THE MUNICIPAL ZONING ORDINANCE FOR THE CITY OF ATHENS, TENNESSEE

June 1, 2026

TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION 5
1.01. AUTHORITY. 5
1.02. TITLE. 5
1.03. PURPOSE. 5
1.04. ENACTMENT 5
CHAPTER 2: - DEFINITIONS 6
2.01. SCOPE. 6
2.02. DEFINITIONS. 6
CHAPTER 3: - ZONING DISTRICTS 23
3.01. CLASSIFICATION OF DISTRICTS. 23
3.02. ZONING DISTRICT MAP. 23
3.03. ZONING DISTRICT BOUNDARIES. 23
3.04 SPECIFIC DISTRICT REGULATIONS. 23
3.04.01. R-E RESIDENTIAL ESTATE DISTRICT. 24
3.04.02 R-1 LOW DENSITY RESIDENTIAL DISTRICT. 27
3.04.03. R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT. 31
3.04.04. R-3 HIGH DENSITY RESIDENTIAL DISTRICT. 35
3.04.05 R-4 MOBILE HOME PARK DISTRICT. 39
3.04.06. B-1 LOCAL BUSINESS DISTRICT. 46
3.04.07. B-2 CENTRAL BUSINESS DISTRICT. 50
3.04.08. B-3 INTENSIVE BUSINESS DISTRICT. 55
3.04.09. M-1 MEDICAL DISTRICT. 60
3.04.10. P-1 PROFESSIONAL DISTRICT 63
3.04.11 I-1 LIGHT INDUSTRIAL DISTRICT. 66
3.04.12 I-2 HEAVY INDUSTRIAL DISTRICT. 71
3.04.13 II-1 INTERSTATE INTERCHANGE OVERLAY DISTRICT 76
3.04.14 HISTORIC PRESERVATION COMMISSION AND HISTORIC OVERLAY DISTRICT: 79
F. H-1 HISTORIC OVERLAY DISTRICT 81
CHAPTER 4: - SUPPLEMENTARY PROVISIONS FOR ALL DISTRICTS 82
4.01. ACCESS CONTROL. 82
4.02. ACCESSORY USE REGULATIONS 85
4.03. OFF-STREET PARKING REQUIREMENTS. 85
4.03.01 Residential Land Uses (MINIMUM): 86
4.03.02 Institutional Land Uses (MINIMUM): 86
4.03.03. Commercial Land Uses (MINIMUM): 88
4.03.04 Industrial Land Uses (MINIMUM): 91
4.03.05 Residential Land Uses (MAXIMUM): 92
4.03.06 Institutional Land Uses (MAXIMUM): 92
4.03.07. Commercial Land Uses (MAXIMUM): 94
4.03.08 Industrial Land Uses (MAXIMUM):: 97
4.03.09. HANDICAP PARKING SPACE REQUIREMENTS 98
4.03.10. CERTIFICATION OF MINIMUM AND MAXIMUM PARKING REQUIREMENTS. 98

4.03.11. COMBINATION OF REQUIRED PARKING SPACE..... 98
4.03.12. REMOTE PARKING SPACE..... 98
4.03.13 REQUIREMENTS FOR DESIGN OF PARKING LOTS. 98
4.04. OFF-STREET LOADING AND UNLOADING REQUIREMENTS. 99
4.05. TEMPORARY USE REGULATIONS. 99
4.06 CUSTOMARY HOME OCCUPATIONS. 100
4.07. GENERAL LOT RESTRICTIONS..... 101
4.08. VISION AT STREET INTERSECTIONS. 102
4.09.01 RESIDENTIAL PLANNED UNIT DEVELOPMENT REGULATIONS. 103
4.09.02 COMMERCIAL AND INDUSTRIAL PLANNED UNIT DEVELOPMENT REGULATIONS. 105
4.10. GASOLINE SERVICE STATION RESTRICTIONS. 107
4.11. SWIMMING POOL RESTRICTIONS. 107
4.12. SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES. 108
4.13. DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS. 118
4.14. DEVELOPMENT STANDARDS FOR CEMETERIES. 119
4.15 EROSION. 120
4.16. TELECOMMUNICATION STRUCTURES AND SMALL CELL SUPPORT STRUCTURES..... 120
I. TELECOMMUNICATION STRUCTURES 120
II. SMALL CELL SUPPORT STRUCTURES..... 124
4.17. SITE PLAN REQUIREMENTS. 133
4.17.01. EXCEPTIONS. 133
4.17.02. APPROVED SITE PLAN REQUIRED TO ERECT BUILDINGS. 133
4.17.03. APPROVED SITE PLAN REQUIRED TO ENLARGE BUILDINGS. 133
4.17.04. APPROVED SITE PLAN REQUIRED TO DISTURB LAND. 134
4.17.05. DEVELOPMENT ACCORDING TO SITE PLAN. 134
4.17.06. PERMITS NOT TO BE ISSUED WITHOUT APPROVED SITE PLANS. 134
4.17.07. SITE PLAN SUBMISSION. 134
4.17.08. SITE PLAN. 140
4.18. REQUIREMENTS, REGULATIONS AND RESTRICTIONS. 142
4.19. APPEALS. 143
4.20. RESIDENTIAL TOWNHOUSE AND PATIO HOME (RT-PH) REGULATIONS. .. 143
4.21. PARKING, STORAGE, AND USE OF VEHICLES, TRUCKS, HEAVY EQUIPMENT IN RESIDENTIAL DISTRICTS. 149
4.22. FENCES, WALLS, AND HEDGES. 150
4.23. SELF-SERVICE STORAGE FACILITIES (MINI-WAREHOUSES). 150
4.23.01 TEMPORARY MOBILE STORAGE STRUCTURES REQUIREMENTS..... 151
4.24. CHILD CARE FACILITIES REQUIREMENTS. 151
4.25. GENERAL APPEARANCE AND COMPATIBILITY STANDARDS FOR MANUFACTURED HOMES. 152
4.26. BED AND BREAKFAST ESTABLISHMENTS. 152
4.27 STANDARDS FOR OUTSIDE DINING 153
4.28 STANDARDS FOR PUBLIC SIDEWALK DINING IN THE B-2 CENTRAL BUSINESS DISTRICT 153

4.29 STANDARDS FOR SIDEWALK SALES IN THE B-2 CENTRAL BUSINESS DISTRICT 154
4.30 MUNICIPAL FLOODPLAIN ZONING ORDINANCE 154
CHAPTER 5: - EXCEPTIONS AND MODIFICATIONS 155
5.01. SCOPE. 155
5.02. NONCONFORMING USES. 155
5.03. EXCEPTIONS TO HEIGHT LIMITATIONS. 155
5.04. SUBSTANDARD LOTS OF RECORD. 156
CHAPTER 6: - ADMINISTRATION AND ENFORCEMENT 158
6.01. ADMINISTRATION OF THE ORDINANCE. 158
6.02. THE ENFORCEMENT OFFICER. 158
6.03. BUILDING PERMITS. 158
6.04. TEMPORARY USE PERMITS. 159
6.05. CERTIFICATE OF OCCUPANCY. 159
6.06. PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW. 159
6.07. CITY OF ATHENS BOARD OF ZONING APPEALS. 160
6.08. VARIANCES. 161
6.09. AMENDMENTS TO THE ORDINANCE. 162
6.10. COMPLAINT PROCEDURE. 163
6.11. VIOLATIONS AND PENALTIES. 163
6.12. REMEDIES. 163
6.13. ENFORCEMENT PROCEDURES. 165
6.14. INTERPRETATION. 165
6.15. EFFECTIVE DATE. 165

CHAPTER 1: INTRODUCTION

1.01. AUTHORITY.

An ordinance, in pursuance of the authority granted in Sections 13-7-201 through 13-7-211 Tennessee Code Annotated, to regulate the City of Athens, Tennessee, and all property which lies inside of the corporate limits of said city, the location, height, and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards, courts, and other open spaces; the density and distribution of population; the uses of buildings and structures for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes.

1.02. TITLE.

This ordinance shall be known as The Municipal Zoning Ordinance for the City of Athens, Tennessee. The zoning map shall be referred to as the Municipal Zoning Map of Athens, Tennessee, and all explanatory matter thereon are hereby adopted and made a part of this ordinance, subject to amendment as provided for in Section 6.09 of this ordinance.

1.03. PURPOSE.

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, convenience, order, and general welfare of the City of Athens. They have been designed to lessen congestion in the streets; to secure safety from fires, floods, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, wastewater, schools, parks, and other public requirements. They have been made with reasonable consideration among other things as to the character of each district and its peculiar uses, and with a view of conserving the utility of buildings and encouraging the most appropriate use of land within the City of Athens.

1.04. ENACTMENT.

Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

CHAPTER 2: - DEFINITIONS

2.01. SCOPE.

For the purpose of this ordinance, and in order to carry out the provisions and intentions as set forth herein; certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership or corporation as well as an individual; **the term "shall" is always mandatory and not discretionary;** and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

2.02. DEFINITIONS.

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have the meaning customarily assigned to them:

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

ADULT: Any person who is eighteen (18) years of age or older.

ADULT-ORIENTED ESTABLISHMENTS: Sexually explicit establishments which cater to an exclusively or predominantly adult clientele, including but not limited to: adult bookstore, adult motion picture theaters, cabaret, and other enterprises which regularly feature materials, acts of displays involving complete nudity or exposure of specified anatomical areas specifically defined in Athens City Ordinance Number 843.

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or other device designed, used, or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, billboards, wallboard, roofboard, frames, supports, fences, banners, inflatable's or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this ordinance.

ADVERTISING SIGN OR STRUCTURE: See Sign.

AGRICULTURE: The production, keeping or maintenance, for sale, lease or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts, berries; vegetables, nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

ALLEY: A minor right-of-way less than fifty (50) feet in width, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

AMUSEMENTS: Establishment engaged in providing amusements or entertainment as a commercial business for a fee or admission charge and includes such activities as dance halls, studios, theatrical procedures, bands, orchestras, and other musical entertainment, bowling alleys, billiards and pool establishments, commercial sports such as arenas, rings, racetracks, and amusement parks, riding academies, carnivals operations, expositions, game parlors, coin-operated devices, and horse shows.

AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

AUTOMOTIVE REPAIR FACILITY: A facility which is used for painting, body and fender work, engine overhaul or other repair of a motor vehicle.

AUTOMOBILE SERVICE FACILITY: A facility that sales from its premises goods and the provisions of service that are generally required in the operation and maintenance of automotive vehicles and the fulfilling of motorists' needs. This includes the sale of petroleum products, tires, batteries, automotive accessories, and replacement items, lubricating services and the minor repair of vehicles. This does not include heavy automotive maintenance such as engine overhaul, automotive painting, and body work, the storage of vehicles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics beyond an extent normally found in automotive service stations.

AUTOMOBILE WRECKING: The dismantling, storage, sale or dumping of used motor vehicles, trailers, or parts thereof.

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS: Any lot of place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

BED AND BREAKFAST: A private home, inn, or other residential facility offering bed and breakfast accommodations and one (1) daily meal and having four (4) but not more than twelve (12) guest rooms furnished for pay, with guests staying not more than fourteen (14) days, and where the operator resides upon the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters. Tennessee Code Annotated § 68-14-502.

BOARD: Athens Board of Zoning Appeals.

BOARDING HOUSE: A residential facility or a portion of a dwelling unit for the accommodation of person or families in a rooming unit, whether for compensation or not, who are in need of lodging, personal services, supervision, or rehabilitative services.

BUFFER STRIP: Requirements defined in Athens City Landscape Ordinance.

BUILDING: A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.

BUILDING OFFICIAL: The Zoning and Codes Officer or his authorized representative appointed by the Athens City Manager charged with the responsibility of enforcing the provisions of this zoning ordinance.

BUILDING, MAIN, OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be a main building of the lot on which it is situated.

BUILDING SETBACK LINE: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

CAMPING GROUND: A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CAR WASH: A building or portion of a building used for the washing two or more vehicles by means of mechanical apparatus or by hand by an individual whether for free or for compensation, this also includes but is not limited to auto detailing shops.

CENTRAL MIXING PLANT: A facility at which concrete is mixed on the premises.

CHILD-CARE CENTER: Any place or facility operated by any person or entity that provides child care for three (3) or more hours per day for at least thirteen (13) children who are not related to the primary caregiver. Tennessee Code Annotated § 71-3-501.

CLINIC: See medical facility.

COMMERCIAL FEED LOT: Any parcel of land on which 100 or more cattle, fowl, or hogs are being kept and fed for the purpose of slaughter and sale on the commercial food market.

CONCRETE BATCH PLANT: A facility where the ingredients for concrete are stored, but the concrete is mixed by truck en route to the particular job.

CONDOMINIUM: A residential or commercial structure that is stand alone or within a complex of units on the same parcel of land that is sold and not rented to individuals. The ownership of a condominium shall be from the interior walls inward and all of the individual owners have shared rights to most common areas such as open space, parking areas, driveways, elevators, hallways, pools, club houses, and etc.

CONTRACTORS YARD: A parcel of property that is being used for the storage of construction equipment or construction material for use by the contractor or to be sold to the public in limited quantities.

CONVENIENCE STORE: (see also gasoline station/mini-mart): A facility where flammable or combustible liquids, such as gasoline and other motor fluids, are stored or dispensed, by approved dispensing equipment by the customer on a self service basis or by employee on a full service basis. Services may include but are not limited to full service or coin operated car washing of only one (1) vehicle at a time, in addition to this service, the serving of food and beverage such as sandwiches, snacks, staple groceries, and other similar products or services, which are not defined or recognized by the zoning code as separate uses are permitted to be for sale on the premises for consumption off premise by the customer.

COVERAGE: The lot area covered by all buildings located therein including the area covered by all overhanging roofs.

COUNTRY CLUB: A chartered, membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, club house, pool, dining facilities, cocktail lounge, to include private club and both profit and non-profit.

DINING (Outdoor): An area outside any restaurant that has no exterior walls but is enclosed by landscape barriers and can be covered by roof line for the purpose of the consumption of food or beverage on the same property in which the restaurant is located.

DINING (Sidewalk): An area located on the sidewalk adjacent to a restaurant set up with tables and chairs for the purpose of consuming food or beverage. The area of sidewalk shall be no less

than 10 feet in width, and the seating area shall not take more than half the width of the sidewalk or 5 feet whichever is the maximum.

DISTRICT: Any section or sections of Athens, Tennessee, for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

DWELLING: A building or portion thereof, exclusive of mobile homes as herein defined, used for residential purposes. A mobile home, which complies with the building code, shall be considered a dwelling.

DWELLING, MULTIPLE: An attached building designed for occupancy by two or more families living independently of each other.

DWELLING, ROW: One of a series of three or more attached dwelling units under a common roof with a common exterior wall and separated from one another by continual vertical party walls without openings from basement to roof.

DWELLING, SINGLE FAMILY: A detached building designed to be occupied exclusively by one family.

DWELLING, TWO FAMILY: A building designed for or intended to be occupied by not over two families. This shall include both duplex (one dwelling unit above another) and semi-detached (two dwelling units having a common vertical party wall).

DWELLING UNIT: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

DWELLING UNIT, ATTACHED: Two or more dwelling units within a structure, same as two-family dwelling.

DWELLING UNIT, DETACHED: No more than one dwelling unit within a structure.

FAMILY: Two or more persons, regardless of sex, related to each other by blood, marriage, or legal adoption, living together as a single housekeeping unit; or a group of not more than three (3) persons who need not be related by blood, marriage, or legal adoption, living together as a single housekeeping unit and occupying a single dwelling unit.

FAMILY CARE FACILITY: A facility, classified as a "single family residence," which includes any home in which eight (8) or fewer unrelated mentally handicapped or physically handicapped persons reside, and which may include three (3) additional persons acting as houseparent's or guardians, who need not be related to each other or to any of the mentally handicapped or physically handicapped persons residing in the home. Tennessee Code Annotated §13-24-102. As used in this part, " mentally handicapped" does not include persons who are mentally ill, and because of such mental illness, pose a likelihood of serious harm as defined in

Tennessee Code Annotated § 33-6-104, or who have been convicted of serious criminal conduct related to such mental illness.

FAMILY DAY CARE HOME: Any place or facility which is operated by any person or entity that provides child care for three (3) or more hours per day for at least five (5) children but not more than seven (7) children who are not related to the primary caregiver. Tennessee Code Annotated § 71-3-501.

FENCE: An enclosure or barrier, such as wooden posts, wire, iron, masonry etc., used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees or other natural growth.

FLEA MARKET: A commercial activity, not including shopping centers, individual retail operations, or sales conducted by a nonprofit or charitable organization, that is open to the general public and composed of five (5) or more semi-enclosed or outdoor stalls, rooms stands, or spaces used for the purpose of display and sale, exchange, or barter of merchandise.

FLOOD: An overflow of lands or property not normally covered by water that results in significant effects in the vicinity. For the purpose of this Ordinance, land subject to flood shall be those areas designated on the Flood Insurance Rate Map (FIRM), City of Athens, Tennessee, dated September 27, 2007 or subsequent revisions as lying in the limits of a Special Flood Hazard Area (SFHA's) Subject to Inundation by the 1% Annual Chance Flood.

FLOODWAY: An area lying within part of the 100-year flood limits as defined by the FIRM, City of Athens, Tennessee, dated September 27, 2007 or subsequent revisions. The channel of the stream and adjoining portions of the floodplain which have been hydrologically studied and determined to provide reasonably for the passage of the 100-year flood shall constitute the floodway.

FLOOD, REGIONAL: A hypothetical flood used in TVA flood studies comparable to the largest floods known to have occurred on similar streams within the same geographic region.

FLOOR AREA: The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

FLOOR AREA, NET: The horizontal area of a floor or several floors of a building or structure; excluding those areas not directly devoted to the principal or accessory use of the building or structure, such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls.

FLOOR AREA, USABLE: That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers and all that area devoted to employee workspace. Such floor area which is used or intended to be used principally for the storage of merchandise, hallways, elevator or stair bulkheads or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be

the horizontal areas of the several floors of the building, measured from the exterior faces to the exterior walls.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

GARAGE/YARD SALE: The sale or offering for sale to the general public of over five (5) items of personal property on any portion of a lot in a residential zoning district, whether within or outside any building. Sales of programs and food and beverage items at school athletic events shall not be deemed to constitute garage sales.

GARAGE APARTMENT: Is an accessory to a principal dwelling that is owner occupied. The finished heated floor area of a garage apartment shall not exceed eight hundred fifty (850) square feet or fifty percent (50%) of the finished, heated area of the principal dwelling, whichever is less. Garage apartments shall not have accessory uses or structures.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but not butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, car washing and cleaning or otherwise servicing automobiles, but not including painting, or major repair.

GASOLINE STATION, MINI-MART (see also convenience store): A facility associated with the sale of fuels, motor oil, lubricants, or other minor accessories that are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience store or supermarket.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

GROUND/MONUMENT SIGN: Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure. The entire bottom of a ground sign is generally in contact with or in close proximity to the ground.

GROUP CHILD CARE HOME: Any place or facility operated by any person or entity that provides child care for three (3) or more hours per day for at least eight (8) children who are not related to the primary caregiver; provided, however, that the maximum number of children present in a group child care home, including those related to the primary caregiver, shall not exceed twelve (12) children; provided that up to three (3) additional school age children may be received for care before and after school, on school holidays , on school snow days and during summer vacation. If the group child care home is operated in the occupied residence, as defined by the department, of the primary care giver children in the home who are thirteen (13) years of age or older and who are related to the primary care giver are not counted in determining the total number of children permitted in this class of child care agency; provided, that the related children have their own space separate from the space occupied by the licensed group child care home. Tennessee Code Annotated § 71-3-501.

GUEST HOUSE: A subordinate structure to the principle dwelling for the purpose of overnight or limited stay of guests, but not for the purpose of permanent living quarters.

HAZARDOUS OPERATION: A use that may present serious hazards to human life or health such as, but not limited to arsenals, atomic reactors, explosives, and fireworks manufacturing.

HEALTH DEPARTMENT: The Hiwassee District of the State Health Department.

HEIGHT OF BUILDING: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building.

HELIPAD: A landing area for emergency (medical) helicopters without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

HELIPORT: An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

HOME OCCUPATION: An occupation carried on in a residential dwelling unit; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof. See Chapter 4, Section 4.06 of these regulations.

HOME FOR THE AGED: A home represented and held out to the general public as a home which accepts primarily aged persons for relatively permanent, domiciliary. A home for the aged provides room, board and personal services to one (1) or more non-related persons. The residential home for the aged shall be subject to licensure and meet such requirements and minimum standards as the board shall prescribe in regulations pursuant to Tennessee Code Annotated § 68-11-209. No license to operate a residential home for the aged shall be issued if the home is not approved by the local zoning, building and fire safety authorities to provide residential custodial care.

HOSPITAL: See Medical Facilities.

INDUSTRIAL (Light): The manufacture predominately from previously prepared material, of finished products, or parts, including processing, fabrication, assembly, treatment, and packaging of such products, but excluding basic industrial processing and custom manufacturing. Typical light manufacturing uses include but not limited to: electronic goods, food and bakery products, non-alcoholic beverages, paper imprinting, household appliances, leather products, jewelry, and clothing apparel.

INDUSTRIAL (Heavy): The manufacture or compounding process of raw materials. These activities or processes would necessitate the storage of large volumes of highly flammable, toxic matter, or explosive material needed for the process. These activities may involve outdoor operations as part of their manufacturing process. Typical heavy industrial manufacturing include

but not limited to: concrete batch plant, concrete, tile, or brick manufacturing, automobile, truck, or tire assembly, ammonia or chlorine manufacturing, metal casting or foundries, gas manufacturing boat, spa, pool manufacturing and similar processes.

INTERSTATE/INTERCHANGE MONOPOLE (FREESTANDING) SIGN: A type of freestanding sign having only one (1) structural support member, the location, size, and height of which is governed by the provisions of 3.04.15 INTERSTATE INTERCHANGE OVERLAY DISTRICT.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collection, storage and sale or waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

KENNEL, Boarding: Any kennel where pet animals owned by another person are temporarily boarded for pay, trade, barter, commission, or remuneration of any sort; also this definition includes pet grooming businesses where boarding is at least 25% of the business.

KENNEL, Breeding: Any kennel lawfully located on a premises two or more acres in size where no more than 8 dogs, registered with a nationally recognized registration organization, over the age of six months are owned, kept, or harbored for the purpose of breeding purebred or pedigreed dogs. Provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.

KENNEL, Private: The keeping, breeding, raising, showing, or training of four or less dogs, registered with a nationally recognized registration organization, over six months of age for personal enjoyment of the owner or occupants of the property, and for which commercial gain is not the primary objective.

KENNEL, Stable: Any lot, building, structure, or premise for boarding, breeding, training, or raising of domestic animal/wildlife (excluding livestock), but shall not apply to the keeping of animals in a municipal animal pound, pet stores, or a bona fide laboratory for scientific or experimental purposes or veterinary establishments.

LOADING SPACE: A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of a vehicle.

LOT: A piece, parcel or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this ordinance.

LOT AREA: The total surface area of land included within lot lines.

LOT, CORNER: A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

LOT DEPTH: The average distance from the street line/property line of the lot to its rear property line, measured in the general direction of the side lines of the lot.

LOT FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT, LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded, in the office of the county register of deeds prior to the date of passage of the Athens Subdivision Regulations.

LOT, THROUGH: A lot which runs through a block from street to street or which has two (2) non-intersecting sides abutting the street right of way.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MANUFACTURED HOME: A structure transportable in one (1) or more sections, which in traveling mode is eight (8) body feet or more in width, forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning , and electrical systems contained therein. For the purpose of these regulations, the term "manufactured home" does not include "mobile homes" as herein defined and in accordance with Tennessee Code Annotated Section 68-126-202. A manufactured home having the same general appearance as a site built home shall be allowed on individual lots in any residential district provided the conditions of section 4.25 General Appearance and Compatibility Standards are met.

