate, political party, or issue when the same is related to or concerning a pending election or referendum.

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 Comprehensive Master Plan 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 Comprehensive Master Plan 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, and the proposed temporary signage conforms to the provisions outlined for temporary signs in §13.3.

Townhouse. A single-family dwelling attached to two (2) or more other buildings of similar design and separated by one (1) or more party walls. A series of attached townhouses shall be considered a “building group”.

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. A tree that has a DBH of at least twelve (12) inches and is 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. As used in this Ordinance, a variance may be authorized only for height, area, and size of structure or size of yards and open spaces.

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. [2003-1457]

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.

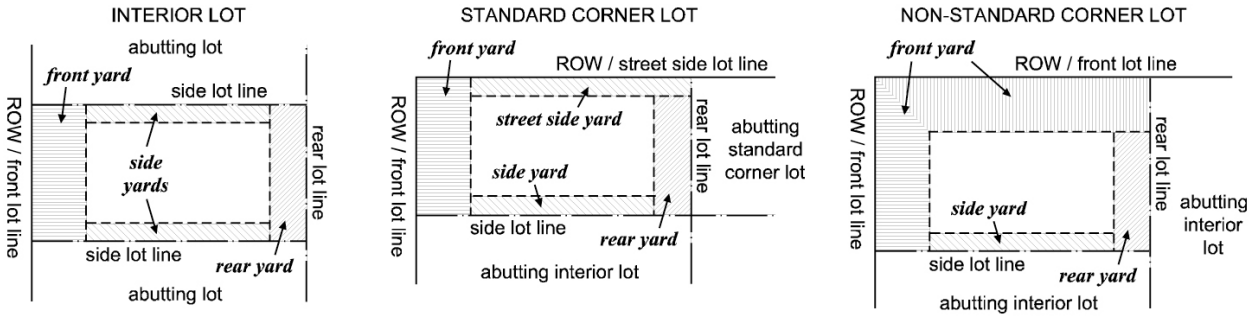
Yard. Any open area on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations. A "required" yard shall refer to a yard the depth of which is specified within this Ordinance for the applicable district. See the following illustration 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.

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.

(Ord. No. 2008-1711, 08-25- 2008; Ord. No. 2012-1819, 01-09-2012).

§2.3. 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
DBH – diameter at breast height
lf – linear feet
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

EQ – equal
fc – foot candle
ft – foot or feet
GFA – gross floor area
Hwy. – highway
ITE – Institute of Transportation Engineers
sf – square feet
St. – street
USDA – United States Department of Agriculture
% – percent
§ – Section, Subsection, Paragraph or Item within this Ordinance or other regulations, as specified

ARTICLE 3. METHOD

§3.1. Minimum Regulations, Land Covenants, and Categories of Uses.

3.1.1. *Minimum regulations*. The provisions of this Ordinance shall be considered the minimum requirements for the promotion of the public health, safety, comfort, convenience, and general welfare. These minimum requirements may be exceeded, but shall not be reduced. If the requirements set forth in this Ordinance are at variance with requirements of any other lawfully adopted regulations or ordinances, the more restrictive or higher standard shall govern.

3.1.2. *Land covenants*. Unless restrictions established by covenants with the land are prohibited by, or are contrary to, the provisions of this Ordinance, nothing herein contained shall be construed to render such covenants inoperative.

3.1.3. *Categories of uses*. All uses, unless otherwise indicated, are subject to the provisions of Article 5, the regulations of the applicable district, and the Building Code and similar adopted codes of the City. There are four potential categories of uses contained in the districts established by this Ordinance:

A. Permitted Uses are permitted by right within a given district subject to the provisions of such district. Additional Permitted Uses may be added to the Ordinance by amendment.

B. Uses subject to Supplemental Use Regulations are permitted by right within a given district but that are subject to the applicable requirements contained in Article 12.

C. Conditional Uses require approval subject to the procedures provided in §4.8.

D. Special Exception Uses require approval subject to the procedures provided in §16.5.

If a use is not listed in the Table of Permitted Uses, its category shall be determined by the Zoning Official by reference to the most clearly analogous use(s) in the Table of Permitted Uses applicable to the district(s) in question. Once the status of a use has been so determined, such determination shall thereafter have general application to all uses of the same type. Appeals to such a determination by the Zoning Official shall be submitted to the Board in accordance with §16.3.

§3.2. Establishment of 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.

§3.3. 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:

3.3.1. *AG Agricultural District*

3.3.2. *Residential Districts*

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)	Zero Lot Line Single Family Residential District
R-1 (5)	Single Family Attached Residential District
R-2 (1)	Duplex Residential District
R-3 (1)	Multiple Family Residential District
R-MH	Manufactured Home Residential District

3.3.3. *Non-residential Districts*

B-1	Neighborhood Business District
B-2	General Business District
B-3	Highway Business District
B-4	Central Business District
MC	Medical Center District
INST	Institutional District
M-1	Light Industrial District
M-2	General Industrial District

3.3.4. *Planned Development Districts*

P-R	Residential Planned Development District
P-TND	Planned Traditional Neighborhood District
P-MU	Planned Mixed-Use Development District
P-OD	Planned Office-Distribution District

3.3.5. *Flood District Regulations*

F-1	Floodway District
F-2	Floodway-Fringe Overlay District

§3.4. **Official Zoning Map.** The City is hereby divided into districts as shown in the Official Zoning Map, hereinafter referred to as the "Zoning Map", which, together with all explanatory matters thereon, is hereby adopted by reference and declared a part of this Ordinance. The boundaries of the districts are shown on the Zoning Map and unless otherwise shown on said map, the boundaries of districts are lot lines, the centerlines of streets or alleys or such lines extended, railroad ROW lines, or the corporate limit lines as they existed at the time of enactment of this Ordinance.

3.4.1. *Provision for Official Zoning Map*. The boundaries and designations of the districts provided for by this Ordinance are hereby established as shown on the map(s) identified by the title, "City of Athens, Alabama, Zoning Map," which map(s) shall be further identified by the numbers and effective dates of the adopting and amending ordinances. The official ordinance defining district boundaries and bearing the signature of the Mayor of the City of Athens shall be on file in the office of the City Clerk. The Zoning Map shall be on file with the Community Development Department.

A. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Zoning Map, such changes shall be entered on the map promptly after the amendment has been approved by the Council.

B. Regardless of the existence of purported copies of the Zoning Map which may from time to time be made or published, the Zoning Map which shall be located in the office of the Department shall be the final authority as to the current zoning status of land and water areas, buildings and other structures in the city.

3.4.2. *Replacement of Zoning Map*. In the event that the Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Council may by resolution adopt a new Zoning Map. The new Zoning Map may correct

drafting or other errors or omissions in the prior Zoning Map(s), but no such correction shall have the effect of amending the original Zoning Map(s) or any subsequent amendment thereof without such amending ordinances being filed in the office of the City Clerk.

Unless the prior Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

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ARTICLE 4. ADMINISTRATION AND REVIEW PROCEDURES

§4.1. **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.

§4.2. **Building Permit.** It shall be unlawful to commence any earthwork or the construction of any building or other structure, including accessory structures and signs, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair of any structure, including accessory structures, until the Building Official has issued for such work a Building Permit including a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this Ordinance, Building Code, and other applicable codes, as adopted by the City. For developments requiring a grading permit in accordance with City of Athens Ordinance No. 99-1315, such grading permit shall be approved by the Street and Sanitation Department prior to or concurrently with issuance of a Building Permit, as applicable.

4.2.1. *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.

A. Submission requirements. Three (3) sets of building plans shall be submitted with a Building Permit Application, which shall include:

1) North arrow and graphic scale
2) The actual shape, proportion and or dimensions of the lot on which the proposed building or use is to be erected or constructed.
3) The location of the said lot with respect to adjacent ROWs.
4) The shape, size, use, and location of all buildings, signs, or other structures to be erected, altered or moved and of any buildings or other structures already on the lot, both above and below existing grade.
5) The location and dimensions of any required off-street parking and means of ingress and egress to such space.
6) The existing and proposed facilities for the disposal of storm water drainage.
7) The setback and side lines of buildings on adjoining lots and such other information concerning the lot or abutting lots as may be essential for determining conformance with the provisions of this Ordinance.
8) Written certification from the appropriate authority that adequate sewerage treatment facilities are available at the proposed site.
9) The location of necessary fire hydrants with adequate fire flow and sprinkler plans, if required by size and occupancy.
10) Complete plumbing drawings, including riser diagrams and fixture locations.
11) Complete electrical drawings, including location of all electrical panels.
12) Lighting plan, including locations for all emergency and exit lights and exit discharge lighting.

13) Complete mechanical drawings including specifications for Hood systems if applicable.

In addition thereto, the applicant shall submit to the City a written agreement between the applicant and the appropriate water authority, which agreement shall specify that the applicant shall assume the responsibility for purchasing and having installed such fire hydrants as required by the Fire Department, and that the applicant shall agree to pay the annual rental therefore, and such other charges that may be levied by the water authority for a period of three (3) years from the date of their installation. Such agreement shall be submitted to the Building Official for his and the Fire Department's approval, and shall be in full force and effect at the time of the issuance of any Building Permit provided for hereunder.

14) In the event of an application for construction of a theatre, hotel, state building, private school building or a commercially structured building containing fifteen (15) or more rooms, the applicant shall furnish to the Building Official a written certification from the applicant's architect affirming that the plans have been approved by the Building Commission of the State of Alabama.

B. Additional plan information for areas subject to flooding. Refer to Article 10.

4.2.2. *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, the Building Official shall issue a Building Permit accordingly.

A. After construction of the footings and foundation, a post foundation survey shall be prepared by a registered professional land surveyor.

B. Framing of the structure shall not commence until the surveyor has submitted to the Building Official, a copy of the survey which shall include the lowest finished floor elevation including basement for lots located in Flood Zone A and for lots where such elevation is required by a note on the final plat, along with a letter stating that the foundation conforms to the minimum building setbacks required in this Ordinance.

C. For applications involving property in the Robert Beaty, George Houston, Courthouse Square Commercial, or Athens State University Historic Districts, or any other locally designated historic district, no Building Permit shall be issued until a Certificate of Appropriateness has been approved by the Historic Preservation Design Review Committee.

4.2.3. *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.

4.2.4. *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.

§4.3. **Certificate of Occupancy.** No land or building or other structure or part thereof hereafter erected, moved or altered in its use shall be used or occupied until the Building Official shall have issued a Certificate of Occupancy.

4.3.1. *Inspection*. Within five (5) working days after the owner or his agent has notified the Building Official that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Official to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises are found to conform with the provisions of this Ordinance or, if such Certificate is refused, to notify such applicant in writing of the refusal and the cause therefore.

4.3.2. *Conditional and Temporary Certificates of Occupancy*.

A. 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.

B. 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.

C. 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.

§4.4. **Appeals.** Appeals from the decisions of the Zoning and Building Officials shall be heard by the Board, except in the case of administrative Site Plan review (§4.6) which shall be heard by the Commission. Appeals to the Board shall be filed in accordance with §16.3.

§4.5. **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.

4.5.1. *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.

4.5.2. *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.

§4.6. Site Plan Review.

4.6.1. *Applicability*. Site plan review shall be required for all multi-family and non-residential projects requiring a Building Permit in accordance with §4.2. However, no Site Plan shall be required where the Building Official, upon reviewing an application for a Building Permit for changes in an existing building, is satisfied that the proposed changes in the building will not increase the exterior dimensions of the building nor substantially increase the usable space within the building.

Notwithstanding the foregoing, no Site Plan shall be required to be submitted or approved where the Building Official, upon reviewing an application for use and occupancy permit, is satisfied that the proposed use is a permitted use in the district, and is substantially similar to the use to which the premises were put by the last prior occupant thereof, and the property on which the use is proposed to be located has been the subject of an approved Site Plan. A proposed use shall not be deemed substantially similar to a prior use where this Ordinance imposes more stringent requirements for the proposed new use as to off-street parking, yards, height limits, buffers, screening, or other landscaping.

4.6.2. *Types of Site Plan Review*.

A. Administrative Site Plan Review. The following types of projects, when not requiring subdivision approval, may be approved by the Zoning Official through the administrative Site Plan review process:

1) Multi-family developments in which all dwelling units are to be located in one (1) building *and* multi-family developments of no more than twenty (20) dwelling units, regardless of the number of individual buildings

2) Non-residential developments comprising no more than 25,000 sf of gross floor area regardless of the number of buildings, except where the proposed development is an expansion of an existing non-residential development for which the total floor area of the existing and proposed uses exceeds 25,000 sf.

B. Planning Commission Site Plan Review. Projects, which require subdivision approval and/or otherwise exceed the criteria for administrative Site Plan review, shall require approval by the Commission as set forth in this Section. A Site Plan may be reviewed by the Commission concurrently with a required subdivision review and approval procedure.

4.6.3. *Pre-Application Conference*. A Pre-Application Conference is not required but strongly recommended for projects subject to Site Plan Review. In said conference the applicant may meet with Department staff and representatives of other appropriate agencies to receive information on and discuss all applicable requirements for the anticipated project. It is the intent of said conference to ensure that the applicant has all necessary information regarding applicable regulations and further to ensure the proper completion of required submittals to enable timely, efficient review and response by City and other reviewing agencies regarding the anticipated development application.

4.6.4. *Application*. Any person may file a request for a Site Plan review by filing with the Zoning Official the completed application upon forms furnished by the Zoning Official. The signature of the owner must be on the application signifying their knowledge and approval of the proposed plan and project.

A. Submission requirements. All Site Plan applications shall be filed at least three (3) weeks prior to a regularly scheduled meeting of the Commission. The applicant shall file at least eight (8) copies of the Site Plan. Every Site Plan shall include all of the following, as applicable for the type of project:

1) All Site Plans shall bear the seal of the applicant's engineer, landscape architect, architect, and/or surveyor as applicable for the type of project.
2) General Information. One or more scaled drawings or maps showing the following:
   a) Date and name of project
   b) Name and contact information of property owner, developer and person drawing each map
   c) North arrow and scale – not greater than one (1) inch equals twenty (20) ft, nor less than one (1) inch equals 100 ft, and of such accuracy that the Commission can readily interpret the Site Plan, including more than one drawing where required for clarity
   d) Vicinity map showing location of the project in relation to the surrounding community
   e) Zoning district boundaries of the property and zoning of adjacent properties
   f) Accurate shape proportion and dimensions of the site including acreage in total project and acres to be developed
   g) Conditional Use approvals by the Commission and Variances or Special Exception Use approvals granted by the Board, including any appropriate conditions and safeguards imposed by the approving authority
   h) Written request for exceptions to or variations from the requirements of these regulations, if any are being requested
   i) Restrictions on the use of property including proposed restrictive covenants
   j) A statement defining the manner in which the city is to be assured that all improvements and protection devices, such as buffers, fences, etc., are to be installed and maintained
3) Site Layout Plan. One or more drawings or maps showing the following:
   a) Scale, North arrow, Date, Title/name of project
   b) Boundaries/property lines (including bearings and distances) of the property involved
   c) Location of all existing easements, section lines, and existing physical and natural features in or abutting the project, including regulated waterways, wetlands, sanitary and storm sewers, water mains, and other public utilities in or adjacent to the project
   d) Location of existing and proposed buildings, including dimensions and square footage of all principal and accessory buildings and distances between all existing and proposed buildings and structures on site
   e) Finished floor elevations, grade line elevations, and height of buildings
   f) Existing and proposed ROW lines and thoroughfares (including on-street parking where applicable), alleys, sidewalks, and bicycle/pedestrian ways adjacent to the property, including dimensions
   g) Proposed circulation system including all one- and two-way drives and aisles on site, existing and proposed driveways and curb cuts on site, and existing driveways within a distance of 500 ft of the site
   h) Location, dimensions, area, and number of off-street parking spaces and ADA compliance measures
   i) Location of service lanes, loading/unloading areas, and solid waste disposal facilities (dumpster pad, etc.)

j) Location of existing and proposed building entrances, including main and service entrances

k) Location of existing and proposed freestanding signs on site including heights and distances from property lines and ROWs and location of existing freestanding signs within 100 ft of the site

l) Location, dimensions, and proposed use of all open spaces, required yards, and recreation areas where applicable.

m) Grading and drainage plans prepared to professionally acceptable engineering standards, indicating flood hazard zone and boundaries thereof (if applicable) and providing protection from the 100 year flood for all structures, and including pre- and post-runoff calculations where required by the City Engineer

4) Landscape and Site Lighting Plan

a) Location and design of all screens and buffers including planting materials and planting densities/spacing

b) Location and design of all perimeter and interior parking area landscaping including planting materials and planting densities/spacing

c) Location and design of any proposed and existing fences or walls including heights and materials

d) All other requirements as enumerated in the Landscape and Site Lighting regulations, in Article 15.

e) Coordination between utility layout and landscape design is strongly recommended to avoid or resolve potential conflicts

5) Architectural elevations illustrating the appearance of the buildings, including dimensions, materials, and location of attached signage

B. Fee. The Council may, at its discretion and from time to time, establish by resolution, a fee to cover the costs of Site Plan review. The applicant shall remit the required fee(s) at the time of application. Failure to pay said fee(s) shall constitute an incomplete submission and the Site Plans shall not be reviewed.

4.6.5. *Action by Staff*. Copies will be distributed to an interdepartmental review committee which will review the plans and make recommendations regarding any deficiencies in the plans. These recommendations will be conveyed to the applicant (and to the Commission where such review is required). After staff comments have been received and responded to by the applicant, a corrected Site Plan, as applicable, shall be prepared by the applicant.

A. For administrative Site Plan review, at least seven (7) copies of the corrected Site Plan shall be submitted to the Zoning Official for final review and approval. The Zoning Official, together with the interdepartmental review committee, shall then approve, approve with conditions, or deny the Site Plan. Such decision shall be made with regard to the criteria described in §4.6.6.A and §4.6.6.B. Such decision shall be made in writing to the Applicant within 15 days of submittal of the corrected Site Plan. Upon receipt of such decision, the applicant may appeal the decision of the Zoning Official to the Commission.

B. For Commission Site Plan review, at least five (5) copies of the corrected Site Plan shall be submitted at least five (5) business days prior to the meeting at which the Commission shall consider the application.

4.6.6. *Action by Planning Commission*. Upon receipt of Site Plan application from the Zoning Official, the Commission shall, within sixty (60) days, approve or disapprove such Site Plan, advising the applicant in writing of the recommendation, including any changes or

modifications in the proposed Site Plan as are needed to achieve conformity to the standards specified in this Ordinance.

A. General review standards. The Commission shall approve the Site Plan only upon finding by it that the building, structures, facilities and uses proposed will not:

1) Adversely affect the health or safety of persons residing in or working on the land in question or in the neighborhood thereof.

2) Be detrimental to the public welfare or adversely affect the use or development of adjacent or surrounding properties.

3) Constitute a violation of any provision of this Ordinance or any other applicable law, regulation or ordinance.

B. Specific review standards. In addition to the following, the Commission may establish minimum design standards acceptable for Site Plan development to ensure good site planning and to protect the health, safety and welfare of local citizens. The Commission may attach other conditions to the approval of the Site Plan where necessary to assure that the use of land in question will be consistent with the purpose and intent of the Comprehensive Master Plan and this Ordinance.

1) Elements of the site, including access, circulation, parking, buildings, loading areas, etc., are arranged to produce the most compatible physical relationship with adjacent uses and thoroughfares, given the circumstances of the particular site.

2) Access to the site is limited to that which is sufficient, is arranged to avoid unnecessary impacts on surrounding traffic, and produces an effective circulation pattern within the site and together with adjacent uses, as appropriate. Shared access between abutting, compatible uses should be provided wherever possible.

3) On-site circulation should be designed to effectively calm internal traffic to speeds that are desirable and safe and to provide a legible pattern for vehicular movement within the site without excessive use of traffic markers and signage. Recommended methods to calm traffic and define circulation include: separation of on-site turning movements from traffic entering the site; avoidance of circulation layouts that are complex or difficult to negotiate; use of appropriately narrow driving lanes; and use of curbs, landscaping, raised medians, and raised pedestrian crossings

4) Large parking areas should be broken down into smaller, interconnected units by landscaping and by distributing parking around the building(s) served. The majority of parking should be located to the side or rear of buildings to allow buildings closer to the street and sidewalks so that the buildings and the activities within them are more easily observed by the public. Parking areas and driveways should be located away from intersections to avoid conflicts between turning vehicles and through traffic.

5) Activities and uses that may be objectionable to surrounding properties and to the general public, due to visual impact, odors, noise, lighting, etc., should be located on site so as to minimize the need for screening and buffers as appropriate.

6) For other than industrial uses, adequate improvements should be provided to ensure safe pedestrian access from abutting thoroughfares, between abutting uses, and within the site, wherever appropriate. Such facilities should be arranged to minimize the number of conflict points between pedestrians and vehicles.

7) Sites should be planned and prepared for development to appropriately account for on-site drainage, to incorporate best management practices for stormwater, and to avoid drainage impacts on the surrounding area by reason of the site's development.

Stormwater improvements should be treated as an integral component of the site and landscape design.

8) Buildings should face the thoroughfare for which they are addressed. Building entries and street addresses should be visible from such thoroughfare. Variation may be permitted for industrial uses.

9) Buildings should be designed to be compatible with the buildings and uses in the area; however, excessive uniformity is discouraged.

10) Buildings should be constructed of durable, high-quality materials in accordance with the following guidelines. However, variation may be acceptable in industrial areas, especially where not visible or accessible to the general public:

    a) Building facades should be of brick, stone, split face concrete, or other masonry materials; stucco; wood; or a combination of these materials, as appropriate.

    b) For non-residential and multi-family developments, neither metal nor vinyl siding should compose more than twenty-five (25) percent of the materials used in a building façade. Exterior walls not defined as facades, but that are visible to the public, should not consist of more than fifty (50) percent metal or vinyl siding. Such walls may vary from the materials used on facades but should be complementary.

    c) The use of metal siding and simulated stucco near grade is discouraged.

11) Blank wall spans should be avoided in other than industrial areas. Facades should be articulated through a combination of one or more of the following: wall recesses, pilasters/columns, accentuated entrances and windows, changes in material, and varied roof lines.

12) Retail storefronts should maximize window area on facades, especially in areas with regular pedestrian traffic. Seventy (70) percent or more window area is preferred. Windows should be transparent. Mirrored windows are prohibited. Opaque and nearly opaque windows are discouraged except where used as architectural accents, such as glass block.

13) All permanent signs on the site should be designed compatibly with one another and with the building style, materials, and colors. The least amount of signage necessary is preferred and such signage should be designed and located to maximize its effectiveness in the context of all other signs within the viewing area but without obscuring views of signs on abutting properties.

4.6.7. *Approval of Site Plan*. Upon approval, the applicant shall file with the approving authority seven (7) copies of the approved Site Plan, including any required revisions. Such authority shall transmit to the Building Official two (2) copies of the approved Site Plan. If the Site Plan is disapproved, notification of such shall be given to the applicant within ten (10) days after such action. The Building Official shall not issue a Building Permit or Certificate of Occupancy until he has received a certified approved Site Plan.

A. Approved Site Plan binding. Land subject to an approved Site Plan shall be used and developed only in accordance with the plan approved or as modified by the Commission. The Commission, in accordance with these regulations, may modify a Site Plan. Use and development of land subject to an approved Site Plan or the construction of a building or structure thereon in a manner not in compliance with that plan shall constitute a violation of this Ordinance.

4.6.8. *Amendment, Revision of Site Plan*. The Site Plan and certificate issued thereon, may be amended by the approving authority upon the request of the applicant. Such amendment shall be made upon application and in accordance with the procedure provided in §4.6.5.

No Site Plan approved by the Commission may be amended administratively by City staff, except for the approval of minor change orders, which may be approved by the City Engineer and Zoning Official. Such change orders shall not be issued if they approve, nor shall such change orders be construed to approve, changes to the location or configuration of the structures or uses (including densities or intensities) as depicted on the approved Site Plan. The City Engineer and Zoning Official shall have the authority to approve deviations from the approved Site Plan only to the extent that such deviations do not violate any applicable regulation, law, or ordinance.

4.6.9. *Expiration of Site Plan Certificate*. The Site Plan certificate shall expire, and be of no effect, three hundred sixty-five (365) days 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 certificate.

4.6.10. *Appeals to the Zoning Board of Adjustment*. Nothing in this section shall operate to abridge the rights of any applicant for a Site Plan Certificate under this Section. An applicant, aggrieved by the Commission's denial of a Site Plan application, may appeal to the Board.

4.6.11. *As-built Drawings*. Once a site has been developed, a set of as-built drawings of the project shall be submitted to the Zoning Official for recording purposes.

§4.7. **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. If an owner(s) of property proposes an amendment to the Zoning Map with respect to said property, the following procedure shall apply.

4.7.1. *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:

A. Submission requirements.

1) A copy of the deed and an electronic copy of the legal description of the applicable property.

2) A map or plat drawn to scale indicating:

a) The dimensions and exact location of the site in relation to the vicinity in which it is located,

b) The location of all public ROWs,

c) The location of all existing and proposed sidewalks and pedestrian ways on the subject property and adjacent property,

d) The location and dimension of all existing and proposed buildings and structures on the site and adjacent sites,

e) The nature and location of existing and proposed facilities for the disposal of storm water drainage.

3) A written statement indicating:

a) Reason for the rezoning request.

b) Expected traffic volumes to be generated by the proposal.

c) Adequacy of surrounding thoroughfares to accommodate increased traffic caused by the proposed use(s).

d) Availability of required utilities.

e) Adequacy of available water and sewer services to serve the proposed use(s).

f) Relationship of the proposed rezoning to the land use pattern of the vicinity.

g) Legal description of proposed rezoning site (may be included in deed).

4) 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.

4.7.2. *Action by Planning Commission*. All petitions for amendments to the Zoning Map shall first be submitted to the Commission for its recommendation. The Commission shall have sixty (60) days within which to submit its recommendations to the Council.

A. Public notice. A minimum of fourteen (14) days prior to the Commission meeting at which the rezoning request is initially considered, public notice shall be provided as follows:

1) A sign shall be placed on the subject property by the Zoning Official stating that the property is being considered for rezoning and including the City phone number for additional information on the rezoning request.

2) A Public Hearing notice shall be placed in the local newspaper by the Zoning Official stating the date, time and place of the Public Hearing at which the rezoning request is to be considered and the current and requested zoning of the subject property.

B. Public hearing. The Commission shall schedule a hearing on the application at the first regularly scheduled meeting after public notice has been provided. Following the public hearing at which the request is considered, the Commission shall submit its recommendation to the Council.

4.7.3. *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.

4.7.4. *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.

§4.8. **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 **(Ord. No. 2012-1819, 01-09-2012)**..

4.8.1. *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. (**Ord. No. 2012-1819, 01-09-2012**).

A. Submission requirements. The applicant must submit to the Community Development Department 8 copies of a Conceptual Site Plan of property on which the Conditional Use is requested, drawn to scale, to include but not limited to, the following:

1) Any and all buildings exactly as they exist and their proposed use.
2) Property lines
3) North arrow and scale
4) Proposed construction (if any) and identify.
5) Proposed and/or existing signs.
6) Parking, landscaping, ingress/egress, any other site information requested by the City.
7) Show all adjoining properties, buildings, and property owners' names.
8) Drawing shall not be on cardboard.

(**Ord. No. 2012-1819, 01-09-2012**).

B. 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.

C. Notice. At least fifteen (15) days prior to the scheduled hearing before the Commission the applicant shall give written notice to all property owners within 500 feet of the subject property. Such notice shall be deemed given when deposited in the U.S. mail, first class postage prepared, addressed to such property owners at their addresses submitted with the appeal. Such addresses shall be obtained by the applicant from the most recent records of the County Tax Assessor and submitted as part of the application. The notice shall state:

1) Location of the Conditional Use request.
2) The nature of the request, indicating the current zoning of the site and the proposed Conditional Use.
3) The time, date and location of the Commission meeting at which the request will be considered.

The applicant shall provide the City with a signed affidavit stating that such notice has been provided in accordance with this Subsection.

4.8.2. *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.

A. 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:

1) 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.

2) The location and accessibility of off-street parking and loading areas

3) The location and accessibility of refuse and service areas and their potentially adverse effects upon surrounding properties

4) The screening and buffering of potentially adverse views and activities from surrounding properties

5) Control of noise, glare, odor, surface water runoff, and other potentially disturbing impacts upon surrounding properties

6) The availability, location, and capacity of utilities

7) The location and scale of signs and lighting with particular reference to traffic safety, glare, and visual compatibility with surrounding properties

8) 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.

B. 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.

C. 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.

4.8.3. *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.

ARTICLE 5. GENERAL PROVISIONS

§5.1. **Application of Regulations.** The provisions herein apply generally to uses, structures, and lots within the various districts established by this Ordinance, providing general information in support of the district regulations and establishing exceptions and modifications to the district regulations.

§5.2. **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.

§5.3. **Use.** 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.

5.3.1. *Utilities*. 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 or telegraph service and pipe lines, vents, valves, hydrants, regulators, meters and other facilities necessary for the transmission or distributions of gas, oil, water or other fluids, may be constructed, erected, repaired, maintained or replaced within any district in Athens. This is not to be construed to include the erection or construction of buildings or electric substations.

5.3.2. *Municipal Public Safety Facilities*. Municipal police, fire and emergency medical stations are Permitted Uses within all zoning districts. Other municipal public safety buildings and facilities are Permitted Uses within all zoning districts, except single-family residential districts, where said uses shall be Conditional Uses.

5.3.3. *Railroad Facilities*. Railroad facilities, including main line tracks, switching spurs, control signals, poles, and wires or similar facilities (but not yards or service facilities) needed for operating railroad trains, may be constructed, repaired, maintained or replaced in any district.

5.3.4. *Occupancy*.

A. Occupancy in dwelling units. No more than one (1) family, as defined in Article 2, shall be permitted to reside in any one (1) dwelling unit (for example, only one (1) family shall be permitted in a single-family dwelling, two (2) families in a duplex, and one (1) family in each approved dwelling unit within a multi-family building). However, in certain cases, the Zoning Official may approve additional occupancy for a period of up to one (1) year, such as in the case of a natural disaster or similar emergency situation.

B. Joint occupancy. Use of a building as a residence simultaneously with a non-residential use shall only be permitted in the cases of: (1) an approved planned development district, (2) upper-story dwellings in the B-4 District, or (3) the residence of a caretaker/night watchman for facilities where joint occupancy is incidental to the principal use.

C. Businesses. Businesses shall occupy permanent principal buildings as defined in Article 2. 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, and activities taking place at the Farmers' Market. All other mobile business activities are prohibited (**Ord. No. 2011-1815, 11-28-2011**).

§5.4. <u>Height and Density</u>. 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.

5.4.1. *<u>Accessory Structures and Appurtenances</u>*. 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)".

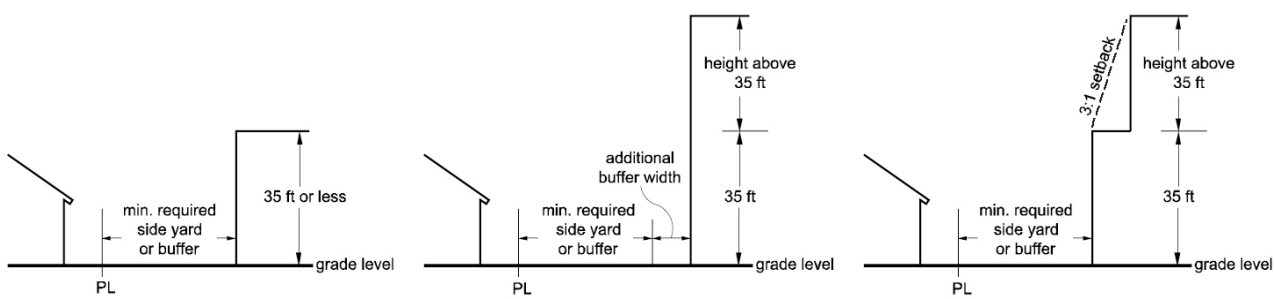
5.4.2. *<u>Storage Buildings</u>*. The limitation on number of stories shall not apply to buildings used exclusively for storage purposes, provided such buildings do not exceed the height in feet permitted in the applicable district.

5.4.3. *<u>Institutional Buildings</u>*. Institutional buildings, including but not limited to hospitals, schools, and churches, in a district with a height limit of less than sixty (60) ft, may be erected to a maximum height of sixty (60) ft in accordance with the height buffer requirements described in §5.4.4 below.

5.4.4. *<u>Contextual Height Limitation</u>*. Wherever a developing site, within one district, abuts another district with a more restrictive height allowance, the building or structure to be developed shall be subject to a contextual height requirement as described herein:

A. Along the lot line abutting the district with the more restrictive height allowance, the subject building or structure shall be set back in accordance with any required side yard or buffer (see §15.5). At such distance from the lot line corresponding with the abutting district, only a building of such height as would be allowed in the abutting district may be permitted except as provided in Item B, below.

B. For each foot the building, or portion thereof, is set back from the required yard or buffer (see §15.5), the building, or portion thereof, may be increased in height three (3) ft up to the maximum height allowance of the applicable district.



Example: A developing site is located within a district with a maximum building height of 50 ft. Along its east lot line, the site abuts a district with a 35 ft maximum building height. In accordance with §15.5, a buffer of 25 ft is required between the proposed use and its east lot line. Those portions of the building set back 30 ft or more from the east lot line are allowed a maximum height of 50 ft (35 ft based on the abutting district plus 15 additional ft for those portions of the building set back 5 ft from the required 25 ft buffer). Even if the building were set back further, it would not be allowed to exceed the 50 ft height limit of its district.

§5.5. Lots.

5.5.1. *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.

5.5.2. *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.

5.5.3. *Area Modification 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 as closely as possible, in the opinion of the Commission, to the requirements for the applicable district.

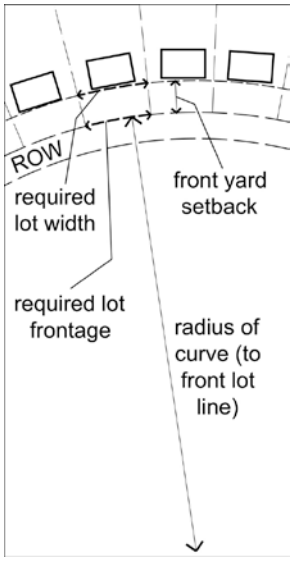
5.5.4. *Access to Lots*. No building shall be erected on a lot that does not abut a public thoroughfare, unless otherwise specifically permitted in this Ordinance.

5.5.5. *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.

A. 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.

B. For lots along the outer side of curved thoroughfares, the minimum lot frontage shall be established by the following equation and as described in the illustration at right:

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



§5.6. Yards.

5.6.1. *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.

5.6.2. *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.

A. Sills, belt courses or ornamental features may project into any yard up to six (6) inches.

B. Cornices or eaves may project into any required yard up to eighteen (18) inches.

C. Terraces, uncovered porches, underground fallout shelters or ornamental features which do not extend more than five (5) ft above grade level may project into a required yard no closer than two (2) ft to any lot line.

D. When more than one building, residential or otherwise, is located on one lot, such buildings shall not encroach on the front, side and rear yards required by the district regulations and the spacing between such buildings shall conform to the following:

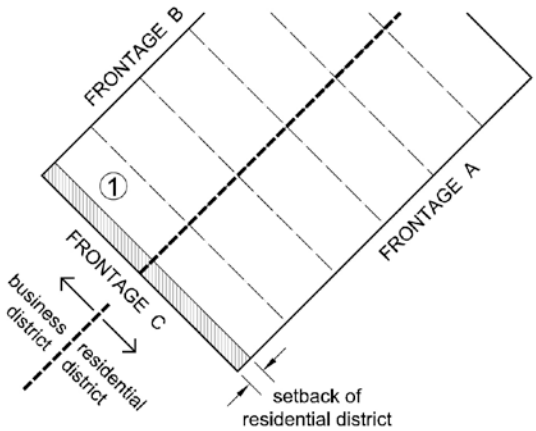
E. Where an open space is more than fifty (50) percent surrounded by residential or institutional buildings, the minimum width of the open space shall be at least twenty (20) ft for one story buildings, thirty (30) ft for two story buildings, and forty (40) ft for three or more story buildings.

5.6.3. *Future Street Lines.* Any lot intercepted by a future street line as indicated on the duly adopted Major Street Plan, or as amended, such street line shall be considered the front (or street side) lot line in establishing minimum yards, minimum lot area, minimum lot width, and maximum building area. If such Major Street Plan establishes a greater front or street side yard requirement than contained in this Ordinance, then such greater yard shall be required.

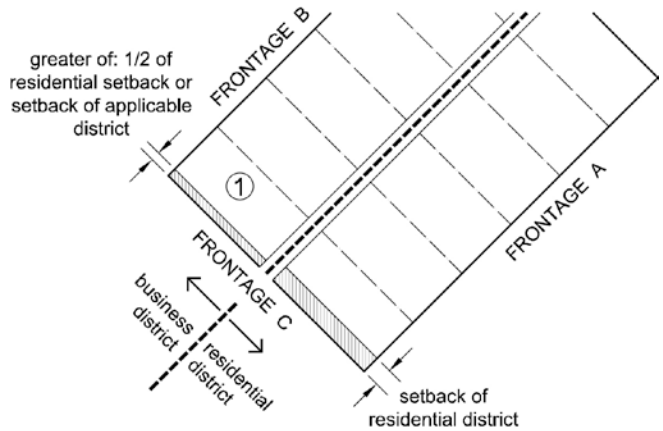
5.6.4. *Contextual setbacks*. The intent of "contextual setbacks" is to ensure consistent building setbacks along block frontages involving multiple zoning districts. The contextual setback may be adjusted where a physical separation or transition between abutting districts exists naturally or as a result of development. These provisions shall apply to front yard and street side yard setback requirements of this Ordinance.

A. Where multiple zoning districts occur along a block frontage, the minimum yard setback for all lots along the frontage shall be the most restrictive yard setback required among the districts occurring along that frontage, thereby establishing a "contextual setback" (see Example 1 in following illustration) except as provided in §5.6.4.B below.

B. In the case of a block frontage wherein a district with a greater required yard setback is separated from a district with a lesser required yard setback by an alley, stream, buffer, or similar physical transition, the contextual setback within the latter district shall be half (1/2) of the yard setback required in the former district or the normally required yard setback of the latter district, whichever is greater. The Zoning Official shall determine the adequacy of such physical transition in approving contextual setback adjustments.



Example 1: Where the lots along Frontage A are in a district with more restrictive setbacks than those lots along Frontage B, the setback along Frontage C for Lot 1 is subject to the more restrictive setback, except as shown in the Example 2.



Example 2: Where the lots along Frontage A and those along Frontage B are separated by a public alley ROW, the "contextual setback" along Frontage C for Lot 1 shall be the greater of: the normal setback of the applicable district or half of the setback in the abutting residential district.

5.6.5. *Front Yard Modifications*. The required front yards heretofore established shall be modified in the following cases:

A. Where forty (40) percent or more of the block frontage is presently developed or may hereafter be developed with buildings that have (with a variation of five (5) ft or less), a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

B. Where forty (40) percent or more of the block frontage is presently developed or may hereafter be developed with buildings that do not have a front yard as described above, then:

1) Where a building is to be erected on a lot that is within 100 ft of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings, or

2) Where a building is to be erected on a parcel of land that is within 100 ft of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

C. Through lots shall provide the required front yard on both frontages.

D. Non-standard corner lots shall provide the required front yard along each street frontage. However, such requirement shall not cause the buildable width of a lot of record to be reduced to less than twenty-eight (28) ft; however, the side yard setback shall not be reduced to less than that normally required.

5.6.6. *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 Article 15, shall be required along all major arterials, as defined in the Major Street 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:

A. 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.

B. Off-street parking spaces are not permitted in the first twenty (20) ft of the required front yard as measured from the arterial ROW.

C. 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.

D. 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.

E. Where these regulations conflict with other applicable zoning provisions, the more stringent shall apply.

5.6.7. *Rear Yard Modifications*. The rear yards heretofore established shall be modified in the following cases:

A. Where a lot abuts upon an alley, one-half of the alley width may be considered as part of the required rear yard.

B. An unenclosed balcony, porch steps or fire escape may project into a rear yard not more than ten (10) ft.

§5.7. Principal and Accessory Buildings and Structures.

5.7.1. *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.

A. 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.

B. 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. [Ord. No. 956]

~~**5.7.2.**~~ *Businesses to be Located in Permanent Buildings*. ~~The principal building of a permanent or temporary business 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. The permanent building and premises shall conform to all applicable Zoning and Subdivision Regulations and Building Code of the City. The principal building of any permanent or temporary business may be a modular building located on a permanent foundation but shall not be a tent, shelter, portable building (e.g. manufactured home) or other structure which does not comply with the intent of this Subsection. This §5.7.2 shall only apply to entities subject to business license requirements of the City.~~ (**DELETED BY ORDINANCE 2011-1815, 11-28-2011**)

5.7.3. *Accessory Buildings and Structures Generally*. Accessory buildings may be erected on any lot, however, such buildings shall be located in accordance with the following:

A. General provisions.

1) No accessory building or structure shall be erected in any required front or side yard and shall not occupy more than thirty (30) percent of the area between the rear building line and the rear lot line. Accessory buildings and structures shall be at least five (5) ft from the rear lot line.

2) In the case of easement or alley, an accessory building or structure may be built up to the easement or alley line, except in the case of an alley-loaded garage, which shall not be located closer than five (5) ft to the edge of pavement of the alley.

3) No building shall be used as an accessory dwelling except in the case of such use existing prior to the effective date of this Ordinance.

B. Provisions for dwelling lots. Accessory structures in residential districts and on any lot used primarily for residential purposes shall conform to the following regulations:

1) No accessory structure shall be erected in any required front or side yard except underground fallout shelters as provided for in §5.7.5.

2) Accessory structures shall not exceed two (2) stories in height and shall be at least five (5) ft from all lot lines and ten (10) ft from any other structure on the same lot.

5.7.4. *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)".

A. Applicability. Accessory antennas are limited to the following:

1) The following antennas which are accessory to residential use are permitted in any residential district:

a) 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.

b) Parabolic antenna greater than two (2) ft in diameter, which is located on the same premises as the dwelling which it serves, subject to §5.7.4.B.

c) 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.

2) The following antennas which are accessory to commercial use are permitted in any non-residential district:

a) 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.

b) 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.

c) Parabolic antenna located on the same premises as the business which it serves, subject to §5.7.4.B.

B. Parabolic antennas.

1) Intent. Parabolic antennas, due to their size, shape, appearance, and proliferation, have the potential to generate negative impact upon adjacent property and the general welfare of the city. Therefore, parabolic or "dish" antennas are more strictly regulated than other forms of accessory antennas.

2) Applicability. A parabolic antenna subject to the regulations of this subsection is any antenna which has a parabolic, dish, or circular shape, is more than two (2) ft in diameter, and is used or designed for receiving television signals as an accessory use to the principal use of the property.

3) General regulations:

a) A maximum of one parabolic antenna is permitted per lot.

b) Parabolic antennas shall be located and designed to minimize negative impact on surrounding property. Materials used in constructing the antenna shall not be unnecessarily bright, shiny or reflective. A parabolic antenna constructed of mesh material will have less negative impact than an antenna constructed of visually impervious material.

c) An antenna used for advertising purposes shall be considered a sign and shall be subject to the regulations of Article 13.

d) All parabolic antennas shall be located behind the front building line.

e) Parabolic, as well as other antennas, are structures, and shall require a Building Permit and conform to the Building Code.

4) In agricultural and residential districts, parabolic antennae shall be permanently attached to the ground, located in the rear yard at least twelve (12) ft from a property line and shall not exceed sixteen (16) ft in height.

5) Regulations pertaining to the R-1 (4) and R-1 (5) Districts.

a) Ground-mounted parabolic antennas shall be located in the rear yard at least twenty-five (25) ft from a thoroughfare ROW and ten (10) ft from a property line and shall not exceed sixteen (16) ft in height.

b) Roof-mounted parabolic antennas shall be located at least fifty (50) ft from a single family residential district boundary and shall not extend more than ten (10) ft above the roof line.

6) Regulations pertaining to non-residential districts.

a) A ground-mounted parabolic antenna shall be permanently attached to the ground, located in the rear yard at least twenty-five (25) ft from a public street ROW, ten (10) ft from a property line, and shall not exceed sixteen (16) ft in height.

b) Roof-mounted parabolic antennas which exceed six (6) ft in diameter shall be at least fifty (50) ft from a single family residential district boundary and shall not extend more than ten (10) ft above the roof line.

5.7.5. *Fallout/Storm Shelters*. Fallout shelters for unlimited occupancy are permitted as a principal or accessory structure in any business or industrial district. Fallout shelters operated by a local, state or federal governmental agency may be located in any district.

A. Above ground shelters intended for occupancy by not more than two (2) families are permitted in any district as an accessory structure in conformance with §5.7.3.

B. 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.

C. Fallout shelters intended for occupancy by more than two (2) families may be permitted as Special Exception Uses in accordance with §16.5.

D. Nothing in this Ordinance shall be construed to prohibit the multiple use of a fallout shelter with other permitted uses of the applicable district.

5.7.6. *Porches, terraces, balconies, cornices, eaves, and accessory structures*.

A. Sills or ornamental features of a structure shall not project into any yard more than six (6) inches.

B. Cornices or eaves shall not project into any required yard more than twenty-four (24) inches.

C. Except as regulated for elsewhere in this Section, terraces, uncovered porches, under ground fallout shelters or ornamental features which are constructed as part of a single-family dwelling or duplex and do not extend more than four (4) ft above grade may project into a required yard, provided such projections be not closer than twenty-five (25) ft from the front lot line, six (6) ft from the side lot line, and twenty-five (25) ft from the back lot line. Said terraces, porches, shelters and ornamental features, when constructed as part of a multifamily dwelling, may extend a maximum of fifteen (15) ft beyond the dwelling into the rear and front yards and a maximum of five (5) ft into the side yard.

D. In single-family and duplex residential districts, except the R-1 (5) and planned development districts, an unenclosed and uncovered balcony, deck, or fire escape may project into a required yard provided such structures shall not be located closer than twenty-five (25) ft from the rear property line nor ten (10) ft from either side property line.

E. All such structures with floor elevations at or below the first floor elevation of the dwelling in the R-1 (5) and planned development districts shall have no minimum side or rear setbacks and may project no more than five (5) ft beyond the minimum front setback of the applicable district.

F. All such structures, excluding stairs or ramps, with floor elevations above the first floor elevation of the dwelling in the R-1 (5) and planned development districts, may project into a required rear yard provided they shall not be located closer than seventeen (17) ft from the boundary of an R-1 (1), R-1 (2), R-1 (3) or R-2 (1) district, nor twelve (12) ft from a rear property line. The minimum side setback for such structures shall be the same as the subject dwelling. No such structure may project into the front yard more than five (5) ft beyond the front wall of the dwelling.

G. In multi-family residential districts, an unenclosed balcony, porch, deck or fire escape may project into a required rear yard not more than twelve (12) ft, and may project into a required side yard not more than eight (8) ft, but in no instance shall said structures be located closer than twenty-five (25) ft from any property line.

H. In non-residential districts, the maximum encroachment into required yards of a proposed unenclosed balcony, porch, deck or fire escape shall be determined on an individual basis by the Commission.

I. Such structures may be built in a rear yard but shall not occupy more than fifteen (15) percent of the required rear yard and shall not be nearer than five (5) ft to any side or rear lot line.

5.7.7. *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.

A. Single-family and duplex residential districts.

1) Permanent pools shall be located to the rear of the principal dwelling or use.

2) 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.

3) Pools constructed below grade level shall be:

a) Located, including mechanical appurtenances, no closer than ten (10) ft from any property line.

b) Enclosed by a fence of not less than four (4) ft in height, which separates the pool from abutting properties and which conforms with §5.9 Walls and Fences. The owner of any existing pool shall have a period of six (6) months from the effective date of this Ordinance in which to provide a fence for such pool as herein required.

4) 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.

B. 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.

5.7.8. *Private Tennis Courts*.

A. Single-family and duplex residential districts. All tennis courts constructed in a single-family or duplex residential district shall meet the following minimum requirements:

1) Tennis courts shall be located to the rear of the principal dwelling or use.

2) The tennis court may not be located any closer than twenty-five (25) ft from any property line and residential structure.

3) All fences shall meet the requirements of §5.9 Walls and Fences.

4) 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.

B. Multifamily and non-residential districts. Tennis courts for multi-family and non-residential uses shall meet standards deemed by the approving authority to be appropriate upon review of the specific proposal.

§5.8. Temporary and Portable Buildings and Structures.

5.8.1. *Approval Required*. Approval by the Zoning Official shall be required for the location, placement, installation, movement or use of any portable or temporary building. The approval shall specify the approved use of the building and the temporary period for which the permit is to remain valid.

A. Eligibility. Approval shall be issued only: 1) for uses specifically provided for in the applicable district; 2) for uses and locations, which are, either specifically provided for §5.8.2 or approved as a Special Exception Use per §5.8.3; 3) for placements of temporary or portable buildings which meet the dimensional requirements of these regulations for non-portable buildings; and 4) upon approval of the Building Official with regard to fire safety, building safety, structural safety and location on the property.

B. Duration of approval. With the exception of a manufactured home used for residential purposes in accordance with these regulations, which in certain cases specified in this Ordinance may be limited to a temporary period of time, or a recreational vehicle used for recreational purposes in an established travel park; any site approved for one or more temporary or portable buildings as a permitted use shall remain valid only for a time period as indicated in §5.8.2 after which all such buildings on the site must be removed. Requests for extension of the time period of approval shall be made to the Board under the provisions of §5.8.3 below. Approval for a temporary or portable building approved as a Special Exception Use shall remain valid for a time period as determined by the Board under the provisions of §5.8.3.

5.8.2. *Temporary and Portable Buildings as a Permitted Use*. Temporary and portable buildings may be placed and used for the following purposes upon approval by the Zoning Official:

A. Construction trailers. Temporary structures incidental to construction of buildings or structures are permitted provided such structures shall be removed following completion or abandonment of such construction. For residential developments and upon occupancy of any dwellings on the site, construction trailers shall be located so as to not disrupt the enjoyment of the occupied dwellings and any residences adjacent to the development.

B. Real estate sales offices. A temporary real estate sales office shall be permitted in a subdivision during development provided its use relates only to the subdivision in which it is located and for which there is an approved Site Plan or subdivision plat. Such uses shall be further subject to the provisions and limitations in §12.11.

C. Temporary structures and building material storage. Building material or temporary structures for construction purposes shall not be placed or stored on any lot or parcel of land or public ROW before appropriate Building Permits have been approved by the Building Official. Such building materials and temporary structures shall be removed upon completion or abandonment of the construction work.

D. Manufactured homes, used for dwellings in the AG (by Conditional Use approval or Special Exception only, as described in §6.4 and §6.5) and R-MH Districts only.

E. Classrooms. For, or in conjunction with, education activity of public or private schools, or in conjunction with a public library for a period not to exceed ten (10) years

F. Places of worship. For religious purposes for a period not to exceed ten (10) years at which time no extension for such structure shall be permitted

G. Public purpose. For public recreation, public health, or other public purposes approved by the Zoning Official for a period not to exceed two (2) years

H. Emergency housing, as deemed necessary in the public interest and approved by the Zoning Official for a period not to exceed two (2) years

5.8.3. *Revocation of Approval*. Any approval issued for a portable building authorized by this section may be revoked where the Zoning Official finds that the holder of the approval is violating or is permitting employees, agents, servants, partners or representatives to violate these or any other regulations of the City, which violation affects the public health, safety and

welfare, and which violation occurred as a result of the specific activity or use for which the approval was issued and not merely incidental thereto.

5.8.4. *Termination of Use and Removal*. All portable buildings shall be removed within seven (7) days after the date that the approval, which authorized the use, becomes invalid.

§5.9. Walls and Fences. For the purposes of this Section, the term "wall" and "fences" shall have the same meaning but shall not include the term "retaining walls".

5.9.1. *Front Yards*. All walls and fences within a required front yard, and a street side yard where applicable, shall not exceed four (4) ft in height, except that in all multi-family and non-residential districts, walls and fences of greater height may be permitted as needed to comply with applicable screening or buffering requirements, provided that the Zoning Official determines that:

A. It is not practical to locate such facilities in locations other than in a required front yard.

B. The encroachment of such walls and fences onto a required front yard is the minimum necessary.

5.9.2. *Side and Rear Yards*. All walls or fences within required side or rear yards shall not exceed seven (7) ft in height. Walls and fences that do not extend into or beyond a required side or rear yard are subject to a maximum height eight (8) ft.

5.9.3. *Boundary between Residential and Other districts*. Along the boundary between a residential and a business, lodging or industrial district, the height of walls or fences within any required yards shall be in accordance with §15.4 Screening and/or §15.5 Buffers as appropriate.

5.9.4. *Fence Design and Materials*.

A. The finished side of a fence shall always face the exterior. Support members, when located on one side of wooden privacy fences, shall be on the interior side.

B. Fences located between a building line and street line shall not give the appearance of a "stockade", which is avoided by alternating the fence line at regular intervals, providing masonry supports at no greater than forty (40) ft on center, providing evergreen hedges and/or other landscaping along the exterior fence side, or a combination of these. Fences less than fifty (50) ft in length in one direction are not subject to this requirement.

C. Chain-link fencing shall not be permitted forward of any front building line except in Industrial Districts, and only in such cases where the premises faces industrial uses on the opposing block frontage. Only vinyl-coated, chain link fencing shall be permitted in residential districts.

D. Barbed-wire, razor-wire and similar fencing shall not be used within any residential district and shall not be permitted within fifty (50) ft of any residential district boundary.

E. Fences in agricultural districts shall be of a design, construction, and materials as necessary to contain any livestock on premises. As such, minor variations from the standards above may be permitted by the Zoning Official. However, where such agricultural property is adjacent or abutting non-agricultural districts, the Zoning Official shall only permit the minimum variation necessary to ensure compatibility of the fence design with surrounding developments.

ARTICLE 6. AGRICULTURAL DISTRICT

§6.1. **Intent.** 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.

§6.2. **Permitted Uses.**

- Forestry, forest preserves, wildlife refuges
- General farming including: horticulture, plant nurseries, dairying, apiaries, non-commercial livestock operations, fish hatcheries, and other similar uses
- Institutional uses, low intensity only
- Roadside stands for the sale of agricultural products produced on-premises
- Golf courses, outdoor tennis courts, outdoor swimming pools and similar outdoor recreation facilities operated on a non-commercial basis and accessory to other permitted uses
- Private non-profit clubs, lodges, summer camps and boarding houses
- Single-family residential dwellings
- Accessory buildings and uses customarily incidental to the uses permitted herein

§6.3. **Uses subject to Supplemental Use Regulations.**

- Home occupations, subject to §12.1
- Family or group day care homes, subject to §12.2
- Alcoholic beverage sales accessory to an approved use, subject to §12.3

§6.4. **Conditional Uses.** Conditional Uses shall be approved by the Commission (see §4.8) except where the proposed use occurred on the property prior to the effective date of this Ordinance. In such case, the Zoning Official may approve the proposed use subject to any conditions deemed necessary. The applicant may waive this administrative review in favor of Commission review in accord with §4.8.

- Airstrips specifically oriented to agricultural use (aerial spraying, “crop dusters”) and privately-owned personal aircraft intended for non-commercial use
- Animal hospitals and kennels
- Cemeteries
- Commercial livestock operations
- Fire stations
- Livestock sales and arenas related to agricultural activities (rodeos, county fairs, equestrian events, and other similar functions)
- Institutional uses, medium-intensity only
- Outdoor recreation and amusement enterprises operated on a commercial basis
- Public and semi-public utility structures and uses
- Slaughtering, dressing, and rendering of animals raised on-premises
- Uses and structures accessory to permitted Conditional Uses
- Mini-Warehouse Storage Facilities (Subject to §12.13) (**Ord. No. 2013-1870, 01-14-2013**)
- Governmental Uses and Facilities (**Ord. No. 2013-1870, 01-14-2013**)

§6.5. **Special Exception Uses.** Refer to §16.5 for procedures. One (1) Class A manufactured home may be permitted as a Special Exception Use to be used as an accessory dwelling on the property of an existing principal dwelling, which is not a manufactured home, but shall only be permitted for use by a family member of the owner of the principal dwelling and only where such co-location is proved necessary as a result of the age, physical, or medical condition of such family member. Such co-location shall only be permitted on a conforming lot and where the manufactured home is located no closer to any front lot line than the existing principal dwelling. No other accessory dwelling shall be permitted on the same property. The Board may pose a time limit on the approval of such manufactured home as an accessory dwelling commensurate with the need for the request.

§6.6. **Dimensional and Other Requirements.** See Table 6-1 and the provisions herein.

6.6.1. *Dimensional Requirements for Certain Agricultural Uses*.

A. Minimum lot size.

1) 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.

2) 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.

Table 6-1: Area and Dimensional Requirements

Min. Yard Setbacks	
Front	50 ft
Rear	50 ft
Side	50 ft
Min. Lot Area	3 ac
Min. Lot Width	150 ft
Max. Bldg. Height*	35 ft or 2-1/2 stories
Max. Bldg. Area	25%

*Height restrictions for residences and other buildings other than those enumerated in §5.4.

B. 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.

C. 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.

D. 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.

6.6.2. Other Requirements for Certain Agricultural Uses.

A. 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.

B. Use of pesticides and herbicides shall comply with the Alabama Department of Agriculture Industries Food and Safety Division standards.

C. All agricultural practices shall comply with the USDA – NRCS Field Office Technical Guide's Standards and Specifications for such practices.

D. 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.

§6.7. Sign Regulations. See Article 13.

§6.8. Parking Requirements. See Article 14.

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ARTICLE 7. RESIDENTIAL DISTRICT REGULATIONS

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

7.1.1. *Permitted Uses*. See Table 7-4.

7.1.2. *Uses subject to Supplemental Use Regulations*. See Table 7-4.

7.1.3. *Conditional Uses*. See Table 7-4 and the provisions herein; refer to §4.8 for Conditional Use procedures.

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. [Ord. No. 2003-1449]

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 either noise, odor, disease, or other reason. [Ord. No. 2003-1449]

6) A "C" type buffer as described in §15.5 Buffers shall be required between any hobby farm and other non-agricultural residential areas; however, the maximum width required shall be twenty (20) ft. Similarly, planting density, as normally required for "C" type buffers in Table 15-4, may be modified during the Conditional Use review by the Commission. Existing vegetation is preferred and may be counted toward the planting density approved by the Commission.

7.1.4. *Special Exception Uses*. See Table 7-4; refer to §16.5 for Special Exception Use procedures.

7.1.5. *Dimensional Requirements*. See Table 7-5.

7.1.6. *Sign Regulations*. See Article 13.

7.1.7. *Parking Requirements*. See Article 14.

7.1.8. *Landscaping Requirements*. For non-residential uses, see Article 15 for landscaping, screening (§15.4), buffer (§15.5), and site lighting (§15.6) regulations.

7.1.9. *Additional Requirements for Unsewered Lots*. See §5.5.2.

§7.2. **R-1 (2) Medium Density Single Family Residential District.** This district is established to provide for medium density single-family housing free from other uses which are incompatible with single-family dwellings.

7.2.1. *Permitted Uses*. See Table 7-4.

7.2.2. *Uses subject to Supplemental Use Regulations*. See Table 7-4.

7.2.3. *Conditional Use*s. See Table 7-4; refer to §4.8 for Conditional Use procedures.

7.2.4. *Special Exception Uses*. See Table 7-4; refer to §16.5 for Special Exception Use procedures.

7.2.5. *Dimensional Requirements*. See Table 7-5.

7.2.6. *Sign Regulations*. See Article 13.

7.2.7. *Parking Requirements*. See Article 14.

7.2.8. *Landscaping Requirements*. For non-residential uses, see Article 15 for landscaping, screening (§15.4), buffer (§15.5), and site lighting (§15.6) regulations.

7.2.9. *Additional Requirements for Unsewered Lots*. See §5.5.2.

§7.3. **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.

7.3.1. *Permitted Uses*. See Table 7-4.

7.3.2. *Uses subject to Supplemental Use Regulations*. See Table 7-4.

7.3.3. *Conditional Uses*. See Table 7-4; refer to §4.8 for Conditional Use procedures.

7.3.4. *Special Exception Uses*. See Table 7-4; refer to §16.5 for Special Exception Use procedures.

7.3.5. *Dimensional Requirements*. See Table 7-5.

7.3.6. *Sign Regulations*. See Article 13.

7.3.7. *Parking Requirements*. See Article 14.

7.3.8. *Landscaping Requirements*. For non-residential uses, see Article 15 for landscaping, screening (§15.4), buffer (§15.5), and site lighting (§15.6) regulations.

7.3.9. *Additional Requirements for Unsewered Lots*. See §5.5.2.

§7.4. **R-1 (4) Zero Lot Line Residential District.** This district is established to provide for detached single-family dwellings, on lots with a small side yard requirement on one side of the lot and "zero" side yard requirements on the opposite side of the lot, free from other uses which are incompatible with single-family dwellings. The zero lot line arrangement permits smaller front and rear yards, and requires only one side yard for the patio and/or garden area, which may be completely walled in or screened.

7.4.1. *Permitted Uses*. See Table 7-4.

7.4.2. *Uses subject to Supplemental Use Regulations*. See Table 7-4.

7.4.3. *Conditional Uses*. See Table 7-4; refer to §4.8 for Conditional Use procedures.

7.4.4. *Special Exception Uses*. See Table 7-4; refer to §16.5 for Special Exception Use procedures.

7.4.5. *Dimensional Requirements*. See Table 7-5, the provisions herein, and §7.4.9 below.

A. Yards.

1) One side yard within three (3) inches of the lot line; opposite side yard a minimum of twelve (12) ft between the dwelling and the property line. There shall be a minimum separation of twelve (12) ft between structures on separate lots.

2) Corner lots shall provide a fifteen (15) ft street side yard or a fifteen (15) ft common area along the street side lot line.

3) Where R-1 (4) lots adjoin, in any manner or configuration, a collector or arterial, an additional twenty (20) ft setback or common area of twenty (20) ft shall be provided between the applicable lot line and the collector or arterial.

B. Lot frontage. Lot frontage on curved thoroughfares and cul-de-sacs shall be in accordance with §5.5.4.

7.4.6. *Sign Regulations*. See Article 13.

7.4.7. *Parking Requirements*. See Article 14.

7.4.8. *Landscaping Requirements*. Zero-lot-line dwellings shall be buffered from other detached residential developments. For zero-lot-line dwellings and non-residential uses, see Article 15 for landscaping, screening (§15.4), buffer (§15.5), and site lighting (§15.6) regulations.

7.4.9. *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 (4) 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 §5.9 Walls and Fences. No privacy fences or walls shall be permitted forward of the front building line.

E. Additional requirements for unsewered lots. See §5.5.2.

§7.5. R-1 (5) Single Family 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.

7.5.1. *Permitted Uses*. See Table 7-4.

7.5.2. *Uses subject to Supplemental Use Regulations*. See Table 7-4.

7.5.3. *Conditional Uses*. See Table 7-4; refer to §4.8 for Conditional Use procedures.

7.5.4. *Special Exception Uses*. See Table 7-4; refer to §16.5 for Special Exception Use procedures.

7.5.5. *Dimensional Requirements*. See Table 7-3 and the provisions herein.

A. Yards.

1) Townhouses shall be setback no less than ten (10) ft and no more than twenty (20) ft from the nearest edge of a required sidewalk. Where such setback is less than twelve (12) ft, the ground floor of the unit shall be at least three (3) ft above grade level.

2) For principal buildings, the minimum rear yard shall be twenty (20) ft. Where an alley is present at the rear of the lot, accessory buildings shall be at least five (5) ft from the edge of pavement of the alley.

3) Each attached dwelling shall have not less than 300 sf of side or rear yard space, secluded up to a height of six (6) ft above grade level from view of neighboring properties or adjacent thoroughfares. Said yard space shall be equal in width to the dwelling and shall have a minimum depth of twelve (12) ft.

B. Building spacing.

1) Each townhouse shall be located on its own property. A non-combustible party wall shall separate each contiguous townhouse and shall meet all applicable building and fire codes.

2) No portion of any townhouse or accessory structure in or related to one building group shall be closer than twenty (20) ft to any portion of a townhouse in or accessory structure related to another building group, or to any building outside of the townhouse development.

7.5.6. *Sign Regulations*. See Article 13.

7.5.7. *Parking Requirements*. Off-street parking shall be provided at the rear of each unit, in a central parking area behind the units, or in individual garages accessible from the rear of each dwelling, whether attached to the townhouse building group or not. In no case, shall off-street parking be permitted forward of the front building line. See also Article 14.

7.5.8. *Landscaping Requirements*. Attached dwellings shall be buffered from detached residential developments. For attached dwellings and non-residential uses, see Article 15 for landscaping, screening (§15.4), buffer (§15.5), and site lighting (§15.6) regulations.

7.5.9. *Additional Requirements*.