MEDICAL FACILITIES:

a. **Convalescent, Rest or Nursing Home:** Means any institution, place, building or agency represented and held out to the general public for the express or implied purpose of providing care for one (1) or more non-related persons who are not acutely ill, but who do require skilled nursing care and related medical services. Nursing home shall be restricted to facilities providing skilled nursing care and related medical services to individuals, beyond the basic provision of food, shelter and laundry, admitted because of illness, disease or physical infirmity for a period of not less than a twenty-four (24) hours per day. Tennessee Code Annotated § 68-11-201.

b. **Assisted Care Living Facility:** A building establishment, complex, or distinct part thereof licensed with the State of Tennessee Department of Health as an Assisted Care Living Facility and which accepts primarily aged persons for domiciliary care and provides on-

site to its residents room, board, non-medical living assistance services appropriate to the residents' respective needs, and limited medical services as prescribed by each resident's treating physician. Tennessee Code Annotated § 68-11-201

c. **Dental Clinic or Medical Clinic:** A facility for the examination and treatment of ill and afflicted human out-patients provided; however, that patients are not kept overnight except under emergency conditions.

d. **Dental Office or Doctor's Office:** Same as dental or medical clinics.

e. **Hospital:** An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, and staff offices which are an integral part of the facility.

f. **Public Health Center:** A facility primarily utilized by a health unit for the provision of public health services.

MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

MOBILE HOME OR TRAILER: A detached single-family dwelling unit, which is constructed as a single self-contained unit and mounted on a single chassis designed to be used with or without a permanent foundation. A mobile home contains the following characteristics:

a. Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

b. Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailers or detachable wheels.

c. Arriving at the site where it is to be occupied as a complete dwelling including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities and the like.

MOBILE HOME PARK: Any area, tract, site or plot of land whereupon two or more mobile homes, as herein defined, are placed, located or maintained, or intended to be placed, located, or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

MOBILE HOME SPACE: A plot of ground within a mobile home park designated for the accommodation of one (1) mobile home.

MOBILE STORAGE STRUCTURES: Any assembly of materials which is so designed, constructed or reconstructed to make it portable and capable of movement from one site to another,

designed to be used without a permanent foundation, designed with the purpose of storing tangible property and not for occupancy by persons, and to have one dimension exceeding 10 feet. Examples include PODS (Portable On-Demand Storage units), tractor-trailer trailers, and shipping containers.

MODULAR BUILDING: means a structure designed primarily for residential or commercial occupancy, designed and constructed to a state or national model code, without a permanent chassis, which is manufactured in one or more sections in a factory for installation on a permanent foundation at its final location. The term does not include manufactured housing as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C.A. §§ 5401-5426).

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is situated.

NOXIOUS MATTER: Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions or detrimental effects on the social, economic, or psychological well-being of individuals.

NUISANCE: An interference with the enjoyment and the use of property**.**

OFFICE, PROFESSIONAL: The office of a member of a recognized profession maintained for the conduct of that profession. A profession is a vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or combination thereof, requiring advanced study in a specialized field; any occupation, requiring licensing by the state and maintenance of professional standards applicable to the field.

OFF-STREET PARKING SPACE: A yard, space, or area off the street right-of-way, which space shall be accessible to a street through an approved curb cut and shall be arranged and maintained for the purpose of providing standing space for vehicles while at rest or while being utilized to load or unload merchandise or other materials incidental to the occupancy.

100-YEAR FLOOD: The level of flooding theoretically expected to occur on a long-term average of once every century. This is the magnitude of flood which the FEMA designates on its maps and has been selected by Athens to delineate the area of flood regulation.

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this Ordinance. Open space lines shall coincide with or be parallel to the building setback lines on the same lot.

PARKING LOT: An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.

PARKING SPACE: An off-street space available for parking one (1) motor vehicle and having a dimension of not less than 10 feet x 20 feet with 200 square feet in area exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.

PATIO HOMES: A "patio home" for the purposes of the Athens Municipal Zoning Ordinance shall be defined as a single-family residential dwelling of one or more floors, which does not have any common walls shared with an adjacent unit or units, but which is located to one side of a less than standard width lot. That is, these homes have a "zero foot" setback on one side to maximize the amount of usable outdoor lot area on the other side for a patio, landscaped garden, or other outdoor living area.

PLANNED UNIT DEVELOPMENT (PUD): A single parcel of land, to be planned and developed as a single entity containing one or more residential clusters or planned unit residential developments and/or one or more public, quasi-public, commercial clusters. The uses must be approved for the zone in which the planned unit development is to be located.

PLANNING COMMISSION: The Athens Municipal-Regional Planning Commission.

PLAT: A map, plan, or layout indicating the location and boundaries of individual properties.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PROFESSION: A vocation, calling, occupation, or employment requiring training in the liberal arts or sciences, or combination thereof, requiring advanced study in a specialized field; any occupation, requiring licensing by the state and maintenance of professional standards applicable to the field.

PUBLIC USES: Public parks, schools, and administrative, cultural, and service buildings not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

RESIDENTIAL TOWNHOUSE: A "townhouse" is defined as a single-family residential dwelling of one or more floors, having or appearing to have a common wall with an adjacent similar unit or units. The ownership of a townhouse shall include the walls inward and the ground underneath to include the front and rear yard, end units shall have one side yard, interior units shall be to the common walls.

RIGHT-OF-WAY: An area of land that is legally dedicated to the public for use as a public street. The street pavement, curbs, shoulders, and sidewalks, are located within the right-of-way and generally do not represent the boundary of the street right-of-way line.

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and curbing and guttering, which is utilized to transport motor vehicles.

SANITARY SEWER: A municipal or community sewerage collection, treatment, and disposal system of a type approved by the Health Department.

SANITARY LANDFILL: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Public Health.

SCRAP YARD: The storage for resale of scrap or used metal or other salvage material such as but not limited to steel, appliances, wood, tanks, electric motors, or other like items that have been salvaged from construction sites, demolished industries, or other like uses.

SELF-STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers and other residential uses; and may include refrigerated facilities.

SERVICE STATION*:* An establishment primarily engaged in the retail sale of gasoline or other motor fuels that may include accessory activities, such as the sale of lubricants, automotive accessories, or supplies, the lubrication or washing of motor vehicles, and the minor adjustment or repair of motor vehicles. Uses permissible at a service station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of vehicles not in operating condition, or other work involving noise, glare, fumes, smoke or other characteristics beyond an extent normally found in service stations.

SHELTER, FALL-OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

SIGN: All sign related terms are defined within the sign regulations of this ordinance**.**

SKIRTING: A permanent enclosure constructed from weather resistant materials similar in nature and design to a mobile home, which encloses the space directly beneath a mobile home.

SPECIAL EXCEPTION: Any use which is specifically permitted if the owner can demonstrate to the satisfaction of the board of zoning appeals, that he will meet certain enumerated safeguards or qualifying conditions.

SPOT ZONING: A change in district boundaries, variances, and other amendments to the zoning code and use and areas maps that violate sound principles of zoning and are characterized by the following: (a) Individuals seek to have property rezoned for their private use. (b) Usually the amount of land involved is small and limited to one or two ownerships. (c) The proposed rezoning would give privileges not generally extended to property similarly located in the area. (d) The rezoning is not in conformity to the comprehensive plan.

STORM SEWER: A municipal or community collection and disposal system for the control of storm drainage.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy or in which the floor area with eight (8) feet or more of head clearance equals fifty (50) percent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of building" is measured or if it is used for commercial purposes.

STREET: Any public or private thoroughfare which affords the principal means of access to abutting property.

STRUCTURE: Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, pools, signs, billboards, and fences.

SUBDIVISION: The division of a tract or parcel of land into two (2) or more lots, sites, or other divisions requiring new street or utility construction, or any division of five (5) acres or less for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of re-subdividing or to the land area subdivided.

SWIMMING POOL: Any manufactured or field-constructed equipment either in ground or above ground designed to contain water at a depth of 36 inches or greater, on a permanent or semi-permanent basis and used for swimming, wading or other purpose.

TELECOMMUNICATIONS: The transmission, between or among points as specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

TELECOMMUNICATION ANTENNA: A specific device, the surface of which is used to transmit and/or receive radio frequency signals, microwave signals, or other signals transmitted to or from other antennas for commercial purposes**.**

TELECOMMUNICATION, CELL SITE: A tract or parcel of land that contains the cellular communications antenna, its support structure, accessory buildings, and parking and may include other uses associated and ancillary to cellular communications.

TELECOMMUNICATIONS, CO-LOCATION: The use of a wireless telecommunication support facilities by more than one wire-less telecommunication provider.

TELECOMMUNICATIONS, TOWER: Any ground-mounted pole, spire, structure, or combination thereof, including supporting lines, cables, wires, braces, masts, intended primarily for the purpose of mounting an antenna or similar apparatus above ground.

TELECOMMUNICATIONS, WIRELESS FACILITY: A facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types of equipment for the transmission or receipt of such signals, telecommunication towers, or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate, or any other form) which are capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

TRAVEL TRAILER: Includes all transportable units which provide temporary occupancy, whether or not self-contained or self-propelled; and the term travel trailer includes those units identified by the manufacturer as travel trailers or recreational vehicles such as pickup truck campers, motor homes, converted buses, pop-top (tent) trailers, and other units which:

A. can operate independently of connections to external sewer, water, and electrical systems; and,

B. contain water storage facilities.

TRAVEL TRAILER PARK: A parcel or area of land designed and equipped to accommodate two (2) or more travel trailers for short periods of time, not to exceed fourteen (14) days.

USABLE FLOOR SPACE: Floor space used for retail sale or display; includes permanent outdoor sales, but excludes outdoor motor vehicle sales areas.

USE: The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

WAREHOUSING: The storage of materials, equipment, or products within or outside a building for manufacturing use or for distribution to wholesale or retailers.

a. Mini-warehouse/Mini-storage: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

YARD, FRONT: The required open space, unoccupied by buildings, between the road or street right-of-way line and the principal building.

YARD, REAR: The required space, unoccupied except by a building of accessory use as herein provided, extending from the rear of the principal building to the rear lot line the full width of the lot.

YARD, SIDE: The required space unoccupied except as herein provided measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

CHAPTER 3: - ZONING DISTRICTS

3.01. CLASSIFICATION OF DISTRICTS.

For the purpose of this ordinance, the following zoning districts are hereby established in the City of Athens, Tennessee:

Zoning District	District Abbreviation
Residential Estate District	R-E
Low Density Residential District	R-1
Medium Density Residential District	R-2
High Density Residential District	R-3
Mobile Home Park District	R-4
Local Business District	B-1
Central Business District	B-2
Intensive Business District	B-3
Medical District	M-1
Professional District	P-1
Light Industrial District	I-1
Heavy Industrial District	I-2
Interstate Interchange Overlay	II-1
Historic Overlay District	H-1

3.02. ZONING DISTRICT MAP.

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled Zoning Map of Athens, Tennessee. The zoning map or zoning map amendment shall be dated with the effective date of the ordinance that adopts the zoning map or zoning map amendment. Certified copies of the adopted zoning map or zoning map amendment shall be maintained in the office of the Director of Community Development, City of Athens, and shall be available for inspection by the public at all reasonable times, as long as this ordinance remains in effect.

3.03. ZONING DISTRICT BOUNDARIES.

Unless otherwise indicated on the zoning map or zoning map amendment, the district boundaries are lot lines, center lines of streets of alleys, or the City of Athens municipal limits. When questions arise concerning the exact locations of district boundaries, they shall be determined by the Athens Board of Zoning Appeals.

3.04 SPECIFIC DISTRICT REGULATIONS.

The following regulations shall apply in the fourteen zoning districts established in Section 3.01 of this ordinance.

3.04.01. R-E RESIDENTIAL ESTATE DISTRICT.

A. District Description:

This residential district is intended to be used for selected single-family residential areas having lots with an estate-type character and with the lowest population densities. Additional permitted uses are only those which are basic to a residential area and which will not destroy the estate character of the zone. The map and text define and protect the R-E areas from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and tranquility are encouraged by providing for adequate light, air, and landscaped areas for dwellings and related facilities.

B. Uses Permitted:

In the R-E Residential Estate District, the following uses and their accessory uses are permitted:

1. Single-family detached dwellings, but not including mobile homes.

2. Utility facilities necessary for the provision of public services.

3. Home occupations, as regulated in Section 4.06.

C. Uses Permitted on Review:

In the R-E Residential Estate District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 6.07 of these regulations.

1. Schools, colleges, and other educational institutions.

2. Golf courses, parks, country clubs, and swimming pools.

3. Planned unit development, subject to the provisions of Section 4.09.01.

4. Churches or similar places of worship, but not including temporary missions, revival tents, or church camps.

5. Family Day Care Homes, and Group Child Care Homes subject to the provisions of Section 4.24 of these regulations.

6. Family Care Facilities.

7. Telecommunications Structures, subject to the provisions of Section 4.16 of these regulations.

8. Garage Apartments as a use on review. Garage apartments may be located in the rear yard, but shall not be located closer than fifteen (15) feet to the rear property line.

D. Uses Prohibited:

In the R-E Residential Estate District all uses except those uses or their accessory uses specifically permitted or permitted upon review and approval by the Planning Commission are prohibited. (Among the prohibited uses, therefore, are the following: Duplexes, townhouses, patio homes, and apartment buildings.)

E. Dimensional Regulations:

All uses permitted in the R-E Residential Estate District shall comply with the following requirements except as provided in Chapter 5 of these regulations.

1. **Front Yard:**

The minimum depth of the front yard shall be thirty (30) feet.

2. **Rear Yard:**

The minimum depth of the rear yard shall be twenty (20) feet for the principal structure and fifteen (15) feet for any permitted accessory structure.

3. **Side Yard:**

The side yard shall be a minimum of fifteen (15) feet for one- and two-story structures, plus five (5) additional feet of side yard for each additional story over two. An additional five (5) feet of side yard shall be required for all lots whose side yard abuts a public street.

4. **Land Area:**

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 20,000 square feet in area, except where sanitary sewer service is available, in which case the minimum lot area shall be 10,000 square feet. However, where there is an existing lot of record of less than 10,000 square feet, at the time

of adoption of this ordinance, this lot may be utilized for the construction of one (1) single-family dwelling, providing the lot in question has a public water supply and public sewer service, and has sufficient area as determined by the Board of Zoning Appeals to accommodate the structure with no adverse effects to the health, safety and welfare of the landowner or the City.

5. **Maximum Lot Coverage:**

On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed forty-five(45) percent of the total area of such lot or parcel.

6. **Lot Width:**

No lot shall have less than fifty (50) feet of street frontage and a minimum of one hundred (100) feet of frontage at the building set back line except lots of record shall have a minimum of seventy-five (75) feet at building set back line.

7. **Height Requirement:**

No building shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 5.03 of these regulations.

F. Parking Space Requirements:

As regulated in Section 4.03 of these regulations.

G. Access Control:

As regulated in Section 4.01 of these regulations.

3.04.02 R-1 LOW DENSITY RESIDENTIAL DISTRICT.

A. District Description:

This residential district is intended to be used for single-family residential areas with fairly low population densities. Additional permitted uses include uses and facilities normally required to provide the basic elements of a balanced and attractive residential area. These areas are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by providing for adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

B. Uses Permitted:

In the R-1 Low Density Residential District, the following uses and their accessory uses are permitted:

1. Single-family detached dwellings, but not including mobile homes.

2. Utility facilities necessary for the provision of public services.

3. Home occupations as regulated in Section 4.06 of these regulations.

C. Uses Permitted on Review:

In the R-1 Low Density Residential District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 6.07 of these regulations.

1. Zero-lot line townhouses on twenty-four (24) foot wide minimum lots (see Section 4.18 in Chapter 4 for requirements).

2. Patio homes on sixty (60) foot wide minimum lots (see Section 4.18 for requirements).

3. Golf courses, parks, country clubs, and swimming pools.

4. Schools, colleges, and other educational institutions.

5. Lodge halls, civic organizations, and private clubs, except clubs in which the chief activity is customarily carried on as a business.

6. Planned unit development, subject to the provisions of Section 4.09.01.

7. Churches or similar places of worship, but not including temporary missions or revival tents or church camps.

8. Family Day Care Homes, and Group Child Care Homes subject to the provisions of Section 4.24 of these regulations.

9. Cemeteries, subject to the provisions of Section 4.14 of these regulations.

10. Family Care Facilities

11. Telecommunication Structures, subject to the provisions of Section 4.16 of these regulations.

12. Bed and Breakfast Facilities subject to the provisions of Section 4.24 of these regulations.

13. Garage apartments may be located in the rear yard, but shall not be located closer than fifteen (15) feet to the rear property line.

E. Uses Prohibited:

In the R-1 Low Density Residential District all uses except those uses or their accessory uses specifically permitted or permitted upon review and approval by the Athens Municipal-Regional Planning Commission are prohibited.

F. Dimensional Regulations:

All uses permitted in the R-1 Low Density Residential District shall comply with the following requirements except as provided in Chapter 5 and in Chapter 4, Section 4.18 of these regulations for townhouses and patio homes.

1. **Front Yard:**

The minimum depth of the front yard shall be thirty (30) feet.

2. **Rear Yard:**

The minimum depth of the rear yard shall be twenty (20) feet for the principal structure and fifteen (15) feet for any permitted accessory structure.

3. **Side Yard:**

The side yards shall be a minimum of fifteen (15) feet for one- and two-story structures, plus five (5) additional feet of side yard for each additional story over two. An additional five (5) feet of side yard shall be required for all lots whose side yards abut a public street.

4. **Land Area:**

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 20,000 square feet in area, except where sanitary sewer service is available, in which case the minimum lot area shall be 10,000 square feet. However, where there is an existing lot of record of less than 10,000 square feet, at the time of adoption of this ordinance, this lot may be utilized for the construction of one (1) single-family dwelling, providing the lot in question has a public water supply and sanitary sewer service, and has sufficient area as determined by the Board of Zoning Appeals to accommodate the structure with no adverse effects to the health, safety and welfare of the landowner or the City.

Access roads, parking spaces, and interior circulation drives will not be considered as open land space in determining the density of a Planned Unit (Residential) Development.

5. **Maximum Lot Coverage:**

On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed forty-five (45) percent of the total area of such lot or parcel.

6. **Lot Width:**

No lot shall have less than fifty (50) feet of street frontage and a minimum of one hundred (100) feet of width at the building set back line except lots of record shall have a minimum of seventy-five (75) feet of width at building set back line unless determined by the Board of Zoning Appeals that a less width is adequate as put forth under Section **3.04.02.F.4**.

7. **Height Requirement:**

No building shall exceed three (3) stories or forty (40**)** feet in height, except as provided in Section 5.03 of these regulations.

G. Parking Space Requirements:

As regulated in Section 4.03 of these regulations.

H. <u>Access Control</u>:

As regulated in Section 4.01 of these regulations.

3.04.03. R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

A. District Description:

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas which by location and character are appropriate for occupancy by moderate density, single-family and selected multiple-family dwellings. One of the important purposes of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy conditions. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities. Densities should be limited to provide adequate light, air, and usable open space for the residents and adequate space for all related facilities.

B. Uses Permitted:

In the R-2 Medium Density Residential District, the following uses and their accessory uses are permitted:

1. Single-family detached dwellings, but not including mobile homes.

2. Churches or similar places of worship, but not including temporary missions, revival tents, or church camps.

3. Utility facilities necessary for the provision of public services.

4. Two-family dwellings (duplexes).

5. Home occupations, as regulated in Section 4.06 of these regulations.

C. Uses Permitted on Review:

In the R-2 Medium Density Residential District, the following uses and their accessory uses may be permitted subject to review and approval by the Board of Zoning Appeals in accordance with the provisions of Section 6.07.

1. Zero-lot line townhouses on twenty (20) foot wide minimum lots (see Section 4.18 in Chapter 4 for requirements).

2. Patio homes on fifty (50) foot wide minimum lots (see Section 4.18 for requirements).

3. Planned unit development, subject to the provisions of Section 4.09.01 of these regulations.

4. Group Child Care Homes, Family Day Care Homes, and Child Care Centers subject to the provisions of Section 4.24 of these regulations.

5. Schools, colleges, and other educational institutions.

6. Golf courses, parks, country clubs, and swimming pools, and other recreational facilities associated with residential development.

7. Family Care Facilities.

8. Telecommunication Structures, subject to the provisions of Section 4.16 of these regulations.

9. Bed and Breakfast facilities, subject to the provisions of Section 4.26 of these regulations.

10. Garage Apartments on non-duplex lots. Garage apartments may be located in the rear yard, but shall not be located closer than fifteen (15) feet to the rear property line.

D. Uses Prohibited:

In the R-2 Medium Density Residential District all uses except those uses or their accessory uses specifically permitted or permitted upon review and approval by the Athens Municipal-Regional Planning Commission are prohibited.

E. Dimensional Regulations:

All uses permitted in the R-2 Medium Density Residential District shall comply with the following requirements except as provided in Chapter 5 and in Chapter 4, Section 4.18 for townhouses and patio homes.

1. **Front Yard:**

The minimum depth of the front yard shall be thirty (30) feet.

2. **Rear Yard:**

The minimum depth of the rear yard shall be twenty (20) feet for the principal structure and fifteen (15) feet for any permitted accessory structure.

3. **Side Yard:**

The side yards shall be a minimum of fifteen (15) feet for one- and two-story structures, plus five (5) additional feet of side yard for each additional story over two. An additional five (5) feet of side yard shall be required on lots whose side yard abuts a public street.

4. **Land Area:**

No lot or parcel of land shall be reduced in size to provide separate lots of building sites of less than 10,000 square feet in area, except where sanitary sewer service is available, in which case the minimum lot area shall be 8,000 square feet.

Detention facilities, access roads, parking spaces, and interior circulation drives will not be considered as open land space in determining the density of a Planned Unit (Residential) Development.

On lots or parcels of land where DUPLEXES are constructed, the following area requirements shall apply for each duplex:

With public water and sanitary sewers……10,000 sq. feet

With public water but without sanitary sewers…20,000 sq. feet

However, where there is an existing lot of record of less than 8,000 square feet, at the time of adoption of this ordinance, this lot may be utilized for the construction of one (1) single-family dwelling, providing the lot in question has a public water supply and sanitary sewer service, and has sufficient area as determined by the Board of Zoning Appeals to accommodate the structure with no adverse effects to the health, safety and welfare of the landowner or the City.

5. **Maximum Lot Coverage:**

On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed fifty-five (55) percent of the total area of such lot or parcel.

6. **Lot Width:**

No lot shall have less than fifty (50) feet of street frontage and a minimum of seventy-five (75) feet of frontage at the building set back line except lots of record shall have a minimum of fifty (50) feet at building set back line, and lots of record less than 8,000 square feet in area may have a lesser width if it is determined by the

Board of Zoning Appeals that a less width is adequate as put forth under Section **3.04.03.F.4**.

7. **Height Requirement:**

No building shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 5.03 of these regulations.

F. Parking Space Requirement:

As regulated in Section 4.03 of these regulations.

G. Access Control:

As regulated in Section 4.01 of these regulations.

H. Landscape, Screening and Buffer Yard Requirements:

Landscaping, screening and buffer yard requirements of Athens City Landscape Ordinance shall apply.

3.04.04. R-3 HIGH DENSITY RESIDENTIAL DISTRICT.

A. District Description:

This residential district is intended to promote and encourage the establishment of a suitable environment for high density residential use in areas which by location and character are considered appropriate. The intent of the provisions of this district is to create adequate standards for such residential development. The intensity of land use should not be so great as to cause congestion of buildings or traffic or to overload existing sanitary facilities.

B. Uses Permitted:

In the R-3 High Density Residential District, the following uses and their accessory uses are permitted:

1. Single-family dwellings, but not including mobile homes.

2. Two-family dwellings (duplexes).

3. Apartment units in existing residential structures.

4. Multi-family dwellings (that is, apartment buildings).

5. Zero-lot line townhouses on eighteen (18) foot wide minimum lots (see Section 4.18 in Chapter 4 of these regulations for requirements).

6. Patio homes on fifty (50) foot wide minimum lots (see Section 4.18 of these regulations for requirements).

7. Churches or similar places of worship, but not including temporary missions, revival tents, or church camps.

8. Recreation facilities associated with housing and residential development.

9. Utility facilities necessary for the provision of public services.

10. Assisted Living Facilities, Nursing Homes and the like.

11. Home occupations as regulated in Section 4.06 of these regulations.

C. Uses Permitted On Review:

In the R-3 High Density Residential District, the following uses and their accessory uses may be permitted subject to review and approval by the Board of Zoning Appeals in accordance with the provisions of Section 6.07 of these regulations.

1. Group quarters or dormitories where public sewerage is available.

2. General Professional or business offices; for doctors, dentists, lawyers, architects, artists, engineers, and the like.

3. Planned unit development, subject to the provisions of Section 4.09.01 of these regulations.

4. Schools, colleges, and other educational institutions.

5. Family Day Care Homes, Group Child Care Homes, and Child- Care Centers, subject to the provisions of Section 4.24 of these regulations.

6. Convenience stores.

7. Family Care Facilities.

8. Bed and Breakfast facilities subject to the provisions of Section 4.26 of these regulations.

9. Telecommunications Structures, subject to the provisions of Section 4.16 of these regulations.

10. Garage Apartments are permitted upon review for detached single-family home lots only. Garage apartments may be located in the rear yard, but shall not be located closer than fifteen (15) feet to the rear property line.

11. Mini Warehouses

12. Personal Storage Units

D. <u>Uses Prohibited</u>:

In the R-3 High Density Residential District all uses except those uses or their accessory uses specifically permitted or permitted upon review and approval by the Athens Municipal-Regional Planning Commission are prohibited.

E. <u>Dimensional Regulations</u>:

All uses permitted in the R-3 High Density Residential district shall comply with the following requirements except as provided in Chapter 5 and in Chapter 4, Section 4.18 of these regulations for townhouses and patio homes.

1. **Front Yard:**

   The minimum depth of the front yard shall be thirty (30) feet.

2. **Rear Yard:**

   The minimum depth of the rear yard shall be twenty (20) feet for the principal structure and fifteen (15) feet for any permitted accessory structure.

3. **Side Yard:**

   The side yards shall be a minimum of fifteen (15*)* feet for one- and two-story structures, plus five (5) additional feet of side yard for each additional story over two. An additional five (5) feet of side yard shall be required on lots whose side yard abuts a public street.

4. **Land Area:**

   No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 10,000 square feet in area, except where sanitary sewerage service is available, in which case the minimum lot area shall be 6,000 square feet and 2,500 square feet for each additional structure. No lots shall be used for a residence if the lot has less than 6,000 square feet of area. However, where there is an existing lot of record of less than 6,000 square feet, at the time of adoption of this ordinance, this lot may be utilized for the construction of one (1) single-family dwelling, providing the lot in question has a public water supply and sanitary sewer service, and has sufficient area as determined by the Board of Zoning Appeals to accommodate the structure with no adverse effects to the health, safety and welfare of the landowner or the City. Detention facilities, access roads, parking spaces, and interior circulation drives will not be considered as open spaces in determining the density of a Planned Unit (Residential) Development.

5. **Maximum Lot Coverage:**

   On any lot or parcel of land, the area occupied by all buildings including accessory buildings shall not exceed sixty-five (65) percent of the total area of such lot or parcel.

6. **Lot Width:**

No lot shall have less than fifty (50) feet of street frontage and a minimum of sixty (60) feet of frontage at the building set back line except lots of record shall have a minimum of fifty (50) feet at building set back line.

7. **Height Requirement:**

No building shall exceed four (4) stories or forty (50) feet, except as provided in Section 5.03 of these regulations.

F. Parking Space Requirements:

As regulated in Section 4.03 of these regulations.

G. Access Control:

As regulated in Section 4.01 of these regulations.

H. Landscape, Screening and Buffer Yard Requirements

Landscaping, screening and buffer yard requirements of Athens City Landscape Ordinance shall apply.

3.04.05 R-4 MOBILE HOME PARK DISTRICT.

A. District Description.

The purpose of this district is to provide suitable areas within the community for the location of mobile home parks. The intent is to allow occupancy of mobile homes on individual lots or in mobile home parks with related uses and facilities in keeping with the character of a residential development. No mobile home may be placed upon individual lots within the corporate limits of Athens except within a mobile home park or subdivision approved for mobile homes.

B. Pre-Application Review.

Whenever a mobile home park is proposed on land within the City of Athens, the developer is urged to consult early and informally with the planning commission staff. The developer may submit sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the mobile home park. No fee shall be charged for the pre-application review and no formal application shall be required.

The purpose of the pre-application review is to afford the mobile home park developer an opportunity to avail himself of the advice and assistance of the planning commission staff in order to facilitate the subsequent preparation and approval of acceptable site plans.

C. Application for Mobile Home Park Permit and Planning Commission Approval.

Following the optional pre-application review of a proposed mobile home park, the mobile home park developer, or his agent, shall apply for a Mobile Home Park permit from the Department of Community Development. No mobile home park shall be established or maintained by any person unless such person holds a valid mobile home park permit.

Applications shall be in writing, signed by the applicant, and accompanied by the owner's certification and any other certification deemed necessary by the Department of Community Development, as well as by a site plan of the proposed mobile home park.

D. Uses Permitted:

Within the R-4 District the following principal uses and structures are permitted:

1. Mobile homes.

2. Travel Trailer and facilities

3. Home occupations as regulated in Section 4.06 of these regulations.

E. Uses Permitted On Review:

1. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures including approved storage facilities.

2. Facilities planned for development as part of the district and serving needs not otherwise served in the general area may be permitted as a part of the R-4 zoning amendment procedures, provided that: (a) such facilities include only management offices or service buildings related to mobile home space rental and maintenance: and (b) are designed and located to protect the character of the R-4 district and surrounding districts.

3. Parks, playgrounds, community centers, and non-commercial recreational facilities including playgrounds, shuffleboard courts, swimming pools, and tennis courts.

4. Structures and uses required for operation of required utilities including necessary easements and rights-of-way (ROW).
5. Utility facilities necessary for the provision of public services.

F. Uses Prohibited:

In the R-4 Mobile Home Park District all uses except those uses or their accessory uses specifically permitted and approval by the Athens Municipal-Regional Planning Commission are prohibited.

G. Mobile Home Park Design Requirements:

All uses permitted in the R-4 Mobile Home Park District shall comply with the following requirements except as provided in Chapter 5 of these regulations.

1. Minimum Mobile Home Park Size:

The tract of land designated to be used as a mobile home park shall be a minimum of five (5) acres.

2. Size of Mobile Home Spaces

Each mobile home space shall be at least five thousand (5000) square feet, including parking area, with a minimum width and length of forty (40) by one hundred (100) feet, respectively.

Each mobile home located in a mobile home park shall be situated such that there is at least:

A. Ten (10) feet from the mobile home to any private roads or access drives within the mobile home park;

B. Twenty (20) feet of clear and open space between the mobile home and any adjacent mobile home and its attachments, and between the mobile home and any other buildings.

3. <u>Street Requirements:</u>

The minimum widths of various streets within a mobile home park shall comply with the following: (also see Article 3, Section 3.14)

1. One-way.....18 feet
   (with no on-street parking)

2. Two-way.....24 feet
   (with no on-street parking)

4. Street or Road Base

See standard in the Athens Minimum Subdivision Regulations.

5. Surface Course

See standard in the Athens Minimum Subdivision Regulations.

6. Parking

Each mobile home park shall provide two (2) parking spaces per mobile home space. Each parking space shall be at least ten (10) by twenty (20) feet. They may be arranged side-by-side or end-to-end.

7. Water Supply

Water shall be piped directly to each mobile home space or site from an approved public water supply. Mobile home parks relying on individual wells are not permitted.

Parks shall have a six (6) inch or larger water main and shall install fire hydrants. Such hydrants shall be located no more than one thousand (100) feet apart.

8. Sanitary Sewer Required

Each mobile home park shall provide an adequate sewage disposal system through an approved sanitary sewer system. Mobile home parks relying on septic tanks or package treatment plants are not permitted.

9. Solid Waste Disposal

The storage, collection, and disposal of refuse within a mobile home park shall be so managed as to create no health hazards. All refuse shall be stored in flytight, watertight, and rodent-proof containers. Garbage and refuse shall be collected and disposed of no less than twice each week.

10. Required Recreation Area

A centrally located recreation area for the use of all mobile home park residents shall be provided in all mobile home parks having more than ten (10) mobile home spaces. The recreation area shall contain a minimum of five hundred (500) square feet per mobile home space. Mobile home parks with ten (10) or less spaces shall

have the option of providing a centrally located recreation area with a minimum of three thousand (3,000) square, or five hundred (500) square feet per unit if this is greater; or may incorporate the recreation area into each individual lot, in which case each individual mobile home space shall be five hundred (500) square feet more than the otherwise requires minimum per individual space.

Such recreational land, when provided separately by the mobile home park, shall be maintained in an attractive manner and shall be well-drained and usable for recreation.

11. Utilities To Each Space

Each mobile home park shall contain utility connections for each mobile home space.

12. Skirting

The owner or operator of a mobile home park shall require individual mobile homes within the park to be skirted. The mobile home shall be skirted with a permanent enclosure similar in design to the mobile home, constructed of weather resistant materials, enclosing the space directly beneath the mobile home.

13. Anchoring

Mobile homes shall be installed in accordance with the requirements of the Manufactured Home Anchoring Act (TCA Section 68-126-401).

14. Landscaping, Screening and Buffer Yard Requirements

Landscaping, screening and buffer yard requirements of Athens City Ordinance 895, entitled Landscape Ordinance shall apply.

H. Travel Trailer Park Requirements

All uses permitted in the R-4 Travel Trailer Park shall comply with the following requirements except as provided in Chapter 5 of these regulations.

1. Minimum Travel Trailer Park Size.

The tract of land designated to be used as a travel trailer park shall be a minimum of five (5) acres.

2. Size of Travel Trailer Spaces.

Each travel trailer space shall be at least two thousand four hundred (2,400) square feet, including parking space, with a minimum width and length of thirty (30) by eighty (80) feet, respectively.

Each travel trailer parking space in a travel trailer park shall be situated such that there is at least fifteen (15) feet from the edge of one travel trailer space to the edge of the next.

3. Street Requirements.

A loop or other system of internal private roads shall be built so that all travel trailer spaces take their access from such internal roads rather than directly from a public road. The use of pull-through spaces shall be allowed if the owner wants this arrangement.

The minimum widths of streets or roads within a travel trailer park shall comply with the following:

1. One-way street .....18 feet wide; (with no on-street parking)

2. Two-way street.....24 feet wide; (with no on-street parking)

4. Street of Road Base.

All internal roads, whether public or private, shall meet the standards set forth in the Athens Minimum Subdivision Regulations.

5. Surface Course.

All internal roads, whether public or private, shall meet the standards set forth in the Athens Minimum Subdivision Regulations.

6. Water Supply

Water shall be piped directly to each travel trailer space or site from an approved public water supply. Travel trailer parks relying on individual wells are not permitted.

Parks shall have a six (6) inch or larger water main and shall install fire hydrants. Such hydrants shall be located no more than one thousand (100) feet apart.

8. Sanitary Sewer Required

Each travel trailer park shall provide an adequate sewage disposal system through an approved sanitary sewer system. Travel trailer relying on septic tanks or package treatment plants are not permitted.

9. Solid Waste Disposal

The storage, collection, and disposal of refuse within a travel trailer park shall be so managed as to create no health hazards. All refuse shall be stored in flytight, watertight, and rodent-proof containers. Garbage and refuse shall be collected and disposed of no less than twice each week.

3.04.06. B-1 LOCAL BUSINESS DISTRICT.

A. <u>District Description</u>:

This district is established to provide areas in which the principal use of land is devoted to the neighborhood type business. It is a restricted commercial district, limited to a narrow range of retail service and convenience goods. This district is designed for areas where large commercial operations are undesirable, but where individual proprietary stores are useful and desirable for the neighborhood and the local area.

B. <u>Uses Permitted</u>:

Property and buildings in a B-1 Local Business District shall be used only for the following purposes:

1. Limited retail and commercial establishments intended to serve the nearby residential neighborhoods and the general population of the city. Examples include:

    a. Grocery store, including specialty food stores such as: Bakery goods, delicatessen, meat markets and quick shops.

    b. Self Service Laundry

    c. Drug Store or pharmacy.

    d. Dry cleaning and laundry pick-up and delivery station.

    e. Restaurant or coffee shop provided that the serving of food or beverages to patrons waiting in parked automobiles shall not be permitted.

    f. Computer repairing, repairing of household appliances and other uses of a similar character, limited in size and nature to those which serve the immediately surrounding neighborhood.

    g. Hardware and retail stores.

    h. Gift shops.

2. Private service establishments intended to serve the nearby residential neighborhoods and the general population of the city. Examples include:

a. Barber shop and beauty shop, massage or similar personal services.
b. General Professional or business offices for doctors, dentists, lawyers, architects, artists, engineers and the like.

3. Municipal, county, state and federal uses.

4. Signs as regulated in Section 4.12 of these regulations.

5. Utility facilities as needed to provide for public service.

6. Public and semi-public uses including public parks and public recreational facilities, auditoriums, theaters, and museums with or without tours.

7. Car Dealerships

C. Uses Permitted on Review:

In the B-1 Local Business District, the following uses are permitted subject to review and approval by the Board of Zoning Appeals in accordance with the provisions of Section 6.07:

1. Churches and similar places of worship.

2. Family Day Care Homes, Group Child Care Homes, and Child-Care Centers, subject to the provisions of Section 4.24 of these regulations.

3. Planned unit development, subject to the provisions of Section 4.09.02

4. Outdoor dining and sidewalk dining.

5. Telecommunications structures subject to the provisions of Section 4.16 of these regulations.

8. Bed and Breakfast facilities, subject to the provisions of Section 4.26 of these regulations.

9. Mini Warehouses

10. Personal Storage Units

11. Gas Stations

12. Residential housing quarters for the property owner or lessee of the property that meet all adopted life safety and fire codes.

13. Kennels /Veterinary clinics without outdoor runs

14. Craft Beer Restaurant

D. Uses Prohibited:

In the B-1 Local Business District, all uses, except those uses or their accessory uses specifically permitted or permitted on review and approval are prohibited.

E. Dimensional Regulations:

All uses permitted in the B-1 Local Business District shall comply with the following requirements, except as provided in Chapter 5:

1. **Front Yard:**

   The minimum depth of the front yard shall be 30 feet. Corner lots that have frontage on two or more streets shall maintain a minimum setback of thirty (30) feet from all rights of way.

2. **Rear Yard:**

   There shall be a rear yard, alley, service court, or combination thereof, of not less than 25 feet.

3. **Side Yard:**

   On the side yard of a lot adjoining a residential district, there shall be a side yard of not less than 25 feet. There shall be a side yard setback from an intersection of not less than 25 feet. In all other cases, a side yard shall not be required.

4. **Height Requirement:**

   No building shall exceed three (3) stories or forty (40) feet, except as provided in Section 5.03.

5. (Reserved for future use.)

6. **Minimum Lot Size**

   The minimum lot size shall be 10,000 square feet.

F. Parking Space Requirements:

As regulated in Section 4.03 of these regulations.

G. Off-Street Loading and Unloading:

As regulated in Section 4.04 of these regulations.

H. Access Control:

As regulated in Section 4.01 of these regulations.

I. Landscape, Screening and Buffer Yard Requirements:

Landscaping, screening and buffer yard requirements of Athens City Ordinance Number 895, entitled Landscape Ordinance shall apply.

3.04.07. B-2 CENTRAL BUSINESS DISTRICT.

A. District Description:

This district is established to provide an area for the conduct of community and regional retail and service business of an indoor and intensive nature, especially for those sales and service uses which require a central location, which generate substantial pedestrian traffic, and which are mutually benefited by close proximity to other uses of similar nature and requirements, and for only those small-scale industrial uses commonly associated with retail, or business, or personal service activities. It is intended that such area have properties of size suitable for uses of a variety of scale so developed as to promote pedestrian circulation, avoid "dead" spaces between uses, and to contribute to mutual business advantage. It is further intended to exclude those commercial and industrial activities which are characterized by trucking other than stocking and delivery of retail goods.

B. Use Permitted:

The following uses and their accessory uses shall be permitted in the B-2 Central Business District:

1. Retail and other commercial establishments intended to serve the general population of the city including incidental manufacturing of goods for sale at retail on the premises provided, however, that the space devoted to manufacturing does not exceed twenty (20) percent of the gross floor area provided, further, that all materials are stored and all work that is done on the premises is done within a building. Examples of such establishments include: antiques, appliance, electronics, furniture, general merchandise, office supply and hardware stores, clothing stores, book stores, newsstands, jewelers, convenience and grocery stores, and restaurants.

2. Personal service establishments such as professional offices for doctors, dentists, lawyers, architects, artists, engineers and the like.

3. Private service establishments intended to serve the general population of the city requiring a central location. Examples of such establishments include: hotels, banks and similar financial institutions, barber and beauty shops, funeral homes, real estate sales, small appliance repair, shoe repair, income tax service, check advance and title loans, pawn brokers, and self-service laundries.

4. Public buildings and grounds other than schools.

5. Public and semi-public uses including public parks and public recreational facilities, auditoriums, theaters, and museums with or without tours.

6. Hotels.

7. Commercial recreational facilities excluding drive-in theaters and out-door recreation facilities.

8. Signs as regulated in Section 4.12 of these regulations.

9. Utility facilities as needed for the provision of public service.

10. Municipal, county, state and federal uses.

11. Craft Beer Restaurant

C. Uses Permitted on Review:

In the B-2 Central Business District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 6.07 of these regulations.

1. Commercial parking lots and parking garages.

2. Public transportation terminals including taxi stands.

3. Gasoline Service Stations as regulated by Section 4.10 of these regulations.

4. Multi-Family Residential Dwellings and efficiency apartments.

5. Planned unit development, subject to the provisions of Section 4.09.02

6. Automotive Repair; provided it is located in an existing building suited for such use.

7. Churches and similar places of worship.

8. Group Child Care Homes, and Child Care Centers, subject to the provisions of Section 4.24 of these regulations.

9. Bed and Breakfast establishments, subject to the provisions of Section 4.26 of these regulations.

10. Telecommunication Structures, subject to the provisions of Section 4.16 of these regulations.

11. Personal Storage units that meet requirements of Section 3.04.08.J.

12. Residential housing quarters for the property owner or lessee of the property that meet all adopted life safety and fire codes.

D. Uses Prohibited:

In the B-2 Central Business District, all uses, except those uses specifically permitted or permitted on review and approval, are prohibited.

E. Dimensional Regulations:

All uses permitted in the B-2 Central Business District shall comply with the following requirements except as provided in Chapter 5.

1. **Rear Yard:**

   Where a commercial building is to be serviced from the rear, there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than thirty (30) feet in depth. The depth of a rear yard which abuts a residential district shall be not less than thirty (30) feet. In all other cases, no rear yard is required.

2. **Side Yard:**

   No side yard shall be required except that the width of a side yard which abuts a residential district shall be twenty-five (25) feet.

3. **Height Requirement:**

   No building shall exceed three (3) stories or forty (40) feet, except as provided in Section 5.03.

F. Parking Space Requirement:

As regulated in Section 4.03 of these regulations.

G. Off-Street Loading and Unloading:

As regulated in Section 4.04 of these regulations.

H. Access Control:

As regulated in Section 4.01 of these regulations.

I. Landscaping and Buffer Requirements:

Landscaping, screening and buffer yard requirements of Ordinance Number 895, entitled Landscape Ordinance shall apply.

J. Requirements for personal storage units locating in the Central Business District.

1. Existing attached/semi-detached structures that have common walls with adjacent structure/s in the Central Business District shall be sprinkled regardless of the area devoted to Personal Storage Units. All existing attached/semi-detached structures shall have a monitored fire alarm system

2. New attached/semi detached structures that have common walls with adjacent structure in the Central Business District shall be sprinkled regardless of the

area devoted to Personal Storage Units All new attached/semi-detached structures shall have a monitored fire alarm system.

3. Existing Stand Alone Structures (Structures that are not attached/semi detached and do not have common walls with adjacent structure in the Central Business District) shall meet all applicable Fire and Building Code requirements for use separation from adjacent structures.

    a) The existing Stand Alone Structure is required to meet all current applicable building and fire code requirements for life safety and fire prevention

    b) If existing Stand Alone Structure is less than 10,000 gross square feet, no sprinkling shall be required.

    c) If existing Stand Alone Structure is 10,000 gross or greater, the building shall be sprinkled.

    d) All existing Stand Alone Structures shall have a monitored fire alarm system

4. New Stand Alone Structures (Structures that are not attached/semi detached and do not have common walls with adjacent structure in the Central Business District) shall meet all applicable Fire and Building Code requirements for use separation from adjacent structures.

    a) If the New Stand Alone Structure is in compliance with all current applicable building and fire code requirements for life safety and fire prevention, then the use will not have to be sprinkled if structure is fewer than 10,000 gross square feet.

    b) All New Stand Alone Structures shall have a monitored fire alarm system

5. All structures existing or new (stand-alone or attached/semi-detached) are required to have an off-street loading space clearly marked for the personal storage unit use only. This space has to meet size requirements and all the turning movements to accommodate a Class 6 gross vehicle weight rating (GVWR) moving truck (19,501 to 26,000 pounds (8,846 to 11,793 kg))and cannot be used for any other parking requirements associated with the structure/use.

3.04.08. B-3 INTENSIVE BUSINESS DISTRICT.

A. District Description:

This district is established to provide areas for those businesses that require high volume transportation facilities. It is intended that such areas have properties with lot sizes, yards, performance and development standards sufficient to insure that activities performed on any one lot will not unduly impede the flow of traffic, will not adversely affect activities of adjoining zones, and will not infringe on the efficiency of activities or customer attractiveness to adjacent lots.

B. Uses Permitted:

1. Retail and other commercial establishments intended to serve the general population of the city and the region. Examples of such establishments include those that depend on high traffic volume and serve the regional traveler or cater to local residents in vehicles, such as shopping centers, building materials, equipment rental, farm equipment and supplies, fencing, machinery, auto parts and supplies, drugstores and pharmacies.

2. Private service establishments intended to serve the general population of the city and the region. Examples of such establishments include banks and similar financial institutions, hotels and motels, funeral homes and mortuaries, dry cleaners, and Libraries, art galleries, museums, and like uses.

3. Restaurants, including drive through restaurants.

4. Tourist services, including tourist information centers, souvenir/gift shops and hunting/fishing/boating/camping supply shops.

5. Ambulance and other emergency services.

6. Establishments for the sale, service or rental of passenger, travel, and recreation vehicles.

7. Churches and similar places of worship.

8. Public or private golf courses.

9. Outdoor recreation facilities.

10. Signs and billboards as regulated in Section 4.12 of these regulations.

11. Utility facilities necessary for the provisions of public services.

12. Convenience Stores/Gasoline and Motor Fuel Sales, subject to the provisions of Section 4.10 of these regulations.

13. Municipal, county, state and federal uses.

14. General Professional and business Offices; doctors, dentists, lawyers, architects, artists, engineers, and the like.

15. Manufacturing, fabricating, and processing ice.

16. Public and semi-public uses including public parks and public recreational facilities, auditoriums, theaters, and museums with or without tours.

17. Offsite dormitory or barracks related to a state, regional, or federal accredited educational institution and a National Collegiate Athletic Association (NCAA) sanctioned and/or sponsored sports training facility, which can include essential services (i.e. group kitchen and group bathroom facilities) and a separate housing unit facility (inclusive or exclusive) for the manager of the dormitory or barrack.

18. Craft Beer Restaurant

C. <u>Uses Permitted on Review</u>:

In the B-3 Intensive Business District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 6.07:

1. Truck Stops.

2. Amusement parks, amphitheaters, ballparks, or stadiums, fairgrounds, and group picnic grounds.

3. Auto, go-cart, or similar racetrack or drag strip.

4. Indoor Rifle or other gun firing range or shooting course and archery ranges.

5. Zoos.

6. Airports.

7. Planned unit development, subject to the provisions of Section 4.09.02

8. Auditoriums, exhibit halls, field houses, gymnasiums, theaters, private clubs, lodges and indoor recreation facilities.

9. Kennels/Veterinary Clinics with or without outdoor runs.

10. Group Child Care Homes, and Child Care Centers, subject to the provisions of section 4.24 of these regulations.

11. Telecommunications Structures, subject to the provisions of Section 4.16 of these regulations.

12. Mini Warehouses

13. Outdoor dining and sidewalk dining.

14. Rebuilding an existing Single-Family Home in areas of the city annexed after August 2012 if the structure is determined to be at least 51% destroyed (by fire or natural disaster) by the City of Athens Building Official.

15. Golf courses, parks, country clubs, and swimming pools, and other recreational facilities

16. Residential housing quarters for the property owner or lessee of the property that meet all adopted life safety and fire codes.

17. Personal Storage Units

18. Apartment Complex's with a minimum of six (6) independent living units

D. <u>Uses Prohibited</u>:

All uses, except those uses or their accessory uses specifically permitted or permitted upon review and approved by the Athens Municipal-Regional Planning Commission or permitted by special exception by the Planning Commission, are prohibited.