A. Minimum site. Townhouse developments 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 detached residential development (along the same block frontage) by an alley.

B. Orientation. All townhouses lots shall front on a public thoroughfare and shall not be arranged so as to front on an off-street parking area.

C. Building groups. Townhouses shall not form long unbroken building groups. A building group shall not be less than three (3) dwellings nor more than eight (8) dwellings. No more than three contiguous townhouses shall be built with the same front building line. The required difference in front building lines shall be at least three (3) ft.

D. Fire separation. A non-combustible party wall shall separate each townhouse unit within a building group and shall meet all applicable Building and Fire Codes.

E. Access and circulation. The design of townhouse developments must provide for internal traffic circulation and appropriate access for service and emergency vehicles.

F. Responsibility for common facilities. All facilities and common areas such as swimming pools, recreational and athletic facilities, community buildings and other similar and related 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.

G. Additional requirements for unsewered lots. See §5.5.2.

§7.6. **R-2 (1) Duplex Residential District.** This district is established to provide areas for the development of medium-density duplex housing free from uses incompatible with the character of this district, and with adequate public water, sewer, storm drainage, and other utility services provided.

7.6.1. *Permitted Uses*. See Table 7-4.

7.6.2. *Uses subject to Supplemental Use Regulations*. See Table 7-4.

7.6.3. *Conditional Uses*. See Table 7-4; refer to §4.8 for Conditional Use procedures.

7.6.4. *Special Exception Uses*. See Table 7-4; refer to §16.5 for Special Exception Use procedures.

7.6.5. *Dimensional requirements*. See Table 7-5.

7.6.6. *Sign Regulations*. See Article 13.

7.6.7. *Parking Requirements*. See Article 14.

7.6.8. *Landscaping Requirements*. For non-residential uses, see Article 15 for landscaping, screening (§15.4), buffer (§15.5), and site lighting (§15.6) regulations.

7.6.9. *Additional Requirements*.

A. Fire separation. A non-combustible party wall shall separate each duplex unit and shall meet all applicable Building and Fire Codes.

B. Responsibility for common facilities. All facilities and common areas such as swimming pools, recreational and athletic facilities, community buildings and other similar and related 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.

C. Access and 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.

D. Additional requirements for unsewered lots. See §5.5.2.

§7.7. **R-3 (1) 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.

7.7.1. *Permitted Uses*. See Table 7-4.

7.7.2. *Uses subject to Supplemental Use Regulations*. See Table 7-4.

7.7.3. *Conditional Uses*. See Table 7-4; refer to §4.8 for Conditional Use procedures.

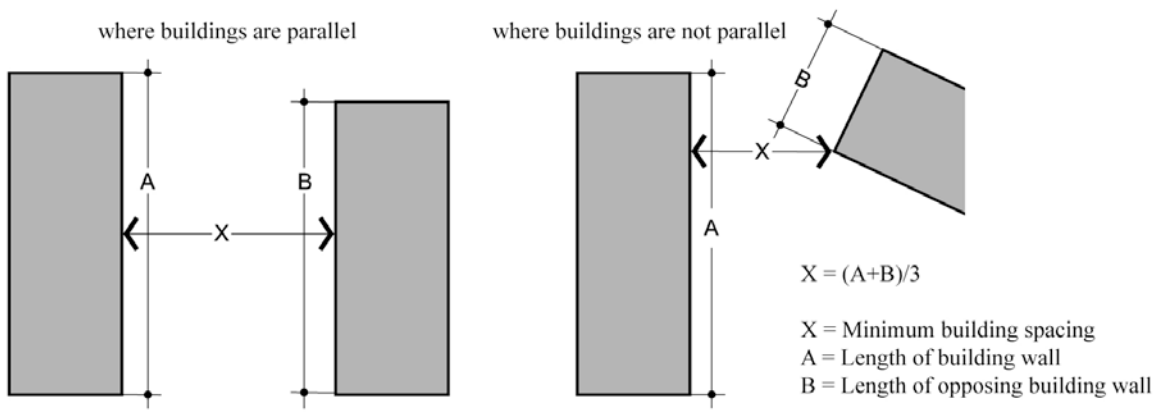
7.7.4. *Special Exception Uses*. See Table 7-4; refer to §16.5 for Special Exception Use procedures.

7.7.5. *Dimensional Requirements*. See Table 7-2 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 shall be determined by the length of the opposing (parallel or most nearly parallel) building walls in accordance with the equation X=(A+B)/3 and as illustrated above. However, in no case shall such buildings be placed closer together than twenty (20) ft. Further, buildings shall be spaced such that windows shall have a minimum thirty (30) ft view (measured perpendicularly from the window) unobstructed by other buildings located on the same property.



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 §7.7.9.

7.7.6. *Sign Regulations*. See Article 13.

7.7.7. *Parking Requirements*. Off-street parking, as required in §14.1, shall not be located forward of the front building line of principal buildings fronting on public thoroughfares. Off-street loading areas, for applicable uses, shall be in accordance with §14.2.

A. *Landscaping Requirements*. For multi-family and non-residential uses, see

7.7.8. Common areas and facilities. Article 15 for landscaping, screening (§15.4), buffer (§15.5), and site lighting (§15.6) regulations.

7.7.9. *Additional Requirements*.

A. Site Plan required. Site Plan approval shall be required in accordance with §4.6.2.

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 7-2 Area and Dimensional Requirements in the R-3 (1) District

Use type	Min. Lot Area	Min. Lot Width	Min. Yard Setbacks			Max. Bldg. Area	Max. Bldg. Height [2,3]
			Front [1]	Rear [2]	Side [2]		
Multi-family one (1) building per lot	8,000 sf for the first two (2) units plus 3,000 sf per additional unit [4]	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		

[1] Minimum front yard setbacks on collectors and arterials shall be fifty (50) ft.
[2] See also §5.4.4 Contextual Height Setback and §15.5 Buffers for adjustments to side and rear yard setbacks.
[3] Building heights over two (2) stories shall require approval of the Athens Fire Department.
[4] Access drives and driveways shall not be counted toward the minimum lot area requirement; however, off-street parking areas may be counted.

§7.8. 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 the Comprehensive Master 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.

7.8.1. *Permitted Uses*. See Table 7-4.

7.8.2. *Uses subject to Supplemental Use Regulations*. See Table 7-4.

7.8.3. *Conditional Uses*. See Table 7-4; refer to §4.8 for Conditional Use procedures.

7.8.4. *Special Exception Uses*. See Table 7-4; refer to §16.5 for Special Exception Use procedures.

7.8.5. *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 §4.7 and Site Plan approval in accordance with §4.6. In addition to the Site Plan requirements of §4.6, Site Plans for manufactured home parks shall also include scaled drawings showing:

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 §7.8.8.

7.8.6. *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.

7.8.7. *Dimensional Requirements*. See Table 7-3 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 7-3 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

7.8.8. *Landscaping Requirements*. For non-residential uses, see Article 15 for landscaping, screening (§15.4), buffer (§15.5), and site lighting (§15.6) regulations.

7.8.9. *Additional Requirements*.

A. Manufactured home standards. Only Class A and B manufactured homes, as defined in Article 2, 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. All electric and telephone lines should be placed underground when possible.

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.

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) Be designed and constructed to meet all Federal Emergency Management Agency (FEMA) requirements and guidelines if the shelter is located in a flood plain.

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 7-4: Uses Permitted by Residential District								
Districts	**R-1**					**R-2 (1)**	**R-3 (1)**	**R-MH**
Residential and Residential Care Uses	**1**	**2**	**3**	**4**	**5**			
Assisted or independent living facilities							P	
Conservation subdivisions, subject to §12.7	S	S	S	S	S	S		
Duplexes						P		
Group homes						C	P	
Manufactured home parks								P
Manufactured home subdivisions (through P-R only)								P
Multi-family dwellings							P	
Nursing homes							P	
Single-family dwellings, detached	P	P	P			P		
Single-family dwellings, zero lot line				P				
Townhouses					P			
Accessory uses and structures								
Accessory Dwellings, subject to §12.14		SE	S			S		
Alcoholic beverage sales (accessory to an approved Club), subject to §12.3	C	C	C	C	C	C	C	
Bed and breakfast, subject to §12.4		SE				SE	S	
Family day care homes, subject to §12.2	S	S	S	S		S		
Group day care homes, subject to §12.2	SE	SE	SE	SE		SE		
Home occupations, Major, subject to §12.1	SE	SE	SE	SE	SE	SE	SE	
Home occupations, Minor, subject to §12.1	S	S	S	S	S	S	S	S
Rooming/boarding house, subject to §12.5							S	
Residential accessory uses/structures, single-family	P	P	P	P	P	P		
Residential accessory uses/structures, shared					P	P	P	P
Non-residential Uses								
Cemeteries	C	C	C	C	C			
Clubs, non-profit	C	C	C	C	C	C	C	
Day care centers, subject to §12.2							S	
Municipal police, fire, and emergency medical stations	P	P	P	P	P	P	P	P
Golf courses, tennis courts, and swimming pools	C	C	C	C	C	C	C	
Institutional uses, low-intensity	C	C	C	C	C	C	C	
Institutional uses, medium-intensity						C	C	
Keeping, raising, and grazing of equine animals	C							
Libraries	C	C	C	C	C			
Offices, professional							C	
Parks and playgrounds, public or private	C	C	C	C	C	C	C	P
Public utility structures	C	C	C	C	C	C	C	C
Recreational Vehicle Park, subject to §12.12								C
Temporary real estate sales office, subject to §12.11	S	S	S	S	S	S	S	
P = Permitted Use, S = Permitted Use, subject to supplemental use regulations, C = Conditional Use, subject to approval by Commission, SE = Special Exception Use, subject to approval by the Board. 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 Exception and Conditional Uses shall also be subject to the applicable Supplemental Use Regulations in Article 12.								

(Amended by Ord. No. 2012-1844, (05/29/2012))

Table 7-5: Area and Dimensional Requirements for Single-Family Dwellings and Duplexes
For exceptions and modifications, refer to district regulations and to the applicable provisions of Article 5.

Requirement	**R-1**					**R-2 (1)**	
	1	**2**	**3**	**4**	**5**	single-family	duplex
Min. Lot Size	15,000 sf	10,500 sf	6,000 sf	6,000 sf	2,000 sf	7,200 sf	9,000 sf
Min. Lot Frontage	100 ft	75 ft	50 ft	50 ft	25 ft	50 ft	65 ft
Min. Front Yard	40 ft	35 ft	20 ft	20 ft	20 ft	30 ft	30 ft
Min. Rear Yard	40 ft	40 ft	25 ft	20 ft	20 ft	35 ft	35 ft
Min. Side Yard	10 ft	10 ft	8 ft	0 ft/12 ft	0 ft	8 ft	8 ft
Min. Street Side Yard	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft	15 ft
Max. Height	35 ft 2-1/2 stories	35 ft 2-1/2 stories	30 ft 2 stories	35 ft 2 stories	35 ft 2 stories	35 ft 2-1/2 stories	35 ft 2-1/2 stories
Max. Bldg. Area (including accessory buildings)	30%	35%	40%	50%	50%	35%	35%

ARTICLE 8. NON-RESIDENTIAL DISTRICT REGULATIONS

§8.1. **B-1 Neighborhood Business District.** This district is intended to provide for the most frequent needs of residents of an immediate neighborhood. Because these shops and stores will be most closely associated with residential uses, more restrictive requirements for light, air, open space, etc., are necessary. The B-1 District is not intended for major or large scale commercial or service establishments.

8.1.1. *Permitted Uses*. See Table 8-1. Uses and structured customarily accessory to those permitted uses in Table 8-1 shall also be permitted.

A. Neighborhood retail stores, markets, and services.

1) The floor area for each enterprise, establishment or use shall not exceed 2,500 sf.

2) Bakeries shall be limited to sale of all bakery products at retail and all bakery products offered shall be prepared on premises

3) Dressmaking, millinery, tailor, alterations shall be limited to work done for individuals, at retail only, and on the premises.

B. Professional offices, provided that the floor area for each enterprise, establishment or use shall not exceed 2,500 sf, including architects, engineers, and other design professionals; attorneys; dentists; doctors, osteopaths, and chiropractors; insurance and real estate; and travel agencies.

C. Planned neighborhood shopping centers. Planned shopping centers shall be limited to five (5) acres in size, and provided that the floor area for each enterprise, establishment or use within said shopping center shall not exceed 2,500 sf.

8.1.2. *Uses subject to Supplemental Use Regulations*. See Table 8-1.

8.1.3. *Conditional Uses*. See Table 8-1; refer to §4.8 for Conditional Use procedures. Conditional Uses shall generally be limited to 2,500 sf per enterprise, establishment or use. However, the Commission may modify this limitation where other conditions imposed are deemed suitable in protecting nearby neighborhoods from added traffic, noise, light, etc. and the use (at the proposed size) is in keeping with the intent of the B-1 District. In no case shall the Board approve an enterprise, establishment or use greater than 5,000 sf.

8.1.4. *Special Exception Uses*. See Table 8-1; refer to §16.5 for Special Exception Use procedures. Special Exception Uses shall generally be limited to 2,500 sf per enterprise, establishment or use. However, the Board may modify this limitation where other conditions imposed are deemed suitable in protecting nearby neighborhoods from added traffic, noise, light, etc. and the use (at the proposed size) is in keeping with the intent of the B-1 District. In no case shall the Board approve an enterprise, establishment or use greater than 5,000 sf.

8.1.5. *Dimensional Requirements*. See Table 8-2 and the provisions herein.

A. Separation from residential uses. Where abutting a residential zone, a yard or buffer shall be provided in accordance with §5.4.4 Contextual Height Limitation and the applicable buffer requirements in §15.5 Buffers.

B. 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.

C. Required front yards shall be in accordance with §5.6.4 Contextual Setbacks.

D. The following alternative requirements for developments following a traditional neighborhood development approach may be approved through Site Plan review.

1) The required front yard shall instead be a required build-to line of twenty (20) ft from the sidewalk.

2) No side yard or perimeter landscaping shall be required between business uses with shared parking facilities.

3) On-street parking spaces abutting the lot may be counted toward the parking requirements of §14.1. Spaces that only partially abut the lot shall not be included in this calculation. Interconnected and shared parking between multiple establishments is encouraged.

8.1.6. *Sign Regulations*. See Article 13.

8.1.7. *Parking, Loading, and Unloading Requirements*. See Article 14. Off-street parking shall not be located between the front building line and front lot line nor in any required yard or buffer.

8.1.8. *Landscaping Requirements*. See Article 15 for landscaping, screening, and buffering requirements.

8.1.9. *Additional Requirements for Unsewered Lots*. This district is not intended for use in unsewered areas..

§8.2. 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 uses.

8.2.1. *Permitted Uses*. See Table 8-1. Uses and structured customarily accessory to those permitted uses in Table 8-1 shall also be permitted.

8.2.2. *Uses subject to Supplemental Use Regulations*. See Table 8-1.

8.2.3. *Conditional Uses*. See Table 8-1 and the provisions herein; refer to §4.8 for Conditional Use procedures.

A. Retail nurseries and garden centers and other retail establishments, wherein the retail sale of plant material is the primary use of the premises, may include landscaping installation and/or maintenance services.

B. Animal hospitals with outside boarding shall not be permitted as a Conditional Use, if the proposed site is located closer than 200 ft to any residential district, as measured between the nearest property line of the subject site and the nearest boundary line of the residential district.

C. Other business uses not specifically named in Table 8-1, which, in the opinion of the Commission comes within the intent of this zoning district, may also be permitted as Conditional Uses.

8.2.4. *Special Exception Uses*. See Table 8-1; refer to §16.5 for Special Exception Use procedures.

8.2.5. *Dimensional Requirements*. See Table 8-2.

A. Separation from residential uses. Where abutting a residential zone, a yard or buffer shall be provided in accordance with §5.4.4 Contextual Height Limitation and the applicable buffer requirements in §15.5 Buffers.

B. 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.

C. Required front yards shall be in accordance with §5.6.4 Contextual Setbacks.

8.2.6. *Sign Regulations*. See Article 13.

8.2.7. *Parking, Loading, and Unloading Requirements*. See Article 14.

A. Off-street parking shall be prohibited in any required yard or buffer.

B. Any permitted outdoor display or storage shall not take place in required parking spaces.

C. Off-street parking with a depth of more than seventy (70) ft from the front yard setback shall be designed to have a two-way parking lot collector along the building front with a fire lane as required by the Fire Department. Such parking area and collector shall be designed to calm vehicular traffic, without the use of traffic control signs except at intersections of drives, and to channel pedestrian movement (from within the parking area and from off-premises) to minimize conflicts with vehicular movement along the collector. Such design shall be approved through Site Plan review and should include some combination of the following:

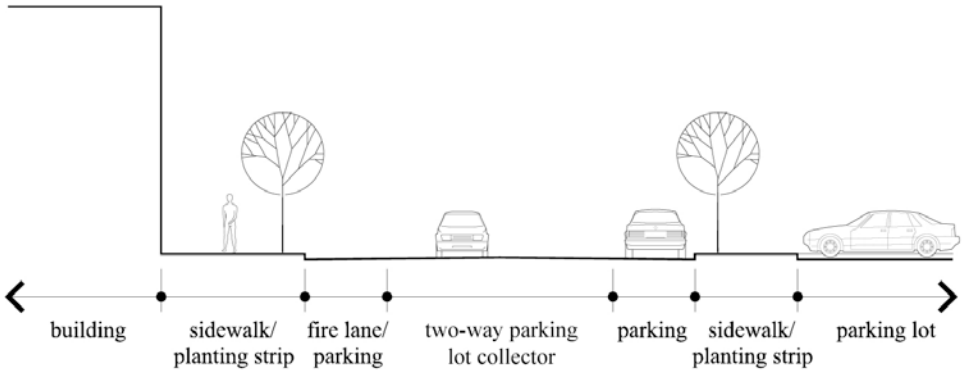
1) minimizing the number of access points to parking aisles along the parking lot collector, such as through orienting parking aisles parallel to the building line

2) sidewalks that connect to building entrances from within the parking area *and* from abutting thoroughfares

3) a planting strip, which may be in the form of tree wells or similar landscaping, between the building front sidewalk and parking lot collector *and* a planting strip between the collector and parking lot (both may count toward interior landscaping requirements)

4) parallel or angled parking provided on the sides of the collector not designated for fire lanes

5) raised pedestrian crossings at intersections of the collector with parking aisles, especially near building entrances



8.2.8. *Landscaping Requirements*. See Article 15 for landscaping, screening, and buffering requirements.

8.2.9. *Additional Requirements.*

A. Requirements for unsewered lots. This district is not intended for use in unsewered areas.

B. Repair services. Repair and automotive repair and service uses shall be permitted provided all repair and service operations are conducted entirely within an enclosed structure, and that storage or display of parts or products (new or used) shall be located entirely within an enclosed structure. Such operations shall meet all state and federal guidelines, including for the disposal of automotive fluids, fuels, and lubricants.

C. Used car sales. All vehicles for sale on a used car sales lot shall be in operating condition at all times.

D. Temporary seasonal storage of bulk merchandise. A permanent retail business located in a permanent principal building may store seasonal bulk merchandise outside of the principal building on a temporary basis, subject to the following restrictions:

1) Such merchandise shall be limited to the following landscaping and planting materials: fertilizer, seed, soil, mulch material, shrubs, trees and plants.

2) All fertilizer, seed, soil and mulch materials shall be in containers for individual retail sale and shall not be loose piles of material.

3) Storage areas shall not obstruct pedestrian or vehicle traffic nor a fire lane and shall not be located within any required parking space, access aisle or public ROW.

4) Temporary outside seasonal storage of bulk merchandise shall be limited to the shortest period of time practical.

§8.3. **B-3 Highway Business District.** This district is designed primarily to accommodate the development of recognizable, attractive groupings of facilities easily accessible to a large volume of vehicular traffic, to serve persons traveling by automobile and local residents. Since these areas are located on major thoroughfares, they are subject to public view; and therefore should provide an appropriate appearance and be designed to minimize traffic congestion.

8.3.1. *Permitted Uses*. See Table 8-1 and the provisions herein. Uses and structured customarily accessory to those permitted uses in Table 8-1 shall also be permitted.

A. Furniture stores and upholstery shops shall have no more than five (5) persons employed in the process of furniture building or repair.

B. Repair and automotive repair and service uses shall be permitted provided all such operations are conducted entirely within an enclosed structure, and that storage or display of parts or products (new or used) shall be located entirely within an enclosed structure. Such operations shall meet all state and federal guidelines, including for the disposal of automotive fluids, fuels, and lubricants.

C. Office-warehouse uses shall be permitted where the structure used for offices and the storage of goods, wares, or merchandise is in conjunction with a business located on the site. No outside storage of goods, wares, or merchandise is permitted on premises.

8.3.2. *Uses subject to Supplemental Use Regulations*. See Table 8-1.

8.3.3. *Conditional Uses*. See Table 8-1 and the provisions herein; refer to §4.8 for Conditional Use procedures.

A. Light manufacturing and assembly shall be permitted as a Conditional Use provided goods are sold on the premises only and provided not more than ten (10) persons are employed in the manufacturing/assembly process.

B. Other business uses not specifically named in Table 8-1, which, in the opinion of the Commission comes within the intent of this zoning district, may also be permitted as Conditional Uses.

8.3.4. *Special Exception Uses*. See Table 8-1; refer to §16.5 for Special Exception Use procedures.

8.3.5. *Dimensional Requirements*. See Table 8-2 and the provisions herein.

A. Separation from residential uses. Where abutting residential districts, a yard or buffer shall be provided in accordance with §5.4.4 Contextual Height Limitation and the applicable buffer requirements in §15.5 Buffers.

B. 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.

C. Required front yards shall be in accordance with §5.6.4 Contextual Setbacks.

8.3.6. *Sign Regulations*. See Article 13.

8.3.7. *Parking and Loading Requirements*. See Article 14 and the provisions herein:

A. Off-street parking shall be prohibited in any required yard or buffer.

B. Any permitted outdoor display or storage shall not take place in required parking spaces.

C. Off-street parking with a depth of more than seventy (70) ft from the front yard setback shall be designed to have a two-way parking lot collector along the building front with a fire lane as required by the Fire Department. Such parking area and collector shall be designed to calm vehicular traffic, without the use of traffic control signs except at intersections of drives, and to channel pedestrian movement (from within the parking area and from off-premises) to minimize conflicts with vehicular movement along the collector. Such design shall be approved through Site Plan review and should include some combination of the following:

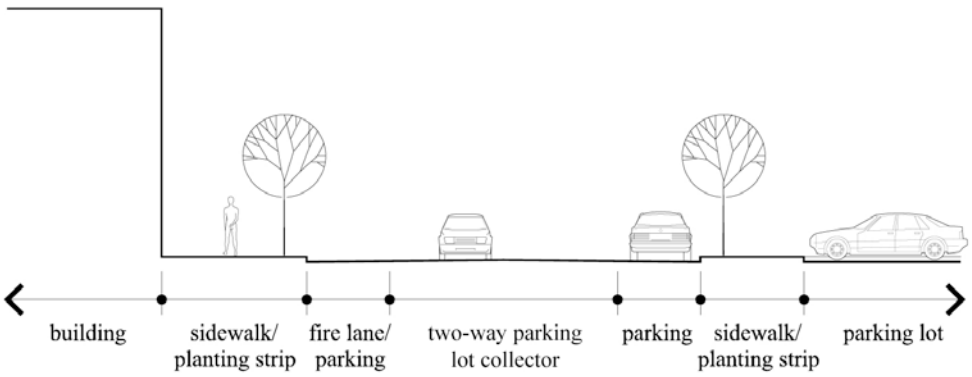
1) minimizing the number of access points to parking aisles along the parking lot collector, such as through orienting parking aisles parallel to the building line

2) sidewalks that connect to building entrances from within the parking area *and* from abutting thoroughfares

3) a planting strip, which may be in the form of tree wells or similar landscaping, between the building front sidewalk and parking lot collector *and* a planting strip between the collector and parking lot (both may count toward interior landscaping requirements)

4) parallel or angled parking provided on the sides of the collector not designated for fire lanes

5) raised pedestrian crossings at intersections of the collector with parking aisles, especially near building entrances



8.3.8. *Landscaping Requirements*. See Article 15 for landscaping, screening, and buffering requirements.

8.3.9. *Additional Requirements*.

A. Requirements for unsewered lots. This district is not intended for use in unsewered areas.

B. Damaged vehicles awaiting repair shall be screened; see §15.4 Screening. Such areas shall be maintained and free of tall grass, weeds and similar vegetation; and shall be surfaced for all-weather use *equivalent* to at least 4 (four) inches of crushed limestone.

C. All vehicles, machinery and equipment for sale on a sales lot shall be in operating condition at all times.

D. All outdoor storage areas for lumber, landscaping, and building supply materials shall be screened in accordance with §15.4 Screening. Such screen shall be no less than seven (7) ft in height.

§8.4. B-4 Central Business District. This district is designed to provide a concentrated central core of retailing and services and to accommodate central administrative business, financial, general, and professional offices and related services. The district regulations are designed to promote convenient pedestrian shopping and the stability of retail development by encouraging continuous retail frontage in a concentrated area.

8.4.1. *Permitted Principle Uses*. See Table 8-1 and the provisions herein.

A. Uses and structured customarily accessory to those permitted uses in Table 8-1 shall also be permitted.

B. Outdoor storage is prohibited.

8.4.2. *Uses subject to Supplemental Use Regulations*. See Table 8-1.

8.4.3. *Conditional Uses*. See Table 8-1 and the provisions herein; refer also to §4.8 for Conditional Use procedures.

A. Manufacturing incidental to a retail business shall be permitted as a Conditional Use provided manufactured articles are sold at retail on the premises.

B. Other business uses not specifically named in Table 8-1, which, in the opinion of the Commission comes within the intent of this zoning district, may also be permitted as Conditional Uses.

8.4.4. *Special Exception Uses*. See Table 8-1; refer to §16.5 for Special Exception Use procedures.

8.4.5. *Dimensional Requirements*. See Table 8-2.

A. Where abutting a residential zone, a yard or buffer shall be provided in accordance with §5.4.4 Contextual Height Limitation and the applicable buffer requirements in §15.5 Buffers.

B. Required front yards shall be in accordance with §5.6.4 Contextual Setbacks.

8.4.6. *Sign Regulations*. See Article 13.

8.4.7. *Parking and Loading Requirements*. With the exception of permitted residential uses, new off-street parking shall be provided at the option of business and property owners and no minimum parking spaces are herein required. For permitted residential uses, one (1) parking space shall be provided per dwelling. However, where provided, off-street parking shall be prohibited in any required yard or buffer. See §14.2 for loading requirements.

8.4.8. *Landscaping Requirements*. See Article 15 for landscaping, screening, and buffering requirements.

§8.5. **MC Medical Center District.** This district is established primarily for concentrations of medical and related uses.

8.5.1. *Permitted Uses*. See Table 8-1.

8.5.2. *Uses subject to Supplemental Use Regulations*. See Table 8-1.

8.5.3. *Conditional Uses*. See Table 8-1; refer also to §4.8. Other business uses not specifically named in Table 8-1, which, in the opinion of the Commission comes within the intent of this zoning district, may also be permitted as Conditional Uses.

8.5.4. *Special Exception Uses*. See Table 8-1; refer to §16.5 for Special Exception Use procedures.

8.5.5. *Dimensional Requirements*. See Table 8-2.

A. Separation from residential uses. Where abutting a residential zone, a yard or buffer shall be provided in accordance with §5.4.4 Contextual Height Limitation and the applicable buffer requirements in §15.5 Buffers.

B. 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.

C. Required front yards shall be in accordance with §5.6.4 Contextual Setbacks.

D. Assisted and independent living facilities and nursing homes, where permitted, and where including multiple buildings on the same property, shall provide spacing between such buildings in accordance with the corresponding requirements for such uses in the R-3 (1) District. See §7.7.5.A.

8.5.6. *Sign Regulations*. See Article 13.

8.5.7. *Parking, Loading, and Unloading Requirements*. See Article 14. Off-street parking shall be prohibited in any required yard or buffer.

8.5.8. *Landscaping Requirements*. See Article 15 for landscaping, screening, and buffering requirements.

8.5.9. *Requirements for Unsewered Lots*. This district is not intended for use in unsewered areas.

§8.6. **INST Institutional District.** This district is established primarily for public and semi-public uses of an intensity unsuitable for location within residential neighborhoods.

8.6.1. *Permitted Uses*. See Table 8-1.

8.6.2. *Uses subject to Supplemental Use Regulations*. See Table 8-1.

8.6.3. *Conditional Uses*. See Table 8-1; refer to §4.8 for Conditional Use procedures.

8.6.4. *Special Exception Uses*. None.

8.6.5. *Dimensional Requirements*. See Table 8-2.

A. Where abutting a residential district, a yard or buffer shall be provided in accordance with §5.4.4 Contextual Height Limitation and the applicable buffer requirements in §15.5 Buffers.

B. Required front yards shall be in accordance with §5.6.4 Contextual Setbacks.

8.6.6. *Sign Regulations*. See Article 13.

8.6.7. *Parking, Loading, and Unloading Requirements*. See Article 14. Off-street parking shall be prohibited in any required yard or buffer.

8.6.8. *Landscaping Requirements*. See Article 15 for landscaping, screening, and buffering requirements.

8.6.9. *Additional Requirements for Unsewered Lots*. This district is generally not intended for use in unsewered areas, however, low intensity institutional uses may be permitted in accordance with §5.5.2 subject to the applicable requirements of the Limestone County Health Department.

§8.7. **M-1 Light Industrial District.** This district is established for light industrial activities and selected commercial uses which by their nature are not obnoxious, offensive or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor or effluents.

8.7.1. *Permitted Uses*. See Table 8-1. Uses and structured customarily accessory to those permitted uses in Table 8-1 shall also be permitted and retail and service establishments dependent on or closely related to permitted industries shall also be permitted.

8.7.2. *Uses subject to Supplemental Use Regulations*. See Table 8-1.

8.7.3. *Conditional Uses*. See Table 8-1; refer to §4.8 for Conditional Use procedures. Other business or light industrial uses not specifically named in Table 8-1, which, in the opinion of the Commission comes within the intent of this zoning district, may also be permitted as Conditional Uses.

8.7.4. *Special Exception Uses*. See Table 8-1; refer to §16.5 for Special Exception Use procedures.

8.7.5. *Dimensional Requirements*. See Table 8-2. Yards shall be provided in accordance with Table 8-2 and as modified by §5.4.4 Contextual Height Limitation and further subject to the applicable buffer requirements in §15.5 Buffers.

8.7.6. *Sign Regulations*. See Article 13.

8.7.7. *Parking, Loading, and Unloading Requirements*. See Article 14. Off-street parking shall be prohibited in any required yard or buffer.

8.7.8. *Landscaping Requirements*. See Article 15 for landscaping, screening, and buffering requirements.

8.7.9. *Requirements for Unsewered Lots*. This district is not intended for use in unsewered areas.

§8.8. **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.

8.8.1. *Permitted Principal Uses*. See Table 8-1. Uses and structured customarily accessory to those permitted uses in Table 8-1 shall also be permitted and retail and service establishments dependent on or closely related to permitted industries shall also be permitted.

8.8.2. *Uses subject to Supplemental Use Regulations.* See Table 8-1.

8.8.3. *Conditional Uses*. See Table 8-1; refer to §4.8 for Conditional Use procedures. Other business or industrial uses not specifically named in Table 8-1, which, in the opinion of the Commission comes within the intent of this zoning district, may also be permitted as Conditional Uses.

8.8.4. *Special Exceptions*. See Table 8-1; refer to §16.5 for Special Exception Use procedures.

8.8.5. *Dimensional Requirements*. See Table 8-2. Yards shall be provided in accordance with Table 8-2, as modified by §5.4.4 Contextual Height Limitation and §5.6.4 Contextual Setbacks, and further subject to the applicable buffer requirements in §15.5 Buffers.

8.8.6. *Sign Regulations*. See Article 13.

8.8.7. *Parking, Loading, and Unloading Requirements*. See Article 14. Off-street parking shall be prohibited in any required yard or buffer.

8.8.8. *Landscaping Requirements*. See Article 15 for landscaping, screening, and buffering requirements.

8.8.9. *Additional Requirements*.

A. Requirements for unsewered lots. This district is not intended for use in unsewered areas.

B. Nuisances prohibited. Any use which would cause noise, smoke, gas, vibration, fumes, dust or other objectionable conditions which would affect a considerable portion of the city, shall not be permitted.

Table 8-1: Uses Permitted by Non-Residential District								
District **Retail and Wholesale Uses**	**B-1**	**B-2**	**B-3**	**B-4**	**MC**	**INST**	**M-1**	**M-2**
Alcoholic beverage sales, all subject to §12.3								
Retail liquor sales for off-premises consumption			C					
Retail liquor sales for on-premises consumption			C					
Specialty wine and beer establishment			C	C				
Specialty Beverage Store			C	C				
NOTE: Alcoholic beverage and retail liquor sales, where not specifically permitted as a principal use above, may be permitted as accessory uses within Restaurants, Hotels, Grocery Stores, Convenience Stores, Merchandise Stores with incidental table wine sales, and/or Clubs, or in connection with special events retail license, as described in §12.3 (see also "Accessory Uses: Alcoholic Beverage Sales" in this Table 8-1).								
Auto parts, excluding outdoor storage		P	P	C				
Auto parts with outdoor storage							C	C
Auto sales and rental (new/used, with/without service)		P	P					
Bakery, retail	P	P	P	P				
Boat sales		P	P					
Confectionery, candy, ice cream	P	P	P	P				
Consignment store, apparel only	P	P	P	P				
Consignment/second-hand/thrift store		P	P	C				
Construction supplies, excluding outdoor storage		SE	P	C			P	P
Construction supplies with outdoor storage, lumber yards			P				P	P
Convenience store	P	P	P	P			P	P
Delicatessen, coffee shop	P	P	P	P				
Dry goods, fabrics store		P	P	P				
Electronics sales (cameras, TV, radio, computer)	SE	P	P	P				
Equipment, light, sales, rental and service		P	P	P				
Equipment, heavy, sales, rental and service			P					
Farm/dairy equipment, supplies, and service		P	P				P	P
Gas/service station, subject to §12.9	SE	S	S	S			S	S
Gas station, subject to §12.9 excluding service/repair	SE	S	S	S			S	S
General merchandise limited to 2,500 sf GFA	P	P	P	P	C			
General merchandise limited to 50,000 sf GFA		P	P	P				
General merchandise, unlimited GFA			P					
Grocery/food store	P	P	P	P				
Home furnishings, interior decorating, and appliances		P	P	P				
Home improvement center		C	P					
Internet providers; broadband or wireless communications service/sales and similar uses	P	P	P	P				
Manufactured home, RV, and travel trailer sales			C					
Medical supply				P	P			
News stand	P	P	P	P	P			
Nurseries (retail) and garden centers		C		C				
Office equipment and furniture		P	P	P				
Pawn shop, subject to §12.10		SE	SE	SE				
Pet shop	P	P	P	P				

Table 8-1: Uses Permitted by Non-Residential District								
Pharmacy	P	P	P	P	P			
Shopping center, general (greater than 5 acres)		P	P					
Shopping center, neighborhood (5 acres maximum)	C	P	P					
Sporting goods, excluding boats and motor-powered watercraft, motors, and trailers	SE	P	P	P				
Video retail sales and rentals	P	P	P	P				
Service and Office Uses	**B-1**	**B-2**	**B-3**	**B-4**	**MC**	**INST**	**M-1**	**M-2**
Animal hospital, excluding outside kennels		C	P					
Animal hospital, with outside kennels		C	C				P	
Automotive repair service, minor		P	P				P	P
Automotive repair service, major			P				P	P
Automotive wrecker service							P	P
Bank/lending institution		P	P	P				
Bank/lending institution, branch	P	P	P	P	P			
Car wash		P	P					
Catering services direct to consumer	P	P	P	P				
Check cashing/pay day loan stores, subject to §12.10		SE	SE	SE				
Copying and reproduction, excluding blueprinting		P	P	P				
Copying and reproduction, with blueprinting		SE		P				
Dressmaking, millinery, tailor, alteration	P	P	P	P				
Janitorial and maintenance service		SE					P	P
Laundromats, dry cleaning/laundry pick-up stations	P	P	P	P				
Office/technical use		C	P				P	P
Personal services (barber, beauty salon, massages, etc.)	P	P	P	P				
Photographic studio	SE	P	P	P				
Professional offices	P	P	P	P	P			
Radio/television broadcast studio		P	P	P				
Repair, lawnmower		P	P	P				
Repair, machinery and heavy equipment							P	P
Repair, major household appliances		P	P	P				
Repair, radio, television and general electronics	P	P	P	P				
Repair, shoe, jewelry, clocks	P	P	P	P				
Restaurants, Standard		P	P	P	C		P	P
Restaurants, including drive-in/drive-thru service		P	P		C		P	P
Restaurants, walk-up	SE	P	P	P	SE		P	P
Storage, self-storage/mini-warehouse		C	C				P	P
Tattoo parlor			C					
Warehouse, office, excluding outdoor storage			C				P	P
Warehouse, retail, excluding outdoor storage				C			P	P

Table 8-1: Uses Permitted by Non-Residential District								
Accessory Uses	**B-1**	**B-2**	**B-3**	**B-4**	**MC**	**INST**	**M-1**	**M-2**
Accessory housing for over-night employees		P	P	P	P	P	P	P
Alcoholic beverage sales, subject to §12.3								
Accessory sales for on-premises consumption								
Restaurant, Standard		S	S	S	C		S	S
Hotel		S	S	S				
Club, Private	C	S	S	S				
Accessory sales for off-premises consumption								
Convenience Store	S	S	S	S			S	S
Grocery Store	S	S	S	S				
Merchandise Store (Incidental Table Wine Sales)			S	S				
Manufacturing, accessory to permitted retail use				C			P	P
Offices, accessory to a permitted business use	P	P	P	P	P	P	P	P
Lodging Uses	**B-1**	**B-2**	**B-3**	**B-4**	**MC**	**INST**	**M-1**	**M-2**
Campgrounds (for RV Parks, see also §12.12)			C					
Hotel		P	P	P				
Motel		C	P					
Residential and Residential Care Uses	**B-1**	**B-2**	**B-3**	**B-4**	**MC**	**INST**	**M-1**	**M-2**
Assisted/independent living facilities					C			
Nursing home		P	C		C			
Upper-story dwellings, subject to §12.6	SE	SE		SE				
Institutional, Recreational and Cultural Uses	**B-1**	**B-2**	**B-3**	**B-4**	**MC**	**INST**	**M-1**	**M-2**
Athletic/exercise facility, outdoor		C						
Bus depot, bus station		P	P	P				
Club or lodge, private	SE	P	P	P		P		
Day care facilities, subject to §12.2	S	S	S	S	S	S		
Municipal police, fire and similar public safety uses	P	P	P	P	P	P	P	P
Fitness/exercise centers and gymnasiums		P	P	P				
Funeral home	C	P	P			P		
Hospital					P			
Institutional use, low intensity	SE	P	P	P		P		
Institutional use, medium intensity	C	C	C	P		P		
Institutional use, high intensity		C	C	C		C		
Medical/dental clinic		P		P	P	P		
Medical research facility					C	C	P	P
Movie theatre, drive-in			C					
Movie theatre, indoor		P	P	P				
Museum				P		P		
Parking lots and garages, commercial and public		P	P	P	P	P	P	P
Parks and playgrounds	P	P		P	P	P		
Post office, branch	P	P	P			P		
Post office, distribution facility			P			P	P	
Public utility facilities	SE	P	P		P	P	P	P
Public works facilities and storage yards						C	P	P

Table 8-1: Uses Permitted by Non-Residential District								
Recreation/amusement, Indoor		P	P					
Recreation/amusement, Outdoor			P					
School, private K-12 including housing						P		
Schools, trade/vocational/business		P	P	P		P	P	P
Studios, art/music/dance		P	P	P				
Taxi dispatch facility				P			P	P
Transit station, public		C		C		C		
Transit stop, public	P	P	P	P	P	P	P	P
Manufacturing and Industrial Uses	**B-1**	**B-2**	**B-3**	**B-4**	**MC**	**INST**	**M-1**	**M-2**
Abattoir, stockyards								SE
Blast furnace, boiler and tank works								SE
Cold storage							P	P
Contractor plants								P
Contractor yards							P	P
Dry cleaning/laundry plants				C			P	P
Fertilizer plants								C
Food manufacture (bakeries, bottling, dairies, food processing)							P	P
Gasoline and liquefied petroleum gas bulk storage								SE
Highway maintenance yards and buildings							P	P
Industrial equipment and supply sales and repair							P	P
Industrial park, subject to §12.8							S	S
Junkyards, auto-wrecking, and salvage yards								C
Limestone drying								SE
Manufacture, light and assembly with goods sold on-premises only and limited to ten (10) manufacturing employees			C					
Manufacture of acetylene gas; acid, ammonia, or chlorine; asphalt; bleaching chemicals; cement; disinfectants and dyestuff; gypsum or plaster of Paris; lime; paint, turpentine, or varnish; paper or pulp; powder; soap and tar products								SE
Manufacture, general (alcoholic beverages, appliances, electronics, machine tools, machinery assembly, metal fabrication, pharmaceuticals, textiles)							P	P
Mill, feed, grain, lumber with open storage								P
Mixing plant for cement mortar or paving materials								SE
Ore reduction								SE
Pest control service							P	P
Printing and publishing							P	P
Processing, incineration or storage of dead animal materials, including curing, tanning and storage of hides, wool pulling or scouring, distillation of bones, coal, fat rendering, candle making, fertilizer manufacture, glue size, and gelatin manufacture								SE
Rubber processing plants								C

Table 8-1: Uses Permitted by Non-Residential District								
Sanitary sewage treatment facilities							P	P
Sheet metal and roofing sales							P	P
Tire recapping and retreading		P	P				P	P
Truck terminal and repair							P	P
Upholstery shop, furniture building/repair, limited to five (5) building/repair employees		SE	P					
Volatile uses and industries								C
Warehousing and distribution							P	P
Welding, woodworking, furniture manufacture and machine shops							P	P
P = Permitted Use, S = Permitted Use, subject to supplemental use regulations, C = Conditional Use, subject to approval by the Commission, SE = Special Exception Use, subject to approval by the Board. 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 Exception and Conditional Uses shall also be subject to the applicable Supplemental Use Regulations in Article 12.								

(**Ord. No. 2008-1711, 08-25-2008; Ord. No. 2011-1788, 01-24-2011**).

Table 8-2: Area and Dimensional Requirements for Non-Residential District

Refer to Article 5 and the applicable district regulations for exceptions and modifications.

Refer also to §15.5 for buffer requirements.

District	Min. yard setbacks			Min. lot size		Max. height	Max. Building Area
	Front	Rear	Side	Area	Lot Frontage		
B-1	15 ft	20 ft	See §8.1.5	*	*	35 ft or 2 stories	50%
B-2	20 ft	20 ft	See §8.2.5	*	*	63 ft or 5 stories	None
B-3	30 ft	35 ft	See §8.3.5	*	*	35 ft or 2 stories	None
B-4	None	None	See §8.4.5	*	20 ft	65 ft or 5 stories	None
MC	20 ft	20 ft	See §8.5.5	*	*	45 ft or 3 stories	None
INST	20 ft	35 ft	See §8.6.5	*	*	45 ft or 3 stories	75%
M-1	**	See §15.5	See §15.5	*	*	45 ft or 3 stories	none
M-2	30 ft	See §15.5	See §15.5	*	*	45 ft or 3 stories	none

* 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.

** No front yard setback is specified, except where existing establishments (other than residential) are set back, any new structure shall be set back not less than the average of the setbacks of the existing establishments within 100 ft each side thereof.

ARTICLE 9. PLANNED DEVELOPMENT DISTRICTS

§9.1. **General Requirements and Procedures.** There are four types of Planned Development Districts: P-R Planned Residential District, P-TND Planned Traditional Neighborhood District, P-MU Planned Development Mixed Use District, and P-OD Planned Office/Distribution District. Planned development districts are intended to be applied to large land areas that are planned, subdivided, and developed in a united and integrated manner, often involving successive phases of design, subdivision, and development. Planned developments require approval of a Master Development Plan, for the entire project area, which is first reviewed with City staff, then by the Commission and Council. Upon approval of the Master Development Plan, the developer then follows the procedures of the Subdivision Regulations to obtain Preliminary and Final Plan approval for the development or each phase thereof, as applicable. For multi-phased developments, each phase of a Planned Development District shall be considered a separate subdivision which shall receive its own review approval in accordance with the Subdivision Regulations.

9.1.1. *Pre-Application Conference*. To expedite the review of a planned development, a pre-application conference is encouraged. The pre-application review will serve several purposes and focus on the following items:

A. To inform the City of development plans in progress together with the scale and character of the plan so that the City may recognize the proposed development in any of its physical or facility planning for the entire City.

B. To inform the applicant of the City's informal response as to the scale and character of the proposed development and to alert the applicant of any specific areas of concern that the City may have for that specific site or proposed plan.

C. To clarify and inform both the applicant and the City in respect to the outline development plan approval procedure including an anticipated application time and review period as specifically set forth in this Section.

D. To enable the applicant to inform the City of the requirements, procedures and status of the various county, state and federal agency reviews.

9.1.2. *Ownership*. The tract of land for a planned development may be owned, leased or controlled either by a single person or corporation, or by a group of individuals or corporations. A request must be filed by the owner or jointly by owners of all the property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.

9.1.3. *Location of Planned Development*. Planned development districts may be applied to any area of the City where the applicant can demonstrate that the characteristics of his holdings will meet the objectives of the planned development district and the Comprehensive Master Plan for the City.

9.1.4. *Purpose of the Master Development Plan*. The purpose of the Master Development Plan is to inform the City of the type, character, scale, intensity, and phasing of the proposed development for the City to evaluate the impact upon the surrounding neighborhoods, infrastructure, and community. The Master Development Plan establishes the arrangement of land uses, densities, interconnecting and internal thoroughfares, and common and landscaped areas; the general buffering and screening techniques to be used (where applicable); the overall scheme for signage; the streetscape characteristics of internal thoroughfares; and the location and purpose of any areas intended for dedication to the City.

9.1.5. *Submission Requirements*. An application for a Master Development Plan shall be filed with the Department by the applicant together with the following information:

A. The location and size of the site including its legal description

B. The recorded ownership interests including liens and encumbrances and the nature of the developer's interest if the developer is not the owner

C. The relationship of the site to surrounding development, including thoroughfares, utilities, residential and commercial development, and physical features of the land including pertinent ecological features

D. The density of residential uses and intensity of non-residential uses for all parts of the total site together with tabulations by acreage and percentages thereof

E. The location, size and character of any common property and the form of organization proposed to own and maintain such common property

F. The use and type of buildings, i.e., single-family detached, townhouses, apartments, proposed for each portion of the total site

G. The engineering feasibility and proposed method of providing required improvements such as streets, water supply, storm drainage and sewage collection in preparation for submitting the requirements for preliminary plat approval as set forth in the Subdivision Regulations. The applicant shall provide a written narrative specifically calling out all zoning and subdivision relaxations which may be requested.

H. The substance of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities

I. On-street and off-street parking areas

J. On-street and off-street pedestrian and bicycle facilities

K. Any additional data, plans or specifications as the applicant or the City may believe are pertinent to the proposal

9.1.6. *Ownership and Responsibility for Common Property*. When common property is included as part of the Master Development Plan, the ownership of such common property may be either public or private. In the case of private ownership, satisfactory arrangements must be made for the improvement and perpetual operation and maintenance of such common property, including private streets, drives, services, and parking areas and recreational and open space areas, by the developer or a property owner's association. Membership in such association shall be mandatory and automatic for all property owners of the planned development and their successors. Such association shall have lien authority to ensure the collection of dues from all members; and the responsibility for maintaining common open spaces and facilities located thereon shall be borne by the association.

9.1.7. *Review Procedure*. An application for a Master Development Plan shall be filed with the Zoning Official. The Zoning Official shall only refer applications to the reviewing authority upon a determination that said application is complete and that sufficient information is provided. During the review process, the City may retain consultants to assist in the review of a plan. The cost of retaining said consultants shall be borne by the applicant. The developer or designated representative shall be required to attend and represent the planned development in any public hearing regarding the development, including those for subdivision plans applied for after approval of the Master Development Plan.

A. Review by Staff and Commission. Upon acceptance of the application, the Fire Chief, City Engineer, Zoning Official and other applicable staff shall review the application; and the Zoning Official shall submit the application, together with all supporting documentation and staff recommendations, to the Commission and a public hearing thereon shall be held by the Commission.

B. Council review. Upon receipt of a report from staff and the Commission, the Council shall hold a public hearing on the application with the following declared:

1) The Council shall, by written resolution either (1) grant approval of the plan as submitted, (2) grant approval subject to specified conditions not included in the plan as submitted, or (3) deny approval to the plan.

2) In the event approval is granted other than by lapse of time, either of the plan as submitted or of the plan with conditions, the Council shall, as part of its resolution, specify the drawings, specifications and form of performance and maintenance bonds that shall accompany an application for final approval.

3) In the event approval is granted subject to conditions, the applicant shall within forty-five (45) days after receiving a copy of the written resolution of the Council notify the Council in writing of acceptance or refusal of all said conditions.

4) In the event that applicant refuses to accept all said conditions or fails to reply within forty-five (45) days, the Council shall be deemed to have denied approval of the plan.

5) The grant or denial of approval by written Resolution shall include not only conclusions but also findings of fact related to the specific proposal and shall set forth the reasons for the grant, with or without conditions, or for denials, and said Resolution shall identify in what respects the plan would not be in the public interest, including but limited to findings of fact and conclusions of the following:

a) In what respect the plan is or is not consistent with the statement or purpose for planned developments and the City's Comprehensive Master Plan.

b) The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the subject property.

c) The purpose, location and amount of the common open space, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space is related to the proposed density and type of development.

d) The physical design of the plan and the manner in which said design does or does not make adequate provision for public services, provide adequate control over vehicular traffic and parking and further the amenities of light and air, recreation and visual enjoyment.

e) The relationship, beneficial or adverse, of the proposed planned development to the neighborhood in which it is proposed to be established.

f) In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and of the residents and owners of the planned development in the integrity of the plan.

6) In granting approval, the Council may apply any conditions deemed necessary to protect adjacent property, the public interest or to ensure that the public/private benefits generated by the application are adequately balanced against the benefits granted to the applicant.

C. Status of plan after Master Development Plan approval. Within seven (7) days after the adoption of a written resolution, it shall be certified by the City Clerk/Administrator and filed in his office, and a certified copy shall be mailed to the applicant. Where approval has been granted, the same shall be noted on the Zoning Map. A Master Development Plan upon approval and acceptance, as provided herein, shall run with the land; provided, however, that an applicant may apply for a revision to said plan in accordance with §9.1.8. Approval shall not qualify a plat for recording purposes or authorize development

or the issuance of any Building Permits**,** but rather authorizes the developer to apply for subdivision approvals and/or any other required permits related to the development, which may be required by the City, County, State, and/or Corps of Engineers.

An approved Master Development Plan, provided that the applicant has not defaulted nor violated any of the conditions of the approval, shall not be modified, revoked or otherwise impaired by action of the City, without the consent of the applicant.

9.1.8. *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:

1) an increase in the density of the development
2) substantial changes in the mix of dwelling unit types
3) substantial changes in circulation or access
4) substantial changes in grading or utility provision
5) reduction in approved open space, landscaping, and buffers
6) substantial changes in architectural or site design features of the development

B. Major amendments shall include, but not be limited to:

1) substantial changes in the mixture of land uses
2) 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.

§9.2. P-R Planned Residential Development District.

It is the intent of this district to provide flexible land use and design regulations so that small-to-medium scale neighborhoods or portions thereof may be developed within the City of Athens that incorporate a variety of residential types and non-residential uses, and contain both individual building sites and common property which are planned and developed as a unit.

The P-R District is intended specifically to encourage innovations in residential development to enable the growing housing demands to be met by greater variety in type, design, and siting of dwellings, and by conservation and more efficient use of land. The Commission may allow appropriate commercial and/or office uses if in the opinion of the Commission, the requested commercial/office facilities would significantly enhance the amenities of the development.

9.2.1. *Objectives*.

A. A maximum choice in the types of environment, occupancy, tenure (e.g., cooperatives, individual ownership, condominium, leasing), types of housing, lot sizes and community facilities available to existing and potential City residents;

B. More useable open space and recreation areas;

C. More convenience in location of accessory commercial and services areas;

D. A creative use of land and related physical development which allows an orderly transition of land from rural to urban uses;

E. A development pattern in harmony with the objectives of the Comprehensive Master Plan;

F. To provide adequate public open space and improvements for the circulation, recreation, light, air and service needs of the tract of land when fully developed and populated, and to provide such covenants or other legal provisions as will assure conformity to and achievement of the development plan.

9.2.2. *Minimum Area*. The minimum area required to qualify for a planned unit development (PUD) and corresponding rezoning to the P-R District shall be thirty (30) contiguous acres of land.

9.2.3. *Permitted Uses*. All uses within an area designated as a P-R District are determined by the provisions of this Subsection and the approved plan of the project concerned.

A. Residential uses. Dwelling units or residences may be of any variety of types. In developing a balanced community, the construction of a variety of housing types shall be deemed most in keeping with this Section. However, at least thirty-five (35) percent of the total number of dwelling units within any P-R District shall be in single-family detached structures. Housing types shall be located in groupings separate from other housing types (i.e. single-family detached dwellings in one area, single-family zero lot line dwellings in a separate area, townhouses in another area, etc.). Each housing type area shall be clearly delineated on the overall plan.

B. Other uses. Conditional Uses allowed in any residential district are allowed as Permitted Uses in the P-R District if approved by the Commission as a part of the development plans.

C. Accessory uses and structures. Private garages, tool houses and garden sheds, children's play areas and play equipment, private barbecue pits, private swimming pools and the like are permitted as accessory uses.

D. Limited commercial, service and other non-residential uses. Commercial, service and other non-residential uses may be permitted where such uses are determined to be a part of the theme development such as a residential development around a water body and

commercial marina, or a residential development around a commercial golf course with associated commercial uses. The following proportions are deemed to be in keeping with this intent under normal circumstances:

1) Where the PUD contains 100 or more dwelling units, a maximum of 2,500 sf of floor area for every 100 dwelling units, along with adequate parking and landscaping, may be used for limited commercial and/or service uses.

2) Where the PUD contains 500 or more dwelling units, a maximum of one (1) acre of land for every 100 dwelling units may be used for commercial and or service purposes. Open-space commercial recreational areas such as lakes or golf courses and amenities (restaurants, club houses, swimming pools and tennis courts), shall not be limited in size.

E. Permitted limited commercial or associated uses. Permitted commercial or associated uses shall be limited to uses allowed as Permitted Uses and Conditional Uses in the B-1 District or any residential district.

9.2.4. *Intensity of Land Use*. The Commission shall determine in each case the appropriate land use intensity or dwelling unit density (lot size) for individual projects. Lot dimensions, setbacks, etc., for residential lots shall generally comply with the dimensional requirements of the corresponding district in this Ordinance for the housing type to be approved.

9.2.5. *General Standards*.

A. All uses shall be conducted within completely enclosed buildings unless otherwise specified.

B. Fences and walls shall be in accord with §5.9 Walls and Fences, unless otherwise specified in this Section.

C. Signage shall be in accordance with Article 13.

D. Off-street parking and loading areas shall be provided in accordance with Article 14.

E. Landscaping, screening and buffers shall be in accordance with Article 15; except that buffers, as normally required by §15.5, between two or more uses within the PUD may be modified or waived by the City upon review. However, the Commission shall require buffers between existing, abutting development and any proposed uses along the perimeter of the PUD, which would normally require a buffer.

F. Utilities shall be provided underground.

9.2.6. *Application Procedure*. Refer to §9-1 General Requirements and Procedures.

§9.3. P-TND – Planned Traditional Neighborhood District. The purpose of this district is to allow for the development of fully integrated, mixed-use, pedestrian oriented neighborhoods. The intent is to minimize traffic congestion, suburban sprawl, infrastructure costs, and environmental degradation. Its provisions adapt urban conventions which were normal in the United States prior to World War II.

9.3.1. *Development Standards*.

A. Site requirements.

1) Minimum Site. Forty (40) acres

2) Tracts larger than 200 acres shall be developed as multiple TNDs, each individually subject to all such provisions.

B. Density. Maximum permitted densities and total number of dwelling units shall be established during the Site Plan review process.

C. Relation to Zoning and Subdivision Regulations.

1) Rezoning to a P-TND District extinguishes the previously held zoning district of the subject property, thereby removing all use, density, and other allowances and restrictions of such district.

2) A TND shall generally conform with the Subdivision Regulations including procedures for preliminary and final plat review and approval. However, variances from the strict requirements of the Subdivision Regulations and other applicable City ordinances may be permitted with respect to the design of the required improvements, including but not limited to thoroughfares, drainage, water supply and sewage collection. Such variations shall be considered approved upon approval of the Master Development Plan, when such are designed in accord with the intent of the district, Design Criteria in §9.3.2, and other provisions within this district which may differ from other provisions of this Ordinance and the Subdivision Regulations.

9.3.2. *Design Criteria*. The following development criteria will be considered in reviewing a TND Site Plan:

A. Center-oriented. Neighborhoods should be arranged around activity centers such as "village centers" or "neighborhood centers" designed as functional and visual focus points within the development. These centers will generally include higher-density residential uses, a park or square, and a community facility (recreational facilities, churches, libraries, schools, day care centers, etc.) and may include other uses. For smaller developments, adjacency to an existing activity center may be acceptable.

B. Inclusiveness. TNDs should not be isolated from surrounding neighborhoods and activity centers, but should be designed as an integrated part of the community. TNDs should not be gated. Development along the perimeter of the site should front on existing abutting thoroughfares. Only when the external thoroughfare is a high speed arterial or when another functional reason exists that discourages frontage development, should lots be allowed to "back up" to an abutting thoroughfare.

C. Housing diversity. TNDs should include a broad range of housing choices to serve the needs and desires of different market segments. A variety of housing types should be provided in addition to conventional single-family detached homes. Other residential types that should be considered are: accessory dwellings on single-family lots, cottage lots (small lots which front on a common green), townhouses, live-work buildings, and multi-family buildings within or adjacent to activity centers.

D. Walkability. The following components should be included to provide "walkability": small block sizes; sidewalks and trails; complete street environments; and a variety of

destinations (neighborhoods, business areas, parks and open spaces) within one quarter-mile of every home. At a minimum, an activity center or neighborhood park should be within one quarter-mile of every home (as measured along connecting sidewalks, not in a straight line), although homes in low-density (lot widths greater than eighty-five (85) ft) residential areas may be excluded.

E. Connectivity. The street network should be designed with many internal and external connections to provide route options for motorists and to ensure best access for emergency services.

1) The street network should be designed to disperse internal traffic evenly throughout the neighborhood(s) rather than funneling most traffic onto only a few major thoroughfares within the development. Where it is necessary to terminate the internal street network, circles and closes (loops) should be used rather than cul-de-sacs.

2) The street network should include multiple street connections to the surrounding street network to minimize traffic congestion at access points to the development. This is also advantageous for emergency access. Where adjacent to vacant, developable land, stub streets should be provided for future connections. Where adjacent to existing stub streets, the planned unit development ***shall*** incorporate and connect the existing stub street into the planned street network. Where located adjacent to an existing or proposed transit line, the development should incorporate access to the existing or proposed service, including a new stop where applicable.

F. Complete streets. Thoroughfares should be designed to be safe and attractive and to accommodate automobiles, pedestrians and bicyclists, and the handicapped in accordance with the guidelines below and the street design standards specified in this Section:

1) *Narrow lanes*. Vehicular lanes should be narrow to calm traffic while including adequate width for access by emergency vehicles.

2) *On-street parking*. On-street parking is an important element in high-density and high activity areas. At a minimum, on-street parking on one side of the street should be included along medium-density residential blocks. Local streets serving low-density residential areas should only include on-street parking on one side at a maximum. Higher speed thoroughfares with little or no fronting development are not appropriate for on-street parking.

3) *Planting strips*. Planting strips of a minimum five (5) ft width, should be provided along the street edge for landscaping purposes. In activity centers, these spaces will be hardscaped, acting as an extension of the sidewalk, and include regularly spaced tree wells and other landscape areas. In medium-density (lot widths of 50-85 ft) residential areas, planting strips will be grassed and include street trees. In low-density residential areas, planting strips may include vegetated swales.

4) *Street trees*. Street trees are placed within the planting strip at the edge of the roadway to provide shade and enclosure to ensure a properly scaled environment. In higher density areas, street trees should be consistent in type and uniformly spaced; while in lower density areas, tree types and spacing may be more varied to accentuate the more natural characteristics of such neighborhoods.

5) *Sidewalks*. Sidewalks should be wide enough to allow two pedestrians to pass one another or for two pedestrians to walk side-by-side comfortably. In activity centers, sidewalks should be wider. Low density residential areas may not need sidewalks but should be connected, at a minimum, to activity centers by trails or paths.

6) *Curbs and Drainage*. In activity centers and medium and high-density residential areas, vertical curb and gutter. Along low density residential blocks, valley curbs or vegetated swales are sufficient.

7) *Lighting and Utilities*. Street lighting should be attractively designed and should provide lighting along the vehicular way for vehicular traffic and lower-scaled lighting along the sidewalk for pedestrians. There shall be no overhead utility lines along any frontage. Utilities shall be placed underground, or, if above-ground, in alleys.

8) *Frontage conditions.* Streets should be visually enclosed by the facades of those buildings alongside them. However, where buildings can not be used to enclose a street, such as in the instance of open spaces and parking lots, low walls, trees, and shrubs should define the edge of the public street environment from the private space or open space bordering it.

G. Multiple uses. TNDs should include, at a minimum, housing, recreational amenities, community facilities and open spaces. Large TNDs should incorporate workplaces, shops and restaurants that are accessible internally and externally. Availability of jobs, shops, dining and recreational activities within walking distance can reduce traffic within the development, support community interaction and add to the development's vitality. Activity centers are the primary locations for integrating non-residential uses into a TND and should also include multi-family dwellings, which may be incorporated into mixed-use buildings. Residential densities should decline further from activity centers to provide a logical transition between uses and densities. Where justified by the number of homes to be included, the development may need to reserve land for a school, fire station, or other community facility.

9.3.3. *General Standards*.

A. Permitted uses, arrangement of uses.

1) TNDs shall contain the following percentage of uses, based on the total site area:

a) Two (2) percent for civic use lots, minimum

b) Five (5) percent or two (2) acres, whichever is greater, for squares or parks, minimum

c) Five (5) – thirty (30) percent for business uses, including retail, service, and office uses (all less than 5,000 sf per establishment) in activity centers and as permitted in limited locations in high-density residential areas

d) Fifteen (15) - thirty (30) percent for attached, multi-family and small lot detached dwellings (lot width less than fifty (50) ft)

e) The remainder of the site may be for medium and low-density single-family detached dwellings; however, no more than thirty (30) percent of the total number of detached residential lots shall have lot widths in excess of fifty (50) ft.

2) Generally, opposing block frontages shall contain similar uses. Dissimilar uses may abut at rear lot lines or be separated by alleys.

3) The coverage of a majority of a block frontage by one large use, such as conference spaces, theaters, athletic facilities, etc. should be avoided by the use of multiple, smaller "liner" or "storefront" uses along the sidewalk, e.g. retail, office, and service.

4) Uses which generate significant impacts on city and/or state services and infrastructure; gas/service stations, automotive repair services, and drive-in/drive-thru uses, may be approved only upon conditions, as identified by the Commission, that ensure all objectionable characteristics are carefully placed and/or screened to

minimize impacts on surrounding development (within and outside the proposed TND), including but not limited to noise, vibration, odors and fumes, traffic and access, light glare, and undesirable views of equipment and outdoor maintenance, storage, and service areas and operations.

5) Prohibited uses: uses which produce noise at a level greater than typical street or traffic noise, offensive vibration, emission of noxious solids, liquids, or gases

6) Land designated for public use shall consist of parks, squares, greenbelts, thoroughfares, and alleys.

   a) Large scale recreational uses such as golf courses and multiple game fields shall be located on the perimeter of the development.

   b) Each neighborhood shall contain as its central focus, at least one square or park no smaller than one (1) acre and no greater than three (3) acres. This square shall be within 600 ft of the geographic center of the development.

   c) Developments along waterfronts shall provide park and square requirements along the waterfront.

   d) Squares, parks, and other natural amenities shall have at least seventy-five (75) percent or their perimeter abutting thoroughfares. Golf courses shall have at least thirty (30) percent of their perimeter abutting thoroughfares.

7) All uses shall be conducted within completely enclosed buildings unless otherwise specified.

8) Fences and walls shall be in accord with §5.9 Walls and Fences, unless otherwise specified in this Section.

9) Buffers, as normally required by §15.5, between two or more uses within the TND may be modified or waived by the City upon review. However, the Commission may require buffers between existing, abutting development and any proposed uses along the perimeter of the TND, which would normally require a buffer.