E. <u>Dimensional Regulations</u>:

The following requirements shall apply to all uses permitted in this district:

1. **Lot Area:**

   a. For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than ten thousand (10,000) square feet.

   b. For those areas not served by a sanitary sewer system, the lot area requirements shall be determined by the Planning Commission based on recommendations of the Health Department, but in no case shall be less than twenty thousand (20,000) square feet.

2. **Front Yard:**

   The depth of the front yard shall be fifty (50) feet from any right-of-way.

   a. Corner lots: lots that have frontage on two or more streets shall maintain a minimum setback of fifty (50) feet from all rights of way.

3. **Side Yard:**

   The width of any side yard which abuts a residence district shall be not less than twenty-five (25) feet. In all other cases each side yard shall be not less than twenty (20*)* feet.

4. **Rear Yard:**

   Twenty (20) feet minimum.

   Thirty (30) feet minimum if a truck loading/unloading area is located in the rear setback area or if the property abuts a residential zone.

5. **Lot Width:**

   Each lot shall have a width of not less than one-hundred (100) feet at the building setback line.

6. **Height Restriction:**

   No building or structure shall exceed three (3) stories or forty (40) feet, except as provided in Section 5.03 of these regulations.

F. Off-Street Parking:

As regulated in Section 4.03 of these regulations.

G. <u>Off-Street Loading and Unloading</u>:

As regulated in Section 4.04 of these regulations.

H. <u>Access Control</u>:
As regulated in Section 4.01 of these regulations.

I. <u>Landscape and Buffer Requirements</u>:

Landscaping, screening and buffer yard requirements of Athens City Ordinance Number 895, entitled Landscape Ordinance shall apply.

3.04.09. M-1 MEDICAL DISTRICT.

A. District Description:

It is intended that this district be used to provide for the unified development of medical facilities, nursing homes, and other facilities related to the health care of the citizens of the City of Athens and the surrounding region.

B. Uses Permitted:

In the M-1 Medical District, the following uses and their accessory uses are permitted:

1. Public and private hospitals, clinics and other facilities which provide for the overnight care of patients, and medical and dental offices not equipped for over-night care of patients.

2. Public and private nursing homes, assisted living facilities, residential homes for the aged, and adult day care centers.

3. Drug stores, medical supply establishments and like uses.

4. Utility facilities necessary for the provisions of public services.

5. Public parks, and public recreational facilities.

6. Ambulance Services.

C. Uses Permitted on Review:

The following uses are permitted on review: Any other use which the Board of Zoning Appeals feels is in conformance with the intent of this district shall be permitted upon review and approval as provided for in Section 6.07.

1. Planned unit development, subject to the provisions of Section 4.09.02.

2. Banks and other similar financial institutions.

3. Professional Offices.

4. Restaurants including drive through establishments.

5. Telecommunication Structures, subject to the provisions of Section 4.16 of these regulations.

6. Helipad (also subject to review by TDOT and FAA).

7. Multifamily dwellings

8. Residential housing quarters for the property owner or lessee of the property that meet all adopted life safety and fire codes.

D. Uses Prohibited:

All uses except those permitted or permitted upon approval by the Planning Commission, are prohibited.

E. Dimensional Regulations:

All uses permitted in the M-1 Medical District shall comply with the following requirements, except as provided in Chapter 5:

1. **Front Yard:**

   The minimum depth of the front yard shall be thirty (30) feet.

2. **Rear Yard:**

   No building shall be located closer than twenty-five (25) feet to the rear lot line.

3. **Side Yard:**

   Side yard setbacks 20 feet.

4. **Maximum Lot Coverage:**

   No building shall cover more than forty (40) percent of the lot area.

5. **Lot Width:**

   Minimum lot width of 100 feet.

6. **Height Requirements:**

   No building shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 5.03 of these regulations.

7. **Minimum Lot Size**

The minimum lot size shall be 10,000 square feet.

F. Parking Space Requirements:

As regulated in Section 4.03 of these regulations.

G. Off-Street Loading and Unloading:

As regulated in Section 4.04 of these regulations.

H. Access Control:

As regulated in Section 4.01 of these regulations.

I. Landscaping and Buffer Requirements:

Landscaping, screening and buffer yard requirements of Athens City Ordinance Number 895, entitled Landscape Ordinance shall apply.

3.04.10. P-1 PROFESSIONAL DISTRICT

A. District Description:

This district is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yard and open areas. It is also the purpose of this district to reserve areas for college, governmental operations and other cultural and civic uses. The intent is to provide centralized, compact locations for business, offices and professional offices near residential areas.

NO NEW P-1 PROFESSIONAL DISTRICT MAY BE CREATED WHICH CONTAINS LESS THAN THREE (3) ACRES.

B. Uses Permitted

In the P-1 Professional District, the following uses and their accessory uses are permitted:

1. Any governmental or university use or structure having characteristics compatible with this district.

2. Auditoriums, libraries and museums operated by non-profit organizations.

3. Private clubs and lodges including sororities, fraternities and denominational student headquarters.

4. Professional and business offices which shall include but not limited to, offices for lawyers, architects, engineers, insurance, real estate, beauty and barber shops.

5. Medical and dental offices not equipped for the over-night care of patients.

6. Business colleges.

7. Funeral Homes and mortuaries.

8. Signs, as regulated in Section 4.12 of these regulations.

9. Utility facilities necessary for the provision of public service.

C. Uses Permitted on Review:

In the P-1 Professional District, the following uses and their accessory uses may be permitted subject to review and approval of the Board of Zoning Appeals in accordance with the provisions of Section 6.07.

1. Residential uses as defined and regulated for R-2 High Density Residential Districts.

2. Research or testing laboratories.

3. Establishments rendering business or related services associated with and including, but not limited to, restaurants, sale of office supplies and business forms or machines.

4. Planned Unit Development as regulated in Section 4.09.01 of these regulations.

5. Telecommunication Structures subject to the provisions of Section 4.16 of these regulations.

6. Residential housing quarters for the property owner or lessee of the property that meet all adopted life safety and fire codes.

D. Uses Prohibited:

In the P-1 Professional District all uses, except those uses or their accessory uses specifically permitted or permitted upon review and approval by the Athens Municipal-Regional Planning Commission are prohibited.

E. Dimensional Regulations:

All uses permitted in the P-1 Professional District shall comply with the following requirements, except as provided in Chapter 5 of these regulations:

1. **Front Yard:**

   The minimum front yard setback shall be 30 feet.

2. **Rear Yard:**

   No building shall be located closer than twenty-five (25) feet to the rear lot line.

3. **Side Yard:**

   The minimum side yard setback shall be 20 feet.

4. **Maximum Lot Coverage:**

No building shall cover more than forty (40) percent of the lot area.

5. **Lot Width:**

Minimum lot width of 100 feet.

6. **Height Requirements:**

No building shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 5.03 of these regulations.

7. **Minimum Lot Size**

The minimum lot size shall be 10,000 square feet.

F. Parking Space Requirements:

As regulated in Section 4.03 of these regulations.

G. Off-Street Loading and Unloading:

As regulated in Section 4.04 of these regulations.

H. Access Control:

As regulated in Section 4.01 of these regulations.

I. Landscaping and Buffer Requirements:

Landscaping, screening and buffer yard requirements of Athens City Ordinance Number 895, entitled Landscape Ordinance shall apply.

3.04.11 I-1 LIGHT INDUSTRIAL DISTRICT.

A. District Description:

This industrial district is established to provide areas in which the principal use of land is for light manufacturing and assembly plants, processing, storage, warehousing, and distribution. It is the intent that permitted uses are conducted so that most of the noise odor, dust, and glare of each operation is confined within an enclosed building. These industries may require direct access to rail or street transportation routes; however, the size and volume of the raw materials and finished products involved should not produce the volume of freight generated by uses of the heavy industrial district. These regulations are intended to prevent friction between uses within the district and also between adjoining commercial or residential uses.

NO NEW I-1 LIGHT INDUSTRIAL DISTRICT SHALL BE CREATED WHICH CONTAINS LESS THAN FIVE (5) ACRES, UNLESS THE PROPOSED DISTRICT IS ADJACENT TO AN EXISTING INDUSTRIAL DISTRICT.

B. Uses Permitted:

The following uses and their accessory uses shall be permitted in the I-1 Light Industrial District:

1. Any retail establishment which includes the manufacturing of goods for sale at retail on the premises.

2. Tire recapping or retreading.

3. Repair or service facilities, including but not limited to, automobile repair, appliance repair, machine shops, cabinet shops, carpentry, plumbing, and welding.

4. Contractors or construction equipment dealers including building materials yard.

5. Grain or feed storage or processing.

6. Heating fuel or building material storage or wholesaling.

7. Warehousing to include mini-storage and climate controlled personal storage units.

8. Radio or television tower.

9. Self-service storage units/mini-warehouse/mini-storage subject to the provisions of section 4.23 of these regulations.

10. Railroad installation or receiving yard.

11. Wholesale or warehouse receiving yard.

12. Bottling plant and milk distribution station or packaging works.

13. Assembly of parts for production of finished equipment.

14. Manufacturing, fabricating, processing, or assembling processes which do not create any danger to health or safety in surrounding areas, and which do not create any objectionable noise, vibration, smoke, dust, odor, heat or glare such as, but not limited to the following:

    a. Boats (less than 5 tons);

    b. Bolts, nails, rivets or similar fastenings;

    c. Clothing;

    d. Food Products;

    e. Pharmaceuticals;

    f. Furniture and wood products;

    g. Glass products, but not including glass manufacturing;

    h. Hand tools and hardware products;

    i. Ice;

    j. Leather goods, but not tanning;

    k. Musical instruments, games or toys;

    l. Office machines;

    m. Optical goods;

    n. Paper products, but not manufacturing;

    o. Sporting goods;

p. Tobacco processing or treatment;

q. Public utility service yard or electrical receiving or transforming station;

r. Signs or other advertising;

s. Concrete batch plant.

15. Signs and billboards as regulated in Section 4.12.

16. Utility facilities necessary for the provision of public service.

17. Establishments for the sale, service or rental of passenger, travel, and recreation vehicles.

C. <u>Uses Permitted on Review</u>:

Any use which conforms to the intent of this district shall be permitted on review and approval of the Board of Zoning Appeals.

1. Planned unit development, subject to the provisions of Section 4.09.02.

2. Kennels/Veterinary Clinics.

3. Restaurants, including drive through restaurants.

4. Convenience Stores.

5. Adult Oriented Establishments as defined in Athens City Ordinance No. 843.

6. Telecommunication Structures subject to the provisions of Section 4.16 of these regulations.

D. <u>Uses Prohibited</u>:

Any use which is not specifically permitted or permitted on review and approval by the Planning Commission, is prohibited in the I-1 Light Industrial District.

E. Dimensional Regulations:

All uses permitted in the I-1 Light Industrial District shall comply with the following requirements except as provided in Chapter 5:

1. **Front Yard:**

   The minimum depth of the front yard shall be fifty (50) feet.

2. **Rear Yard:**

   The minimum depth of the rear yard shall be thirty (30) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.

3. **Side Yard:**

   Minimum side yard setback shall be fifty (50) feet.

4. **Land Area:**

   Where public water and sewer service is available, there shall be required a minimum land area of two (2) acres. In areas where only public water is available, there shall be a minimum of five (5) acres. No industrial land use shall be permitted in areas where a public water supply is not available.

5. **Maximum Lot Coverage:**

   No maximum lot coverage shall be imposed in the I-1 Light Industrial District.

6. **Lot Width:**

   No lot shall be less than one hundred fifty (150) feet wide at the building setback line.

7. **Height Requirement:**

   The maximum height of the structures shall be 5 stories or 65 feet in height, except as provided in Section 5.03 of these regulations.

F. Parking Space Requirement:

As regulated in Section 4.03 of these regulations.

G. Off-Street Loading and Unloading:

As regulated in Section 4.04 of these regulations.

H. Access Control:

As regulated in Section 4.01 of these regulations.

I. Landscaping and Buffer Requirements:

Landscaping, screening and buffer yard requirements of Athens City Ordinance Number 895, entitled Landscape Ordinance shall apply.

3.04.12 I-2 HEAVY INDUSTRIAL DISTRICT.

A. General Description:

This industrial district is established to provide areas in which the principal use of the land is for manufacturing and other heavy industrial uses that could possibly have an adverse affect on surrounding property. Such uses are not properly associated with nor compatible with residential, institutional, retail business or light industrial uses. As such, these uses are intended to be confined to a specific location or area where their existence will not adversely affect surrounding uses.

NO NEW I-2 HEAVY INDUSTRIAL DISTRICT SHALL BE CREATED WHICH CONTAINS LESS THAN FIVE (5) ACRES, UNLESS THE PROPOSED DISTRICT IS ADJACENT TO AN EXISTING INDUSTRIAL DISTRICT.

B. Uses Permitted:

Property and buildings in an I-2 Heavy Industrial District shall be used only for the following purposes:

1. Any of the following uses:

    a. Bulk storage of petroleum products in containers established either above or below ground;

    b. A retail or service use only when it serves directly or is auxiliary to the needs of industrial plants or employees thereof;

    c. Alcohol manufacture;

    d. Ammonia, bleaching powder or chlorine manufacture;

    e. Asphalt manufacture or refining;

    f. Boiler works and tank manufacture;

    g. Central mixing plant for mortar or cement and concrete or cement products manufacture;

    h. Chemical manufacture;

    i. Iron, steel, brass or copper foundry or fabrication of metals;

    j. Railroad freight terminal;

k. Paint, oil, shellac, turpentine, varnish or enamel manufacture;

l. Plastic manufacture;

m. Power Plant;

n. Rolling mills;

o. Manufacture and fabrication of rubber and related products;

p. Soap manufacture;

q. Tar distillation or tar products manufacture;

r. Natural Resource extraction.

2. In general those uses which may be noxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, and the like, and not allowed in any other district; may be approved by the Board of Zoning Appeals if appropriate environmental controls are in place.

3. Buildings, structures and accessory uses customarily incidental to any of the above uses.

4. Signs and billboards as regulated in Section 4.12 of these regulations.

5. Contractors and storage yards, or construction equipment dealer yards.

6. Utility facilities necessary for the provision of public service.

7. Self-service storage units / Mini-warehouse/Mini-storage subject to the provisions of section 4.23 of these regulations.

8. Trucking terminal.

9. Scrap Yard.

10. Automobile wrecking, junk, and salvage yards, subject to the provisions of Section 4.13 of these regulations.

11. All I-1 uses allowed in the I-1 zone.

C. <u>Uses Permitted on Review</u>:

1. The following uses may be permitted on review by the Board of Zoning Appeals:

   a. Acid manufacture;

   b. Cement, lime gypsum or plaster of paris manufacture;

   c. Distillation of bones;

   d. Drop forge industries manufacturing forging with power;

   e. Explosive, manufacture or storage;

   f. Fat rendering, except as an incidental use;

   g. Fertilizer manufacture;

   h. Garbage, offal, or dead animal reduction or dumping;

   i. Glue manufacture;

   j. Extraction, reduction and storage of mineral resources;

   k. Paper and pulp manufacture;

   l. Petroleum refining;

   m. Processing or storing of junk, waste, discarded or salvaged materials, machinery or equipment, including automobile wrecking or dismantling, as regulated in Section 4.13 of these regulations;

   n. Refuse dump;

   o. Rock, sand or gravel or earth extraction, crushing or distribution;

   p. Saw mill;

   q. Slaughter of animals, including poultry killing or dressing;

   r. Smelting of tin, copper, zinc or iron ores;

   s. Stock yards or feeding pens;

   t. Tannery or the curing or storage of raw hides.

u. Restaurants;

v. Convenience Stores;

2. All other similar uses which the Planning Commission, after investigating a similar use elsewhere, declares the use to be a special use.

3. Planned unit development, subject to the provisions of Section 4.09.02.

4. Telecommunication Structures subject to the provisions of Section 4.16 of these regulations.

5. Adult Oriented Establishments as defined in Athens City Ordinance No. 843.

D. <u>Prohibited Uses and Structures</u>:

Dwelling units including hotels; motels; mobile homes; elementary or high schools, public or private; and any retail use or service unless it serves or is auxiliary to the needs of the industrial plant or employees thereof.

E. <u>Dimensional Regulations</u>:

All uses permitted in the I-2 Heavy Industrial District shall comply with the following requirements except as provided in Chapter 5 of these regulations:

1. **<u>Front Yard</u>:**

The minimum depth of the front yard shall be fifty (50) feet.

2. **<u>Rear Yard</u>:**

The minimum depth of the rear yard shall be thirty (30) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.

3. **Side Yard:**

Side setback shall be 50 feet.

4. **Land Area:**

Where public water and sewer service is available, there shall be required a minimum land area of two (2) acres. In areas where only public water is available, there shall be a minimum of five (5) acres. No industrial land use shall be permitted in areas where a public water supply is not available.

5. **Maximum Lot Coverage:**

No maximum lot coverage shall be imposed in the I-2 Heavy Industrial District.

6. **Lot Width:**

No lot shall be less than one hundred fifty (150) feet wide at the building setback line.

7. **Height Requirement:**

The maximum height of the structures shall be 5 stories or 65 feet in height, except as provided in Section 5.03 of these regulations.

F. Parking Space Requirement:

As regulated in Section 4.03 of these regulations.

G. Off-Street Loading and Unloading:

As regulated in Section 4.04 of these regulations.

H. Access Control:

As regulated in Section 4.01 of these regulations.

I. Landscape and Buffer Requirements:

Landscaping, screening and buffer yard requirements of Athens City Ordinance Number 895, entitled Landscape Ordinance shall apply.

3.04.13 II-1 INTERSTATE INTERCHANGE OVERLAY DISTRICT

A. District Description:

This district is an overlay district, provisions of which are designed to recognize the unique circumstances created at the points at which local, state, and federal streets and highways intersect with the Federal Interstate System of Highways. The intent of this district is to provide for the placement of on-premise business signs, appropriate in size and scale to their setting, for the purpose of attracting high-speed interstate travelers to exit the interstate. The overlay district applies to all property located within 2,500 feet of the right-of-way of I-75 Interchanges Exit 49 and Exit 52. Except as may be altered by the provisions of 3.04.13, all other provisions of this ordinance relating to permitted uses within the underlying zoning district, and all other applicable provisions of 4.12 Signs, Billboards, and other Advertising Structures, and all other applicable provisions of this ordinance shall apply.

B. Signs: Except as set out below, all signs located within the II-1 District shall meet all applicable provisions of 4.12 Signs, Billboards, and other Advertising Structures of this ordinance.

C. Interstate/Interchange Monopole Signs:

(1) Individual parcels, any portions of which are located within 2,500 feet of the right-of-way of Interstate I-75 Interchanges (Exit 49 and Exit 52), shall be permitted one (1) and only one (1) Interstate/Interchange monopole sign; provided however, that the Interstate/Interchange monopole sign must be located on that portion of the parcel lying within the II-1 district. No more than one (1) back-to-back sign shall be placed upon any Interstate/Interchange monopole sign. The faces of a back-to-back Interstate/Interstate monopole sign shall be situated so that both sides cannot be seen simultaneously from any point.

(2) The sign area of the Interstate/Interchange monopole sign shall not exceed four hundred fifty (450) square feet.

(3) The maximum height of the Interstate/Interchange monopole sign shall be one hundred (100) feet above the mean centerline elevation of the Interstate I-75 at the point nearest the sign.

(4) The Interstate/Interchange monopole sign shall not be placed within the front yard of any permitted use. The side yard setback shall be a minimum of ten (10) feet and twenty (20) feet from the rear property line. The measurement of setbacks shall be measured from

the property line to the leading edge of the Interstate/Interchange monopole sign.

D. **Information Required Before Installation of Interstate/Interchange Monopole Sign**.

(1) Prior to the installation of an Interstate/Interchange monopole sign, the Building Inspector shall be supplied with all information necessary to allow him/her to make a determination as to whether or not the Interstate/Interchange monopole sign will meet the provisions of 3.04.13 and all other applicable provisions of this ordinance. Such information shall include a drawing indicating the measurements of all portions of the sign, height of the bottom of the sign face and the top of the sign face above the centerline elevation of the Interstate I-75 right-of-way in closest proximity to the sign.

(2) A survey prepared by a licensed surveyor shall be submitted to the Building Inspector showing the proposed location of the Interstate/Interchange monopole sign on the site/property. The surveyed location of the Interstate/Interchange monopole sign may be included on a site plan, as may be required by other applicable sections of this ordinance. Within ten (10) days following installation of the Interstate/Interchange monopole sign, the property owner shall submit a certified survey to the Building Inspector showing the precise height of the sign above the mean centerline elevation of the Interstate I-75 right-of-way.

E. **Additional Permitted Signs**:

(1) Each permitted use located on any portion of a parcel on which an Intestate/Interchange monopole sign is located and is located within the II-1 District, may be permitted to have one (1) detached ground/monument sign.

A. The maximum height of the detached ground/monument sign shall be eight (8) feet measured from grade to the top of the ground/monument sign.

B. The sign area of the detached ground/monument sign shall be a maximum of one hundred (100) square feet.

C. In order to ensure that there is no obstructions to vision the ground/monument sign shall be setback a minimum of thirty (30) feet from the front property line, ten (10) feet from the rear, and five (5) feet from the side property lines.

(2) Each permitted use located on any portion of a parcel on which an Interstate/Interchange monopole sign is located whether such use lies within or outside of the II-1 District, may be permitted to have a wall sign, the location, size, and height of which shall be governed by the applicable provisions of 4.12 Signs, Billboards, and Other Advertising Structures, and the underlying zoning district of this ordinance.

3.04.14 HISTORIC PRESERVATION COMMISSION AND HISTORIC OVERLAY DISTRICT:

A. This provision shall entitle an Athens Historic Preservation Commission (AHPC) to:

a. Protect, enhance, and perpetuate resources which represent distinctive and significant elements of the City's historical, cultural, social, economic, political, archaeological, and architectural identity;
b. Insure the harmonious, orderly, and efficient growth and development of the City;
c. Strengthen civic pride and cultural stability through neighborhood conservation;
d. Stabilize the economy of the City through the continued use, preservation, and revitalization of its resources;
e. Promote the use of historic resources for the education, pleasure, and welfare of the people of the City;
f. Provide a review process for the preservation and development of the City's resources.

B. Historic Preservation Commission: Composition and Terms

The City of Athens hereby establishes a historic zoning commission, pursuant to the authority granted in Tennessee Code Annotated (TCA) 13-7-401 et seq. The Athens Historic Preservation Commission, hereinafter referred to as "AHPC," is authorized to preserve, promote, and develop the city's historic resources and to advise the City on the designation of Local Historic Overlay Districts and Local Conservation Overlay Districts and Local Landmarks and to perform such other functions as may be provided by law.

Creation and Appointment. In accordance with TCA 13-7-403, the Athens Historic Preservation Commission (AHPC) is hereby established. The Athens City Council shall create a seven member Historic Preservation Commission. The AHPC shall consist of a representative of a local patriotic or historical organization; an architect, if available; an Athens City Council member; a current member of the Athens Municipal-Regional Planning Commission at time of appointment; and the remainder shall be from the community in general. AHPC members shall be appointed by the Mayor, subject to confirmation by the Athens City Council. Appointments to membership on the AHPC shall be arranged so that the term of no more than two members shall expire each year and his/her successor(s) shall be appointed in like manner in terms of five (5) years, and members shall serve a maximum of two consecutive terms. All members shall serve without compensation.

C. Powers of the AHPC

The AHPC shall have the following powers:

(1) Title 13, Section 7, Part 4 of the Tennessee Code Annotated entitled "Historic Zoning" is the controlling law applicable to this Ordinance and is made a part hereof as though copied herein verbatim.

(2) The Athens Historic Preservation Commission (AHPC) shall review all permits for construction, repair, alteration, rehabilitation, relocation or demolition of any building or structure which is located or is proposed to be located in the designated zone, and further shall be authorized to review any construction, repair, alteration, rehabilitation, relocation or demolition project on any structure not requiring a permit in accordance with Tennessee Code Annotated, § 13-7-407(a), and which according to adopted guidelines requires a certificate of appropriateness.

(3) Historic zones and boundaries shall be recommended by the AHPC to the Athens Regional Planning Commission and Council of the City of Athens.

(4) In accordance with TCA 3-7-406, the AHPC shall adopt design guidelines for each historic district consistent with the regulations and standards adopted by the Secretary of the Interior which it will apply in ruling upon the granting or denial of a certificate of appropriateness.

(5) The AHPC shall review applications for certificates of appropriateness within thirty (30) days following the availability of sufficient data for applicable projects. If a certificate of appropriateness is denied, then the applicant shall be informed of the AHPC's finding in writing.

D. APPEALS

The AHPC shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final order of judgment of the commission may have said order of judgment reviewed by the courts by procedures of certiorari as provided for in the Tennessee Code Annotated, Title 27, Chapter 8.

E. PUBLIC SAFETY EXCLUSION

None of the provisions of this ordinance shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the city building official or the fire department and where the proposed actions have been declared necessary by such authorities to correct the said condition provided, however, that only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event that any resource designated as a Local Landmark or located within the designated Local Historic Overlay District shall be damaged by fire or other calamity to such an extent that it cannot be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

The city building official concurs with the property owner that the resource cannot be repaired and restored and so notifies the AHPC in writing.

F. H-1 HISTORIC OVERLAY DISTRICT

The established district is roughly bounded by the properties along East Madison Avenue, Ingleside Avenue, Guille Street, and Atlantic Street.

The H-1 District is an overlay zone that is to be attached to the official zoning map in following the process for a zoning map amendment. The H-1 District is an overlay district, meaning that the underlying zoning designation of the property prior to the attachment of the overlay zone is unchanged by the attachment of the zoning overlay district. Permitted uses, conditional uses, setbacks, and other property development rights and requirements affected by zoning are not affected by the H-1 District except as provided within the authority of the Athens Historic Preservation Commission established by Section 3.04.14.

CHAPTER 4: - SUPPLEMENTARY PROVISIONS FOR ALL DISTRICTS

4.01. ACCESS CONTROL.

In order to expedite the movement of traffic, to promote the safety of the motorist and pedestrian, and to minimize traffic congestion and conflict, it is necessary to reduce the points of vehicular contact. Therefore, to effectively control vehicular access onto the streets of Athens, it is necessary to classify such streets as follows: arterial street; collector street; and minor street. The classification of each street shall be as shown on the Revised Major Route Plan of Athens, Tennessee dated October 1978 which is kept in the Municipal Building. (The provisions in this section for arterial streets shall apply to both major and minor arterials on the Major Route Plan; collector street provisions apply to the primary collectors on the Major Route Plan; and minor street provisions apply to local streets on the Major Route Plan.)

A. Development Requiring Access Control Plan:

Commercial and Industrial Establishments and Apartment complexes of three (3) or more dwelling units must file an access control plan meeting all requirements of this Section and must have such plan approved by the Athens Municipal-Regional Planning Commission prior to obtaining a building permit. This access control plan is often part of a "Site Plan" as specified in Section 4.17 of this ordinance. However, in the event that such a site plan is not required, an access control plan must still be submitted and approved. Although access control plans are not required for single-family homes and duplexes, the provisions of Section 4.01.D1, 2, and 3 shall be adhered to for access to these land uses.

B. General Access Regulations Applying to All Classifications of Streets:

1. Maximum Width of All Access Points:

The maximum width of all access points shall be thirty (30) feet measured at the property line except when the development requiring access generates high overall or high peak traffic volumes, the Athens Municipal -Regional Planning Commission (AMRPC) may approve a wider channeled access point to allow various turning movements for greater traffic control and safety.

2. Temporary Access Ways:

Temporary access ways may be granted by the Planning Commission at locations other than those specified for permanent access where it is expedient for the purpose of staged development. Temporary access ways shall be closed when permanent access to the property is completed.

3. Off-Street Parking Lanes Entirely Independent of Certain Public Streets:

In non residential districts, no off-street vehicular storage or parking area shall be allowed where the arrangement requires that vehicles back directly into a public street right-of-way.

4. Access for Lots Fronting on More Than One Street:

In all commercial developments where a lot abuts more than one street, the Planning Commission may require that the access be from the street of lowest classification when necessary to lessen serious congestion on the major street. If access is allowed onto two or more streets, the number of access points shall conform to those allowed for each street classification (see Subsection C).

5. Gasoline Service Stations:

Gasoline service stations shall be allowed two (2) access points onto the same street to allow proper circulation past the gasoline pumps. This is regardless of lot width or street classification provided the required access plan is approved by the AMRPC.

C. Construction of Frontage Roads and Interior Circulation Drives:

In order to limit the number of individual access points to an arterial or collector street, the AMRPC shall encourage and may require the development of Frontage Roads and Inter-connecting Interior Circulation Drives.

1. Frontage Roads:

Frontage roads are those which parallel the existing street and extend across the entire frontage of a particular large property or group of properties. Frontage roads may be required to provide safe and efficient public access to individual properties eliminating the traffic congestion which would be caused if each parcel had its own access onto the arterial or collector street. Access points between the frontage road and the arterial street shall be no closer together than 500 feet and no closer together than 300 feet along collector streets. All frontage roads shall be built to the standards specified in the City of Athens Minimum Subdivision Regulations Article 7, Sections 125, 126, and 127 and shall be dedicated as public streets and then maintained by the City of Athens.

Access requirements for property served by a frontage road shall be the same as for property fronting a minor street (i.e., at least 100 feet apart) except that the Planning Commission may also allow a regrouping of access points onto the frontage road in accordance with an approved site plan which does not destroy the intent of these access control provisions.

2. Interior Circulation Drives:

Interior circulation drives are needed in large developments which require large parking areas. These drives interconnect all parking lot access points with all buildings and areas of vehicular parking, loading, and servicing. They are constructed to provide safe and efficient vehicular movement between specified access points of a development or a series of developments. The Planning Commission shall encourage and may require that the interior circulation drives of adjacent developments be connected to eliminate the need to use the public streets to drive from one to another. All circulation drives shall be clearly defined and marked appropriately with arrows, etc., to assist public circulation into and out of the property and its parking areas.

An area of land not less than ten (10) feet deep shall be provided between the public street right-of-way line and the edge of all proposed frontage roads or interior circulation drives. This area will separate the roadways with a minimum turning radius. Such area shall be landscaped and grassed.

The width, placement, and design of frontage roads and interior circulation drives shall be reviewed by the Director of Public Works and the planning staff and shall be approved by the Athens Municipal-Regional Planning Commission.

D. Specific Number of Access Points Allowed for Each Street Classification:

Wherever topographical features, existing developmental patterns, or other factors make the construction of frontage roads unfeasible, the Planning Commission shall allow direct access to the existing streets according to the following minimum requirements for each street classification:

1. Access Points for Arterial Streets (includes major and minor arterials):

In the absence of a frontage road, all lots having between 100 and 500 feet of frontage shall have no more than one (1) point of access to the public arterial. For lots with over 500 feet of frontage, additional access points shall be allowed provided they are spaced at least 500 feet apart from each other and from the first access point. For development generating high overall or high peak traffic volumes, the AMRPC may lessen the distance between access points to allow improved access provided a carefully planned pattern of internal and external channelization is prepared and approved.

When a lot of record fronting an arterial street has less than 100 feet of frontage, the AMRPC shall ask the landowner to first attempt to obtain joint

access with either adjacent property or access onto a frontage road. If this is not feasible, one single access point may be allowed.

2. <u>Access Points for Collector Streets</u> (also called primary collector streets):

In the absence of a frontage road, all lots less than 300 feet in width shall have no more than one (1) point of access to any one public street. For lots with over 300 feet of frontage, additional access points shall be allowed provided they are spaced at least 300 feet apart from each other and from the first access point.

3. <u>Access Points for Minor Streets</u> (also called local streets):

All lots of less than 100 feet shall have no more than one (1) point of access to the minor street. For lots with over 100 feet of frontage, additional access points shall be allowed provided they are spaced at least 100 feet apart from each other and from the first access point. (Frontage Roads shall also be considered Minor Streets in order to provide the most lenient access provisions to developers who construct these beneficial facilities.)

4.02. ACCESSORY USE REGULATIONS

The uses of land, buildings, and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses. In addition to such principal uses, accessory uses are also permitted in each district. Each accessory use shall:

1. Be customarily incidental to the principal use established on the same lot.

2. Be subordinate to and serve such principal use.

3. Be subordinate in area, intent, and purpose of such principal use.

4. Contribute to the comfort, convenience, or necessity of users of such principal use.

4.03. OFF-STREET PARKING REQUIREMENTS.

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereinafter established. One (1) passenger vehicle space, regardless of parking lot design, shall be determined as two hundred (200) square feet of parking space (dimensions of 10’ x 20’) and such space shall be provided with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements and shall not exceed the maximum requirements for the specific uses as set forth below:

4.03.01 Residential Land Uses (MINIMUM):

FACILITY TYPE	MINIMUM SPACES REQUIRED
Single Family, Detached and Attached	Two (2) Spaces per each dwelling unit.
Town House and Two-Family (Duplex)	Two (2) Spaces per each dwelling unit.
Multi-Family Dwellings	One (1) Space per bedroom up to Two (2) Bedrooms, plus .5 spaces for each additional bedroom.
Mobile Home	Two (2) Spaces per mobile home.
Elderly Housing	One and a Half (1.5) spaces per dwelling unit.
Boarding and Rooming Houses	One (1) space for each rentable room by boarders or roomers, plus one (1) additional parking space for the owner or manager.
Home Occupations	Same as the principal use.

4.03.02 Institutional Land Uses (MINIMUM):

FACILITY TYPE	MINIMUM SPACES REQUIRED
Adult Day Care Home	One and a half (1.5) spaces for each two (2) employees employed on the largest shift, plus one (1) space for each business vehicle.
Churches, or similar places of worship	One (1) space for each four (4) fixed or mobile seats in the auditorium or sanctuary or the largest place of assembly within the facility.
Community Center, Library, and Museum	One (1) space for each two-hundred fifty (250) square feet of floor area.
Group Child Care Centers	One (1) space for each three hundred (300) square feet of floor area, plus one and a half (1.5) spaces for each two (2) employees employed on the largest work shift.
Family or Group Day Care Home	One and half (1.5) spaces for each two (2) employees employed on the largest work shift, plus one (1) space for each business vehicle.
Group Shelter	One (1) space for each twelve (12) beds, plus one (1) space for each employee or volunteer working on the largest shift, plus one (1) space for each business vehicle.
Hospital	One (1) space per two (2) beds intended for patients, plus one (1) space per each medical staff member, plus one (1) space per each two (2) other employees employed on the largest work shift.
Medical Clinic for Human Care	Three (3) spaces per each doctor, plus one (1) space per employee.

Convalescent Home or Nursing Home	One (1) space per four (4) beds intended for patient use, plus one (1) space per each employee on the largest work shift, plus one (1) space per staff member and visiting doctor.
Assisted Living Facility	One (1) space for three (3) beds, plus one (1) space for each employee employed on the largest work shift.
Recreation Field/Park	Ten (10) spaces for every one (1) acre of land, plus one (1) space for every four (4) spectator seats.
Schools, Public and Private a. Kindergarten and Nursery b. Elementary/Middle School c. High School d. College or University	a. One (1) space for each five (5) children. b. Two (2) spaces per classroom, plus one (1) space per each one hundred fifty (150) square feet of gymnasium/auditorium, plus one (1) space per two hundred fifty (250) square feet of office space. c. Ten (10) spaces per classroom, plus one (1) space per each one hundred fifty (150) square feet of gymnasium/auditorium, plus one (1) space per two hundred fifty (250) square feet of office space. d. One (1) space per One (1) daytime fulltime student
Golf-Driving Range	One (1) space per employee employed on the largest work shift, plus 1 space per 10 feet of width of the driving range.
Golf Course	One (1) space per two (2) employees, plus four (4) spaces per golf hole.
Post Office	One (1) space per one hundred twenty five (125) square feet of gross leasable area, plus one (1) space per employee employed on the largest work shift.
Airport	One (1) space per each four (4) seat accommodations for waiting passengers, plus one (1) space per each two (2) employees employed on the largest work shift.
Cemetery	Parking allowed on private drives, plus one (1) space per employee.
Group Home	One (1) space per two (2) beds, plus one (1) space per employee employed on the largest work shift.
Lodge, or Club	One (1) space for each one hundred (100) square feet of total floor area in the largest area of public assembly in the building.

4.03.03. Commercial Land Uses (MINIMUM):

FACILITY TYPE	MINIMUM SPACES REQUIRED
Adult Entertainment	One (1) space for each two hundred (200) square feet of gross floor area.
Automobile Repair Shop/Service Station	Four (4) spaces for each service bay, plus one (1) space per two hundred fifty (250) square feet of floor area of the office and/or storage space.
Automobile sales, New and/or Used	One (1) space for each three thousand (3,000) square feet of area devoted to the sale, display, lease, rental, or repair of vehicles.
Bakery, Retail	One (1) space for each five hundred (500) square feet of floor area or five (5) parking spaces, whichever is greater.
Bank/financial service	One (1) space per two hundred fifty (250) square feet, plus each drive through lane shall have a stacking length to accommodate a minimum of six (6) vehicles.
Barber or Beauty Shop	Two (2) spaces per chair.
Bowling Alley	Four (4) spaces for each lane, plus one (1) space for each employee employed on the largest shift.
Campground or travel trailer park	One (1) space for each campsite or travel trailer space or pad, plus one (1) space per employee on the largest shift.
Catering Establishment	One (1) space for each five hundred (500) square feet of floor area, plus one (1) space for each delivery vehicle, plus one (1) space per employee.
Cleaning establishment	One (1) space for each five hundred (500) square feet of floor area, plus one (1) space for each delivery vehicle, plus one (1) space per employee.
Convenience Market	One (1) space for each three hundred (300) square feet of floor area.
Department or Discount Store	One (1) space for each four hundred (400) square feet of floor area, plus one (1) space for every business vehicle.
Drive-Thru Oil Change Facility with Minor Auto Service Without Overnight Storage of Vehicles	One (1) space for each oil change or service bay, plus two (2) spaces for each minor auto service bay, plus two (2) queue spaces for each oil change bay.
Drive-in-Theater	One and half (1.5) spaces for each two (2) employees employed on the largest shift.

Flower or Plant Store	One (1) space for each three hundred (300) square feet of floor area, plus one (1) space for each delivery vehicle.
Funeral Parlor	One (1) space for each one hundred (100) square feet of floor area.
Furniture Store	One (1) space for each six hundred (600) square feet of floor area, plus one (1) space for every business vehicle.
Garage, Commercial	Four (4) spaces per repair stall.
Gasoline Sales	One and half (1.5) spaces for each two (2) employees employed on the largest shift.
General Service and Repair	One (1) space for each three hundred (300) square feet of floor area, plus one (1) space per employee.
Government Office Building	One (1) space for each 250 square feet of floor area.
Greenhouse, Nursery	One (1) space for each two (2) acres of land included within the lot of the premises where the greenhouse or nursery is located, plus one (1) space for each business vehicle.
Grocery Store	One (1) space for each two hundred fifty (250) square feet of floor area.
Hardware Store	One (1) space for each four hundred (400) square feet of floor area.
Health Club	One (1) space for each two hundred (200) square feet of floor area.
Hotel or Motel	One (1) space for each room to be rented, plus one (1) space for each four hundred (400) square feet of banquet space or meeting area, plus parking required for accessory uses such as restaurants and lounges which additionally shall provide parking of at least 75% of what would otherwise be required by this article for such uses.
Laundromat	One (1) space for each two (2) washing machines or one (1) space for each two hundred (200) square feet of floor area, whichever is greater.
Lawn, Tree or Garden Service	One and half (1.5) spaces for each two (2) employees employed on the largest work shift.
Lumberyard	One (1) space for each five hundred (500) square feet of retail sales area, plus one (1) space for each twenty thousand (20,000) square feet of warehouse or open storage area.
Medical or Dental Office	Two (2) spaces for each examination or treatment room, plus one (1) space for each doctor, dentist, or employee.

Music or Dance Academy	One (1) space for each three hundred (300) square feet of floor area.
Office, not otherwise defined by this section	One (1) space for each three hundred (300) square feet of floor area.
Pet Shop	One (1) space for each three hundred (300) square feet of floor area.
Photograph Studio	One (1) space for each three hundred (300) square feet of floor area.
Plumbing Shop	One (1) space for each five hundred (500) square feet of floor area, plus one (1) space for each business vehicle.
Public Assembly	One (1) space for each fifty (50) square feet of floor area.
Real Estate Offices	One (1) space for each two hundred fifty (250) square feet of floor area.
Rental Equipment	One (1) space for each three hundred (300) square feet of floor area, plus one (1) space for each employee employed on the largest work shift, plus one (1) space for each business vehicle.
Restaurant, Nightclub, or Cocktail Lounge	One (1) space for each one hundred (100) square feet of floor area, or one (1) for every two (2) seats provided on the premises, whichever is greater.
Restaurant, Carry-Out	One (1) space for each one hundred (100) square feet of floor area, or one (1) space for every two (2) seats provided on the premises, whichever is greater, plus ten (10) queue spaces for each drive-in window, which queue spaces shall be provided between the point of placing orders in an exclusive queue lane with only one-way circulation which shall be separated from driveways leading to off-street parking.
Restaurant, Drive-In	One (1) space for each one hundred (100) square feet of floor area, or one (1) space for every two (2) seats provided on the premises, whichever is greater.
Retail Shop	One (1) space for every three hundred (300) square feet of floor area, plus one (1) space for each business vehicle.
Shopping Center	One (1) space for each three hundred (300) square feet of floor area or the total of the combined uses where the individual uses are calculated separately, whichever is greater.

Used Goods or Second Hand Sales	One (1) space for each three hundred (300) square feet of floor area, plus one (1) space for each business vehicle.
Vehicle Wash	One and half (1.5) spaces for each two (2) employees employed on the largest work shift, plus five (5) queue spaces for automatic facilities or two (2) queue spaces for each wash stall at a completely self-service facility.
Veterinary Clinic	One (1) space for each three hundred (300) square feet of floor area.
Warehouse	One and half (1.5) spaces for each two (2) employees employed on the largest work shift, plus one (1) space for each business vehicle.
Wholesale Display	One (1) space for each one thousand (1,000) square feet of floor area or five (5) spaces whichever is greater.
Wrecker Service	Five (5) spaces, plus one (1) space for each business vehicle.
Wrecker Service Storage Yard	Five (5) spaces, plus one (1) space for each vehicle parked on the premises.

4.03.04 Industrial Land Uses (MINIMUM):

FACILITY TYPE	MINIMUM REQUIRED SPACES
Automotive dismantlers and recyclers, scrap metal processors, scrap metal processing yard and secondary material dealers	One (1) space for each one thousand (1,000) square feet of floor area or one (1) for each eight thousand (8,000) square feet of gross lot area, whichever is greater.
Contractors Yard	One and half (1.5) spaces for each two (2) employees employed on the largest work shift, plus one (1) space for each business vehicle.
Any other use classified as Industrial	One and half (1.5) spaces for each two (2) employees employed on the largest work shift, plus one (1) space for each business vehicle.
Transportation and Public Utilities, Freight, Service Facility or Bus Terminal	One (1) space for every 100 square feet of waiting area or room space, plus one and half (1.5) spaces for each two (2) employees employed on the largest work shift and one (1) space for each business vehicle.
Automobile Graveyard, or Junkyard	Five (5) spaces, plus one (1) space for each business vehicle.
Recycling Center	Five (5) spaces, plus one (1) space for each business vehicle.
Wholesale Establishment	One and half (1.5) spaces for each two (2) employees employed on the largest work shift, plus one (1) space for each business vehicle.

4.03.05 Residential Land Uses (MAXIMUM):

FACILITY TYPE	MAXIMUM SPACES ALLOWED
Single Family, Detached and Attached	NONE
Town House and Two-Family (Duplex)	NONE
Multi-Family Dwellings	Two (2) spaces per bedroom up to Two (2) Bedrooms, plus .5 spaces for each additional bedroom.
Mobile Home	Two (2) spaces per mobile home.
Elderly Housing	Two (2) spaces per dwelling unit.
Boarding and Rooming Houses	One (1.5) spaces for each rentable room by boarders or roomers, plus one (1) additional parking space for the owner or manager.
Home Occupations	Same as the principal use.

4.03.06 Institutional Land Uses (MAXIMUM):

FACILITY TYPE	MAXIMUM SPACES ALLOWED
Adult Day Care Home	One (1) space for each employee employed on the largest shift, plus one (1) space for each business vehicle.
Churches, or similar places of worship	Two (2) spaces for each four (4) fixed or mobile seats in the auditorium or sanctuary or the largest place of assembly within the facility.
Community Center, Library, and Museum	One (1) space for each one-hundred fifty (150) square feet of floor area.
Group Child Care Centers	One (1) space for each two-hundred fifty (250) square feet of floor area, plus one and a half (1.5) spaces for each two (2) employees employed on the largest work shift.
Family or Group Day Care Home	One (1) space for each employee employed on the largest work shift, plus two (2) spaces for each business vehicle.
Group Shelter	One (1) space for each ten (10) beds, plus one (1) space for each employee or volunteer working on the largest shift, plus one (1) space for each business vehicle.
Hospital	One (1) space per each bed intended for patients, plus one (1) space per each medical staff

	member, plus one (1) space for each employee employed on the largest work shift.
Medical Clinic for Human Care	Four (4) spaces per each doctor, plus one (1) space per employee.
Convalescent Home or Nursing Home	One and one half (1.5) spaces per four (4) beds intended for patient use, plus one (1) space per each employee on the largest work shift, plus one (1) space per staff member and visiting doctor.
Assisted Living Facility	One and one half (1.5) spaces for three (3) beds, plus one (1) space for each employee employed on the largest work shift.
Recreation Field/Park	Twelve (12) spaces for every one (1) acre of land, plus one and one half (1.5) space for every four (4) spectator seats.
Schools, Public and Private a. Kindergarten and Nursery b. Elementary/Middle School c. High School d. College or University	a. One and one half (1.5) spaces for each five (5) children. b. Two (2) spaces per classroom, plus one (1) space per each one hundred (100) square feet of gymnasium/auditorium, plus one (1) space per two hundred (200) square feet of office space. c. Ten (10) spaces per classroom, plus one (1) space per each one hundred (100) square feet of gymnasium/auditorium, plus one (1) space per two hundred (200) square feet of office space. d. Two (2) spaces per one (1) daytime fulltime student
Golf-Driving Range	One (1) space per employee employed on the largest work shift, plus 1 space per 7.5 feet of width of the driving range.
Golf Course	One (1) space per employee, plus four (4) spaces per golf hole.
Post Office	One (1) space per one hundred (100) square feet of gross leasable area, plus one (1) space per employee employed on the largest work shift.
Airport	One and one half (1.5) space per each four (4) seat accommodations for waiting passengers, plus one (1) space per each employee employed on the largest work shift.
Cemetery	Parking shall be allowed on private drives, plus one (1) space per employee.
Group Home	One and one half (1.5) spaces per two (2) beds, plus one (1) space per employee employed on the largest work shift.

Lodge, or Club	One and one half (1.5) spaces for each one hundred (100) square feet of total floor area in the largest area of public assembly in the building.

4.03.07. Commercial Land Uses (MAXIMUM):

FACILITY TYPE	MAXIMUM SPACES ALLOWED
Adult Entertainment	One and one half (1.5) space for each two hundred (200) square feet of gross floor area.
Automobile Repair Shop/Service Station	Four (4) spaces for each service bay, plus one (1) space per two hundred (200) square feet of floor area of the office and/or storage space.
Automobile sales, New and/or Used	One (1) space for each twenty-five hundred (2,500) square feet of area devoted to the sale, display, lease, rental, or repair of vehicles.
Bakery, Retail	One (1) space for each two-hundred fifty (250) square feet of floor area or ten (10) parking spaces, whichever is greater.
Bank/financial service	One (1) space per two hundred (200) square feet, plus each drive through lane does not have a maximum stacking length as long as the traffic pattern and parcel can accommodate them safely.
Barber or Beauty Shop	Two and one half (2.5) spaces per chair.
Bowling Alley	Six (6) spaces for each lane, plus one (1) space for each employee employed on the largest shift.
Campground or travel trailer park	Two (2) spaces for each campsite or travel trailer space or pad, plus one (1) space per employee on the largest shift.
Catering Establishment	One (1) space for each four hundred (400) square feet of floor area, plus one (1) space for each delivery vehicle, plus one (1) space per employee.
Cleaning establishment	One (1) space for each four hundred (400) square feet of floor area, plus one (1) space for each delivery vehicle, plus one (1) space per employee.
Convenience Market	One (1) space for each two hundred (200) square feet of floor area.
Department or Discount Store	One (1) space for each two hundred fifty (250) square feet of floor area, plus one (1) space for every business vehicle.