B. Lots and buildings.

1) All lots shall front on a thoroughfare or public square or park. However, five (5) percent of the total dwelling units may be “cottage” units which may front instead on a common, private open space.

2) All buildings, except accessory structures and approved cottage units, shall have their main entrance facing a thoroughfare or public square.

3) Stoops and open porches may encroach up to twelve (12) ft into required front yards. Balconies may encroach up to eight (8) ft into a tract designated for public use.

4) Arcades and colonnades, of a minimum depth of twelve (12) ft may cover required public sidewalks but shall not obstruct visibility at intersections.

C. Thoroughfares and alleys.

1) All thoroughfares and alleys shall terminate at other thoroughfares within the neighborhood. Primary thoroughfares shall have a visual termination or vista in the form of a public monument, specifically designed building façade, or gateway to the ensuing space.

2) Along the side abutting an open space, a sidewalk similar to that required on the opposing block frontage or an off-street path shall be provided.

3) There shall be a generally continuous network of alleys to the rear of lots, which shall be the primary access to off-street parking areas, and which may accommodate group/individual mailboxes.

4) The average perimeter of all blocks shall not exceed 1,350 ft. No block frontage shall be longer than 500 ft without a dedicated alley or pathway providing through access.

5) Street lamps shall be installed on both sides of a thoroughfare no less than 100 ft apart in all but low-density residential areas.

6) Generally, rear lot lines shall coincide with an alley at least twenty (20) ft wide and containing a paved width of at least twelve (12) ft.

7) A wall a minimum of six (6) ft in height shall separate an alley from an abutting park, square, or greenbelt.

8) Consistent build-to lines shall be established along all thoroughfares and public space frontages. Where not specified herein, a minimum percentage build-out at the build-to line along all thoroughfares and public square frontages may be established during the review process.

D. Parking and access.

1) Parking lots shall generally be located at the rear or side of buildings and shall be screened from the sidewalk by low walls, fences, or hedges. Shared parking shall be encouraged. The normal requirements of §14.1.3 may be reduced in accordance with §14.1.4.

2) Parking lots and parking decks shall not abut intersections, be adjacent to squares or parks, or occupy the portion of a lot which terminates a vista, as described in §9.3.3.C.7.

3) Properties with multiple street frontages shall not have vehicular access along the primary street frontage. Lots with frontage only on a primary thoroughfare shall be planned so that access may be provided by a rear alley or a driveway shared with abutting planned uses.

4) Parking lots on abutting lots shall be connected by an alley or cross-access way.

5) On-street parking abutting a lot frontage shall count toward the parking requirement of that lot. A parking space abutting a lot frontage for more than fifty (50) percent of its length shall count as one (1) parking space toward the requirement.

6) The developer shall demonstrate that adequate parking for squares, parks, and other civic uses is provided. Parking lots on public use tracts shall be graded, compacted, and landscaped, but may be left unpaved.

E. Landscaping.

1) Street trees shall be provided along all thoroughfares and planted parallel to the block frontage within planting strips or tree wells within the ROW. Streetscapes fronting open spaces shall, at a minimum, have street trees on the developed side.

2) Large trees shall be planted a minimum of forty (40) ft and a maximum of fifty (50) ft on center. Small and medium trees shall be spaced a minimum of ten (10) ft and a maximum of thirty (30) ft on center. Care shall be taken in the selection and spacing of trees to maintain visibility of storefronts and signage. Streetscape plantings shall respect the integrity of the street by not obscuring important buildings and by respecting views to and from streets, porches, walks, and public open spaces.

3) Large trees, such as willow oaks, tulip poplars, and American beech shall generally be planted along residential streets and along the street frontages and perimeter areas of parks, squares, greenbelts, and civic structures.

4) Small trees such as flowering dogwoods, crepe myrtles, and aristocrat pears, shall generally be planted along non-residential thoroughfares, interior portions of parks, squares, greenbelts, and civic lots.

5) Existing trees eighteen (18) inches in caliper or greater may count toward any tree requirements. All such trees not within a drive or building footprint after grading may not be cut without permission from the Zoning Officer.

6) All plantings shall be installed free from disease in a manner that ensures the availability of sufficient soil and water for healthy growth, and which is not intrusive to underground utilities.

7) Streetscapes along mixed-use, non-residential, and high-density residential block frontages shall have adequate width between the curb and lot line to accommodate a six (6) ft or greater width unobstructed walking path *and* planting strip with tree wells adequately sized to the required street trees.

8) Single-family detached block frontages shall have a planting strip of no less than five (5) ft width between the curb and the sidewalk or planted swale between the street edge and sidewalk. The planting strip shall be grassed and include street trees at a minimum.

9) Greenbelts shall be left natural.

10) Street frontage and interior landscaping requirements shall be required in accordance with §15.3 Landscaping Requirements; however perimeter landscaping may be waived to encourage interconnected parking. Foundation landscaping shall *only* be required for non-residential uses which are set back from a sidewalk.

9.3.4. *Civic Use Standards*. Land designated for civic use may contain but not be limited to the following: meeting halls, libraries, post offices, schools, childcare centers, clubhouses, religious buildings, recreational facilities, museums, and municipal buildings. Civic lots shall be within or adjacent to a square or park or on a lot terminating a street vista.

A. Lots and buildings. Civic use buildings shall have no setback requirements.

B. parking. The developer shall demonstrate that adequate parking is provided for the proposed civic uses.

9.3.5. *Activity Center Standards*. Activity centers shall contain, at a minimum, residential and commercial uses, including retail, service, and office uses. Gas/service stations may be permitted, when designed in accordance with the standards of this Subsection and §12.9. At least fifty (50) percent of each building area shall be for residential use. Ground floor dwelling units shall only be permitted in multi-family-only buildings, where the ground floor is at least three (3) ft above grade level of the abutting sidewalk. Upper-story dwellings shall be permitted in accordance with §12.6.

A. Lots and buildings.

1) Facades shall be on the build-to line along at least seventy (70) percent of its lot frontage. The remainder of the frontage shall have a low wall along the build-to line.

2) Side yards shall not be required, except in accordance with the Building and/or Fire Code. Buildings shall be setback from rear lot lines as needed to provide parking and loading space.

3) Maximum building coverage: sixty (60) percent of the lot area

4) Building height: twenty-six (26) ft minimum and thirty-five (35) ft maximum

5) Fueling islands for approved gas/service stations shall be located to the rear or side of the principal building with circulation and access designed to take advantage of alleys and/or shared drives and to minimize disruption of abutting sidewalks.

B. Thoroughfares. Thoroughfares shall consist of at least two eleven (11) ft travel lanes, eight (8) ft parallel parking on both sides, and twelve (12) ft sidewalks. Effective curb radius shall not exceed twenty (20) ft. Angled parking may be substituted for parallel parking, in which case a wider ROW is required.

C. Parking.

1) No less than seventy-five (75) percent of parking spaces shall be to the rear of the building. Access may be through the frontage only if the alley entrance providing access is not within 200 ft of the lot.

2) Parking requirements may be waived or modified for select retail uses of 2,000 sf or less, for outdoor dining adjacent to the street, for day care centers, or for other uses which may require such incentives.

9.3.6. *High-density Residential Standards*. High-density residential areas may contain neighborhood markets, coffee shops, or similar uses located only on corner lots and not containing more than 2,500 sf building space. An accessory building is permitted on each lot. Accessory dwellings, containing no more than one (1) bedroom, may be permitted on the lots of detached dwellings only. Upper floors shall be residential use only. Home occupations, day care facilities, bed and breakfasts, and rooming/boarding houses shall be permitted in accordance with Article 12.

A. Lots and buildings.

1) For each block frontage, a frontage line shall be established between zero (0) and fifteen (15) ft from the ROW line. Buildings on interior lots shall maintain this frontage line. Corner buildings shall be located along both front lot lines. To ensure a clear sight triangle, corner buildings may have a beveled corner.

2) Side yards shall not be required, except where required by the Building Code

3) Maximum building coverage: fifty (50) percent of the lot area

4) Maximum building height: thirty-five (35) ft

5) A masonry wall, wood fence, or hedge between three (3) and four (4) ft tall shall be provided along the portion of the lot frontage not enclosed by the building.

B. Thoroughfares. Thoroughfares shall have a maximum ROW width of fifty (50) ft consisting of at least two ten (10) ft wide travel lanes, eight (8) ft parallel parking on both sides, and six (6) ft sidewalks. The effective curb radius shall not exceed twenty (20) ft.

C. Parking. All off-street parking places shall be to the rear of the building with access by alley only.

9.3.7. *Detached Residential Standards*. Detached residential lots shall contain detached dwellings and may contain home occupations, family or group day care homes, and bed and breakfasts in accordance with Article 12. One (1) accessory building is permitted on each lot.

A. Lots and buildings.

1) Medium-density residential dwellings shall be setback between zero (0) and twenty-five (25) ft from the sidewalk. Low-density residential dwellings shall be setback between fifteen (15) and fifty (50) ft from the curb, swale, or sidewalk, as applicable.

2) Buildings on detached home lots shall be setback from the side lot lines no less than twenty (20) percent of the lot width. The entire setback may be provided on one side.

3) Maximum building coverage: 50% of the lot area

4) Maximum height: thirty-five (35) ft

B. Thoroughfares. Where on-street parking occurs, the effective curb radius shall not exceed twenty-five (25) ft otherwise the actual curb radius shall not exceed fifteen (15) ft.

1) Medium-density residential blocks: thoroughfares shall have at least two ten (10) ft travel lanes and five (5) ft wide sidewalks on both sides and shall have a seven (7) ft parallel parking lane on at least one side; alternatively, a single-lane yield street may be permitted.

2) Low-density residential blocks: thoroughfares shall have a minimum paved width of twenty-four (24) ft including at least two eleven (11) ft travel lanes. Sidewalks are optional, but shall be at least five (5) ft wide if provided and setback from a valley curb, where applicable, at least five (5) ft.

C. Parking. Where access is through the frontage, garages or carports shall be set back at least twenty (20) ft behind the front façade.

1) Medium-density residential blocks: driveways shall not be wider than twelve (12) ft for the first twenty (20) ft into the lot. All off-street parking shall be to the side or the rear of the building.

2) Low-density residential blocks: driveways shall not be wider than fourteen (14) ft for the first twenty (20) ft into the lot. Unenclosed parking may be permitted in front of the dwelling if screened from the thoroughfare by a wall, fence, or hedge.

9.3.8. *Architectural Standards*. Due to the mixed use nature of the development, architectural compatibility is necessary to visually integrate development and reduce incompatibility between diverse uses.

A. Materials.

1) All facades shall be clad in brick, cast concrete, stone, stucco, approved metal paneling (no more than twenty (20) percent of a building wall), or material similar in appearance or texture. Stucco shall be float finish.

2) Screening walls shall be made of materials which match the principle structure. If a structure consists of more than one material, the heavier material shall be used.

3) All rooftop equipment shall be enclosed in the building material that matches or is visually compatible with the materials of the building.

4) Where two wall materials are used on one façade, the heavier material should be used on the lower portions of the facade.

9.3.9. *Application Procedure*. Refer to §9-1 General Requirements and Procedures.

§9.4. **P-MU Planned Development Mixed Use District.** The purpose of this district is to provide for a mixture of residential and non-residential uses in portions of the community adjacent to major transportation routes. This purpose is intended to be carried out through: (1) the reliance on a market-driven approach to the appropriate uses in the various district locations; and (2) a flexible zoning technique that requires a Master Development Plan for each project site or location.

It is envisioned that such developments will occur on relatively large, contiguous land areas that can be developed or redeveloped according to a unified plan rather than on a lot-by-lot basis. The uses and standards in this category are intended to promote flexibility and innovation in site design and enhance the environmental quality and attractiveness of the area, enhance the natural or scenic qualities of the environment, and protect the public health and safety.

9.4.1. *Development Standards*.

A. Minimum site. ten (10) acres

B. Density. Maximum permitted densities and total number of dwelling units shall be established during the Site Plan review process.

C. Relation to Zoning and Subdivision Regulations.

1) Rezoning to a P-MU District extinguishes the previously held zoning district of the subject property, thereby removing all use, density, and other allowances and restrictions of such district.

2) A mixed use development shall generally conform with the Subdivision Regulations including procedures for preliminary and final plat review and approval. However, variances from the strict requirements of the Subdivision Regulations and other applicable City ordinances may be permitted with respect to the design of the required improvements, including but not limited to thoroughfares, drainage, water supply and sewage collection. Such variations shall be considered approved upon approval of the Master Development Plan, when such are designed in accord with the intent of the district, Design Criteria in §9.3.2, and other provisions within this district which may differ from other provisions of this Ordinance and the Subdivision Regulations.

9.4.2. *Design Criteria*. The following development criteria will be considered in reviewing a P-MU Site Plan:

A. Walkability. The following components should be included to provide "walkability": small block sizes; sidewalks and trails; complete street environments; and a variety of destinations (neighborhoods, business areas, parks and open spaces) within one quarter-mile of every home. At a minimum, an activity center or neighborhood park should be within one quarter-mile of every home (as measured along connecting sidewalks, not in a straight line), although homes in low-density (lot widths greater than eighty-five (85) ft) residential areas may be excluded.

B. Connectivity. The street network should be designed with many internal and external connections to provide route options for motorists and to ensure best access for emergency services. The street network should be designed to disperse internal traffic evenly throughout the development and provide multiple street connections to the existing street network. Cul-de-sacs are discouraged. Where adjacent to vacant, developable land, stub streets should be provided for future connections. Where adjacent to existing stub streets, the planned development ***shall*** incorporate and connect the existing stub street into the planned street network. Where located adjacent to an existing or proposed transit line, the development should incorporate access to the existing or proposed service, including a new stop where applicable.

C. Complete streets. Thoroughfares should be designed to be safe and attractive and to accommodate automobiles, pedestrians and bicyclists, and the handicapped in accordance with the guidelines below and the street design standards specified in this Section:

1) *Narrow lanes*. Vehicular lanes on proposed local streets and collectors should be narrow to calm traffic while including adequate width for access by emergency vehicles.

2) *On-street parking*. On-street parking is an important element in mixed-use developments. However, thoroughfares with a design speed greater than thirty-five (35) mph are inappropriate for on-street parking.

3) *Planting strips*. Planting strips will be hardscaped, acting as an extension of the sidewalk, and include regularly spaced tree wells and other landscape areas.

4) *Street trees*. Street trees are placed within the planting strip at the edge of the roadway to provide shade and enclosure to ensure a properly scaled environment. Street trees should be consistent in type and uniformly spaced.

5) *Sidewalks*. Sidewalks should be twelve (12) ft wide or wider from the building edge to curb.

6) *Curbs and Drainage*. Vertical curb and gutter is required along all thoroughfares within a mixed-use development.

7) *Lighting and Utilities*. Street lighting should be attractively designed and should provide lighting along the vehicular way for vehicular traffic and lower-scaled lighting along the sidewalk for pedestrians. There shall be no overhead utility lines along any frontage. Utilities shall be placed underground, or, if above-ground, in alleys.

8) *Frontage conditions.* Streets should be visually enclosed by the facades of those buildings alongside them. However, where buildings can not be used to enclose a street, such as in the instance of open spaces and parking lots, low walls, trees, and shrubs should define the edge of the public street environment from the private space or open space bordering it.

D. Multiple uses. Mixed use developments should include, at a minimum, housing, retail and services, and open spaces such as squares or plazas. Office and institutional uses are encouraged.

9.4.3. *Permitted Uses and Structures*.

A. Permitted residential uses: Attached and multi-family dwellings

B. Permitted institutional uses. The following institutional uses and those found to be appropriate by the Commission for the particular proposal shall be permitted:

- Parks
- Place of worship
- College, university
- Hospital
- Museum
- Public building

C. Permitted business and lodging uses. The following business and lodging uses, excluding drive-in/drive-thru service, and those found to be appropriate by the Commission for the particular proposal shall be permitted:

- Professional offices and medical facilities
- Research service
- General residential sales and service
- Convenience retail sales and service
- Commercial entertainment uses, including movie theaters
- Food service/restaurants
- Hotels, but excluding motels

D. Permitted accessory uses.

- Residential accessory uses
- Accessory uses and structures customarily incidental and appurtenant to a permitted use provided that such are carried out on the same zone lot and are not otherwise prohibited

E. Conditional uses.

- Single-family detached dwellings
- Principal uses, which include an accessory drive-thru service, shall only be permitted upon the following conditions: (1) the drive-thru function is located behind the principal building and within the interior of the block, (2) the drive-thru function is accessed by an alley or shared driveway, (3) there is sufficient stacking space on the premises to prevent congestion at access points and to provide adequate circulation, and (4) that the activity served by the drive-thru function is equally provided to pedestrians on the premises
- Gas/service stations, subject to §12.9 and upon the condition that fueling facilities are located to the rear of the principal building and accessible from an alley or shared drive and other conditions as may be required by the City

F. Prohibited uses. Uses which produce noise at a level greater than typical street or traffic noise, offensive vibration, emission of noxious solids, liquids, or gases

9.4.4. *Site Development Regulations*.

A. Residential site development regulations. Permitted residential uses shall be developed in accordance with the standards for high-density residential uses in the P-TND District, see §9.3.3 (excluding §9.3.3.A.1), §9.3.5, and §9.3.6 except that the maximum building coverage shall be sixty (60) percent.

B. Non-residential site development regulations. Permitted non-residential uses shall be developed in accordance with the standards for activity centers in the P-TND District, see §9.3.3 (excluding §9.3.3.A.1) and §9.3.5.

C. Landscape and architectural standards. All developments occurring within a MU district shall be designed in accordance with §9.3.3, §9.3.5, and §9.3.6, and related policies as established in the City's Comprehensive Master Plan.

9.4.5. *Application Procedure*. Refer to §9-1.

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§9.5. **P-OD Planned Office/Distribution District.** The purpose of this district is to provide for the planned development of areas within the City of Athens for office, warehousing, distribution, and similar light industrial parks with convenient access to interstate and regional roadways. Further, it is the intent of this district to provide flexibility in the mixing and arrangement of permitted uses while ensuring overall quality in design and adequacy of public services, utilities, and road access.

9.5.1. *Development Standards*.

A. Minimum site. The minimum site shall be twenty (20) acres and shall have frontage along or direct access to an existing or proposed major collector or arterial.

B. Intensity. Maximum permitted building heights and intensities of land uses shall be established during the Site Plan review process.

C. Relation to Zoning and Subdivision Regulations.

1) Rezoning to a P-OD District extinguishes the previously held zoning district of the subject property, thereby removing all use, density, and other allowances and restrictions of such district.

2) A planned office/distribution development shall generally conform with the Subdivision Regulations including procedures for preliminary and final plat review and approval. However, variances from the strict requirements of the Subdivision Regulations and other applicable City ordinances may be permitted with respect to the design of internal thoroughfares, including access, sidewalks, etc. Such variations shall be considered approved upon approval of the Master Development Plan, when such are designed in accord with the intent of the district and other provisions within this district which may differ from other provisions of this Ordinance and the Subdivision Regulations.

9.5.2. *Permitted Uses*. Office, warehouse, distribution, research and development, and light industrial uses subject to approval of the Master Development Plan. Any uses considered to be obnoxious, offensive or detrimental to neighboring property by reason of dust, smoke, vibration, noise, odor or effluents shall not be permitted.

9.5.3. *Design Criteria*. Planned office and/or distribution developments shall be designed in accordance with the criteria for industrial parks in §12.8 and the provisions herein.

A. Arrangement of uses. Uses should be arranged within the development to create the most compatible relationships with abutting and adjacent development, which shall tend to minimize buffer requirements.

B. Vehicular lanes and curb radii. Vehicular lanes and curb radii on proposed streets shall be sufficient to accommodate the types of vehicles intended to access the planned development, in accordance with the recommendations of the City Engineer.

C. On-street parking. On-street parking shall be permitted only along frontages with sidewalks and may be calculated toward the overall parking requirements for the planned development. However, thoroughfares with a design speed greater than thirty-five (35) mph are inappropriate for on-street parking.

D. Streetscape requirements. Sidewalks, and street trees shall not be required; however, such streetscape improvements are recommended in areas of a planned development which are intended primarily for office uses. Where provided, sidewalks shall be at least five (5) feet in width and planting strips, where provided for street trees, shall be at least five (5) feet in width. Vertical curb and gutter is required along all frontages with sidewalks. Valley curb/gutters may be provided, instead, along other frontages.

E. Setbacks. No setback from internal streets shall be required. Internal spacing between buildings shall be in accordance with the Building and Fire Code. Setbacks from perimeter property lines shall be in accordance with required buffers and §5.4.4 if applicable. Where sidewalks and on-street parking are provided, buildings should be built as near to the sidewalk as possible, though for certain uses, this may not always be practical. Setbacks should be similar on facing sides of internal streets.

F. Perimeter frontage conditions. Planned office/distribution developments are encouraged to be fully integrated within the community, where appropriate given adjacent uses, rather than being designed in an isolated manner. Where adjacent to generally compatible commercial and/or industrial uses, the frontage conditions (including streetscape elements, setbacks, building scale, and architecture) of the planned development should be in keeping with or improve upon the same conditions of surrounding development. However, where adjacent to less compatible uses, such as residential development, the planned development should be properly screened and buffered from such surrounding development in accordance with §15.4 and §15.5, respectively and be setback from the shared frontage as described in §5.6.4 Contextual Setbacks.

G. Landscaping and lighting requirements. Planned office/distribution development shall be subject to the requirements of Article 15, except as modified as follows:

1) Foundation landscaping (§15.3) shall only be required along perimeter frontages.

2) Perimeter landscaping (§15.3) shall not be required between uses internal to the development but shall be required between the planned development and abutting properties, where applicable.

3) Screening requirements (§15.4) may be reduced as they relate to screening of uses from vantage points internal to the development.

9.5.4. *Application Procedure*. Refer to §9-1 General Requirements and Procedures.

ARTICLE 10. FLOOD DISTRICT REGULATIONS

§10.1. Floodway and Floodway Fringe Districts.

10.1.1. *Damage Prevention Requirements*. Any building, structure, development, or use, constructed, altered, substantially improved or moved within an "area subject to flood" as defined in Article 2, shall be subject to the requirements of §10.2 F-1 Floodway District and §10.3 F-2 Floodway Fringe Overlay District, as applicable, and the requirements herein.

A. All new or replacement water supply systems and/or sanitary sewerage systems, together with attendant facilities, proposed to be located within areas subject to flooding shall be designed and constructed so as to minimize or eliminate flood damage, infiltration or overflow of floodwater into the system, and discharges or overflows from the system into floodwaters. Onsite waste disposal systems, such as septic tanks and drainfields, shall be designed and constructed so as to avoid impairment of their operation or contamination from them in time of floods.

B. All new or replacement gas or electrical distribution systems, together with attendant facilities, proposed to be located within areas subject to flooding shall be designed and constructed so as to minimize or eliminate flood damages.

C. Low areas outside the Floodway District and Floodway Fringe Overlay Districts, but subject to periodic inundation shall not be developed unless and until it is established that:

1) The nature of the land use would not lend itself to damage by water inundation to an appreciable extent (e.g. recreational uses).

2) The area may be filled or improved in such a manner to prevent such periodic inundation; or

3) Minimum floor elevations be required to prevent damage to buildings and structures, on site and adjacent thereto.

D. Manufactured homes. Due to their high vulnerability to flood damage, any manufactured home proposed to be located in an area subject to flood, existing manufactured home parks included, shall be subject to the following specific requirements.

1) The placement of a manufactured home on a lot or manufactured home space shall require a permit, prior to placement or prior to receiving electrical service.

2) Manufactured homes shall be located on compact fill to achieve required minimum floor elevations. manufactured homes shall not be permitted to be located on pilings higher than thirty-six (36) inches to secure the required floor elevations.

3) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top ties and frame ties to ground anchors. Specifically:

a) Over-the-top ties shall be provided at each of the four corners of the manufactured home, with two (2) additional ties per side at intermediate locations on manufactured homes fifty (50) ft or greater in length (a total of eight (8) ties are required), and one additional tie per side on manufactured homes less than fifty (50) ft in length (a total of six (6) ties are required).

b) Frame ties shall be provided at each of the four corners of the manufactured home, with five (5) additional ties per side at intermediate locations on manufactured homes fifty (50) ft or greater in length (a total of fourteen (14) ties are required) and four (4) additional ties per side on manufactured homes less than fifty (50) ft in length (a total of twelve (12) ties are required).

c) All components of the anchoring systems shall be capable of carrying a force of 4,800 pounds.

d) Any additions to the manufactured home shall be similarly anchored.

10.1.2. *Mitigation improvements*. When a developer proposes to offset the effects of development of the flood carrying capacity of any stream by the construction of channel improvements, he shall submit an engineering study which fully evaluates the effect of such development. The study shall use the 100-year flood as herein defined as the basis of such analysis. All adjacent communities and the Top of Alabama Regional Council of Governments shall be notified by the developer by certified mail of all such intended activities prior to any alterations or relocation of a watercourse, and he shall submit copies of such notifications to the Federal Insurance Administrator. In addition, the developer shall assure the City, in writing that the altered or relocated portion of the watercourse will be maintained such that its flow capacity is not diminished by debris accumulation, silt deposition, or vegetative growth.

§10.2. F-1 Floodway District. This district is designed to prevent obstructions in the floodplain in order to provide the necessary land area required to carry and discharge floodwaters and prevent encroachment which will unduly increase flood heights and danger to life and property.

10.2.1. *District Definition*. In applying the provisions of this Ordinance, F-1 Floodway Districts shall be defined as follows:

A. Along Swan Creek, Town Creek, and unnamed tributaries: The floodways as shown on the Official Zoning Map of the City of Athens, as amended.

B. Along small streams and watercourses: All land lying within twenty five (25) ft of the top of bank of the channel (measured horizontally), unless the developer demonstrates to the satisfaction of the Board that a lesser distance (but not less than fifteen (15) ft) is adequate based on the watershed characteristics and probable storm runoff for the 100 year flood.

10.2.2. *Permitted Uses*. Any uses shall be subject to Conditional Use approval. See §10.2.3 immediately below.

10.2.3. *Conditional Uses*.

A. Agricultural uses of an open space nature including row crop farming, truck gardening, livestock grazing, horticulture and similar uses provided the following:

1) The property on which the agricultural use is contemplated is part of a property otherwise located in a district permitting such use or immediately abuts such a district and that the use shall be further subject to all applicable requirements for the agricultural use in that district

2) no buildings shall be permitted in the floodway, other than open sheds of pole construction where only a roof is required

3) Fertilizers, pesticides, herbicides, etc. (whether organic or not) shall not be used within 100 ft of the centerline of the stream corresponding with the Floodway District.

B. Uses not requiring buildings – such as loading and unloading areas, and parking lots which are auxiliary to uses permitted in the adjoining district.

C. Open-type public and private facilities such as parks, greenways, golf driving ranges, and drive-in theatres, except that any buildings needed in connection with these activities shall be constructed outside the F-1 District and in accordance with §10.2.4.

D. Circuses, carnivals, or similar transient amusement enterprises.

E. The sale of food, refreshments, and other commercial enterprises that would not require the construction of permanent structures.

10.2.4. *Requirements for Uses*.

A. No new structure for human habitation, including manufactured homes, modular homes, or cabins, shall be permitted.

B. The following shall not be placed or caused to be placed in any F-1 District or in any stream channel: fences, (except 1- or 2-wire fences), dam, embankment, levee, dike, pile, abutment, fill, bridge, culvert, building, structure, or matter in, along, across, or projecting into the floodway or stream channel which may impede, retard, or change the direction of the flow of the floodwaters, either in itself or by catching or collecting debris carried by such floodwaters, or that is placed where the flow of floodwaters might carry the same downstream to the detriment of life or property.

C. No permit shall be issued for the construction or erection of any structure (temporary or permanent) including railroads, streets, bridges, and utility lines, or for any other development (temporary or permanent) until the plans for such development have been submitted to the Board and approval is given in writing for such construction or use.

D. In the review of the plans submitted, the Board shall be guided by the following standards, keeping in mind that the purpose of the F-1 District is to prevent encroachments into the floodway that increase flood heights or endanger life or property.

1) No structure (temporary or permanent), fill (including fills for roads and levees), culvert, bridge, storage of equipment or materials, or other development shall be permitted, which acting alone or in combination with existing or anticipated future development, decreases the flow capacity of the floodway or increases the level of the regulatory flood.

2) Any development permitted shall be in harmony with and not detrimental to the uses permitted in the adjoining districts.

3) Any permitted structure or filling of land shall be designed and constructed on the property so as to offer the minimum obstruction to and effect on the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of the floodflow, and so far as practicable, structures shall be placed approximately on the same floodflow lines as those of adjacent structures.

4) Any permitted structure shall be of adequate structural strength to withstand the effects of water pressure and flood velocities and shall be firmly anchored to prevent flotation or lateral movement.

E. When a developer proposes to offset the effects of development in the floodway by the construction of channel improvements, he shall submit an engineering study which fully evaluates the effects of such development. The study shall use the 100-year flood as herein defined for the basis of such analysis. All adjacent communities and the Top of Alabama Regional Council of Governments shall be notified by the developer by certified mail of all such intended activities prior to any alteration or relocation of a watercourse, and shall submit copies of such notifications to the Federal Insurance Administrator. In addition, the developer shall ensure the City, in writing, that the flood-carrying capacity of the altered or relocated portion of the watercourse of floodway is not diminished by debris accumulation, silt deposition, or vegetative growth. Proposed

changes to the boundaries of the F-1 District and flood-prone areas are subject to the approval of the Federal Insurance Administrator.

F. Within the F-1 District any building or structure, except manufactured homes, in existence prior to the effective date of these flood damage prevention requirements, that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if the following requirements are met:

1) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.

2) Non-residential structures may be reconstructed if the lowest floor elevation (including basement) is at least one (1) ft above the level of the 100-year flood or the structure is floodproofed (in accordance with the requirements of §10.3.4.E) to a height of at least one (1) ft above the level of the 100-year flood.

3) Residential structures (except manufactured homes) may be reconstructed only if the lowest floor elevation (including basement) is at least one (1) ft above the elevation of the 100-year flood.

4) The level of the 100-year flood shall not be increased above that demonstrated in the Flood Insurance Study for the City by the reconstruction.

G. Within the F-1 District any manufactured home in existence prior to the effective date of these flood damage prevention requirements that is hereafter destroyed or substantially damaged by any means shall not be replaced (existing manufactured home parks included) or repaired and used as before.

§10.3. F-2 Floodway Fringe Overlay District. This district is designed as an overlay district to other base zoning districts to provide for that type of development that will give the most protection to private property and create the least danger to life.

10.3.1. *District Definition*. In applying the provisions of this Ordinance, F-2 Floodway Fringe Overlay Districts shall be defined as follows:

A. Along Swan Creek, Town Creek, and unnamed tributaries: The lands outside of the Floodway District and below the elevation of the 100-year flood as demonstrated by the maps and charts contained in the Flood Insurance Study dated March 1979 for the City, the approximate boundaries of which are shown on the Official Zoning Map for the City, as amended.

B. Along small streams and watercourses: All lands lying within 100 ft of the top of the bank of the channel (measured horizontally) unless the developer demonstrates to the satisfaction of the Board that the property in question is free from the danger of inundation by the 100-year flood or that adequate remedial measures have been taken to allow the watercourse to safely accommodate the 100-year flood. The developer shall submit such data or studies based in the watershed characteristics, probable runoff, and other topographic and hydraulic data prepared by the registered professional engineer as the Board may reasonably require to adequately make its determination of the flood susceptibility of the property.

10.3.2. *Permitted Uses*. Recreational uses of an open space nature including active and passive park spaces, trails, and greenways, except that impervious surface parking areas required for such uses shall not be permitted on any portions of the property within the F-2 District.

10.3.3. *Conditional Uses*. The Permitted Uses in the underlying zoning district, except that no new structures for human habitation, including manufactured homes, modular homes, or cabins, shall be permitted within those portions of the property within the F-2 District.

10.3.4. *Requirements for Conditional Uses*.

A. Site and development plan approval by the Commission is required for uses in this district. No Building Permit or Certificate of Occupancy shall be issued for any Conditional Uses except upon written approval of the site and development plans by the Commission and subject to such conditions as the Commission may require to preserve and protect the character and welfare of the district.

B. Uses permitted in the F-2 District shall be in accordance with the development requirements for each zoning district within the F-2 District as shown.

C. Any permitted structures shall be of adequate structural strength to withstand the effects of water pressure and shall be firmly anchored to prevent flotation or lateral movement.