Drive-Thru Oil Change Facility with Minor Auto Service Without Overnight Storage of Vehicles	One (1.5) space for each oil change or service bay, plus two and one half (2.5) spaces for each minor auto service bay, plus three (3) queue spaces for each oil change bay.
Drive-in-Theater	One and half (1.5) spaces for each employee employed on the largest shift.
Flower or Plant Store	One (1) space for each two hundred fifty (250) square feet of floor area, plus one (1) space for each delivery vehicle.
Funeral Parlor	One (1) space for each seventy-five (75) square feet of floor area.
Furniture Store	One (1) space for each five hundred (500) square feet of floor area, plus one (1) space for every business vehicle.
Garage, Commercial	Five (5) spaces per repair stall.
Gasoline Sales	One (1) space for each two (2) employees employed on the largest shift.
General Service and Repair	One (1) space for each two-hundred fifty (250) square feet of floor area, plus one (1) space per employee.
Government Office Building	One (1) space for each two hundred (200) square feet of floor area.
Greenhouse, Nursery	Two (2) spaces for each two (2) acres of land included within the lot of the premises where the greenhouse or nursery is located, plus one (1) space for each business vehicle.
Grocery Store	One (1) space for each two hundred (200) square feet of floor area.
Hardware Store	One (1) space for each three hundred (300) square feet of floor area.
Health Club	One (1) space for each one-hundred fifty (150) square feet of floor area.
Hotel or Motel	One and one half (1.5) spaces for each room to be rented, plus one (1) space for each three hundred (300) square feet of banquet space or meeting area, plus parking required for accessory uses such as restaurants and lounges which additionally shall provide parking of at least 75% of what would otherwise be required by this article for such uses.
Laundromat	One and one half (1.5) space for each two (2) washing machines or one (1) space for each two hundred (150) square feet of floor area, whichever is greater.
Lawn, Tree or Garden Service	Two (2) spaces for each two (2) employees employed on the largest work shift.

Lumberyard	One (1) space for each four hundred (400) square feet of retail sales area, plus one (1) space for each ten thousand (10,000) square feet of warehouse or open storage area.
Medical or Dental Office	Two and one half (2.5) spaces for each examination or treatment room, plus one (1) space for each doctor, dentist, or employee.
Music or Dance Academy	One (1) space for each two hundred (200) square feet of floor area.
Office, not otherwise defined by this section	One (1) space for each two hundred (200) square feet of floor area.
Pet Shop	One (1) space for each two hundred (200) square feet of floor area.
Photograph Studio	One (1) space for each two hundred (200) square feet of floor area.
Plumbing Shop	One (1) space for each four hundred (400) square feet of floor area, plus one (1) space for each business vehicle.
Public Assembly	One and one half (1.5) space for each fifty (50) square feet of floor area.
Real Estate Offices	One (1) space for each two hundred (200) square feet of floor area.
Rental Equipment	One (1) space for each two hundred (200) square feet of floor area, plus one (1) space for each employee employed on the largest work shift, plus one (1) space for each business vehicle.
Restaurant, Nightclub, or Cocktail Lounge	One and one half (1.5) spaces for each one hundred (100) square feet of floor area, or one and one and one half (1.5) for every two (2) seats provided on the premises, whichever is greater.
Restaurant, Carry-Out	One and one half (1.5) space for each one hundred (100) square feet of floor area, or one and one half (1.5) spaces for every two (2) seats provided on the premises, whichever is greater, plus no limit on queue spaces for each drive-in window as long as the traffic pattern and parcel can accommodate them safely. The queue spaces shall be provided between the point of placing orders in an exclusive queue lane with only one-way circulation which shall be separated from driveways leading to off-street parking.
Restaurant, Drive-In	One and one half (1.5) spaces for each one hundred (100) square feet of floor area, or one

	and one half (1) spaces for every two (2) seats provided on the premises, whichever is greater.
Retail Shop	One (1) space for every two hundred (200) square feet of floor area, plus one (1) space for each business vehicle.
Shopping Center	One (1) space for each two hundred (200) square feet of floor area or the total of the combined uses where the individual uses are calculated separately, whichever is greater.
Used Goods or Second Hand Sales	One (1) space for each two hundred (200) square feet of floor area, plus one (1) space for each business vehicle.
Vehicle Wash	One (1) space for each employee employed on the largest work shift, plus ten (10) queue spaces for automatic facilities or five (5) queue spaces for each wash stall at a completely self-service facility.
Veterinary Clinic	One (1) space for each two hundred (200) square feet of floor area.
Warehouse	One space for each employee employed on the largest work shift, plus one (1) space for each business vehicle.
Wholesale Display	One (1) space for each five hundred (500) square feet of floor area or ten (10) spaces whichever is greater.
Wrecker Service	Ten (10) spaces, plus one (1) space for each business vehicle.
Wrecker Service Storage Yard	Ten (10) spaces, plus one (1) space for each vehicle parked on the premises.

4.03.08 Industrial Land Uses (MAXIMUM)::

FACILITY TYPE	MAXIMUM SPACES ALLOWED
Automotive dismantlers and recyclers, scrap metal processors, scrap metal processing yard and secondary material dealers	One (1) space for each five hundred (500) square feet of floor area or one (1) for each four thousand (4,000) square feet of gross lot area, whichever is greater.
Contractors Yard	One (1) space for each employee employed on the largest work shift, plus one (1) space for each business vehicle.
Any other use classified as Industrial	One (1) space for each employee employed on the largest work shift, plus one (1) space for each business vehicle.
Transportation and Public Utilities, Freight, Service Facility or Bus Terminal	One and one half (1.5) spaces for every 100 square feet of waiting area or room space, plus one (1) space for each employee employed on

	the largest work shift and one (1) space for each business vehicle.
Automobile Graveyard, or Junkyard	Ten (10) spaces, plus one (1) space for each business vehicle.
Recycling Center	Ten (10) spaces, plus one (1) space for each business vehicle.
Wholesale Establishment	One (1) space for each employee employed on the largest work shift, plus one (1) space for each business vehicle.

4.03.09. HANDICAP PARKING SPACE REQUIREMENTS

Handicapped access including parking should be designed to meet or exceed the accessibility code being enforced by the City of Athens.

4.03.10. CERTIFICATION OF MINIMUM AND MAXIMUM PARKING REQUIREMENTS.

Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.

4.03.11. COMBINATION OF REQUIRED PARKING SPACE.

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, 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 night or on Sundays.

4.03.12. REMOTE PARKING SPACE.

If off-street parking spaces required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such spaces may be provided on any land deemed usable (i.e. walkability from principle use, size, accessibility from ROW etc.) for the required parking by the Board of Zoning Appeals (BZA). The BZA will set the parameters of each request for remote parking spaces on a case by case basis. Such land shall be used for no other purpose. Where owner of the principal use leases parking spaces, the building inspector will require a copy of the lease agreement prior to issuance of the building permit. The owner must present a copy of the lease agreement to the building inspector on an annual basis.

4.03.13 REQUIREMENTS FOR DESIGN OF PARKING LOTS.

A. Except for parcels of land devoted to one- and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.

B. Each parking space, regardless of type (i.e. angled, parallel etc.) shall be no less than two hundred (200) square feet in area, ten (10) feet by twenty (20) feet.

C. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 4.01 of these regulations.

D. The parking lot shall be drained to eliminate surface water. For additional regulations reference the City of Athens "Stormwater Management Policy".

E. Continuous curbing or individual wheel stops shall be provided where the front of a parking space is adjacent to the perimeter of the parking lot.

F. In lots with 90-degree parking spaces, all drive isles shall be a minimum of twenty-four (24) feet in width regardless of traffic flow direction. In lots with angled and parallel parking spaces with two-way drive-isles shall be a minimum of twenty-four (24) feet in width. In lots with angled and parallel parking spaces with one-way drive-isles shall be a minimum of sixteen (16) feet in width.

4.04. OFF-STREET LOADING AND UNLOADING REQUIREMENTS.

Every building or structure hereafter constructed and used for industry, or business or trade in all districts shall provide space in the rear yard for the loading and unloading of vehicles off the street or public alley except as provided in Chapter 3 of these regulations. This space shall not be considered as part of the space requirements for off-street automobile storage.

4.05. TEMPORARY USE REGULATIONS.

The following regulations are necessary to govern the operation of certain necessary or seasonal uses not permanent in nature. Application for a Temporary Use Permit shall be made to the building inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

A. Carnival or Circus:

May obtain a Temporary Use Permit in the B-2, or B-3 districts; however, such permit shall be issued for a period of not longer than fifteen (15) days.

B. Christmas Tree Sale:

May obtain a 30-day Temporary Use Permit for the display of Christmas trees on open lots in any district except a residential district

C. Temporary Buildings:

In any district, a Temporary Use Permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six-month extensions; however, not more than three (3) extensions shall be granted to a particular use. Such use shall be removed upon completion of the construction project, or upon expiration of the Temporary Use Permit, whichever occurs sooner.

D. Real Estate Sales Office:

In any district, a Temporary Use Permit may be issued for a temporary real estate sales office in any new subdivision, which has been approved by the planning commission under the Athens Minimum Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six-month extensions. Such office shall be removed upon expiration of the Temporary Use Permit, and any extensions granted.

E. Religious Tent Meetings:

In the B-2, and B-3 Districts, a Temporary Use Permit shall be issued for a tent or other temporary structures to house a religious meeting. Such permit shall be issued for not more than a 30-day period.

F. Seasonal Sale of Farm Produce:

In the B-2, and B-3 Districts, a Temporary Use Permit may be issued for the sale of farm produce grown by the petitioner. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a five-month period. All structures must be set back from the roadway a minimum of thirty-five (35) feet.

G. Miscellaneous Assemblies:

In any district, a Temporary Use Permit may be issued for any assembly, such as an outdoor music concert, political rally, etc. Such permit shall be issued for not more than a 7-day period.

4.06 CUSTOMARY HOME OCCUPATIONS.

A customary home occupation is a gainful occupation or profession conducted entirely by members of a family residing on the premises and conducted entirely within the principal dwelling unit or within the garage, whether attached or detached. In order to assure that such activities remain within the limited scope of this provision, a use permit shall be obtained from the Building Official. The customary home occupation will be reviewed every year. , The home occupation can be revoked if there is findings that it does not meet the requirements set forth in A-G below. Renewal shall be automatically granted to the home occupation that continues to operate within the limitations set forth below:

A. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling or garage, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit or a permitted accessory building.

B. The home occupation is to be conducted only by members of the family residing in the dwelling unit, plus no more than one (1) non-residential assistant or employee.

C. Maximum floor space dedicated to the customary home occupation shall not exceed twenty-five (25) percent of the total floor area of the dwelling.

D. No traffic shall be generated by such home occupation by persons other than the occupants of the dwelling and any parking required as a result of the conduct of such home occupation shall be met off the street and in portions of the lot other than in required yards.

E. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies or products, provided that orders previously made by telephone or at a sales party may be picked up and products or goods produced or fabricated on the premises as a result of the home occupation may be sold. However, direct sales of products produced off premises are not permitted.

F. When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the above restrictions and is compatible with the district in which said home occupation is located. However, any activity which may be deemed by the Board to be incompatible with the district or a potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

G. All signage associated with the Home Occupation shall comply with Section 4.12 “Signs, Billboards and Other Advertising Structures” regulations of the City of Athens Zoning Ordinance

4.07. GENERAL LOT RESTRICTIONS.

The following general lot restrictions shall be complied with in certain districts:

A. <u>One (1) Principal Structure for Each Lot in Certain Residential Districts</u>:

1. Only one (1) principal building and its customary accessory buildings may be erected on any lot in the R-1 and R-E Districts.
2. Where accessory structures are allowed, such structures shall be placed to the rear and or side yards of the primary structure. Accessory Structures are prohibited in the front yard areas of any lot.

B. <u>Reductions in Lot Area Prohibited</u>:

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

C. <u>Through Lots</u>:

When a rear yard of a lot abuts a principal public street, all structures built in that rear yard shall observe the same setback from the street line or property line as required for adjacent properties which front on that street.

D. <u>Residential Lots</u> in the R-1, R-2 and R-3 Zoning Districts established prior to May 2003 (grandfathered), that are between 50 and 75 feet in width shall have a minimum side yard setback of 10 feet from the property line, except lots that abut a side street shall have a minimum side yard setback of 15 feet from the property line.

E. <u>In-fill Structures – Setback Requirements</u>

In all residential zoning districts for cases of in-fill development, new structures may be located as to average setbacks of the existing structure(s) along the entire section of the block from intersection to intersection on the same side of the street as the subject property to be developed in order for uniform development along the street, as long as it does not conflict with any applicable life safety or fire code. A request to reduce any setback as required in the residential zoning district will require action from the Board of Zoning Appeals (BZA).

<u>4.08. VISION AT STREET INTERSECTIONS.</u>

On a corner lot in any district, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, there shall be no obstruction to vision between the height of four (4) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

4.09.01 RESIDENTIAL PLANNED UNIT DEVELOPMENT REGULATIONS.

In the certain residential zoning districts and the Professional District where Planned Unit Development (PUD) are allowed, the Athens Board of Zoning Appeals may approve certain Planned Unit Development complexes which include certain dimensional or density features that vary from the requirements outlined in Chapter 3. The intent being to encourage or provide for planned development that is compatible with the nature of the district; yet offers an environment which is not typical of these districts. The following restrictions shall apply to Planned Unit Development complexes:

A. No parcel of land shall be approved without an adequate public water supply. Availability of water will be determined by Athens Utilities Board (AUB).

B. The following dimensional requirements shall be imposed on all planned unit developments:

1. The exterior yards of the complex must meet the setback and yard requirements of the district in which the complex is located.

2. Although the developer will be allowed to deviate from the density requirements for the individual lots or areas on which the structures are located, the complex itself must meet the minimum density requirements for the district in which it is located. This may be accomplished through the provision of open spaces, open-type recreational areas, and consolidated parking areas.

3. A parking area of 200 square feet, ten (10) feet by twenty (20) feet, shall be provided at a ratio of one (1) space for every five (5) dwelling units in the R-1 and R-2 Zones, in addition to those provided for the R-1 and R-2 Zones in 4.03. In other zones, the requirements of Section 4.03 shall apply.

C. The Board of Zoning Appeals shall approve only usable areas to be considered as open spaces or recreational areas within the complex.

D. No use will be permitted which is not specifically permitted or permitted on review within the district in which the complex is located.

E. No planned development will be approved unless public sewer is available. Availability of sewer will be determined by Athens Utilities Board (AUB).

F. All access roads within the complex shall be constructed to the standards set forth in the City of Athens Minimum Subdivision Regulations, (Areas dedicated to rights of ways shall not be used in calculating the allowable density in Residential Zones).

G. All Planned Developments shall meet all landscaping and screening requirements of the City of Athens Landscaping Ordinance

H. All Planned Developments shall meet all stormwater requirements of the City of Athens Stormwater Management Policy.

I. The following plans and schedules shall be submitted to the Athens Board of Zoning Appeals for preliminary approval: (Preliminary and final approval may be given at the same time, if the plans and schedules meet the requirements for final approval.)

1. General location and parcel map of the area.

2. Preliminary site plan showing the location of the buildings, lot lines, setbacks, open space areas, stormwater facilities, utilities, parking and other use facilities.

3. Location and dimensions of all points of entry and exit for motor vehicles and pedestrians and the interior circulation pattern.

I. The following plans and schedules shall be submitted to the Athens Board of Zoning Appeals for final approval:

1. The location, zoning and legal description of the proposed planned development.

2. Plans and specifications of all buildings, improvements, and facilities constructed within the complex.

3. Topographic information at two (2) foot contours.

4. A site plan of the complex, including the location of all buildings, lot lines, yard sizes, setbacks, stormwater facilities, recreation and open space areas (Residential), utilities, parking and certain common use facilities.

5. The location and dimensions of all points of entry and exit for motor vehicles and pedestrians and the complete interior circulation pattern.

6. Name and addresses of the applicant and the developer or engineer.

7. Stormwater Calculations that meet the requirements of the City of Athens Stormwater Management Policy.

8. Such architectural, engineering, and geographic data as may be required to permit the Board of Zoning Appeals to determine if the above regulations are being complied with and the character of the district is being preserved, shall be submitted.

9. A time schedule for development shall be submitted with the PUD plans, which shall demonstrate the applicant's readiness and ability to develop the proposed project.

J. Use on Review Request for Planned Development:

Request for an approval to develop and construct a planned unit complex shall in accordance with Section 6.07.C.2 of this ordinance and shall be accompanied by all plans, fees, schedules, and other information herein required.

4.09.02 COMMERCIAL AND INDUSTRIAL PLANNED UNIT DEVELOPMENT REGULATIONS.

In the certain commercials, medical and industrial zoning districts where Planned Unit Development (PUD) are allowed as a Use on Review, the Athens Board of Zoning Appeals may approve certain Planned Unit Development complexes which include certain dimensional or density features that vary from the requirements outlined in Chapter 3. The intent being to encourage or provide for planned development that is compatible with the nature of the district; yet offers an environment which is not typical of these districts. The following restrictions shall apply to Planned Unit Development complexes:

A. No parcel of land shall be approved without an adequate public water supply. Availability of water will be determined by Athens Utilities Board (AUB).

B. The following dimensional requirements shall be imposed on all planned unit developments:

1. The exterior yards of the complex must meet the setback and yard requirements of the district in which the complex is located.

2. Although the developer will be allowed to deviate from the density requirements for the individual lots or areas on which the structures are located, the complex itself must meet the minimum density requirements for the district in which it is located. This may be accomplished through the provision of open spaces, open-type recreational areas, and consolidated parking areas.

3. A parking area of 200 square feet, ten (10) feet by twenty (20) feet, per required space shall be provided that the requirements of Section 4.03 shall apply.

C. The Board of Zoning Appeals shall approve only usable areas to be considered as open spaces or recreational areas within the complex.

D. No use will be permitted which is not specifically permitted or permitted on review within the district in which the complex is located. All residential uses allowed can only be located in the rear of the structures (the back 50% of the structure) or on upper floors; no store front commercial or medical areas can be used for residential purposes.

E. No planned development will be approved unless public sewer is available. Availability of sewer will be determined by Athens Utilities Board (AUB).

F. All access roads within the complex shall be constructed to the standards set forth in the City of Athens Minimum Subdivision Regulations, (Areas dedicated to rights of ways shall not be used in calculating the allowable density in Residential Zones).

G. All Planned Developments shall meet all landscaping and screening requirements of the City of Athens Landscaping Ordinance

H. All Planned Developments shall meet all stormwater requirements of the City of Athens Stormwater Management Policy.

I. The following plans and schedules shall be submitted to the Athens Board of Zoning Appeals for preliminary approval: (Preliminary and final approval may be given at the same time, if the plans and schedules meet the requirements for final approval.)

1. General location and parcel map of the area.

2. Preliminary site plan showing the location of the buildings, lot lines, setbacks, open space areas, stormwater facilities, utilities, parking and other use facilities.

3. Location and dimensions of all points of entry and exit for motor vehicles and pedestrians and the interior circulation pattern.

I. The following plans and schedules shall be submitted to the Athens Board of Zoning Appeals for final approval:

1. The location, zoning and legal description of the proposed planned development.

2. Plans and specifications of all buildings, improvements, and facilities constructed within the complex.

3. Topographic information at two (2) foot contours.

4. A site plan of the complex, including the location of all buildings, lot lines, yard sizes, setbacks, stormwater facilities, recreation and open space areas (Residential), utilities, parking and certain common use facilities.

5. The location and dimensions of all points of entry and exit for motor vehicles and pedestrians and the complete interior circulation pattern.

6. Name and addresses of the applicant and the developer or engineer.

7. Stormwater Calculations that meet the requirements of the City of Athens Stormwater Management Policy.

8. Such architectural, engineering, and geographic data as may be required to permit the Board of Zoning Appeals to determine if the above regulations are being complied with and the character of the district is being preserved, shall be submitted.

9. A time schedule for development shall be submitted with the PUD plans, which shall demonstrate the applicant's readiness and ability to develop the proposed project.

J. Use on Review Request for Planned Development:

Request for an approval to develop and construct a planned unit complex shall in accordance with Section 6.07.C.2 of this ordinance and shall be accompanied by all plans, fees, schedules, and other information herein required.

4.10. GASOLINE SERVICE STATION RESTRICTIONS.

The following regulations shall apply to all establishments involved in the sale of gasoline and other motor fuels.

A. There shall be a building setback from all street right-of-way lines a distance of not less than fifty (50) feet, except for canopies designed to cover the gasoline pump islands.

B. Gasoline pumps shall not be located closer than twenty (20) feet to any street right-of-way line.

C. Canopies for gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.

D. When other uses are combined with a gasoline sales station, such as restaurants, deli, grocery, or video rental, additional off-street parking, based on the other uses, shall be provided.

E. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and roadways.

F. Sign requirements as established in Chapter 4, Section 4.12 of these regulations shall be met.

4.11. SWIMMING POOL RESTRICTIONS.

The following regulations shall apply to all swimming pools as defined in Section 2.02 :

A. No swimming pool or part thereof, excluding aprons and walks, shall protrude into any required front yard, in the R-E, R-1, R-2**,** and R-3 Districts.

B. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and maintained in good condition.

C. Private swimming pools are permitted in the R-E**,** R-1, R-2**,** and R-3 Districts provided that the pool is intended, and is to be used, solely for the enjoyment of the occupants and their guests of the property on which it is located.

D. All swimming pools shall meet all requirements of the national electrical code or other applicable code.

E. All swimming pools shall have an alarm per T.C.A 68-14-801-807.

4.12. SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES.

These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are enumerated below:

A. Definitions and Interpretations

For purposes of this chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. Words not defined in this chapter shall have the meaning as defined in Webster's Ninth Collegiate Dictionary, as revised.

Abandoned sign, abandonment: A sign which was erected on premise or off premise in conjunction with a particular use, that use having been subsequently discontinued regardless of any intent to resume or not to abandon such sign, shall be deemed abandoned and shall not hereafter be re-established. For the purpose of this chapter, regardless of size, copy on the sign indicating the sign is for lease or rent shall not be construed as a use of the sign.

Attached sign: An attached sign is a sign that is affixed or painted to a wall, building, or canopy having a permanent or changeable face.

Banner: A temporary sign made of flexible material to attract attention, bearing a legend, motto, or advertising message.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Canopy: A structure constructed of rigid material which is attached to and supported by a building and/or columns, poles, or braces extended to the ground**.**

Canopy sign: A sign attached to the vertical side of a canopy. In order for a canopy to qualify for as a canopy sign it must (1) be a free standing canopy; (2) cover a minimum of 500 square feet; (3) the bottom of the canopy must be a minimum of 12 feet above the ground, and (4) have sides which are substantially vertical to the ground. A canopy sign must be attached to the canopy and cannot be larger than 50 square feet.

Commercial or noncommercial multi-tenant complex: A ground sign identifying a commercial or non commercial complex and/or its tenants.

Dilapidation: When a sign is allowed to fall into a state of disrepair, decay, or ruin, and the cost to repair exceeds fifty percent (50 %) of the fair market value, including labor and materials, of the erection of similar sign not needing repair.

Directional sign: A directional sign is a temporary sign located off site which indicates the direction to a special event such as a program, auction, open house, sports event, or other such activity.

District and zone district: These are synonymous and are identified and defined in chapter 3, section 3.01 of the zoning ordinance.

Electronic message center: A ground sign conveying computerized changeable messages, such as time, date, temperature, weather, or similar noncommercial information.

Electronic reader board: A sign used to convey a computerized changeable message to advertise a special event, sale, or other commercial information.

Enter/Exit sign: A sign for the purpose of directing traffic in areas such as parking lots, restaurants, or other places of similar business.

Face wall*:* The wall area of a structure that fronts the existing street, or where the front entrance is located.

Fence: A structure functioning as a boundary or barrier usually made of posts, boards, wire or rails.

Flag signs: A ground sign made of flexible material of distinctive color and design to attract attention used as a symbol, standard, emblem or advertising message, permanent in nature, which is hoisted on a flag pole.

Flashing sign: A sign, the illumination of which is intermittently on and off so as to flash or blink or to reflect so as to appear to flash, blink or chase, such as metallic or Mylar type fluttering material.

Freestanding wall sign: A self-supporting sign not attached to a building that is painted on, incorporated in, or affixed to a freestanding masonry wall, used primarily as development identification signs containing only the name of the occupant or complex.

Government signs: A sign erected and maintained by federal, state or local government, or agency thereof for a government purpose. A government sign shall not exceed sixty (60) square feet, unless it is a traffic control sign. No governmental sign shall bear any advertising or commercial message.

Ground sign: Any sign, other than a pole sign, placed upon or by the ground independent of any other structures. The entire bottom of a ground sign is generally in contact with or in close proximity to the ground. S*ee Monument Sign.* (Added April 15, 2003).

Height of sign: Height of any sign shall be governed by the district in which the sign is located.

Inflatable signs: A temporary inflated sign, stationary or mobile, used to attract attention, which may or may not bear a message.

a. An inflatable sign shall be anchored in such a manner that does not allow it to move.
b. An inflatable mobile sign is one that is tethered so that it moves and free floats.

Interstate/Interchange Monopole (Freestanding) sign: A type of freestanding sign having only one (1) structural support member, the location, size, and height of which is governed by the provisions of 3.04.15 INTERSTATE INTERCHANGE OVERLAY DISTRICT of these regulations.

Name plaques and address plaques: An attached sign which indicates the name of the occupant and the address of the premises.

Nonconforming sign: Any sign legally constructed or erected prior to the effective date of any ordinance or amendment containing provisions with which such sign does not comply. (A sign constructed illegally in violation of any prior law, ordinance, or code is not made legal by this chapter unless it conforms to all the requirements of this chapter.)

Message Board sign: A sign with changeable, removable letters to allow the user to replace or update the copy of the sign.

Monument sign: A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles, braces and uprights and permanently attached to the ground. Perimeter of sign to be constructed of masonry, brick, stucco, or wood design weather resistant in nature. See Ground Sign.

Off premise sign (billboard): An off premise sign is a sign or a portion thereof which directs attention to a business, profession, commodity, service, or entertainment which is

not primarily conducted, sold, or offered upon the same lot of record. Notwithstanding the foregoing or any provisions of this chapter, this chapter shall not prohibit noncommercial speech displayed on an off-site sign, provided it does not violate this chapter.

On premise sign: An on premise sign or portion thereof is a sign which directs attention to a business, profession, commodity, service, or entertainment which is primarily conducted, sold or offered upon the same lot of record. Notwithstanding the foregoing or any provision of this chapter, this chapter shall not prohibit noncommercial speech displayed on an on-site sign, provided it does not violate this chapter.

Outline lighting: Attached neon tubing or fiber optic tubing, which must be of constant intensity and uniform color, placed on the exterior of a building which is not strip lighting.

Pennant: A temporary sign which is a colored flag sometimes bearing an emblem, dealership flag, or drape suspended or projecting from a private light pole, perimeter poles, or dedicated pole.

Pole sign: A limited use on site sign which is used for promotional advertising temporarily attached to the perimeter poles, private light poles, canopy poles, or other similar poles, but not to include flag poles.

Portable sign: A portable sign shall include any advertising sign or device, counterbalances sign, trailer sign, or variation thereof located on the ground, easily moveable, not permanently attached thereto and which is usually a two-sided sign, including any single or double surface painted or poster panel type sign or any variation thereof which is temporary in nature.

Public sign: A sign that states public safety information such as speed limit, traffic control, hospital, street names, state roads, hazardous conditions or other such signs erected or maintained by Federal, State, or Local Government.

Reader board: A sign used to convey a changeable message such as a sale, special event, or other commercial information that uses changeable lettering to convey this information.

Roof sign: An attached sign wholly or partially dependent upon the roof of any building for support. A roof does not include a mansard mounted on a parapet wall.

Sign: Street graphics and including frame, letter, figure, character, make, plain, point, marquee, design, picture, stroke, banner, streamer, pennant, bunting, inflatable sign, strike, line, flag, logotype, trademark, reading matter, illuminating device, or any device used for the illumination of such which is used or intended to be used to attract attention or convey information when the same is placed outdoors in the view of the general public or for the purpose of attracting the general public to any place, business, person, firm, or corporation or to any public performance, article, machine, or merchandise of any nature whatsoever and which is displayed in any manner whatsoever. String lighting, outline lighting, and flashing lights are included in this definition of “sign”.

Sign area: The total number of signs and/or display surface areas permitted in this chapter on any one (1) premises, lot of record, or commercial industrial developments and complexes.

Signable area: The total number of signs and/or displays permitted in this chapter on any one (1) premise, lot of record, or commercial industrial developments and complexes.

Streamers: A series of long, narrow banners, flags, or pennants attached to a cord.

String lighting: Outdoor lighting of flexible or rigid construction used to outline or decorate any structure, including principal or accessory structures, tents, or parking areas, which is not strip lighting.

Temporary sign: Any sign, banner, pennant, or advertising display intended to be displayed for a limited time period. Does not include signs inside a building that can be viewed through a window. Temporary signs must be located on-premise.

Temporary window sign: A sign in contact or within three (3) feet of the window on the inside, and visible from the outside, that is not painted onto the window or stuck to the window in such a manner as to require scraping or the use of solvents or similar substances to remove it from the window pane. Notwithstanding the foregoing, a holiday sign painted on a window for thirty (30) days or less shall be treated as a temporary window sign.

Theater sign: A ground sign used for the purpose of advertising motion pictures shown in a theater.

Wall signs: A sign that is permanently attached to the wall of a structure that is used primarily for the display of the name of a business or an advertisement for a type of business.

B. In any zoning district, the following general regulations shall apply:

1. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device;

2. No sign, except public signs placed by the City or with the City's permission, shall be placed within any public right of way in the corporate limits of Athens, Tennessee;

3. All signs shall be constructed to withhold a wind load design of 80 mph.

4. All signs greater than twenty (20) feet in height shall require a stamped structural engineer's drawing.

5. All permanently mounted signs shall require a stamped structural engineer's drawing and a permit issued by the Athens Building Inspector.

6. No sign having flashing, intermittent or animated illumination shall be permitted within three hundred (300) feet of property in any residential district unless such sign is not visible from such property;

7. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property;

8. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located or to exceed fifty (50) feet in height. ;

9. Billboards and other similar outdoor advertising structures shall be erected or placed in conformity with the side, front, and rear yard requirements of the district in which located. However, no billboards shall be erected or placed closer than within one hundred (100) feet of any residential district;

10. No billboard or other off-premises advertising sign shall be located within two thousand (2,000) lineal feet in any direction from any other billboard or other off-premises advertising sign. Off-premises signs (Billboards) are prohibited within the R-E, R-1, R-2, R-3, R-4, B-1, B-2, P-1, and the M-1 zoning districts.

11. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3's) the width of the sidewalk, but in no case exceeding ten (10) feet;

12. Professional signs and signs for home occupations shall not exceed four (4) square feet in area, in the R-1 and R-2 Districts;

13. No building walls or roofs shall be used for display of advertising, in the R-E, R-1, R-2, R-3, R-4, B-1, and M-1 Districts;

14. Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, or any object within the right-of-way of any street. A temporary sign shall not be suspended across public streets or other public places without the approval of the Athens Community Development Director;

15. The maximum size for all billboards shall be 240 sq. ft., with +/- 10% differentiation for irregular shaped signs.

16. In any district, the following signs shall be permitted:

a. For parking areas, entrance and exit signs shall not exceed four (4) square feet in area and there can be only one sign; which shall not exceed sixteen (16) square feet in area, identifying or designating the conditions of the use of such parking area;

b. Non-illuminated "For Sale" or "For Rent" signs not exceeding four (4) square feet in area;

c. One (1) sign not more than twelve (12) square feet in area giving the names of the contractors, engineers, or architect, during construction of a building;

d. Signs established by; or by order of, any governmental agency;

e. For special events of public interest, one (1) sign not over thirty-two (32) square feet in area located upon the site of the event.

17. Property located within 2,500 feet of the right-of-way of the I-75 Interchanges (Exit 49 and Exit 52), which are located within the II-1 Interstate Interchange Overlay District shall be permitted one (1) Interstate/Interchange monopole sign, which shall be governed by the district provisions of section 3.04.13 of this ordinance.

18. All Digital and/or Electronic Billboards, herein referred to as Digital Billboards, within the City of Athens shall be in compliance with the State of Tennessee Billboard Regulation and Control Act of 1972 as amended (TCA Section 54-21-122) and the following:

(a) The message display shall remain static and fixed for a minimum of eight (8) seconds with a maximum transition time of one (1) second to the next message. Transitions shall not be scrolling, but shall be instantaneous.

(b) Video, continuous scrolling messages, and animation are prohibited.

(c) The minimum spacing of the Digital Billboards is 2,000 feet between Digital Billboards measured billboard to billboard on the same side of the street.

(d) No person shall erect, operate, use, or maintain a Digital Billboard without first obtaining a sign permit with the City of Athens.

(e) Digital Billboards must be single-faced with one display area.

(f) Digital Billboards must be located at least 300 feet from any residentially zoned property measured from the closest point of any structural element of the billboard to the residential property line.

(g) Displays on Digital Billboards are prohibited where they have varying light illumination and/or intensity, blinking, bursting, distorting, fading, flashing, oscillating, rotating, scrolling, sequencing, shimmering, sparkling, traveling, tracing, twinkling or simulated movement or convey the illusion of movement other than the change of the entire copy of the sign message at one time.

(h) No smoke, steam, or noise shall emanate from the Digital Billboard.

(i) The light intensity of a Digital Billboard shall have a monitor to allow it to automatically adjust for natural ambient light conditions.

(j) Owners of Digital Billboard will coordinate with the City of Athens to convey real time emergency information such as Amber Alerts or National Disaster Directives.

(k) A Digital Billboard shall be stationary and not contain any visible moving parts.

(l) Using industry standards, daytime brightness levels shall be no more than 90% maximum intensity. At night the brightness shall be reduced to no more than 20% of the maximum light intensity for an LED (light emitting diode) sign.

(m) Digital Billboards shall conform to the standards and specifications outlined in the International Building Code as amended in the edition most recently adopted by the City.

(n) Digital Billboards shall not be lit externally, but instead only lit internally.

(o) Digital Billboards can only be placed in the City's B-3 Intensive Business District, I-1 Light Industrial District, and the I-2 Heavy Industrial District.

(p) If there is a conflict within any other title within the Athens City Code concerning Digital Billboards, the provisions within Title 14, Chapter 2, Section 4.12.B. of the Zoning Ordinance shall control.

C. In the R-E, R-1, R-2, R-3, and R-4 Districts, the following regulations shall apply:

1. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted;

2. For apartment buildings, identification signs not exceeding nine (9) square feet in area are permitted;

3. Church, school, or public building bulletin boards or identification signs, not exceeding twenty (20) square feet in area are permitted;

4. Flashing or intermittent illumination is prohibited;

5. Billboards and other advertising structures are prohibited;

6. Allowed signs shall be placed no closer to any property line than one-half the required building setback distance.

D. In the B-1 Local Business District, the following regulations shall apply:

1. Nameplates indicating name, address, house number, announcement of boarders or rooms for rent, or customary home occupations are permitted;

2. Churches, schools, or public buildings identification signs or bulletin boards, not exceeding sixty (60) square feet in area are permitted;

3. For other permitted uses, one business sign not exceeding one (1) square foot of surface for each one lineal foot of lot fronting on a public street, will be permitted. Such sign shall be mounted on the premises;

4. Billboards and other general advertising structures are prohibited;

5. Permitted signs shall be placed no closer than one-half the required building setback distance from the curb or edge of the street with a minimum requirement of five (5) feet inside the property line.

E. In the B-2 and B-3 Business Districts, the following regulations shall apply:

1. Bulletin boards or identification signs, not exceeding sixty (60) square feet in area, shall be permitted for public recreation uses, community facilities, and clinics;

2. Business signs shall be permitted subject to the restrictions in Section 4.12 of this Ordinance. All business signs shall be located not closer than twenty-five (25) feet from the curb or edge of the street with a minimum requirement of five (5) feet inside the property line. There shall be no more than 1 pole or ground sign per parcel/lot.

3. Billboards and other outdoor advertising structures are permitted within the B-3 zoning district, subject to the general restrictions set forth in Section 4.12. Billboards and other outdoor advertising structures are prohibited within the B-2 Central Business District.

4. Portable signs shall not be located on public right-of-ways and shall be a minimum of fifteen (15) feet from the curb or pavement edge, whichever is nearer. Portable signs are only allowed for a period of 30 days. Permits are required for portable signs for each 30-day period with a maximum of four permits per year.

5. All contractors shall contact the Athens Utilities Board before the erection of any business sign to determine distance required from all utility lines;

6. There shall be no more than 2 wall signs per business and the maximum size per sign shall be no more than 200 square feet.

7. Temporary ground signs shall be located on premise and limited to three (3) per property.

F. In the I-1 and I-2 Industrial Districts, the following regulations shall apply:

1. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half the required setback from all property lines;

2. Flashing and intermittent illumination is prohibited;

3. Billboards and other outdoor advertising structures are permitted subject to the general restrictions set forth in Section 4.12.

G. In the M-1 the following regulations shall apply:

1. Allowed signs shall be placed no closer than one-half (1/2) the required setback distance.

2. Billboards and other outdoor advertising structures are prohibited.

H. P-1 District the following regulations shall apply:

1. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.
2. Building identification signs or bulletin boards for schools or public buildings exceeding sixty (60), square feet are permitted.

3. Professional business signs such as doctor, dentist, lawyer, funeral home, barber or beauty shop and like business allowed with in this district not exceeding sixty (60) square feet in area.

4. Flashing or intermittent illumination signs are prohibited.

5. Billboards or other off premises is prohibited within this district.

4.13. DEVELOPMENT STANDARDS FOR AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARDS.

Because of the nature and character of their operations, automobile wrecking and salvage yards, junk yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property values by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses, such as those outlined above, will have properly minimized their objectionable characteristics:

A. The minimum acreage necessary for establishment of an automobile wrecking, junk, and/or salvage yard shall be five (5) acres.

B. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

C. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.

D. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, twelve (12) feet in height. Storage between the road or street and such fence, screen or wall is expressly prohibited. Any fence, screen, or wall for screening purposes shall be properly painted or otherwise maintained in good condition.

E. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

F. Off-Street Parking:

As regulated in Chapter 4, Section 4.03 of this ordinance.

G. Ingress and Egress:

The number of vehicular access driveways permitted on any single street frontage shall be limited to:

1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.

2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to thirty (30) feet in width maximum, exclusive of curb returns.

H. Except for pre-existing nonconforming yards, no automobile wrecking, junk or salvage storage yard shall be permitted within three hundred (300) feet of any public road in the City of Athens.

I. Request for Automobile Wrecking, Junk or Salvage Yard Permit:

No person shall own or maintain an automobile wrecking, junk or salvage yard within the City of Athens until he has secured a approval from the Athens Board of Zoning Appeals. An request for said permit shall be filed in accordance with Chapter 6, Section 6.07.C.2, of this ordinance and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be processed in the following manner:

1. The written request, plans and schedules and a statement of approval of the soil analysis and drainage characteristics from the McMinn County Sanitarian shall be submitted to the Athens Department of Community Development. The Community Development Department shall duly review these materials and submit its recommendations to the Athens Board of Zoning Appeals;

2. The Athens Board of Zoning Appeals shall grant final approval or disapproval of the request after reviewing the Department of Community Development's recommendations.

4.14. DEVELOPMENT STANDARDS FOR CEMETERIES.

A. The following standards shall be imposed upon the development and construction of cemeteries within any zoning district in the City of Athens:

1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare;

2. Any new cemetery shall be located on a site containing not less than twenty (20) acres;

3. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings shall conform to the zoning district requirements and in no case shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line;

4. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line;

5. All required yards shall be landscaped and maintained.

6. All cemeteries shall be clearly marked with signage that meets Section 4.12 of this Zoning Code

B. Request for Cemetery Development:

No person shall develop, construct, or maintain a cemetery in the City of Athens without approval from the Athens Board of Zoning Appeals. A request for said approval shall be filed in accordance with Section 6.07.C.2, of this ordinance, and shall be accompanied by a detailed site plan, a schedule for construction and other information herein required. Said application shall be processed in the following manner:

1. The written request, plans, schedules, and other information, as herein required, shall be submitted to the Athens Department of Community Development. The Community Development Department shall duly review these materials and submit its recommendations to the Athens Board of Zoning Appeals;

2. The Athens Board of Zoning Appeals shall grant final approval or disapproval of the permit after reviewing the recommendations of the Community Development Office.

4.15 EROSION.

Developers and/or property owners shall use appropriate erosion and sedimentation control measures to ensure that erosion, or adverse conditions caused by erosion or sedimentation, is eliminated or held to a minimum. When deemed necessary, the planning commission may require that a detailed erosion and sedimentation control plan be submitted with the plat. All control measures will be approved in the field by the planning commission representative and maintained by the developer. The requirements of the "Stormwater Management Policy" section 4.0 EROSION CONTROL shall be met for all applicable developments.

4.16. TELECOMMUNICATION STRUCTURES AND SMALL CELL SUPPORT STRUCTURES.

Telecommunications Structures and Small Cell Support Structures are allowed in the corporate limits as a Use Permitted on Review in the R-E, R-1, R-2, R-3, B-1, B-2, B-3, M-1, P-1, I-1 and I-2 Zoning Districts by this Ordinance and are subject to the following requirements.

I. TELECOMMUNICATION STRUCTURES

A. Setback

1. All towers and accessory structures that are not constructed within a utility easement shall be setback from the property lines a distance equal to twenty (20) percent of the tower height or the district yard requirement, whichever is greater.

2. In instances when a tower and accessory structures are constructed within a utility easement on an existing utility structure, the tower and accessory structures shall adhere to a setback from the easement lines equal to twenty (20) percent of the tower height.

3. In instances when a tower and accessory structures are constructed adjacent to a residential district, or a residential use (regardless of any district permitted uses or any grandfathering status in any zoning district) or within a residential district itself: either immediately adjacent to such property or across a public way, the minimum setback from all property lines of the parcel/subject site measured from the base of the tower, shall be equal to one-hundred (100) percent of the tower height. No variance shall be granted from this minimum setback requirement that does not conform to the requirements set forth in TCA 13-7-207. (3).

B. Shared Use

1. The shared use of existing towers shall be required throughout the community. The applicant's proposal for a new wireless transmission facility shall not be approved unless the applicant can prove through documentation, that the proposed equipment cannot be accommodated on an existing or approved tower located within a minimum distance of one mile of the proposed tower due to one (1) of the following reasons:

    a. The planned equipment would exceed the structural capacity of the existing and approved towers and said towers do not have the capability to be upgraded.

    b. The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.

    c. The planned equipment would not function effectively and reasonably on an existing tower.

    d. Geographic service requirements would prevent the co-use of an existing tower or structure.

2. The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. As a minimum, a tower shall be designed for the co-use of a minimum of three (3) fully sectored antenna

arrays unless such tower is proposed for co-use on an existing utility structure. The applicants shall provide a letter of intent committing the tower owner and any successive owners to providing for the shared use of the tower, if a future applicant agrees, in writing, to pay any reasonable rate for the shared use.

C. Type

All new towers shall be monopole type structure. No lattice type towers or antennas shall be permitted in the City of Athens.

D. Structural Requirements

Prior to the approval of any application for a tower or the co-use of an existing tower or utility structure, the applicant shall provide written certification from a registered structural engineer that the tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (.5) inch radial ice.

E. Buffering and Landscaping

1. For all ground structures and buildings special care shall be taken to minimize the effects on the adjacent residential areas.

2. All ground structures shall be buffered in a manner which consist of a minimum of an eight (8) foot wide landscaped strip around the perimeter of the security fencing. The buffered strip shall consist of a combination of trees, shrubs, vines and or ground covers that blends and enhances the appearance of the ground structures within the surrounded area. The buffer shall be installed for the permanent year round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight (8) feet or the height of the proposed accessory structures, whichever is greater. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that meet the intent and purpose of this section.

F. Height

1. No tower shall exceed a height of two hundred and fifty (250) feet.

2. In instances when a tower is to be co-located upon an existing utility structure, which is defined as an existing power line structure or an existing water tower, the maximum height shall not exceed the height of the structure plus (+) twenty (20) feet.

G. Co-located Towers and Antennas

The co-location of towers and antennas shall only be permitted on existing and proposed telecommunication towers and public utility structures consisting of power line structures or water towers in excess of thirty-five (35) feet in height.

H. Vehicle Access Control

The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and all access points shall be approved by the Athens Planning Commission in accordance with these regulations.

I. Lighting

1. Towers: Towers may be lighted within the City limits of Athens if required by the FAA (Federal Aviation Administration).

2. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets and does not exceed 0.4 feet candles measured at the property line, easement line or abutting properties zoned for residential use.

J. Security

The entire area of the cellular tower facility (which includes all the co-location areas, but excludes access drives) shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet and shall also be equipped with an appropriate anti-climbing device to deter unauthorized entry into the facility.

K. Removal of Obsolete Towers

1. Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the City with a copy of the notice of intent to the FCC to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structure(s), provided another operator has not submitted a request for a tower during that time period. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

2. Prior to the issuance of a permit for any tower, co-use of any tower or co-use of any utility structure, a surety instrument (i.e. letter of credit or bond), which shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument

shall be determined by the town's designated official and then approved by the Board of Zoning Appeals during the site plan review process.

L. Site Plan Requirements

Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan in accordance with the following provisions and all other provisions of this Ordinance shall be required.

1. If the proposed tower is a new tower not on an existing utility structure, the site plan shall show the location of the initial users' accessory structure and the location of two (2) future accessory structures.

2. A letter of intent from the owner and any successive owners allowing for the shared use of the tower.

3. A letter from a professional engineer certifying that the towers height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.

4. A letter indicating why existing towers within one (1) mile of the proposed towers location cannot be utilized.

5. A site plan where the regulations are applicable, per Section 4.17 of this Ordinance, reviewed and approved by the Board of Zoning Appeals.

II. SMALL CELL SUPPORT STRUCTURES

A. Definitions

The following terms shall apply to Small Cell Support Structures, as provided for in the remainder of this Ordinance. For terms not defined herein, the Federal Communications Commission ("FCC") definition shall apply.

Antennas or Related Equipment: Any transmitting, receiving or other equipment used in conjunction with a Wireless Communications Facility. The term includes utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar equipment. This definition does not include Towers.

Applicant: An Applicant is a person or entity who is authorized by the provisions of this Ordinance to file for approval under these regulations.

Application: An Application is the completed site plan application form and all accompanying documents, exhibits, and fees required of an Applicant by the City of Athens as part of a submission for review.

Base Station: Equipment at a fixed location that enables Federal Communications Commission ("FCC") licensed or authorized wireless communication between user equipment and a communication network.
Cellular Telecommunications Services: A retail telecommunications service that uses radio signals transmitted through cell sites and switching stations.
Co-Location: Locating more than one (1) transmission Antenna or Related Equipment on the same Small Cell Support Structure or Tower.
Monopole: A structure that consists of a single vertical pole without guy wires, designed and erected on the ground to support communications antennas and connected appurtenances. A monopole could be either a Tower or a Small Cell Support Structure but would not include Non-Tower Wireless Communications Facilities since those are not originally designed to support communications antennas and connected appurtenances.
Non-Tower Wireless Communications Facilities: Wireless communications facilities other than Tower-based wireless communications. This would include facilities mounted to existing structures that were not originally intended to accommodate wireless communications facilities, such as buildings, utility poles, water towers, steeples, billboards, flags, etc.
Ordinance: Shall refer to this and any other applicable sections of the Athens Municipal Code, as amended.

Board of Zoning Appeals: The term "Board of Zoning Appeals" shall mean the City of Athens Board of Zoning Appeals in Athens, Tennessee.

Planning Jurisdiction: The Planning Jurisdiction includes those areas of McMinn County, Tennessee, which fall under the jurisdictional authority of the City of Athens Board of Zoning Appeals.

Potential support structure for small wireless facility or PSS: means a pole or other structure used for wireline communications, lighting, traffic control, signage, or a similar function, including poles installed solely for the colocation of a small wireless facility. When "PSS" is modified by the term "new," then "new PSS" means a PSS that does not exist at the time the application is submitted, including, but not limited to, a PSS that will replace an existing pole. The fact that a structure is a PSS does not alone authorize an applicant to collocate on, modify, or replace the PSS until an application is approved and all requirements are satisfied pursuant to this part.