D. Land may be filled within the F-2 District provided the fill extends at least twenty-five (25) ft beyond the limits of any structure erected thereon except where twenty-five (25) ft is not feasible, a variance may be granted for a lesser distance or the Commission may approve a plan for fill which is designed to protect against erosion of the fill. Fill shall consist of soil or rock materials only and shall be thoroughly compacted to prevent excessive settlement and shall be protected from erosion. Fill slopes shall be not steeper than one (1) ft vertical or two (2) ft horizontal unless steeper slopes are justified and approved by the Commission. Fill shall be used only to the extent that it does not aversely affect adjacent properties.

E. Commercial, industrial, or other non-residential structures may be constructed with the lowest floor below the elevation of the 100-year flood, provided the building or structure is flood proofed to a point at least two (2) ft above the elevation of the 100-year flood. Such structures or substantial improvements to existing structures shall be designed and constructed such that the structure is watertight with walls substantially impervious to the passage of water and shall be of sufficient structural strength to withstand the hydrostatic, hydrodynamic, buoyant, impact, or other forces resulting from the flood depth, velocities, pressures, debris, and other factors associated with the flood conditions at the site. Flood proofing measures shall be in accordance with the watertight performance standards of the publication Flood Proofing Regulations prepared by the Office of the Chief of Engineers, Washington, D.C., dated June 1972.

F. No existing residential structure shall be enlarged, extended, moved, or substantially improved unless the lowest floor (including basement) of said building or structure is placed at least two (2) ft above the level of the 100-year flood at the site.

G. Where in the opinion of the Commission, topographic data, engineering studies, or other studies are needed to determine the effects of flooding on a proposed structure and/or the effect of the structure on 100-year flood discharges and elevations, the Commission may require the applicant to submit such data and/or studies prepared by competent engineers or other qualified specialists.

H. Within the F-2 District any building or structure in existence prior to the effective date of these flood damage prevention requirements that is hereafter destroyed or substantially damaged by any means may be reconstructed and used as before only if the following requirements are met:

1) The reconstruction does not exceed the volume and external dimensions of the original structure or does not offer any greater obstruction to the flow of floodwaters than did the original structure.

2) Nonresidential structures may be reconstructed if the lowest floor elevation (including basement) is at least two (2) ft above the level of the 100-year flood or the structure is flood proofed (in accordance with the requirements of §10.3.4.E above to a height of at least two (2) ft above the level of the 100-year flood).

3) Residential structures may be reconstructed only if the lowest floor of the structure is elevated to a point at least two (2) ft above the level of the 100-year flood.

4) The level of the 100-year flood shall not be increased above that demonstrated in the Flood Insurance Study for the City by the reconstruction.

I. The granting of Conditional Use approval shall not constitute a representation, guarantee, or warranty of any kind or nature by the City, or the Commission, or by an officer or employee of either thereof the practicability or safety of any structure or other plan proposed and shall create no liability upon, or a cause of action against, such public body, officer, or employee for any damage that may result pursuant thereto.

ARTICLE 11. NONCONFORMITIES

§11.1. Nonconformities. Within the districts established by this Ordinance, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before the Ordinance was passed or amended, but which would be prohibited, regulated 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. It is further the intent of this Ordinance that nonconformities shall not be enlarged, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. The provisions of this Article shall not apply to nonconforming signs. Nonconforming signs are addressed in §13.2.1 of the Sign Control Regulations.

Any parcel of land, use of land, building or structure existing at the time of the enactment of this Ordinance, or any amendment thereto, that does not conform to the requirements of the applicable district may be continued and maintained subject to the following provisions.

11.1.1. *Restoration to Safe Condition*. Nothing in this Ordinance shall prevent the restoration of any building or structure to a safe or sanitary condition when required by the proper authorities.

11.1.2. *Abandonment*. When any nonconforming use of a building or structure is vacated for a continuous period in excess of 180 days, the building or structure shall not thereafter be used except in conformance with the regulations of the applicable district.

11.1.3. *Reconstruction of Damaged Buildings or Structures*. Any nonconforming use which has been damaged by fire, wind, flood or other causes may be repaired and used as before if repairs are initiated in twelve (12) months and completed within two (2) years of such damage, unless such building or structure has been damaged to an extent exceeding eighty (80) percent of its assessed value at the time of destruction. If the building or structure is damaged to a degree greater than eighty (80) percent, future use of the building and site must come into conformance with the regulations for the applicable district.

§11.2. Nonconforming Lots.

11.2.1. *Nonconforming Vacant Lots*. This category of nonconformance consists of vacant lots for which plats or descriptions have been recorded in the Office of the Probate Judge of Limestone County, which at the time of enactment of this Ordinance, failed to comply with the dimensional requirements for the applicable districts. Any such nonconforming lot may be used for any of the uses permitted in the applicable district, provided as follows:

A. Such vacant lot of record does not adjoin another lot of record to which it can be combined as called for in §5.5.2 Area Modification for Lots of Record.

B. Minimum requirements of the district for front, street side, side, and rear yards and off-street parking shall be complied with.

11.2.2. *Nonconforming Occupied Lots*. This category of nonconformance consists of lots occupied by buildings or structures at the time of the enactment of this Ordinance that failed to comply with minimum requirements for area, width, front, street side, side, and rear yards for the applicable districts.

11.2.3. *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.

§11.3. **Nonconforming Uses or Structures.** This category of nonconformance consists of buildings or structures used at the time of enactment of this Ordinance for purposes of use not permitted in the applicable district. Such uses may be continued as follows:

11.3.1. An existing nonconforming use of a building or structure may not be changed to another nonconforming use.

11.3.2. When a nonconforming use of a building or structure has been changed to a conforming use, it shall not thereafter be used for any nonconforming use.

11.3.3. A nonconforming use of a building or structure shall not be extended or enlarged except into portions of the structure which, at the time the use became nonconforming, were already erected, and arranged or designed for such nonconforming use.

11.3.4. Nonconforming existing residential structures in either business or industrial districts may be enlarged, extended or structurally altered provided no additional dwelling units result from such enlargement and the extension or alteration shall comply with the dimensional requirements for the applicable district.

11.3.5. Maintenance and repairs necessary to keep a nonconforming structure in sound condition shall be permitted.

§11.4. **Nonconforming Improvements.** Prior to the issuance of a Certificate of Occupancy, nonconforming improvements, including but not limited to, parking areas, driveways, lighting, sidewalks, 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:

11.4.1. Where the use of a property becomes discontinued for a continuous period of one (1) year, *all* nonconforming improvements shall be brought into conformity with this Ordinance and the Subdivision Regulations.

11.4.2. 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, and exterior lighting shall be brought into conformity with the applicable provisions of Article 15. For uses of greater intensity, off-street parking areas shall be improved to provide the amount of parking required by Article 14, to the extent practicable.

11.4.3. 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 §15.5. 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 §15.5.

11.4.4. 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.

ARTICLE 12. 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.

§12.1. Home Occupations.

12.1.1. *Background and Intent*. The City recognizes the need to establish regulations pertaining to home-based occupations to afford opportunities for residents to work from home. Home occupations will particularly benefit individuals with physical disabilities, as well as those having to care for children or the elderly within their home. It is the intent of this Section to establish regulations, which will permit home occupations in a manner that will preserve the peace, quiet and tranquility of residential neighborhoods, and to ensure the compatibility of such uses with other uses permitted within the same district.

12.1.2. *Classifications of Home Occupations*. All home occupations shall be classified as either "minor home occupations" or "major home occupations" as defined in Article 2 of this Ordinance.

A. Minor home occupations. To the extent that such uses are consistent with the definition of a "minor home occupation", minor home occupations shall include but are not limited to the following uses:

1) Artists, craftsmen and sculptors;
2) Cake baking and decorating;
3) Computer programming and word processing;
4) Dress making, sewing, tailoring, contract sewing, laundry and ironing services, and millinery;
5) Grooming of dogs and cats;
6) Home instruction;
7) Mail order or phone order;
8) Music composing;
9) Photography;
10) Professional office uses including realtors and insurance sales;
11) Saw, scissors, and blade sharpening;
12) Telephone related services; and
13) Television, radio, electronics, and small appliance repair.

B. Major home occupations. Major home occupations shall include any home occupation listed above that may involve parking needs beyond that required for the dwelling. However, such parking needs shall not require more than one (1) additional parking space, whether for a vehicle used as a part of the home occupation or for loading and unloading.

C. Uses not permitted as home occupations. The following uses shall not be permitted as home occupations in residential districts:

1) Ambulance, helicopter; limousine, hearse, cab, and towing services;
2) Animal boarding/kennels or veterinary services;

3) Appliance repair (major appliances);
4) Commercial food processing or professional catering
5) Day care centers or kindergartens (see §12.2 for regulations applying to Family and Group Day Care Homes)
6) Gift or antique shop;
7) Health salon, gym, dance studio, aerobic exercise studio, or massage parlor;
8) Medical or dental offices
9) Minor or major repair, detailing, or painting of engines (small or large), vehicles, trailers, or boats;
10) Mortician or funeral home;
11) Tattoo shops, palm reading/fortune telling;
12) Material/metal fabrication, machine, and welding shops; production woodworking and cabinet making;
13) Photo development;
14) Private clubs, private schools with organized classes;
15) Rental services, businesses, or sales from site (except direct distribution);
16) Restaurants, tea rooms or taverns;
17) Well drilling; and
18) Other similar uses, which may, in the opinion of the Zoning Official, result in an adverse impact on a residential neighborhood.

12.1.3. *Requirements*. All dwellings containing a home occupation shall comply with the following:

A. The person conducting the home occupation shall be a full-time resident of the dwelling in which the home occupation is being conducted. There shall be no employment of help other than members of the resident family.

B. A maximum of twenty-five (25) percent of the GFA of the dwelling, excluding attics, garages, and basements, shall be used for a home occupation.

C. Not more than one (1) major home occupation shall be permitted within any one dwelling unit.

D. No displays or change in the building facade, including the dwelling and all accessory buildings, shall indicate from the exterior that the dwelling is being utilized for purposes other than a dwelling.

E. The home occupation shall be conducted entirely within the dwelling or accessory building. Storage of materials, products, or machinery used for the home occupation shall be wholly enclosed by the dwelling or accessory building, within the maximum floor area previously defined. The attached garage or detached garage area may be used for the home occupation purposes provided that such use does not cause the elimination of the required off-street parking spaces for the dwelling.

F. The activity carried on as a home occupation shall be limited to the hours between 7:00 a.m. and 8:00 p.m.

G. Deliveries from commercial suppliers shall comply with all applicable State regulations and shall not restrict traffic circulation.

H. A home occupation shall not produce noise, obnoxious odors, vibrations, lighting glare, fumes, smoke, or electrical interference detectable to normal sensory perception on any adjacent lots or streets.

I. There shall be no illegal discharge of any materials, fluids, or gases into the sewage disposal facilities or in any other manner that would be in violation of any applicable governmental law, rule, or regulation.

J. Sales of goods on the premises shall be limited to goods lawfully made on the premises; goods relating to services performed on the premises; and goods ordered previously by telephone or at a prior sales meeting (such as cosmetics, Tupperware, etc.).

K. Home occupations shall not involve the use or storage of explosive, highly combustible, or hazardous materials.

L. "Parties" for the purpose of taking orders for the selling of merchandise shall not be held more than one (1) time per week.

M. The size of commercial vehicles used for the home occupation shall not exceed twenty (20) ft in overall length or seven (7) ft in height and shall not have a load capacity in excess of one (1) ton. Commercial-type vehicles used for a home occupation shall not be parked on-street except during loading and unloading.

12.1.4. *Application and Permitting Procedure*. Home occupations shall be subject to the following application and approval process:

A. Home occupation permits and business license. All home occupations require filing of an application, demonstrating compliance with the requirements of this Section, together with an application and fee for a business license.

B. Major home occupations. In additional to applying for a home occupation permit, an applicant for a major home occupation shall also apply for a Special Exception Use in accordance with §16.5. If a Special Exception Use is granted, and after confirming that the conditions of the Board have been satisfied, the Zoning Official shall issue the permit. Such review of the application may require the Zoning Official to visit the dwelling if deemed necessary.

C. Expiration of permit. Minor home occupations shall not expire unless revoked by the City due to violations of the requirements of this Section. Major home occupation permits shall be annual, beginning on January 1 of each year and ending on December 31 of each year; and each permit, whether issued on or after January 1 of the year for which it is issued, shall expire on December 31 of that year. Once granted, permits may be renewed without additional hearings, subject to the provisions of this Section. An application form for permit renewal must be completed and submitted with the annual permit fee prior to the annual deadline but not earlier than thirty (30) days. Failure to renew or pay any required fees shall be grounds for revocation of a permit.

D. Home occupation permit fees shall be established by the Council.

§12.2. 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:

12.2.1. *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.

12.2.2. *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 §16.5 and the provisions of §12.2.3 below.

12.2.3. *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.

12.2.4. *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.

§12.3. 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 § 12.3 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):

12.3.1. *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:

1) Class I restaurants licensed to sell alcoholic beverages for on-premises consumption;
2) Class II restaurants licensed to sell alcoholic beverages for on-premises consumption;
3) Hotels;
4) Specialty beverage stores with respect to beer and/or table wine;
5) Merchandise store with incidental table wine sales;
6) Specialty wine and beer establishment;
7) Persons holding a special event retail license for on-premises consumption; and
8) 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:

1) Convenience store;
2) Grocery store;
3) Merchandise store with incidental table wine sales;
4) Specialty beverage store; or
5) Specialty wine and beer establishment.

C. Limits of Types of Businesses Allowed to Sell Alcohol in a B-4 Zone. In addition to all other regulations and restrictions, no facility or property located in a B-4 zone shall be

authorized for on-premises sale or off-premises sale of alcoholic beverages, except for the following:

1) Class I restaurants licensed to sell alcoholic beverages for on-premises consumption;
2) Class II restaurants licensed to sell alcoholic beverages for on-premises consumption;
3) Convenience stores licensed to sell beer and/or table wine for off-premises consumption;
4) Grocery stores licensed to sell beer and/or table wine for off-premises consumption;
5) Specialty beverage stores with respect to beer and/or table wine;
6) Merchandise store with incidental table wine sales;
7) Specialty wine and beer establishments; and
8) 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 planned development district shall be authorized for on-premises sale or off-premises sale of alcoholic beverages unless the same has been approved as a conditional use by the Athens Planning Commission, as my 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.

1) The aforesaid distance restriction in this section shall not apply in the following enumerated cases:

   a) Where the facility or property is located in a B-4 zoning district, and the façade on the lot frontage of the facility or property is not less than fifty (50) ft from the place of worship, school, or child development facility.
   b) 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;
   c) 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
   d) Where the establishment upon the facility or property is a grocery store as defined herein..

2) 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.

3) 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.

12.3.2. *Additional Regulations Concerning the Sale of Retail Liquor for Off-Premises Consumption*.

A. Sale of Retail Liquor Sales for Off-Premises Consumption.

1) 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-3 zone. The sale of retail liquor for off-premises consumption shall only be permitted in a B-3 zone subject to such other rules and regulations as prescribed by law, such as conditional use regulations prescribed by the city zoning ordinance.

2) 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

3) 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 § 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 is 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.

12.3.3. *Additional Regulations Concerning the Sale of Retail Liquor for On-Premises Consumption*.

A. Sale of Retail Liquor for On-Premises Consumption.

1) 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-3 zone. The sale of retail liquor for on-premises consumption shall only be permitted in a B-3 zone subject to such other rules and regulations prescribed by the city zoning ordinance. This subsection (i)(1) 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.

2) 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 (b)(2) 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).

3) 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 § 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 (b)(3) 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.

(Ord. No. 2008-1711, 08-25-2008; Ord. No. 2011-1788, 01-24-2011)

§12.4. 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:

12.4.1. *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.

12.4.2. *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.

12.4.3. *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.

12.4.4. *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 Conditional Use. Approved exterior modifications should not detract from the residential character of the dwelling or the neighborhood.

§12.5. 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:

12.5.1. *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.

12.5.2. *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.

12.5.3. *Other Regulations Applicable*. Rooming/boarding houses shall be in compliance with all State and County requirements for such uses.

§12.6. 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.

12.6.1. *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.

12.6.2. *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.

§12.7. Conservation Subdivisions.

12.7.1. *Intent*.

A. To provide the flexibility to achieve the most effective development on lands that are constrained by natural hazards or by environmental regulations, which may limit the amount or type of development on such properties;

B. To enhance quality of life by promoting the creation of accessible green space;

C. To protect sensitive, environmental land features to protect the health and safety of residents and neighboring property owners;

D. To reduce erosion, sedimentation, land disturbance, and removal of vegetation;

E. To encourage interaction within the community by allowing clustering of homes and orienting them closer to the street, thereby providing gathering places as focal points within the community;

F. To encourage street systems that tend to reduce traffic speeds and reliance on main arteries.

G. To promote construction of convenient walking trails, bike paths, and greenways within new developments that are connected to adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists; and

H. To reduce perceived density by providing a maximum number of lots with direct access to and views of open space.

12.7.2. *Applicability*. The Conservation Subdivision option is available as a use by right in all residential districts. The applicant shall comply with all other provisions of this Ordinance and all other applicable regulations, except those incompatible with the provisions herein.

12.7.3. *Ownership of Development Site*. The tract of land to be subdivided and/or developed may be held in single, separate, and multiple ownership. If held in multiple ownership, the site shall be developed according to a single plan with common authority and common maintenance responsibility as approved by the City Attorney.

12.7.4. *Density Determination*. The maximum number of lots shall be determined by dividing the total area of the proposed subdivision by the most restrictive of the following: minimum lot size of the applicable district or by regulations as determined by City and/or County Health Department standards for septic tanks, or by other density limitations, such as watershed protection requirements, as applicable to the site. In making this calculation, the following shall not be included in the total area of the parcel:

A. The 100-year floodplain;

B. Bodies of open water over 5,000 sf of contiguous area; and

C. Wetlands, as defined by the Army Corps of Engineers pursuant to the Clean Water Act.

12.7.5. *Application Requirements*.

A. Site Analysis Map required. Concurrent with the submission of a Site Plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this Section. The preliminary Site Plan shall include the following features:

1) Property boundaries;

2) All streams, rivers, lakes, wetlands, flood hazard boundaries, and other hydrologic features;

3) All boundaries of applicable regulated buffer areas, easements, and ROWs;

4) Topography at no less than two (2) ft intervals;

5) All Primary and Secondary Conservation Areas labeled by type, as described in §12.7.6;

6) General vegetation characteristics;

7) General soil types;

8) Planned location of protected Open Space;

9) Existing roads and structures; and

10) Potential connections with existing greenspace and trails.

B. Conservation Subdivision Plan. The developer shall prepare a conservation subdivision plan which yields no more lots than identified under §12.7.4. The conservation subdivision plan shall identify open spaces to be protected in accordance with §12.7.6 and may include lots which do not meet the size and setback requirements of the applicable district. The Conservation Subdivision Plan shall include an open space management plan, as described in §12.7.6, and shall be prepared and submitted prior to the issuance of a grading permit.

C. Instrument of permanent protection required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in §12.7.7, shall be placed on the open space at the time of issuance of a grading permit.

D. Other requirements. The Applicant shall adhere to all other applicable requirements of the applicable district and the Subdivision Regulations.

12.7.6. *Open Space Management Plan*. For the purposes of Conservation Subdivisions, "open space" is defined as the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of a legal instrument approved by the City Attorney.

A. Standards to determine Open Space.

1) The minimum restricted open space shall comprise at least twenty-five (25) percent of the gross tract area.

2) The following are considered Primary Conservation Areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of the conservation subdivision:

a) The 100-year floodplain;
b) Riparian zones of at least seventy-five (75) ft width along all perennial and intermittent streams;
c) Slopes above twenty-five (25) percent of at least 10,000 sf contiguous area;
d) Wetlands, as defined by the Corps pursuant to the Clean Water Act;
e) Existing trails that connect the site to neighboring areas; and
f) Archaeological sites, cemeteries and burial grounds.

3) The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible:

a) Important historic sites;
b) Existing healthy, native forests of at least one acre contiguous area;
c) Individual existing healthy trees greater than eight (8) inches caliper; and
d) Other significant natural features and scenic viewsheds, particularly those that can be seen from public roads.

4) Utility ROWs and small areas of impervious surface may be included within the protected open space but cannot be counted towards the twenty-five (25) percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.

5) At least thirty-three (33) percent of the open space shall be suitable for passive recreational use.

6) At least seventy-five (75) percent of the open space shall be in a contiguous tract, which may be divided by a local thoroughfare whose area shall be excluded from the open space. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

7) The open space shall be directly accessible to the largest practicable number of lots and/or buildings within the site. Non-abutting lots shall be provided with safe, convenient access to the open space.

B. Permitted Uses of Open Space:

1) Conservation of natural, archeological or historical resources;

2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

3) Walking or bicycle trails constructed of porous paving materials;

4) Passive recreation areas, such as open fields;

5) Active recreation areas, provided that they are limited to no more than ten (10) percent of the total open space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.

6) Landscaped stormwater management facilities, community and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;

7) Easements for drainage, access, and underground utility lines;

8) Other conservation-oriented uses compatible with the purposes of this Ordinance.

C. Prohibited Uses of Open Space:

1) Golf courses;

2) Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous sections;

3) Agricultural and forestry activities not conducted according to accepted best management practices;

4) Impoundments; and

5) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

12.7.7. *Ownership and Management of Open Space*.

A. Association required. A homeowner's association representing residents of the conservation subdivision shall own the open space in perpetuity. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the homeowner's association.

B. Management Plan. Applicant shall submit a plan for management of open space and common facilities that:

1) allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

2) estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;

3) provides that any changes to the plan be approved by the Commission; and

4) provides for enforcement of the plan.

C. Failure to maintain Open Space. In the event the party responsible fails to maintain all or any portion of the open space in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the homeowner's association, or to the individual property owners that make up the homeowner's association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

D. Legal instrument for protection of Open Space. The open space shall be protected in perpetuity by a binding legal instrument recorded with the deed. The instrument for permanent protection shall include clear restrictions on use of the open space, including all restrictions contained in this Section, and any further restrictions the applicant chooses to place on the open space. The instrument shall be one of the following:

1) A permanent conservation easement in favor of either:

a) a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; *or*

b) a governmental entity with an interest in pursuing goals compatible with the purposes of this Ordinance, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement.

2) A permanent restrictive covenant for conservation purposes in favor of a governmental entity.

3) An equivalent legal tool that provides permanent protection, as approved by the City Attorney.

E. Tax assessment of Open Space. Once a legal instrument for permanent protection has been placed upon the open space, the County Tax Assessor shall be requested to reassess the open space at a lower value to reflect its more limited use.

§12.8. Industrial Parks. Prior to issuance of a Building Permit, the applicant shall submit and obtain approval from the Zoning Official of a Site Plan which meets the following requirements:

12.8.1. *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.

12.8.2. *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.

12.8.3. *Deed Restrictions*. Intended deed restrictions shall be submitted with the Site Plan.

12.8.4. *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.

§12.9. Gas/Service Stations.

12.9.1. *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.

12.9.2. *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, B-3, 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.

12.9.3. *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 §15.4 Screening.

§12.10. 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 wall of the buildings or units within which the uses exist or are contemplated. Nor shall any such use be located closer than 250 ft to the nearest boundary of any Residential district, as measured from the nearest lot line of the property on which the use is contemplated (**Ord. No. 2013-1877, 3-25-2013**).

§12.11. 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:

12.11.1. *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, which ever 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.

12.11.2. *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.

12.11.3. *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 planned development, 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.

12.11.4. *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.

12.11.5. *Other Regulations Applicable*. On-site sales activities shall conform to state real estate law and all applicable regulations of the Alabama Real Estate Commission.

§12.12. 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:

12.12.1. *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 Conditional 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.

1) Application for a Conditional Use shall be submitted in accordance with §4.8. The application shall be accompanied by:

a) A Site Plan map drawn to scale not smaller than one inch equals 200 ft.

b) 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.

c) A certificate of approval of the Limestone County Health Department.

2) After approval of the Conditional 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.

3) 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.

4) 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.

12.12.2. *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 an R-1 or R-2 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.

12.12.3. *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.

12.12.4. *Landscaping Requirements*. See Article 15 for landscaping, screening (§15.4), buffer (§15.5), and site lighting (§15.6) regulations.

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.

12.12.5. *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.

12.12.6. *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 Recreational 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 sex 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 sex and one washer and dryer shall be provided.

D. Trash containers shall be located within 300 ft of every space and screened in accordance with §15.4.

§12.13. Self-storage and Mini-warehouse Storage Facilities.

12.13.1. *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.

12.13.2. *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:

1) Storage areas for recreational vehicles and trailer-mounted boats shall not exceed twenty (20) percent of the total area of the storage facility.

2) 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.

3) 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.

4) 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.

12.13.3. *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:

1) 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.

2) Storage unit doors shall be screened from view from residential property.

3) The facility shall feature appropriate access and circulation by vehicles and emergency equipment.

C. Supplemental regulations pertaining only to limited access facilities:

1) Multi-story facilities located in the B-2 or B-3 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.

2) 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.

§12.14. Accessory Dwellings. Accessory dwellings 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.

12.14.1. *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.

12.14.2. *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).

1) Accessory dwellings in the R-1(2) District shall also require approval of a Special Exception by the Board.

2) Permits may be revoked by the City upon a finding of any violation of the requirements of this Section and shall not be renewed for a minimum of one (1) year from the date of revocation.

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ARTICLE 13. SIGN CONTROL 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.

§13.1. 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.

§13.2. 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:

13.2.1. *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, Courthouse Square Commercial, and Athens State University 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.

13.2.2. *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.

13.2.3. *Site Plan 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 Site Plan 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 Site Plan for the lot or tract of land on which the sign will be erected or placed has been approved. The Signage Site Plan 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 Site Plan approval.

1) Proponents of attached accessory signs, window signs, and temporary signs may apply for administrative Signage Site Plan 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. 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 §13.3.22 Billboard Signs.

13.2.4. *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. Temporary Signs:

1) The specific beginning and ending dates of the timed event that the sign(s) will be advertising

2) Information about the size of the sign(s) in area, with dimensional notations and information that will be displayed on the signs

3) An affirmative statement by the applicant that the permitted temporary sign will be erected and removed in accordance with the dates stated on the application

C. 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.

13.2.5. *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.

13.2.6. *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 Board. 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 Board shall be to the Circuit Court.

13.2.7. *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.

13.2.8. *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.

13.2.9. *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.

13.2.10. *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.

§13.3. General Sign Regulations.

13.3.1. *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.

13.3.2. *Power and Telephone Poles*. No sign shall be placed or mounted on power poles and/or telephone poles, nor be maintained or erected in anyway 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.

13.3.3. *Code Enforcement*. All signs shall meet the standards and codes, adopted and enforced by the City.

13.3.4. *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 Board.

A. 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.

B. Sign backs. Exposed backs of all signs shall be painted a single color and shall present a clean and finished appearance.

13.3.5. *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 §13.3.6.

A. Such signs shall be permitted in the B-2, B-3, M-1, and M-2 Districts only.

B. "Waterfall" messages, scrolling messages, and other similar electronic messages shall be prohibited as set forth in §13.3.6. 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.

C. The portability of the sign does not preclude it from the requirements of this Ordinance (see §13.3.14 Portable Signs).

13.3.6. *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.

13.3.7. *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.

13.3.8. *Electrical Lights*. All signs with electrical lights and components shall conform to the codes adopted and enforced by the City of Athens.

13.3.9. *Occupant Identification*. One sign denoting the name and address of the occupants of the premises is permitted in any district. These signs shall not exceed two (2) sf in area.

13.3.10. *Attached Signs*. Attached signs shall not extend more than eighteen (18) inches into any required yard and:

A. Attached, flush-mounted signs shall not:

1) extend more than eighteen (18) inches perpendicular to the wall surface

2) extend beyond the corner end of the wall surface

3) extend more than eighteen (18) inches above the top of such wall

B. Attached, projecting signs may project more than eighteen (18) inches beyond the wall surface, but shall not:

1) extend more than thirty-six (36) inches perpendicular to the wall surface

2) extend beyond the corner end of the wall surface nor more than eighteen (18) inches above the top of such wall

3) extend closer than eight (8) ft to the sidewalk or otherwise obstruct a pedestrian way

C. Roof-mounted signs. Permanent roof mounted signs shall not be located in any district.

13.3.11. *Banners, Posters, etc*. These are considered a type of temporary, non-permanent signage as defined in Article 2.

A. These signs may be completely attached to an on-premise permanent detached sign, but in no case shall these be wholly or partly attached to a utility pole, street light, or other municipally owned pole or object.

B. Banners displayed off-premise are prohibited.

C. Over-the-street banners are prohibited.

D. These signs are also prohibited from being attached to any railroad trestle or bridge which crosses a ROW.

E. No more than two banners are allowed per site or per tenant in group occupancy at one time.

F. The size of the banner shall not exceed thirty-two (32) sf.

G. These signs are required to be removed within seven (7) days of the conclusion of the event.

13.3.12. *Pennants, Special Purpose Flags, and Streamers*. Pennants, special purpose flags (such as flags that serve as commercial identification using a name, logo, slogan, etc.) and streamers may be used for advertising purposes or other purposes of attraction only in the B-2 and B-3 business districts. Although permitted, these displays of pennants, special purpose flags, and pennants are discouraged.

A. All pennants, special purpose flags, 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.

B. Other than in the foregoing guidance, any use of pennants, special purpose flags, and streamers shall be short term in nature and limited to properly permitted festivals, carnivals, or other short term public events in districts appropriate for such events.

13.3.13. *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.

13.3.14. *Portable signs*. Portable signs shall be considered detached signs, and shall meet all the requirements specified for detached signs, including total maximum area of signage.

Permanent signs combined with portable signs shall not exceed the maximum area for detached signage permitted per frontage in the applicable district.

A. Portable signs must conform to wind load requirements and must be anchored or supported to guard against the effects of wind.

B. Vehicle/trailer-mounted signs shall be considered, based upon their use and placement, as either on-premise accessory signage or off-premise non-accessory signage and shall apply for sign approval and permit before they may be used as such. For example, signs that are so placed on a vehicle or trailer and moved from one location to another—such as from one shopping venue to another, or on vacant property along the side of the road—and parking them in such a location for an indefinite period of time. Vehicle or trailer mounted signs, when moved to alternate location, will be considered temporary signs and appropriate permitting must be obtained.

13.3.15. *Temporary Signs*. A temporary sign may shall not be displayed for more then two (2) months during any six (6) month period; shall not exceed thirty-two (32) sf in size; and shall be located on-premises. 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.

13.3.16. *Temporary Political Signs*. Temporary political signs are allowed without permit in all districts and provided that sign placement does not violate any other provision of this Ordinance, including by reference, the sight distance requirements of the City of Athens Traffic Circulation Standards. Temporary political signs shall be removed within seven (7) days after the election or referendum to which they pertain.

13.3.17. *Yard Sale Signs*. Yard sale signs shall not exceed four (4) sf and shall only be permitted on-premises. These signs shall not be placed more than twenty-four (24) hours prior to the sale event and shall be removed within twenty-four (24) hours following the advertised date of the sale.

13.3.18. *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.

13.3.19. *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.

13.3.20. *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.

A. Public endangerment:

1) 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.

2) 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.

3) 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.

4) 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.

B. Public nuisance:

1) 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.

2) Noisy signs. Signs incorporating any noisy electronic or mechanical device(s) are prohibited.

3) Abandoned signs are prohibited. It shall be the responsibility of the property owner to remove all abandoned signs.

13.3.21. *Obscene Advertising Signs*. No loud, vulgar, indecent, or obscene advertising matter shall be displayed in any manner, including, but not limited to:

A. Any signs depicting any sexual act or simulated sexual acts of any nature, or any sexual acts which are prohibited by law

B. 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

C. 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

D. Any other graphic illustration pertaining to specified sexual activities, and/or specified anatomical areas

13.3.22. *Billboard Signs*. Additional Billboard signs, except for directional signs, shall not be permitted within the corporate limits of the City.

A. 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:

1) 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:

a) 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

b) The replacement sign meets all sign requirements in effect when a construction permit is issued

c) The replacement sign is located at the same location as the sign it replaces

2) 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:

a) 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

b) The replacement sign meets all requirements in effect when a construction permit is issued

c) The site of the sign shall be reviewed by the Commission, according to §13.2.3 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.

3) 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.

4) 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.

5) 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 § 13.3.22 and other applicable law. Moreover, any such replacement must first obtain Signage Site Plan Approval under §13.2 in the same manner as that required for Detached Signs

B. Any Billboard Sign, existing on property in an AG District that is rezoned to a residential district, shall be removed within sixty (60) days of said rezoning.

C. An existing Billboard Sign shall be maintained, repaired, and retain a "good sign appearance" as defined Article 2.

D. An existing Billboard Sign shall adhere to the following standards:

1) shall not be located closer than 1,000 ft to another billboard or non-accessory detached sign along the same side of the thoroughfare

2) shall not be located within 300 ft radius of any other billboard or non-accessory detached sign

3) shall not be less than 200 ft from any residential district

4) shall not be closer than 100 ft to any existing or approved thoroughfare intersection

5) shall not be located within 200 ft of an on-premise accessory detached sign, whether on the same property or on adjacent property.

6) Double-faced or V-type billboard signs shall be considered as one sign.

7) Stacked single-face billboards shall not be replaced except by a non-stacked double-faced or V-type billboards.

13.3.23. *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.

(Ord. No. 2008-1692, 04-28-2008).

§13.4. Computations Of Sign Area and Height. The following principles shall control the computation of sign area and sign height.

13.4.1. *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.

13.4.2. *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.

13.4.3. *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.

13.4.4. *Number of Signs based on Street Frontage*.

A. Attached signs. One attached (1) sign shall be permitted per street fronting facade.

B. Detached signs. If a business has a frontage along more than one public thoroughfare, and these regulations permit more than one such detached sign per establishment, the sign area calculation shall be made for each sign based on the linear feet of each separate frontage along which said sign(s) are proposed to be placed, not an aggregate of all frontages. Spacing between multiple detached signs shall be in accordance with the spacing requirements set out in §13.5 following.

§13.5. Permitted Signs By District. The following signs and no other, shall be permitted in the districts hereinafter set forth:

13.5.1. *R-1, R-2, and R-3 Districts*. See Table 13-1 for sign type, position, density, area, and height regulations.

A. Home occupation signs. Home occupation signs shall be attached only, surface-mounted, flat against the wall of the principal building, extending not more than three (3) inches outside the wall surface, and non-illuminated.

B. Detached sign for approved non-residential uses.

C. Real estate signs.

D. Construction site identification signs.

E. Residential identification sign, such as for subdivision or multi-family complexes, located at vehicular entrances or attached to a building wall.

F. On-premises directional signs for approved non-residential uses.

G. Residential building identification signs.

H. Occupant identification sign, used to identify individual residential homes.

I. Temporary political sign. See §13.3.16.

Table 13-1: Sign Position, Density, Area, and Height by District			
R-1, R-2, and R-3 Districts			
Sign Type	**Sign position**	**Sign density, area and height regulations**	
Home occupation signs	attached	Max. density	1 sign per premises
		Max. area per sign	2 sf
		Max. height	Signs shall not extend above the roof or parapet
Signs for non-residential uses	attached or detached	Max. density	1 sign per frontage per premises
		Max. area per sign	40 sf
		Max. height	10 ft
Real estate signs	detached	Max. density	1 sign per street frontage per premises
		Max. area per sign	6 sf for improved property 40 sf for unimproved property
		Max. height	4 ft for improved property 6 ft for unimproved property
Construction site identification signs	detached	Max. density	1 sign per contractor per residential lot For institutional projects, refer to §13.5.3
		Max. area per sign	6 sf
		Max. height	6 sf
		Max. area per premises	40 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

13.5.2. *Planned Development Districts*.

A. Residential areas. See §13.5.1.

B. Non-residential development. See §13.5.3 and the following modifications.

1) P-TND and P-MU Districts. 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. In

such cases, the maximum height of specially permitted detached signs in the P-TND and P-MU Districts shall be eight (8) ft.

2) P-R District. The maximum height of detached signs shall be eight (8) ft.

3) P-OD District. The maximum height of detached signs shall be twenty-five (25) ft.

Table 13-2: Sign Position, Density, Area, and Height by District			
B-1 Neighborhood Business District			
Sign Type	**Sign position**	**Sign density, area and height regulations**	
Attached accessory signs	attached	Max. density	1 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	35 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
Real estate signs	detached	Max. density	1 sign per 250 ft of frontage per premises and 1 additional sign for frontage over 250 ft
		Max. area per sign	40 sf
		Max. height	8 ft
		Max. area per premises	80 sf per frontage for frontage over 250 ft
Construction site identification signs	detached	Max. density	1 sign per site for the developer OR general contractor + up to 4 signs for subcontractors (at the option of the developer or general contractor)
		Max. area per sign	40 sf for developer/contractor sign 6 sf per subcontractor sign
		Max. height	8 ft
		Max. area per premises	64 sf
Directional signs (on-premises)	detached	Max. density	1 sign per entrance/exit
		Max. area per sign	4 sf
		Max. height	30 in

13.5.3. *B-1 District*. See Table 13-2 for sign type, position, density, area, and height regulations.

A. Attached accessory signs.

B. Accessory detached signs.

C. Business center signs.

D. Real estate signs.

E. Construction site identification signs.

F. On-premises directional signs.

G. Window signs. See §13.3.19.

H. Temporary Political sign. See § 13.3.16.

13.5.4. *B-2, B-3, M-1, and M-2 Districts*. See Table 13-3 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. Real estate signs.

G. Construction site identification sign.

H. On-premises directional signs.

I. 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.

J. Window signs. See §13.3.19.

K. Temporary political sign. See §13.3.16.

L. Flags, pennants and streamers. The flags of the United States and the State of Alabama may be displayed pursuant to §13.3.13. Pennants and streamers, pursuant to §13.3.12, shall be permitted in the B-2 and B-3 Districts only.

13.5.5. *B-4 District*. See Table 13-4 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. Real estate signs.

E. Construction site identification sign.

F. On-premises directional signs.

G. Window signs. See §13.3.19.

H. Temporary political window signs. See §13.3.16.

Table 13-3: Sign Position, Density, Area, and Height by District			
B-2, B-3, M-1, and M-2 Districts			
Sign Type	**Sign position**	**Sign density, area and height regulations**	
Attached accessory signs	attached	Max. density	1 sign per facade
		Max. area per sign B-2 and B-3: M-1 and M-2:	 1 sf per linear foot of facade, up to 200 sf max. 3 sf per linear foot of facade, up to 300 sf max.
		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: 18 ft B-3, 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: B-3, M-1, M-2:	 18 ft 25 ft + 1 ft per 60 ft of frontage over 100 ft
		Max. area per premises	800 sf
Non-accessory (detached) signs	detached	Max. density	See §13.3.22.D
		Max. area per sign	150 sf
		Max. height	25 ft with min. 10 ft ground clearance
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
Real estate signs	detached	Max. density	1 sign per 250 ft of frontage
		Max. area per sign	40 sf on improved property 60 sf on unimproved property
		Max. height	8 ft
Construction site identification signs	detached	Max. density	1 sign per site for the developer OR general contractor + up to 4 signs for subcontractors (at the option of the developer or general contractor)
		Max. area per sign	40 sf for developer/contractor sign 6 sf per subcontractor sign
		Max. height	8 ft
		Max. area per premises	64 sf
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 13-4: Sign Position, Density, Area, and Height by District			
B-4 Central Business District			
Sign Type	**Sign position**	**Sign density, area and height regulations**	
Attached accessory signs	attached	Max. density	1 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	35 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
Real estate signs	attached	Max. density	1 sign per frontage
		Max. area per sign	20 sf
		Max. height	Signs shall not extend above the roof or parapet
Construction site identification signs	detached or attached	Max. density	1 sign per site for the developer OR general contractor + up to 4 signs for subcontractors (at the option of the developer or general contractor)
		Max. area per sign	40 sf for developer/contractor sign 6 sf per subcontractor sign
		Max. height	8 ft (if detached); attached signs shall not extend above the roof or parapet
		Max. area per premises	40 sf
Directional signs (on-premises)	detached	Max. density	1 sign per entrance/exit
		Max. area per sign	4 sf
		Max. height	30 in

13.5.6. *MC and INST Districts*. See Table 13-5 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. Real estate signs.

E. Construction site identification signs.

F. On-premises directional signs.

G. 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.

H. Window signs. See §13.3.19.

I. Temporary political sign. See §13.3.16.

Table 13-5: Sign Position, Density, Area, and Height by District			
MC and INST Districts			
Sign Type	**Sign position**	**Sign density, area and height regulations**	
Attached accessory signs	attached	Max. density	1 sign per facade
		Max. area per sign	35 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	35 sf
		Max. height	8 ft
		Max. area per premises	70 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
Real estate signs	attached	Max. density	1 sign per 250 ft of frontage
		Max. area per sign	6 sf on improved property 40 sf on unimproved property
		Max. height	8 ft
Construction site identification signs	detached or attached	Max. density	1 sign per site for the developer OR general contractor + up to 4 signs for subcontractors (at the option of the developer or general contractor)
		Max. area per sign	40 sf for developer/contractor sign 6 sf per subcontractor sign
		Max. height	8 ft (if detached); attached signs shall not extend above the roof or parapet
		Max. area per premises	40 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.			

13.5.7. *AG Agricultural District*.

A. Residential. Signs on residential property shall be subject to the provisions for signs in residential districts. See §13.5.1.

B. Other Uses. Signs for all other Permitted Uses, Special Exception Uses, and Conditional Uses shall be subject to the provisions for signs in the B-1 District. See §13.5.3.

§13.6. 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.

ARTICLE 14. PARKING AND LOADING REGULATIONS

§14.1. Off-Street Parking Requirements.

14.1.1. *Applicability*. Off-street automobile parking spaces shall be provided on every lot on which any of the following uses are hereafter established in all districts, except the B-4 Central Business District, or as otherwise specified in this Ordinance, or provided that no parking space can be reasonably provided on the same lot, such space shall be provided on any lot a substantial portion of which is within 200 ft of such uses.

No Certificates of Occupancy will be issued upon completion of any building unless all off-street parking and loading requirements, shown upon the plans or made part of the Building Permit, shall be in place and ready for use and conforming to requirements. The required parking spaces for any number of separate uses may be combined in one (1) lot, but the required space assigned to one use may not be assigned to another use at the same time, except: A) as provided for in §14.1.2.B below; B) as provided in §14.1.4 Modification of Parking Requirements for Mixed-Use Developments; and C) that one-half (1/2) of the parking spaces required for places of worship, theaters, or assembly halls, whose peak attendance will be at night or on Sundays, may be assigned to a use which will be closed at nights or on Sundays.

14.1.2. *Parking Space Requirements*.

A. Each automobile parking space shall be provided with vehicular access to a street or alley, such use shall not thereafter be encroached upon or altered; and such use shall be equal in number to at least the minimum requirements for the specific use set forth in Table 14-1. Whenever the required parking spaces, as calculated per the requirements of this Article, results in a fraction, the required parking spaces shall be rounded up to the next whole number. When the calculation is for multiple uses, fractional amounts per use shall be added together prior to rounding.

B. Collective provision of parking spaces. Two (2) or more owners or operators of commercial buildings or uses may collectively provide required off-street parking facilities the total number of off-street parking spaces, when combined, shall not be less than the sum of the requirements for each individual use when computed separately.

Cumulative parking space requirements for two or more different uses may be reduced where it is demonstrated that the peak requirements of the uses occur at different times. Special Exceptions to the total number of spaces required by the addition of all the uses shall be considered through the Special Exception process if supported by a parking demand study.

14.1.3. *General Requirements*.

A. All parking spaces, excluding those on the lots of single-family dwellings and duplexes shall be striped.

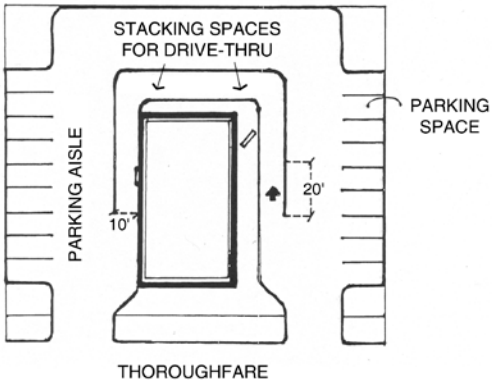
B. Except for dwellings in single-family residential districts, no off-street parking space shall be permitted which requires a vehicle to back out into a public thoroughfare.

C. Except for single-family dwellings and duplexes, access drives and parking aisles shall not be used to meet minimum parking requirements.

Table 14-1: Parking Space Requirements		
Use Category	Use Description	Minimum Parking Space Requirement
Business Uses	Automobile sales and repair	One (1) parking space for each (2) employees at maximum employment on a single shift, plus two (2) spaces for each 300 sf of repairs or maintenance space
	Automobile car wash	One (1) space for each two (2) employees at maximum employment on a single shift. Reserve spaces equal to five (5) times the capacity of the facility at the location of both ingress and egress
	Bowling alley	Two (2) spaces for each lane, plus one (1) additional space for each two (2) employees
	Camps for tents and camping trailers	One (1) space for each site provided for tents and camping trailers plus ten (10) additional spaces
	Filling stations	Two (2) spaces for each gas pump, plus three (3) spaces for each grease rack or similar facility
	Hospitals	One (1) space for each four (4) patient beds, plus one (1) space for each staff or visiting doctor, plus one (1) space for each four (4) employees
	Hotels	One (1) space per guest room, plus one (1) additional space for each five (5) employees
	Mortuary or funeral homes	One (1) space for each three (3) seats provided in each assembly room or chapel
	Motel, tourist home or tourist court	One (1) space per guest room plus two (2) additional spaces for each twenty (20) units
	Offices: professional, business or public, including bank	One (1) space for each 400 sf of GFA
	Medical offices and clinics	Six (6) spaces for each doctor practicing at the clinic, plus one (1) space for each employee
	Restaurants, drive-in	Parking space equivalent to five (5) times the floor space in the main building
	Restaurants, standard	One (1) space for each three (3) seats or stools, plus one (1) space for each two (2) employees on the shift with the largest employment
	Restaurant, walk-up	One (1) space per employee per shift, plus two (2) additional spaces
	Retail business	One (1) space for each 200 sf of GFA
	Self-storage, Mini-warehouse storage or other similar type of storage facility	One (1) parking space for each employee employed during a shift by the facility, plus one (1) space per 200 sf of GFA for the rental or leasing office, and any floor area within the rental or leasing office, which is devoted to uses other than the rental of storage units. If the storage facility also includes a dwelling for the manager/caretaker/guard, two (2) parking spaces shall be added for this dwelling
	Shopping centers	One (1) space for each 200 sf of GFA

Table 14-1: Parking Space Requirements		
Residential Uses	Single-family and duplex residences	One (1) space for each dwelling unit
	Manufactured home parks	Two (2) spaces for each stand
	Multi-family residences	One (1) space for each studio/1 BR unit; 1.5 spaces for each 2-BR unit, and two (2) spaces for each 3-BR or more unit
	Rooming and boarding houses, bed and breakfasts	One (1) space for each guest room, plus one (1) additional space for the owner, if resident on the premises
Public and Semi-Public Uses	Elementary schools and junior high schools, both public and private	Two (2) spaces for each classroom and administrative office
	Kindergartens or nurseries	One (1) space for each employee and four (4) spaces for off-street drop-off and pick-up
	Libraries	One (1) space for each two (2) seats provided for patron use plus one (1) space for each employee
	Places of Worship and Places of public assembly, including private clubs and lodges, auditoriums, dance halls, theaters, stadiums, gymnasiums, amusement parks, community centers, and all similar places of public assembly	One (1) space for each three (3) seats provided for patron use, plus one (1) space for each 100 sf of floor or ground area used for amusement or assembly but not containing fixed seats
	Sanitariums, rest and convalescent homes, homes for the aged, and similar institutions	One (1) space for each six (6) patient beds, plus one (1) space for each staff or visiting Doctor, plus one (1) space for each four (4) employees
	Senior high schools and colleges, both public and private	One (1) space for each ten (10) students for whom the school was designed, plus one (1) space for each classroom and administrative office
Wholesaling and industrial uses		One (1) space for each two (2) employees at maximum employment on a single shift

D. Ingress and egress for parking facilities shall be in accordance with the access spacing requirements of the City of Athens Traffic Circulation Standards. The Zoning Official shall require adequate stacking space where such is needed to prevent blocking of traffic. No parking space shall block designated emergency access. Fire lanes may be required by the Fire Department.



E. No portion of any off-street parking space shall be located within the ROW of a thoroughfare or alley or an easement not intended for such purposes, including any public sidewalk.

F. Parking space dimensions shall be in accordance with Table 14-2. Compact car spaces shall not exceed a ratio of one (1) compact car space to three (3) standard spaces and each shall be marked as such, as approved by the Department. Accessible parking spaces shall be provided in accordance with Table 14-3 and shall be located, designed with access aisles, and signed in accordance with the American Disabilities Act (ADA) Accessibility Guidelines or Facilities and Buildings, Sections 4.1.2 and 4.6.

G. Parking spaces for all uses or structures shall be located on the same lot with the principal use unless a Special Exception is approved for remote parking.

1) Off-site parking facilities shall not be located more than 200 ft from the lot of the principal use; and the zoning classification of the applicable property shall be the same or of a similar classification.

2) A written agreement assuring the continued availability of such off-site facilities to serve the principal and accessory uses shall be properly drawn and executed by the parties concerned, approved as to form by the City Attorney and shall be filed with the application for a Building Permit.

Table 14-2: Dimensional Requirements of Parking Spaces

Type of Space	Min. Width	Min. Length
Parallel Standard	8 ft	22 ft
Parallel Compact	8 ft	18 ft
Angled / Perpendicular Standard	9 ft	18 ft
Angled / Perpendicular Compact	8 ft	15 ft
Stacking Space	10 ft	20 ft

Table 14-3: Minimum Accessible Parking Spaces

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

14.1.4. *Modification of Parking Requirements for Mixed-Use Developments*. The minimum parking requirements for individual uses shall be modified for planned mixed-use developments in accordance with the reductions in Table 14-4 and as illustrated herein:

Table 14-4: Parking Requirement Reductions for Shared Parking Areas

Use Mix	Residential	Lodging	Office	Retail
Residential	0%	9.09%	28.57%	16.6%
Lodging	9.09%	0%	41.17%	23.07%
Office	28.57%	41.17%	0%	16.66%
Retail	16.66%	23.07%	16.66%	0%

Example 1:

Uses proposed: 10 (2-bedroom) residential units, 10 (1-bedroom units), 20,000 sf retail

Base requirement:	*1.5 spaces per 2-bedroom unit – total 15 spaces* *1 space per 1-bedroom unit – total 10 spaces* *5 spaces per 1,000 sf leasable area – total 100 spaces*
Total base requirement:	*125 spaces*
Total shared spaces:*	*25 residential x 2 (no. of use types) = 50 spaces*
Allowable Reduction:	*16.66% of 50 spaces = 8 spaces*
Reduced total requirement:	*Total (125) – Reduction (8) = 113 spaces*

Example 2:

Uses proposed: 20 (2-bedroom) residential units, 20,000 sf retail, 20,000 sf office

Base requirement:	*1.5 spaces per 2-bedroom unit – total 30 spaces* *1 space per 1,000 sf leasable area – total 100 spaces* *3.0 spaces plus 1.0 spaces per 400 sf above 1,000 sf – total 51 spaces*
Total base requirement:	*181 space*
Total shared spaces:*	*30 residential x 3 (no. of use types) = 90 spaces*
Allowable Reduction:	*16.66% of 90 spaces = 14 spaces*
Reduced total requirement:	*Total (181) – Reduction (14) = 167 spaces*

Shared spaces is based on the use type (residential, lodging, office, or retail) with the lowest number of required spaces. The **total shared spaces is calculated by multiplying such number of spaces by the number of use types that are proposed to share such spaces, i.e. a development with residential and retail would use a multiplier of "2" and a development with lodging, retail and residential would use a multiplier of "3".*

14.1.5. *Parking Lot Design and Maintenance Requirements*.

A. Parking aisles. The minimum width of parking aisles shall be as approved by the City Engineer in accordance with the adopted standards of the City. Refer to the City of Athens Standard Details for Off-Street Parking Areas.

1) No stacking space shall overlap parking aisles so as to block access to and from parking spaces when stacking space is occupied.

B. Parking area and driveway surfacing. All parking and driveway surfaces shall be as approved by the City Engineer in accordance with the following:

1) Single-family dwelling and duplexes. Parking may be provided on a pervious surface, such as gravel, if located behind the front building line. Driveways, from the street edge to the front building line, shall be concrete, asphalt, pervious paving, or a similar surface or design.

2) Residential and agricultural uses in the AG District. Parking areas may be provided in a pervious surface, such as gravel, if located behind the front yard setback. Driveways shall not be required to be concrete or asphalt but may be of compacted gravel or similar surface material.

3) Off-street parking for public parks and recreation areas may be on a surface other than concrete or asphalt, such as compacted gravel.

4) All other parking areas and driveways shall be on a concrete, asphalt, or similar all-weather surface. However, overflow parking areas, which may only be used during seasonal peaks may be on an alternative surface.

C. Demarcation of spaces and traffic flow. The City Engineer may prescribe such traffic markers and or signs as deemed necessary to safely and efficiently manage traffic flow. Parking spaces on impervious surfaces, except those serving single-family dwellings and duplexes, shall be demarcated with painted lines and/or signs or other markings accepted by the City Engineer. Stacking spaces shall not be individually marked but instead shall be clearly demarcated to direct the flow to traffic, as necessary.

D. Vehicle overhang. Up to two (2) ft of vehicle overhang over a wheel stop may count toward the required length of a parking space. Vehicle overhang shall not project over any portion of another parking space (including any vehicle overhang area), a lot line, public ROW, sidewalk, required landscaped area, or required internal walkway.

E. Drainage. Drainage for all developments requiring parking, except for single-family dwellings and duplexes, shall direct stormwater away from adjacent properties and toward adequate drains, detention/retention ponds or off-site drainage ways.

F. Maintenance. All parking areas shall be cleaned of debris and maintained in good condition, including being kept free of potholes, by the owner, responsible agents of the owner, tenant, or other person in charge of the property.

§14.2. Off–Street Loading and Unloading Space. Every building or structure used for business, trade or industry hereafter erected shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to an alley or, if there is no alley, to a street. For the purpose of this section, off-street loading space shall be sufficient to provide complete loading vehicle clearance from streets and alleys, and further should have a minimum dimension of twelve (12) ft by sixty (60) ft and an overhead clearance of fourteen (14) ft in height above the alley or street grade.

14.2.1. *Retail Operations*: One (1) loading space for each 20,000 sf of GFA or fraction thereof.

14.2.2. *Wholesale and industrial operations*:

Building Area in Square Feet	Number of Spaces
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

ARTICLE 15. LANDSCAPE AND SITE LIGHTING REGULATIONS

This Landscape Ordinance is 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 said Zoning Ordinance.

§15.1. Intent and Purpose. The Council finds that Athens is blessed with a diverse cover of trees and vegetation and such cover is of general aesthetic value to the City and the ecological variety and richness of the City makes it a desirable place for residents, owners, and visitors; that the appearance of Athens from its public ways contributes environmentally and aesthetically to the growth and economic prosperity of the City; that Athens has been known as a "Tree City USA" and that the trees in the City are symbols of Athens' pride in its heritage, both natural and historical; also, that the growth and development attracted to the City, because of its natural beauty, often requires the removal of trees and other plant material, thereby contributing to the depletion of a most valuable natural resource, therefore it is necessary to protect, preserve and restore this valuable asset. The City Council declares the purposes and intent of this Ordinance to be as follows:

- To aid in stabilizing the environmental and ecological balance by contributing to the processes of air purification, oxygen regeneration, shade and natural cooling, as well as groundwater recharge and stormwater runoff retardation by using natural drainage and infiltration systems, while simultaneously supporting noise, glare and heat abatement;
- To encourage the protection and preservation of existing trees and vegetation;
- To assist in providing adequate light and air and in preventing overcrowding of land;
- To provide visual buffering and enhance the character and beautification of the City;
- To safeguard and enhance property values and to protect public and private investment;
- To preserve, protect and restore the unique identity and environment of the City and preserve the economic base attracted to the City by such factors;
- To conserve energy; and to protect the public health, safety and general welfare;
- To provide habitat for living things that might not otherwise occur or be found in urban and suburban environs;
- To partition large parking areas with planting islands and peninsulas and promote safer vehicle and pedestrian circulation within off-street parking areas and along rights of way;
- To establish minimum criteria for landscaping and lighting of off-street parking areas

§15.2. Application, Guarantees, and Maintenance.

15.2.1. *Applicability*. Except as otherwise provided, the landscaping requirements of §15.3 shall apply to all land, public and private, located in the City zoning jurisdiction. Unless provided otherwise by this Article, none of the uses authorized in this Ordinance shall be issued a Certificate of Occupancy until such landscaping requirements are installed. However, none of these requirements shall apply to:

A. Improvements or repairs to interior and exterior features of existing structures or buildings which do not result in expansions nor changes in the type of use

B. A single-family detached dwelling or duplex located in a residential district, on its own legal lot.

C. Properties in the B-4 District that have no off-street parking areas and where the buildings which lie upon the property fill the entire lot area (e.g. businesses around the downtown courthouse square area).

15.2.2. *Guarantees of performance*. No Certificate of Occupancy shall be issued until the provisions of these regulations have been met or a performance bond or an irrevocable letter of credit has been posted in lieu of thereof. When circumstances preclude immediate planting, a Certificate of Occupancy may be granted after:

A. The owner or developer has completed all curbing, irrigation systems and other construction preliminary to planting; and

B. The property owner or developer posts a performance bond, or irrevocable letter of credit with the Department in an amount equal to 100 percent of the cost of the total required planting, including labor. Surety shall be made payable to the City of Athens. Landscaping must be completed and approved within six (6) months (180 calendar days) after a Certificate of Occupancy is issued in order to redeem the bond.

15.2.3. *Required maintenance*. The owner, lessee, or his agent(s) shall be responsible for providing, maintaining, and protecting all landscaping in a healthy and growing condition, and for keeping it free from refuse and debris. All unhealthy and dead materials shall be replaced during the next appropriate planting period.

A. Ground cover shall be regularly maintained as necessary to prevent overgrowth during the spring and summer months, and all areas shall be kept free of debris and refuse during all seasons

B. Grass-type ground covers shall be kept in a healthy condition and shall not exceed six (6) inches in height.

C. Existing natural vegetation uses to meet buffer requirements may be preserved in a natural state; however, upon a determination of the Zoning Official that the condition of a buffer area constitutes a health or safety hazard, such condition shall be remedied by the owner per the recommendations of the Zoning Official.

§15.3. Landscaping Requirements.

15.3.1. *General Requirements*.

A. The requirements of this Section are minimum standards, which may be exceeded.

B. A minimum of six (6) percent of the total site area shall be landscaped in accordance with criteria outlined in this Section.

C. To the extent practicable, native plant species should be used to meet the requirements of this Section.

D. Landscaping of off-street parking 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.

15.3.2. *Off-Street Parking Areas*.

A. Any off-street parking area, or system of parking areas, shall be constructed in accordance with the landscape requirements contained within this Section.

1) Perimeter landscaping is required for all such parking areas, except as specifically provided for shared parking areas in the P-TND and P-MU Districts

2) Off-street parking areas with forty (40) or more parking spaces, or 12,000 or more square feet in area shall provide perimeter, frontage, foundation and interior landscaping. Foundation landscaping, as required under these regulations, may be offset by adding an equal amount of area to the interior landscaping.

B. Any lawful, paved or unpaved off-street parking area, already existing at the effective date of this Section, may continue: 1) until the gross floor area (GFA) is increased or decreased by fifty (50) percent, 2) until a new additional structure is constructed on the property, or 3) until it is expanded by more than five (5) percent of its existing parking capacity as calculated pursuant to this Section at which time the entire off-street parking area must be brought into conformity with the requirements for new construction. See also §11.4 Nonconforming Improvements.

C. Parking garages, and underground parking areas. Only perimeter landscaping is required for parking garages. Landscaping requirements for adjoining off-street parking areas at or near the grade of surrounding land will be calculated separately. Wholly underground parking areas are exempt from the landscaping requirements of these regulations but shall be subject to the lighting requirements of §15.6.

D. Industrial Districts. In all developments occurring in industrial districts, off-street parking areas containing at least fifty (50) spaces shall comply with these requirements. If the industrial property abuts a Residential district, the buffer requirements of §15.3.8 Parking Lot Buffer Area and §15.5 Buffers shall also apply.

E. Loading Areas. Loading areas shall be considered part of the overall off-street parking area for calculating landscaping requirements and shall be screened in accordance with §15.4 Screening, in which case landscaping provided as screening shall be counted toward the landscaping required herein, as appropriate.

15.3.3. *Landscape Plan Requirements*. A detailed landscaping plan shall be required for all off-street parking areas. Said plan shall be submitted with the Site Plan and be approved as a part of the Site Plan review process before issuance of a Building Permit. Such plan, when required, shall indicate and include the following:

A. The number of parking spaces;

B. The overall amount of off-street parking area;

C. A schedule of the dimensions and the total amount of square footage or linear footage of all foundation, frontage, perimeter and/or interior landscaping as detailed herein below;

D. General information, including:

1) Date

2) North arrow

3) Scale of one (1) inch to no more than fifty (50) ft

4) All property lines

5) Locations of all existing and proposed easements and ROWs

6) Existing and proposed topography drawn at maximum contour interval of five (5) ft and indicating drainage channels

7) Zoning classifications of the subject property and all abutting properties

8) Names, addresses, and telephone numbers of developers, architects, and property owners for whom the plan is designed

9) Name and business affiliation of the person preparing the landscape plan

E. Construction information, including:

1) The locations of buildings and off-street parking areas

2) Utility fixtures, including light poles, power poles, above-ground pedestals (low voltage) and pad-mounted (high voltage) fixtures

3) Underground electrical communications and television cables and conduits

4) Location of hose bibs, sprinkler systems, meters, control boxes, etc.

5) Square footage of off-street parking areas and intended surface treatments

6) The total amount, in square feet, of interior landscaping in peninsulas, islands, etc.

F. Landscaping details, including:

1) Locations, dimensions and treatments of all frontage and interior landscaping areas

2) A schedule and proposed location of all new *and* existing plants proposed for landscaping, including:

a) Size (caliper and height, container size, etc.)

b) Condition (bare-root, balled and burlapped, container-grown or pre-existing, etc.) and intended treatment (move, remove or save) of existing trees three (3) inches or larger in caliper

c) Common names and botanical names (genus, species, and variety) of trees, shrubs, and ground cover, and the type and amount of turf grass

15.3.4. *Frontage Landscaping*. For any off-street parking area, frontage landscaping according to these standards must be provided within the property lines between the off-street parking area and public ROW. Planting areas existing in the public ROW or on adjoining property shall not count toward the required frontage landscaping area.

A. Frontage landscaping shall consist of a landscaped area or areas along all abutting public ROWs.

1) Frontage landscaping shall include a minimum of one (1) tree and six (6) shrubs and suitable groundcover per full fifty (50) lf of the frontage strip (less access ways)

2) Shrubs are optional in areas where a berm at least three (3) ft in height is used.

3) Trees and shrubs shall be well-distributed, though not necessarily evenly spaced.

4) The planting strip shall be protected by a curb, wheel stop, or similar barrier to prevent damage from vehicles and maintenance equipment.

B. Frontage landscaping at driveways and street intersections shall be designed and maintained in accordance with the provisions for sight distance in the City of Athens Traffic Circulation Standards. In all other cases, frontage landscaping shall begin behind the edge of the public ROW rather than the edge of the pavement, unless they are the same.

C. Access ways through frontage or perimeter landscaping areas, between off-street parking areas and public ROW, shall conform to the access spacing requirements in the City of Athens Traffic Circulation Standards and the following standards:

Table 15-1: Type of Access way	
One-Way	Two-Ways
Maximum width: 30 ft	Maximum width: 35 ft

The width of access ways may be subtracted from the frontage or perimeter dimension used in determining the number of plant materials required.

D. Frontage landscaping shall average at least five (5) ft in depth.

15.3.5. *Foundation Landscaping*.

A. Foundation landscaping shall require a landscaped bed with an average depth of five (5) ft along the front of the primary structure, except as follows:

1) Within the B-4 District, foundation landscaping shall not be required. Instead, the landscaping that would otherwise be provided at the building front is substituted by landscaping, such as tree wells, between the sidewalk (at the building front) and the street. Installation of such landscaping within the ROW shall not be the responsibility of the property owner but that of the City or authority designated by the City.

2) Within shopping centers and similar business areas developed in a compact, pedestrian-oriented pattern (e.g. developed with zero side setbacks), these foundation landscaping requirements may be waived where trees and other landscaping are provided between the sidewalk (at the building front) and the street, access drive, or parking area the building(s) fronts. In such cases, trees shall be spaced no more than forty (40) ft on center within tree wells having a minimum dimension of five (5) in any direction. Tree wells shall be in accordance with Paragraph C immediately below.

B. The bed shall contain shrubs or other greenery spaced properly for plant size at maturity.

C. The bed shall contain mulch or ground cover, other than turf grass, and be protected by some barrier to prevent damage from vehicles and maintenance equipment.

D. Greenery shall be well distributed though not necessarily evenly spaced.

15.3.6. *Interior Landscaping*. Interior landscaping requirements shall be provided in the form of planting islands and/or peninsulas and shall be in addition to frontage landscaping, foundation landscaping and/or perimeter landscaping.

A. For off-street parking areas containing forty (40) or more parking spaces or 12,000 or more square feet, the minimum area of required interior landscaping shall be determined using the total square footage of the Parking and Vehicular Use Area (PVA) in accordance with the following formula:

Min. Interior Landscape Area =
Total PVA Area (sf) x [1.826 + (0.00435 x total no. of parking spaces planned)]/100

However, the amount required shall never be greater than four (4) percent of the total parking area for parking areas containing 500 or more parking spaces.

B. To count toward the total interior landscape requirements, each island or peninsula shall be at least 150 sf in area; however, the maximum contribution of any individual island or peninsula to the total interior landscaping requirement shall be 1,000 sf.

C. Islands and peninsulas must be at least seven (7) ft in their least dimension, measured from back-of-curb to back-of-curb.

D. Islands and peninsulas in off-street parking areas shall be as uniformly distributed as practical in order to subdivide large expanses of parking areas; to regulate traffic flow; to protect pedestrians; and to permit access by emergency vehicles. When practical, islands and/or peninsulas shall be evenly distributed between the circulation drives and parking rows to channel traffic safely around the parking areas and to separate parking rows.

E. The interior landscaped area shall contain at least an average of one (1) tree and four (4) shrubs per 200 sf of landscaped area. Each island or peninsula shall contain at least one (1) tree.

15.3.7. *Perimeter Landscaping*. Perimeter landscaping shall be provided within the property lines between the off-street parking area and adjoining properties. Planting areas existing on adjoining property shall not count toward the required perimeter landscaping area. Adjacent plants should blend with the existing plantings so as not to detract from the existing plantings.

A. Perimeter landscaping areas shall be a minimum depth of five (5) ft, excluding walkways, measured perpendicularly from the adjoining property to the back-of-curb of the parking area.

B. Excluded from this requirement are those perimeters bordering national or state owned wildlife preserves; navigable waterways; jurisdictional wetlands as defined by the U.S. Army Corps of Engineers; floodways; or other perimeters as approved by the Commission on an individual basis.

C. Perimeter landscaping shall include at least an average of one (1) tree and six (6) shrubs for full fifty (50) lf of perimeter requiring perimeter plantings (less access ways)

1) Shrubs are optional in areas where a berm at least three (3) ft in height is used.

2) Trees and shrubs shall be well distributed, though not necessarily evenly spaced.

D. In the case of landscape materials that may conflict with underground or overhead utilities, the required plant materials in the area of conflict may be moved and added to other areas of the site.

15.3.8. *Parking Lot Buffer Area*. All landscaped buffer areas required under these regulations shall consist of a solid unbroken visual screen eight (8) ft high within two (2) years of planting and in sufficient density to effectively reduce the transmission of noise and to afford protection to the residential districts from glare of head lights, blowing paper, dust and debris, and visual encroachment.

A. Parking lots having at least fifty (50) and no more than 100 spaces and abutting any Residential district, including planned developments, shall have a parking lot buffer area at least ten (10) ft in depth between the legal lot and the abutting residentially zoned property.

B. Parking lots having more than 100 spaces and abutting any Residential district, including planned developments, shall have a landscaped buffer area at least twenty (20) ft in depth between the legal lot and the abutting residentially zoned property.

C. Where a buffer is required by this Subsection, the perimeter landscape requirement will be waived along the properly buffered side of the property.

D. Alternately, the parking lot buffer may be reduced by twenty-five (25) percent, as provided for land use buffers in §15.5.2, when a wall or opaque fence is installed as a part of the buffer, and where such wall/fence meets the requirements of said Subsection.

15.3.9. *Credit for Existing Plant Material*. If all other landscaping requirements are met, each existing tree meeting the following criteria may count, at the option of the owner, for two (2) trees required in the same type of landscaping (i.e. interior, perimeter or frontage) if:

A. It has a minimum caliper of three (3) inches

B. It is not one of the following species hereby determined to be unacceptable for parking lot landscaping (these are to be considered nuisance trees):

1) Large trees: Box Elder, Silver Maple, Catalpa, Sycamore, Cottonwood, True Poplars, Native Elms (American, Winged, Cedar, Slippery, and September Willows), Tree of Heaven, Colorado Blue Spruce, Red Spruce, Live Oak, Laurel Oak

2) Medium trees: Camphor, Cut Leaf European Birch, Eastern White Pine, Willows, Sassafras, Siberian Elm, Princess Tree (Paulownia), Silk Tree (Mimosa), Chinaberry, Yellowwood, Mulberry, Bradford Pears

3) Small trees: Sumac

C. It is at least five (5) ft from the nearest planned curb and is within a planned planting area of at least 150 sf;

D. It has a live crown at least thirty (30) percent of the total tree height and is free from serious root, trunk and crown injury.

E. It is indicated on the landscaping plan as a "tree to be saved"; and

F. It is situated so that it can be incorporated into planned landscaping areas, islands or peninsulas with minimal grade cut or fill and/or compaction and it is protected during all phases of construction by a durable physical barrier preventing vehicles, equipment, materials and activities from disturbing the existing area that is to become part of the planned landscaping area.

15.3.10. *Plant Materials and Installation Requirements*.

A. Trees and shrubs. Native plant species should be used where practical. In addition to any existing trees allowed under "Existing Plant Materials", all trees and shrubs planted in required landscaped areas shall:

1) Trees: Be of species other than those determined by these regulations as unacceptable for parking lot landscaping.

2) Trees and Shrubs: Conform to the minimum size standards based on the most recent American Standard for Nursery Stock, ANSI Z60.1, published by the American Association of Nurserymen and approved by the American National Standards Institute.

a) Trees and shrubs shall be planted within a bed of mulch or ground cover other than turf grass, and be protected by a durable physical barrier preventing vehicles, equipment, materials and activities from damaging the plantings.

b) Trees shall be spaced no closer than ten (10) ft apart to count toward the required ratio between perimeter and number of trees; such trees need not be evenly spaced along perimeter landscaping areas, and trees in excess of the minimum requirements may be closer than ten (10) ft apart.

B. Ground cover. Grass and other permanent ground cover shall be installed and maintained on all parts of each landscaped area. Ground cover may include shrubs and low-growing plants such as liriope, English ivy (Hedera helix), periwinkle (Vinca minor) and similar materials. Native plant species should be used where practical. Ground cover may also include non-living organic materials such as bark or pine straw and inorganic material such as pebbles, crushed rock, brick, tile, and decorative blocks; however, inorganic materials shall not make up more than ten (10) percent of the landscaped area at maturity.

C. Erosion and runoff. Effective measures shall be taken to control erosion and storm water runoff through the use of mulches, ground cover plants, erosion-control netting, etc.

15.3.11. *Installation Requirements and Recommendations*.

A. Required landscaped areas adjacent to parking areas shall be protected by fixed vertical curbing along all sides exposed to parked or moving vehicles.

B. When possible, trees should be located on extensions of parking stall lines to minimize bumper, exhaust, and engine heat damage to trees.

C. The maximum recommended distance from any part of a required landscaped area to the nearest hose bib or other irrigation water supply fixture shall be 150 ft, except where built-in irrigation systems are provided.

D. Synthetic or artificial material in imitation of trees, shrubs, turf, ground covers, vines or other plants shall not be used in lieu of plant requirements in this Ordinance.

E. Hedges, walls, and berms, though not required, are recommended to help minimize the visual impact of off-street parking areas. Berms with ground cover that necessitates mowing shall have a slope not greater than (1) one ft of rise per three (3) ft of run.

F. The use of permanent broad-area mulch beds is recommended to increase absorption of surface water; retard erosion, runoff, and stream siltation; protect tree roots and stems; and foster tree health.

G. Landscaping shall be designed at maturity to be compatible and not to interfere with existing and planned overhead and underground electrical, communications, and television cables and conduits; public water supply lines; and storm and sanitary sewer lines.

H. Planting dates recommended by the City are shown in Table 15-2. During off-season planting periods, developers may defer installation of landscaping until the next in seasonal planting opportunity through a performance bond subject to §15.2.2.

Table 15-2: Recommended Planting Dates

Type of Plant Materials	Normal Planting Dates
Non-Container Grown Deciduous	October 1 to April 1
Non-Container Grown other	October 1 to April 1
Container Grown	Year round if suitable precautions are taken to protect the planting stock from extremes of moisture and temperature; if there is doubt, obtain a variance or a performance bond.

§15.4. **Screening.** Screening is intended to provide both visual and physical separation of conflicting uses on-site and between adjacent properties. Screening shall be designed to be compatible with the surrounding environment and shall not dominate the view. For the purposes of this section, "fences" and "walls" shall have the same meaning.

15.4.1. *Uses Requiring Screening*.

A. Garbage collection, including dumpsters, recycle bins and/or refuse handling areas;

B. Service entrances, maintenance areas or utility structures associated with a building or development;

C. Water meters, gas meters, electric meters and air conditions/mechanical units;

D. Loading docks or spaces;

E. Outside runs for veterinary clinics, animal shelters, and kennels;

F. Outdoor storage of materials, stock and equipment; and

G. Any other uses for which screening may be required by the Commission.

15.4.2. *Safety Provisions*. Screening shall not compromise safety by obstructing any required clear sight triangle, by blocking access to any above-ground, pad-mounted transformer (minimum

clear distance required by the utility company shall be provided), nor by impeding or diverting the flow of water in any drainage way.

15.4.3. *Design Requirements*. Fences, when used as screening, shall not be permitted within any right-of-way, City easement, or any easement in which such fences are not specifically permitted, and shall be designed in accordance with the following requirements.

A. Fences, when used as required screening, shall be of masonry, ornamental metal, vinyl, durable wood, or a combination thereof. Untreated wood, chain-link (without vinyl coating), plastic or wire shall not be permitted. No more than twenty-five (25) percent of the fence surface shall be left open. The finished side of the fence shall face abutting property.

B. Solid fences shall not create a stockade appearance. This can be accomplished through one or a combination of the following:

1) Adding an evergreen screen on the exterior side of the fence;

2) Using supports of a different material that are visible on both sides of the fence; and

3) By undulating the plan of the fence. Fences over 100 ft in length should have no more than fifty (50) percent of their length in a straight line, unless the entire fence is set back five (5) ft or more from the lot line, with evergreen planting in such setback.

C. Fences fronting on public thoroughfares shall have masonry columns spaced no greater than fifty (50) ft oc.

D. The minimum height for screening shall be that which is sufficient to visually separate the uses and shall also meet the following standards:

1) Fences located in a required front, rear, or side yard shall not exceed six (6) ft in height. The minimum height needed is preferred.

2) Fences used to screen service or loading areas shall not exceed eight (8) ft in height.

3) Fences used to screen dumpsters shall be at least two (2) ft higher than the container.

4) Berms used for required screening shall be a minimum height of four (4) ft with a maximum slope of three to one (3:1). Berms in excess of four (4) ft shall have a maximum slope of four to one (4:1) measured from the lot line.

5) Shrubs used for required screening shall be evergreen; at least thirty (30) inches high when installed; spaced closely together so as to create a hedge, but not farther than five (5) ft oc; and be shrub species that shall attain an average normal growth height of five (5) ft to six (6) ft within four (4) years. Berms shall be landscaped and stabilized to prevent erosion

6) Trees used for required screening shall be evergreen and at least six (6) ft in height at installation.

E. Dumpsters, trash refuse, and recycling containers shall be set on concrete pads sized as recommended by the disposal company and screened by the combination of opaque fence or masonry wall and plant material on three (3) sides. Opaque gates, designed to complement the screen, shall be installed for access. Such containers shall be located behind the front building line; and other such considerations shall be given to a location where the containers can be adequately screened from public view. Enclosures provided for eating establishments shall be sized to accommodate the storage of grease containers.

F. Mechanical equipment on roofs or on site shall not be visible from public ROWs or adjacent properties and shall be totally screened. The screening of building-mounted mechanical equipment shall be an integral component of the building design. Mechanical

equipment installed on site shall be adequately screened by plant materials and/or fences and shall blend in with site landscaping.

G. Outdoor storage shall be effectively controlled according to the following requirements:

1) Storage operations, except for live, vegetative products, shall be limited to the inside of buildings unless completely screened and covered, with the exception of any use engaged in the sale or lease of vehicles or farm machinery. Such uses are not required to have products under roof or fully screened; however, perimeter planting strip requirements for parking areas shall also apply to outdoor storage areas.

2) Outdoor storage areas are prohibited in required front yards.

3) Uncovered and unscreened areas used for storage of live, vegetative products shall be designated on the Site Plan submitted for any required approval.

4) Screening and planting buffers shall be a minimum of six (6) ft high or two (2) ft taller than the material or equipment to be screened, whichever is greater.

5) Loading berths shall be within the building or concealed by means of a screening wall of material similar to and compatible with that of the building.

6) Service areas shall be screened from public view from residential districts and thoroughfares by a site design that orients service areas away from such views. If such design cannot be achieved, masonry walls, evergreen trees, evergreen shrubs, berms, or any combination of these, shall provide a six (6) ft tall barrier between the service area and the area from which the view is to be screened.

§15.5. **Buffers.** Buffers shall be provided in accordance with the requirements of Tables 15-3 and 15-4 and as described in this Section. In cases where buffers are required or deemed necessary for the protection and/or separation of uses on abutting lots, the following provisions shall constitute the minimum requirements for each unless otherwise specified by the reviewing authority in individual cases. For the purposes of this Section, “fences” and “walls” shall have the same meaning, but shall not include the term “retaining wall”.

15.5.1. *General Requirements*.

A. 100 percent of the applicable buffer requirements shall be the responsibility of the developing land use, except when the new use is developed abutting an existing more intensive use developed prior to the adoption of these standards and for which no buffer is in place. In this case, the new use shall be responsible for providing a minimum of fifty (50) percent of the required buffer.

B. Whenever the proposed use abuts an existing use on a property that is designated for another use within the Comprehensive Master Plan, the approving authority may modify the required buffer in accordance with the projected use.

C. Whenever the proposed use abuts an existing use in a district in which such neighboring use is nonconforming, the approving authority may modify the required buffer in accordance with the type(s) of use permitted by the nonconforming use’s zoning classification or projected by the Comprehensive Master Plan, whichever is less.

D. Whenever the proposed use abuts a vacant property, the buffer required shall be based on the zoning of the abutting property or the use projected by the Comprehensive Master Plan, whichever is less.

E. If the use relationships between two (2) abutting lots changes so that a lesser buffer would be required, the width of the buffer may be reduced accordingly.

F. If the required buffer abuts a public alley, up to one-half (1/2) of the alley width may be counted toward the buffer width requirement.

G. Golf courses, playfields, stables, swimming pools, tennis courts, and other recreational facilities; parking and other vehicular use areas; buildings, dumpsters, and outdoor storage are prohibited in required buffers.

H. Where desirable and upon receipt of a written agreement between the affected property owners, the Commission may permit a pedestrian accessway along a wall provided as part of a required buffer, to allow access to and from an abutting residential use.

15.5.2. *Design Requirements*.

A. Any required buffer abutting a park or greenway shall be waived in its entirety, if the property owner dedicated that land to be set aside for the required full buffer width to the City for incorporation into the park or greenway. Such land dedication shall be deemed acceptable only upon approval of the Parks and Recreation Department.

B. In accordance with the following standards, the width of a required buffer may be reduced by up to fifty (50) percent if a wall together with landscaping (including trees) is used and up to twenty-five (25) percent if a berm together with landscaping is used:

1) Any wall shall be constructed in a durable fashion of brick, stone, other masonry materials, wood posts and planks, or metal or other materials specifically designed as fencing materials, or any combination thereof, as may be approved by the reviewing authority. No more than twenty-five (25) percent of the wall surface shall be left open, and the finished side of the wall shall face the abutting property. Chain-link fencing with plastic, metal, or wooden slats shall not be permitted.

2) Walls shall be a minimum of six (6) ft high and shall avoid a stockade appearance. This can be accomplished through any or a combination of the following methods: adding an evergreen hedge on the finished side of the wall, using supports of a different material or by undulating the plan of the wall. Walls over 100 lf shall have no more than fifty (50) percent of their length in a straight line, unless the entire wall is set back five (5) ft or more from the lot line, with evergreen planting provided within such setback.

3) Berms shall be a minimum of four (4) ft in height with a maximum slope of three to one (3:1). Berms in excess of six (6) ft in height shall have a maximum slope of four to one (4:1) as measured from the exterior lot line. Berms shall be landscaped and stabilized to prevent erosion.

15.5.3. *Landscaping requirements*.

A. Existing natural vegetation, which meets, in whole or in part, buffer planting requirements, may be applied toward the requirements of this Section. All plants shall be suitable for local planting conditions and the intended landscaping purposes (refer also to §15.3.10 Plant Materials and Installation Requirements). All exposed beds shall be maintained with mulch and shall be a minimum two (2) inches deep at installation.

B. Required buffer landscaping shall be installed in accordance with §15.3.11 Installation Requirements and Recommendations

C. except as provided otherwise in this Subsection.

D. Shrubs shall be evergreen and at least thirty (30) inches tall at installation with an average height of five (5) to six (6) ft to be expected as normal growth within four (4) years. However, twenty-five (25) percent of the shrubs may vary from this standard. The permitted variations are that such shrubs:

1) may be deciduous;
2) may be two (2) ft tall when planted, provided an average height of three (3) to four (4) ft is expected as normal growth within four (4) years; and'
3) When planted on a berm, may be of a lesser height, provided that the combined height of the berms and planting is at least six (6) ft after four (4) years.

E. Deciduous trees shall have a minimum of two-and-one-half (2.5) inch caliper and be a minimum ten (10) ft in height at installation. At installation, evergreen trees shall be a minimum of six (6) ft in height and multi-stemmed trees shall be eight (8) ft in height.

F. All landscaped areas shall be protected from vehicular encroachments by curbs, wheel stops, or other permanent barriers.

G. Stormwater management and drainage controls required by the City Engineer shall be coordinated with landscaping improvements and integrated into the overall site design.

Table 15-3 Minimum Buffer Requirements

Developing Uses	**Existing Abutting Uses**							
	Residential		Institutional			Office	Business	Parks and Green-ways
	Detached dwellings	Townhouses or Multi-family	low/medium/high					
RESIDENTIAL	**Type of Buffer Required**							
Zero lot line dwellings	C	none	none			none	none	none
Townhouses and Multi-family	C	none	none			none	none	none
Manufactured home and Recreational vehicle parks	C	C	C			C	C	C
INSTITUTIONAL								
Low intensity	C	C	none			none	none	C
Medium intensity	C	C	C			none	none	C
High intensity	B	B	B			none	none	C
OFFICE								
Clinics/Offices up to 50,000 sf	C	C	C			none	none	C
Clinics/Offices greater than 50,000 sf	B	B	B			none	none	C
BUSINESS								
Amusement; outdoor entertainment and retail	C	C	C			none	none	C
Retail, shopping centers, and restaurants up to 50,000 sf	B	B	C			none	none	C
Retail, shopping centers, and restaurants greater than 50,000 sf	B	B	C			none	none	C
INDUSTRIAL								
Light Manufacturing	A	A	A	B	B	C	C	B
Warehousing and Storage	A	A	A	B	B	C	C	B
Other Light Industrial	A	A	A	A	A	B	B	B

Heavy Industrial		A	A		A	A	A	A		A	A	A

Table 15-4 Requirements by Type of Buffer and Site Acreage

Type of Buffer		Site Area (in Acres)										
		1 or less	1 ≥ 2	2 ≥ 3	3 ≥ 4	4 ≥ 5	5 ≥ 6	6 ≥ 7	7 ≥ 8	8 ≥ 9	9 ≥ 10	greater than 10
A	width (ft)	40	50	55	60	65	70	75	80	85	90	100
	trees per 100 lf	9	9	9	10	10	10	10	11	11	11	12
	shrubs per 100 lf	60										
B	width (ft)	25	30	35	40	45	50	55	60	65	70	75
	trees per 100 lf	6	6	7	7	8	8	9	9	10	10	11
	shrubs per 100 lf	40										
C	width (ft)	20	25	30	35	40	45	50	55	60	65	70
	trees per 100 lf	3	4	5	5	6	6	7	7	8	8	9
	shrubs per 100 lf	20										

§15.6. Off-Street Parking Area Lighting Requirements.

15.6.1. *Applicability*. A detailed lighting plan shall be required for all off-street parking areas contained within a legal lot abutting any residential district, including Planned Development District(s); all off-street parking areas containing at least forty (40) spaces; and all off-street parking areas containing at least 12,000 sf of off-street parking. If required, said plan shall be submitted with the building construction plans or site plans.

15.6.2. *Lighting Plan Submission*. A lighting plan, when required, shall be prepared and submitted as follows:

A. The lighting plan shall be drawn on the border of the submitting professional and shall clearly define the property lines and the zoning classifications for all adjacent properties. The lighting plan shall provide the following information:

1) The type of lamp to be used in each fixture, including the manufacturer's name and part number, lamp wattage, lumen output, and a copy of the manufacturer's lamp specifications;

2) Fixture heights measured from grade level and locations of the same;

3) The type of fixtures, including the manufacturer's name and model number; wattage and light loss factor meeting the standards in these regulations; a picture of the fixture; and the IES file name;

4) Point-to-point photometric calculations at intervals of not more than ten (10) ft at grade level demonstrating that the plan will provide a uniform intensity of lighting on vehicular surfaces in conformance with the requirements of these regulations;

5) The area of each photometric calculation, including an extra calculation to identify the light level produced at the property line, and all data used in each calculation; and

6) The seal of the qualified Alabama registered design professional.

15.6.3. *Installation and Approval*. All lighting requiring submission of a detailed plan shall be installed and approved prior to issuance of a Certificate of Occupancy. The registered design professional who sealed the plans shall certify by letter that the installation complies with the approved plans. The letter shall specify fixtures, wattages, heights of fixtures at the point of

attachment to poles or other structures, and any special requirements such as rotation, angle, shielding or positioning of critical poles and fixtures at property lines.

15.6.4. *Exterior Lighting Fixtures*. All exterior lighting fixtures shall be:

A. Protected by a weather and vandal resistant covering;

B. Located and fitted with appropriate cutoffs, if necessary, to prevent the light level on any adjoining roadway or residential property line from exceeding one (1) foot candle;

C. When using flood lights, aimed so that they do not exceed an angle of forty-five (45) degrees out from the base of the pole or structure to which they are attached; and

D. Installed thirty (30) ft or less in height unless the off-street parking area exceeds 25,000 sf; in such cases, installations exceeding thirty (30) ft, as measured from the finished grade to the bottom of the fixture may be used if it is demonstrated that all the requirements of these regulations can be met.

15.6.5. *Off-street Parking Area Lighting Standards*. Off-street parking area lighting shall be designed and installed in compliance with the following standards:

A. Illumination requirements for off-street parking areas as measured at grade level shall comply with the light levels and uniformity ratios set forth in Table 15-5.

B. The highest horizontal illuminance area divided by the lowest horizontal illuminance point or area should not be greater than the ratio shown in Table 15-5. The maximum/minimum ratio must be calculated only for the area within the off-street parking area. Maximum light level at all ROWs and at property lines shall also be shown.

C. Off-street parking area lighting meeting the standards of these regulations shall be utilized during all hours of operation between dusk and dawn.

Table 15-5: Illumination Requirements

Type of Off-Street Parking Area	Min. Light Level	Max./Min. Uniformity Ratio
Non-residential and residential off-street parking areas	1 foot candle	10:1
Parking garages and underground parking	5 foot candles	4:1
Garage stairwells	10 foot candles	NA
Garage rooftop surfaces	1 foot candle	10:1

§15.7. **Inspections and Notification of Violations.** The Zoning Official shall inspect all landscape plans for compliance with these regulations. The Building Official shall make inspections as necessary pursuant to these regulations and shall initiate appropriate action to bring about compliance therewith. Upon becoming aware of any violation of the provisions of these regulations, the Zoning or Building Official shall serve written notice of such violation upon the person(s) responsible for compliance. No penalty shall be assessed until the expiration of the bond, if one has been posted, or otherwise until sixty (60) days after notification of violation(s).

A current checklist generally reflecting the requirements of these regulations shall be devised and used in reviewing landscaping plans. Said checklist shall be made available to interested parties as a supplement to administration of these regulations.

ARTICLE 16. ZONING BOARD OF ADJUSTMENT

§16.1. Establishment of a Zoning Board of Adjustment. A Zoning Board of Adjustment is hereby established in accordance with §11-52-80 of the State Code of Alabama. Said Board shall consist of five (5) members, one of which may be a member of the Commission. Each member is to be appointed for a term of three (3) years, except that in the first instance one member shall be appointed for a term of three (3) years, two for a term of two (2) years, and two (2) for a term of one (1) year. Thereafter, each member appointed shall serve for a term of three (3) years or until his successor is duly appointed. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. Each member may be removed for cause by the appointing authority upon written charges and after a Public Hearing.

The members of the Board serving on the effective date of this Ordinance under a Zoning Ordinance effective prior hereto shall be considered as the five (5) members to be appointed by the Council, and each of these members shall serve the balance of the term to which such member was appointed.

16.1.1. *Meeting, Procedures, and Records*. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public.

The Board shall adopt and publish its own rules of procedure and keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and of other official actions, all of which shall be immediately filed in the office of the Board and shall be public record.

The Board shall fix a reasonable time for the hearing of appeals or other matters referred to it, and give due notice thereto to the parties in interest, and decide the same within a reasonable time. Upon a hearing, any party may appeal in person, or by agent or by attorney.

16.1.2. *Notices*. The property owner or authorized agent shall file the application for appeal, variance, or special exception on a form made available by the Zoning Official. At least fifteen (15) days prior to the scheduled hearing of the Board, the applicant shall give written notice of the application to all adjacent property owners. Such notice shall be deemed given when deposited in the U.S. mail, first class postage prepared, addressed to such property owners at their addresses as submitted with the appeal. Such addresses shall be obtained by the applicant from the most recent records of the County Tax Assessor and submitted as part of the appeal.

§16.2. Powers and Duties. The Board shall have the following powers and duties:

16.2.1. *Interpretation of Boundaries*. To hear and decide upon interpretation of the boundaries of districts established and shown on the map in accord with §3-4 Official Zoning Map.

16.2.2. *Administrative* Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Official in the enforcement of this Ordinance.

16.2.3. *Variances*. 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, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

16.2.4. *Special Exception Uses*. To hear and decide special exceptions upon which the Board is required to act for uses designated as Special Exception Uses in the district regulations.

§16.3. Administrative Appeals. Appeals to the Board may be taken by any person aggrieved by an officer, department, board or bureau of the City of Athens affected by a decision of the Zoning Official or any other city officials based on this Ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the Zoning Official a written notice of appeal specifying the grounds thereof. All papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted to the Board.

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Official certifies to the Board after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Official and on due cause shown.

§16.4. 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.

16.4.1. *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 thirty (30) days before the scheduled hearing date before the Board.

16.4.2. *Variances within Areas Subject to Flooding*. The Board may not grant any variance within the F-1 District unless the developer submits a study prepared by an engineer certifying that no increase in the 100-year flood level would result from the proposed development.

Within the F-2 District, variances shall only be issued upon a determination by the Board that the relief granted is the minimum necessary considering the flood hazard.

The Chairman of the Board shall notify the applicant for variance in writing that (1) the issuance of a variance to construct the lowest floor of a structure below the elevation of the 100-year flood will result in increased premium rates for flood insurance and (2) such construction below the elevation of the 100-year flood increases the risks to life and property. Such notifications and variance supporting evidence shall be maintained with the records of the proceedings of the Board.

16.4.3. *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:

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

H. The variance is not a request to permit a use of land, building or structures which is not permitted in the district involved.

§16.5. 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.

16.5.1. *Application and Procedure*.

A. A written application for a Special Exception Use shall be submitted indicating the section of this Ordinance under which the Special Exception Use is requested.

B. Notice shall be given at least two (2) weeks in advance of public hearings.

C. A Public Hearing shall be held before the Board, in which any party may appear in person, or by agent, or attorney.

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

A. 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.

B. Before any Special Exception Use approval is issued, the Board shall make written findings certifying compliance with the specific rules governing individual Special Exception Uses and shall consider the proposal in the context of the review standards of §4.6.6 and the potential arrangement and provisions for the following:

1) Satisfactory ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow, and control

2) Provision of off-street parking and loading areas where required, with particular attention to the items in (1) and the economic, noise, glare, and odor effects of the use on adjoining properties in the area

3) Location and accessibility of refuse and service areas and their potentially adverse affects upon surrounding properties

4) Utilities, with reference to locations, availability and compatibility

5) Screening and buffering of potentially adverse views and activities from surrounding properties with reference to type, location, and dimensions

6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district

7) Location, use, plan, elevations and dimensions of each building or structure to be constructed

8) 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

9) General compatibility with adjacent properties and other property in the district

16.5.3. *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.

§16.6. Rehearings. All decisions rendered by the Board 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:

16.6.1. 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.

16.6.2. The decision resulted from an error in procedures required by this Ordinance or State law and made by the Board, the Zoning Official, or any other City Officials.

16.6.3. 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 Board. Any applicant wishing a rehearing shall appear before the Board to present one or more of the qualifying conditions listed above.

If the Board 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 Board meeting, and shall be subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the Board to grant the request.

§16.7. Appeals From Action of the Board. Any party aggrieved by any final judgment or decision of the Board 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 Board 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.*

ADDENDUM A. ZONING DISTRICT CONVERSION

Zoning Map was approved on the 28th day of January in 2008 and some of districts were converted to match use for new districts in the Zoning Ordinance.

Legacy Zoning District	Converted Zoning District
AG – Agricultural District	AG – Agicultural District
B-1 – Local Shopping District	B-1 – Neighborhood Business District
B-2 – General Business District	B-2 – General Business District
B-3 – Highway Business District	B-3 – Highway Business District
B-4 – Central Business District	B-4 – Central Business District
F-1 – Floodway District	F-1 – Floodway District
F-2 – Floodway Fringe District	F-2 – Floodway-Fringe Overlay District
MC – Medical Center District	MC – Medical Center District
M-1 – Light Industrial District	M-1 – Light Industrial District
M-2 – General Industrial District	M-2 – General Industrial District
R-1 – Low Density Residential District	R-1 (1) – Low Density Single Family Residential District
R-2 – Medium Density Residential District	R-1 (2) – Medium Density Single Family Residential District
R-3 – High Density Residential District*	R-1 (3) – High Density Single Family Residential District R-1 (5) – Single Family Attached Residential District R-2 (1) – Duplex Residential District R-3 (1) – Multiple Family Residential District
R-4 – Patio/Courtyard Home Residential District	R-1 (4) – Zero Lot Line Single Family Residential District
R-5 – Residential Planned Unit Development District	P-R – Planned Residential Development District

* When adopting the zoning map the R-3 district was divided by use into districts that were newly created by the zoning ordinance.

New Zoning Districts without Legacy Zoning District		
INST	–	Institutional District
P-TND	–	Traditional Neighborhood Development
P-MU	–	Planned Mixed Use Development District
P-OD	–	Planned Office/Distribution District

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ADDENDUM B. ZONING ORDINANCE AMMENDMENTS

Ordinance Number	Date	Description
2008-1692	4-28-2008	Revision to ZO, Sign Regs, §13.3.22 Billboard signs.
2008-1711	8-25-2008	Ord. amending the Athens Zoning Ord. relating to Specialty Wine and Beer Establishments in the B-4 District and effect on prior Zoning Ords.
2011-1788	1-24-2011	Amend ZO concerning the Alcoholic Beverage Ordinance.
2011-1815	11-28-2011	Amend ZO concerning mobile vendors
2012-1819	1-9-2012	Amend ZO concerning changes to the Conditional Use requirements (Article 4, Section 4.8) and changes to the definition of "club, private" as per Article 2, Definition of Terms.
2012-1844	5-29-2012	Amend Table 7-4 of ZO to allow Bed & Breakfast Establishments in R-1(2) & R-2(1) Districts
2013-1870	1-14-2013	Amend ZO §6.4, Conditional Uses in an AG District
2013-1877	3-25-2013	Amend ZO §12.10 pertaining to "Pawn Shops, Collateral Loan/Exchange, Payday Loan and Check-Cashing Establishments"

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