Right-of-Way: The surface of and space above and below any real property in the municipality in which the federal government, state government, municipality, or municipal authority has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, bridges, or any other public place, area, or property under the control of the federal government, state, municipality, or municipal authority. Private Rights-of-Way and other government-owned lands not listed above shall not be considered a Right-of-Way. The phrase "in the Right(s)-of-Way" means, in, on, over, along, above and/or under the Right(s)-of-Way.

Small Cell System/Distributed Antenna System ("DAS"): A network of remote antenna nodes that distribute radio frequency signals from a central hub through a high capacity signal transport medium to a specific area.

*Small Cell Support Structure***:** For purposes of this Ordinance, a Small Cell Support Structure could include a Monopole or a Non-Tower Wireless Communications Facility that is erected within the public Right of Way or on private property and that does not exceed the lesser of either the maximum building height permitted in the associated zoning district or no more than three (3) feet above the predominant height of the shortest existing Utility Poles in the immediate area. Any other Monopole shall be considered a Tower, as defined herein, and subject to the regulations that would apply to Towers.

Small Cell Support Structures are constructed for the sole or primary purpose of supporting any Federal Communications Commission-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

Staff: Those employees of the City of Athens assigned to support and/or administer the powers and duties prescribed to the Athens Board of Zoning Appeals.

Stealth Technology: Design techniques applied to telecommunication structures that will help conceal them or make them less visible to the casual observer. Such techniques may include, but are not limited to, facilities constructed to resemble light poles, trees, flag poles, steeples, or other streetscape elements. Stealth Technology may also include concealment wrap and similar technologies and placing applicable structures underground.

Tower: A support structure and all appurtenances constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of any telecommunications services or Personal Communication Services. This would include traditional Monopole commercial cell towers and Transport Poles. For purposes of this Ordinance, a Tower is differentiated from a Small Cell Support Structure in that a Tower is a Monopole that may exceed the permitted building height of the associated zoning district and is not permitted within the public right-of-way.

Transport Poles: A type of Tower that includes microwave backhaul. Transport poles are subject to all requirements associated with a Tower.

Transmission Equipment: Equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wirelesses services such as microwave backhaul.

Utility: Has the meaning as defined in *Tennessee Code Annotated*.

Utility, Overhead: Utility infrastructure that is located primarily above ground as determined by Staff. For purposes of this Ordinance, Overhead Utilities include but are not limited to power lines, communications lines, lights, transformers, relocators, cameras and other utility appurtenances.

Utility Pole: A structure used for the support of telephone, cable television or other video services, street lighting, or other similar cables and located within the public right of way or utility easements owned by the City of Athens. A Small Cell Support Structure may be incorporated onto a utility pole provided such pole does not extend, with the application of Small Cell Support Structures, to a height greater than three (3) feet above the predominant height of the shortest utility poles within five-hundred (500) feet.

Utility, Underground: Utility infrastructure that is located primarily underground as determined by Staff. For purposes of this Ordinance, underground utilities include but are not limited to water lines, sanitary sewer lines, storm sewer lines, culverts, natural gas lines, power lines, certain Small Cell Support System/DAS structures, and communications lines.

Wireless Communications Facility: The set of equipment and network components including antennas, transmitters, receivers, Base Stations, cabling, and Antenna or Related Equipment, used to provide wireless data and telecommunication services.

B. Small Cell Support Structures and Distributed Antenna Systems (DAS).

The following provisions shall apply to Small Cell Support Structures and DAS, as defined in this Ordinance.

1. Application Requirements

Pre-Application Filing Meeting. Prior to filing an application for a Small Cell Support Structure or DAS, a pre-application meeting with the Staff is required. At this meeting the applicable provisions associated with the request can be reviewed and discussed. An Application will not be accepted if the required pre-application meeting has not been completed.

This meeting will allow for early coordination by identifying existing structures that might be suitable for co-location or that might qualify as Non-Tower Wireless Communication Facilities. This will also help identify any other issues which may relate to (i) the use of Right of Way or Utility Poles and/or (ii) the application to the proposed request of any other local zoning, subdivision regulations, or other rules, regulations or adopted plans, including, but not limited to the Comprehensive Land Use Plan and Architectural Design Standards. The meeting will provide an opportunity for an initial discussion regarding proposed structure locations, design, and the Application submittal and approval process. Coordination with utilities for possible use of pre-existing structures will be required. Applicants shall supply the provider's preferred locations, structure design, style, and structure height at least one week prior to the pre-application meeting or upon request for such meeting.

Unless provided for otherwise, all proposed Small Cell Support Structures/DAS shall be subject to Staff review and approval by the Board of Zoning Appeals. Certain Non-Tower Wireless Communication Facilities Applications, including co-locations, may be reviewed and approved by the Staff provided the Staff determines that a more formal review with the Board of Zoning Appeals is not necessary based on the location and/or physical characteristics of the proposed facilities.

Applications for Small Cell Support Structures or DAS shall include the following information as applicable to the request:

a) A completed site plan application and filing fee. Applications are limited to Five (5) Structures per Application.
b) A development site plan, signed and sealed by a professional engineer registered in Tennessee, showing the proposed location of each Small Cell Support Structure and any existing Small Cell Support Structures within five hundred (500) feet of each proposed location. This plan shall specifically identify, for each location, existing Utility Poles within five-hundred (500) feet and their predominant physical characteristics (type, material, height, color, etc.). The plan shall address whether an existing Utility Pole is proposed to be used to accommodate a Small Cell Support Structure or whether a new Monopole is being requested. The plan shall also address if an existing Utility Pole is being replaced in order to accommodate a Small Cell Support Structure.
c) A map and plan for how fiber optics are being extended to the Small Cell Support Structure/DAS and, where applicable, the Non-Tower Wireless Communications Facility. Fiber optics shall be placed underground in areas with primarily underground utilities and an additional Right of Way Permit from the City shall be obtained for any work conducted within the Right of Way. Any fiber optics proposed outside the Right of Way or not within existing platted utility easements shall require a recorded easement to be platted and presented to the Staff and the Board of Zoning Appeals for approval.
d) For Non-Tower Wireless Communications Facilities proposed on buildings or other structures that are not within the Right of Way, the development site plan shall include the proposed Small Cell Support Structures, their physical characteristics, and Stealth Technology applications that would be proposed based on the planned location and context.
e) An indication of existing improvements, such as pedestrian facilities, accesses, landscaping, and Underground Utilities, that are within twenty-five (25) feet of the proposed Small Cell Support Structure(s) and any other information that may be pertinent to or impact the decision on where to place the structure and its related equipment.
f) A map and other documentation which demonstrates the coverage area for each proposed Small Cell Support Structure. This shall include a statement of the telecommunications objective(s) for each proposed Small Cell Support Structure location, whether the proposed facility is necessary to prevent or fill a gap or capacity shortfall in the Applicant or provider's service area, whether it is the least obtrusive

means of doing so, and whether there are any alternative sites or other applications that would have fewer aesthetic impacts while providing comparable service.

g) A statement by an authorized representative that the Applicant or provider holds all applicable licenses or other approvals required by the FCC, and any other agency of state or federal government with authority to regulate telecommunications facilities that are required in order for the Applicant to construct the proposed facility.

h) A statement by an authorized representative that the Applicant or provider is in compliance with all conditions required for such license and approvals.

i) A full description of the number and dimensions of all Small Cell Support Structures to be installed including, but not limited to, all underground structures, antennae, the height of above ground structures and any equipment cabinets or buildings associated with the installation.

j) Where structures are permitted above ground, a vertical profile sketch or drawing of the structures, signed and sealed by a professional engineer registered in Tennessee, indicating the height of the structure and the placement and physical dimensions of all antennas and equipment enclosures.

k) For Non-Tower Wireless Communications Facilities to be mounted on existing Utility Poles or replacement Utility Poles, the profile sketch shall verify compliance with the height parameters provided for in this Ordinance.

l) Written approval from the property owner(s) stating that the Applicant or provider has permission to apply to construct a facility on their property (e.g. on an existing building with a Non-Tower Wireless Communication Facility in the form of a Small Cell Support Structure). In the case of non-City owned Utility Poles, the utility provider shall acknowledge permission for the Applicant to apply to use their Pole(s) for Small Cell Support Structures. Monopoles within the Right-of-Way or proposed on City-owned Utility Poles shall be considered by the Staff and Board of Zoning Appeals, as representatives of the City, as part of the Application review. Final approval to use City-owned property for Small Cell Support Structures shall be acknowledged in writing by the duly-authorized representative of the City. A lease agreement or a franchise agreement with the City will typically be required as a condition of Staff or Board of Zoning Appeals approval.

m) Photographs of view shed from each proposed Small Cell Support Structure location taken in at least four directions.

n) The Applicants certification that the proposed site plan and design plans meet or exceed all applicable engineering, materials, electrical, and safety standards, including all standards related to the structural integrity and weight bearing capacity of the PSS and small wireless facility, whether the structure (including any entity or apparatus to be used in the installation) is existing or newly constructed. Those standards relevant to engineering must be certified by a Tennessee licensed professional engineer.

o) The Applicant shall provide a bond to cover 125% of the cost to remove the tower upon it becoming obsolete or abandoned for a period of three (3) consecutive months. The wireless provider responsible for use and ownership of the tower shall notify the city within 90-day of any plan to abandon any tower within the City of Athens jurisdiction.

2. Processing of Applications

a) Staff shall review all Applications for new Small Cell Support Structures within 30 days of Application filing to determine if an Application is complete. During this time frame, the Staff may request a third-party consultant review to verify certain applicable information.
b) Staff shall issue comments to the Applicant within this 30-day time frame so that the Applicant can address any identified deficiencies. Once comments have been addressed, Staff shall notify the Applicant in writing that the Application is complete. As applicable, the Staff or the Board of Zoning Appeals shall then either approve, approve with conditions, or deny the Application within sixty (60) days of the date the Application is determined to be complete. If the City does not make a final decision within the required sixty (60) days, the Application shall be deemed to be approved as submitted.
c) An applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Staff or Board of Zoning Appeals in the administration of this Ordinance may appeal the action to the Board of Zoning Appeals. Such appeal must be taken within thirty (30) consecutive calendar days of the final action by the Staff or Board of Zoning Appeals. The appeal shall be filed with the Staff along with an appeal fee of one hundred dollars ($100). The Staff will fix a reasonable time for hearing the appeal and give public notice, as well as written notice to the appellant and the owner of right-of-way or property (if different from the jurisdiction) at least ten (10) days prior to the hearing.
d) An applicant claiming to be injured or aggrieved by any final action of the City rendered by the Board of Zoning Appeals may appeal from the final action to the Circuit Court of McMinn County Tennessee. Such appeal shall be taken within thirty (30) days after such action.

3. Design Standards for Small Cell Support Structures/DAS

The regulations in this subsection shall apply to Small Cell Support Structures and DAS. Temporary, mobile or wheeled cellular antenna structures shall not be permitted without prior approval from the Staff or, where applicable, the Board of Zoning Appeals.

a) Monopole Small Cell Support Structures shall include Stealth Technology and shall not exceed the lesser of either the maximum building height for the zoning district within which they are located or three (3) feet above the predominant height of the shortest Utility Poles within five-hundred (500) feet of the proposed Monopole. Small Cell Support Structures that involve replacing existing Utility Poles shall be subject to adhering to the height of the Utility Pole that is being replaced plus an additional three (3) feet. Replacement Utility Poles that will more effectively accommodate a Stealth Technology shall be prioritized as part of the Application review process.
b) Non-Tower Wireless Communication Facilities that incorporate Small Cell Support Structures shall include Stealth Technology appropriate for the proposed location and context. With the exception of Utility Poles, Non-Tower Wireless Communications Facilities shall not exceed the lesser of either the maximum building height permitted in the associated zoning district or ten (10) feet above the height of the existing structure on which the Small Cell Support Structures are proposed. In relation to Utility Poles, Non-Tower Wireless Communications Facilities shall not extend more than three (3)

feet above the predominant height of the shortest Utility Poles within five-hundred (500) feet.

c) Small Cell Support Structures shall be designed and constructed to accommodate a minimum of two (2) service providers. Based on the proposed location and context, this may be exempted for Non-Tower Wireless Communications Facilities.
d) Small Cell Support Structures shall not interfere with other utilities, encroach onto or over sidewalks and other pedestrian or bicycle facilities, interfere with landscaping, visibility, or other matters of public safety.
e) Small Cell Support Structures proposed in an area with primarily underground utilities shall be placed underground with the exception of an antenna. All wiring shall be concealed within the pole and antenna and the antenna shall include Stealth Technology appropriate for the location and context.
f) Small Cell Support Structures proposed in an area with primarily overhead utilities shall apply Stealth Technology that is appropriate for the location and context.
g) Where wiring to an antenna cannot be concealed within a Utility Pole (e.g., wooden poles), all wiring to the antenna shall be concealed within the most Stealth conduit possible that matches the color of the Utility Pole.
h) Small Cell Support Structures proposed on property zoned residential shall be encouraged to be Non-Tower Wireless Communication Facilities (such as those contained behind building parapets or concealed within other existing structures) that include Stealth Technology appropriate for the location and context.
i) Where an Applicant can clearly demonstrate that employment of a Non-Tower Wireless Communication Facility is not possible on a property zoned residential, all Small Cell Support Structures shall be placed underground. When visible from a public right-of-way (ROW), antennas proposed on property zoned residential shall be concealed with concealment wrap or a similar application.
j) Small Cell Support Structures shall not be illuminated, except to fulfill certain state or federal regulations, or where illumination is integral to the Stealth Technology, such as a design intended to look like a streetlight pole.
k) Small Cell Support Structures shall not include advertisements and may only display information required by a federal, state, or local agency. Such display shall not exceed one (1) square foot in area, unless required by state or federal regulations, or unless a larger display is integral to the Stealth Technology. Such display shall not exceed the width of the pole, unless a wider sign is integral to the Stealth Technology such as a design which integrates a decorative banner.
l) The use of cooling fans is discouraged. When needed, fans with lower noise profiles must be used.
m) Small Cell Support Structures shall not be located within five hundred (500) feet of an existing Small Cell Support Structure unless an Applicant can clearly demonstrate that such distance prohibits the carrier's ability to provide service. Multiple carriers are permitted and encouraged to locate on one Small Cell Support Structure, where possible.
n) Reasonable efforts shall be made by the Applicant and assessed as part of the Application review process to locate new Small Cell Support Structures on arterials and collectors before placing on local streets.
o) Reasonable efforts shall be made by the Applicant and assessed as part of the Application review process to locate new Small Cell Support Structures in Industrial,

Commercial, Medical or Professional Zoning Districts before locating in any residential district within the City.

C. Evaluation of Applications

As part of Staff and Board of Zoning Appeals review of Applications filed for telecommunications facilities, the conformity of the Application with the foregoing requirements, including but not limited to the following, shall apply:

1. The Application is consistent with this Ordinance.

2. The adequacy of the proposed site, considering such factors as the sufficiency of the size of the site to comply with the established criteria, the configuration of the site, and the extent to which the site is formed by logical boundaries (e.g., topography, natural features, streets, relationship of adjacent uses, etc.) that provide for the ability to comply with the provisions of this Ordinance.
3. The extent to which the proposal responds to the impact of the proposed development on adjacent land uses, especially in terms of visual impact.

4. The extent to which the proposed telecommunications facility is camouflaged (i.e., use of Stealth Technology).

5. The extent to which the proposed facility is integrated with existing structures (i.e., buildings, signs, Utility Poles, etc.).

6. An Applicant's compliance with all City requirements with respect to previous Applications.

D. Amendments to Approved Plans

Amendments to approved plans shall be reviewed by the Staff once the Application for the associated amendment is deemed complete and, where applicable, forwarded to the Board of Zoning Appeals for consideration and approval. Evaluation of the amendment shall be based on the applicable criteria of this Ordinance.

E. Fees for Small Wireless Facilities

1. The application fee shall be one hundred (100) dollars for each of the first five (5) Small Wireless Facilities in a single application.
2. An additional two hundred (200) dollar fee for the first application an applicant files following the effective date of this Ordinance.
3. Beginning January 1, 2020 and every five (5) year interval thereafter, the application fee will be raised ten (10) percent more than previously required.
4. The annual rate for colocation of a Small Wireless Facility on a City owned PSS shall be one hundred (100) dollars per installation.
5. The usual application fee to petition the Athens Board of Zoning Appeals shall not apply.

F. Tennessee Code Annotated

Anything not addressed or covered in the above section shall be governed by the T.C.A. Title 13, Chapter 24, Section 400 in its entirety.

4.17. SITE PLAN REQUIREMENTS.

4.17.01. EXCEPTIONS.

The provisions of this chapter shall not apply to:

A. Single family dwellings, two family dwellings, accessory buildings thereto or to the land on which they are situated or proposed.

B. Additions to buildings where the total gross floor area of the proposed addition does not exceed one-third of the total gross floor area of the existing building or 1,000 square feet, whichever is smaller.

C. New buildings where the total gross floor area does not exceed 1,000 square feet; provided there is no alteration of drainage flow of land or grading exceeding cut or fill of one foot, the site is not in floodplain and the site is not in excess of 10,000 square feet.

D. Improvements for off-street parking purposes when appurtenant only to existing buildings and where access will be provided by existing driveways, provided such improvement does not provide more than five additional parking spaces.

E. Grading of open areas, either by excavation or fill for the sole purpose of bringing the land to a grade compatible with the surrounding area, provided the Department of Public Works finds on an inspection of the site that such grading will have no adverse effect on the land of surrounding property owners, will not encroach on or impair existing drainage channels of McMinn County and will not cause problems of erosion, ponding and/or silting on adjoining properties.

4.17.02. APPROVED SITE PLAN REQUIRED TO ERECT BUILDINGS.

Except as hereinafter provided in Section 4.17.01 it shall be unlawful for any person to construct or erect any building or structure on any land within the city until a site plan has been submitted and approved in accordance with the provisions of this chapter.

4.17.03. APPROVED SITE PLAN REQUIRED TO ENLARGE BUILDINGS.

Except as hereinafter provided in Section 4.17.01, it shall be unlawful for any person to alter any building or structure on any land within the City of Athens, Tennessee, in such a manner as to increase the floor area or change the land area covered by the building or structure until a site plan has been submitted and approved in accordance with the provisions of this chapter.

4.17.04. APPROVED SITE PLAN REQUIRED TO DISTURB LAND.

Except as hereinafter provided in Section 4.17.01, it shall be unlawful for any person to alter the grade of any land in such a manner as to change the contours in excess of two feet within ten feet of adjacent land, or in excess of three feet elsewhere, construct any streets, alleys, sidewalks, curbs or gutters, build any retaining walls, construct any off-street parking facility, construct any drain or sewer or change or divert the flow of storm water or natural courses until a site plan has been submitted and approved in accordance with this chapter.

4.17.05. DEVELOPMENT ACCORDING TO SITE PLAN.

It shall be unlawful for any person to construct, erect or alter any building or structure or to develop, change or improve land for which an approved site plan is required by this chapter, except in accordance with the approved final site plan.

4.17.06. PERMITS NOT TO BE ISSUED WITHOUT APPROVED SITE PLANS.

No permit shall be issued to erect or alter any building or structure or alter the grade of any land that is subject to this chapter until that portion and/or section of the required site plan has been submitted and approved in accordance with the provisions of this chapter.

4.17.07. SITE PLAN SUBMISSION.

a. **General requirements** - The owner or developer shall submit three copies or as many as may be required of his proposed site plan to the Community Development Department twenty-one (21) days prior to his intended date of site alteration. The Community Development Department shall consider the site plan in light of the provisions of this chapter and approve or disapprove same as required, the plans then shall be returned to the owner or his agent with the date of such approval or disapproval noted thereon over the signature of the Director of Public Works, Building Official and Athens Fire Chief or any of their designees.

b. **Vested Development Rights**- the Tennessee General Assembly enacted Public Chapter No. 686, the "Vested Property Rights Act of 2014" which amends Title 13, Chapters 3 specifically T.C.A. § 13-3-413 regarding the powers of regional planning commissions. As enacted, far-reaching statutory requirements are established relative to development standards and vested property rights for landowners and developers that will affect the ability of cities to establish and update contemporary development standards to guide land use and growth in the future.

Definitions of Vested Property Rights

"Applicant" means a landowner or developer or any party, representative, agent,

successor, or heirs of the landowner of developer.

“Construction” means the erection of construction materials in a permanent manner, and includes excavation, demolition, or removal of an existing building.

“Development plan” means both a preliminary development plan and a final development plan.

“Development standards” means all locally adopted or enforced standards applicable to the development of property including, but not limited to planning: storm water requirements; layout; design; local infrastructure construction standards, off-site improvements, lot size, configuration, and dimensions. NOT included are standards required by federal or state law, or building construction safety codes.

“Final development plan” means a plan approved by the local government describing with reasonable certainty the use of property. Such plan may be in the form of, but not limited to, a planned unit development plan; subdivision plat; general development plan; subdivision infrastructure construction plan; final engineered site plan; or any other land-use approval designated utilized. UNLESS otherwise expressly provided by the City of Athens, such a plan shall include the boundaries of the site; significant topographical features affecting the development of the site; locations of improvements; building dimensions; and the location of all existing and proposed infrastructure on the site. Neither a sketch plan nor other document that fails to describe with reasonable certainty the use and development scheme may constitute a final development plan.

“Preliminary development plan” means a plan submitted to facilitate initial public feedback, and secure preliminary approvals from local government. It serves as a guide for all future improvements.

“Site preparation” means excavation, grading, demolition, drainage, and physical improvements such as water and sewer lines, footings, and foundations.

Vesting Rights and Periods

Vested property rights are established for any preliminary development plan, final development plan (where no preliminary development plan is required), or building permit issued to allow construction of a building to commence where there is no local requirement for prior approval of a preliminary development plan.

During the vesting period, the locally adopted development standards in effect on the date of approval remain the development standards applicable to that property or building during the vesting period as follows:

- Building permit projects (no preliminary plan approval**)** - The vesting period commences on the date of building permit issuance and remains in effect for the period authorized by the building permit.
- Development plan project - The vesting period applicable to a

development plan is three years, beginning on the date of approval of the preliminary development plan; provided the applicant obtains final development plan approval, secure permits, and commences site preparation within the 3-year vesting period.

- If the applicant obtains approval of a final development plan, secures permits, and commences site preparation within the 3-year vesting period, then the vesting period is extended an additional two years (to a total of five years) to commence construction from the date of preliminary plan approval. During the two year period, the applicant shall commence construction and maintain any necessary permits to remain vested.
- If construction commences within the 5-year vesting period following preliminary development plan approval, the development standards in effect on the date of approval remain in effect until final completion of the project, provided however, that the vesting period shall not exceed ten (10) years unless the City of Athens grants an extension through an ordinance or resolution; and provided further that the applicant maintain all necessary permits during the 10-year period.
- **Multi-phase projects** – A separate vesting period applies for projects proceeding in two or more sections or phases (as set forth in the development plan).The development standards in effect on the date of approval of the preliminary development plan for the first section or phase remain in effect for all subsequent sections or phases; provided the total vesting period does not exceed fifteen (15) years unless the City of Athens grants an extension through an ordinance or resolution; and provided that the applicant maintain all necessary permits during the 15-year period.

Type of Project	Effective Date	Vesting Period	Total Vesting Period to Maintain Vested Rights	Required Actions
Building Permit (No development plan required)	Date of Issuance of Building Permit	Period authorized by the building permit	Period authorized by the building permit	Complete construction within period authorized by the building permit
Development Plan				
Preliminary Development Plan	Date of Issue	3 Years	3 Years	Obtain Final Development Plan approval; secure permits; and commence site preparation
Final Development Plan	3 years from date of Preliminary Plan approval	2 Years	5 Years	Commence construction, maintain permits
	5 years from date of Preliminary Plan approval	5 Years	10 Years	Complete construction; maintain permits
Multi-phase or sections	Date of Issue of Preliminary Development Plan	Separate vesting period for each phase or section	15 Years	Complete construction for each phase; maintain permits

A vested property right attaches to and runs with the applicable property and confers upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan,

including any amendments thereto or under the terms and conditions of any building permit that has been issued with respect to the property.

Development plans

"Preliminary development plan" means a plan which has been submitted by an applicant and that depicts a single-phased or multi-phased planned development typically used to facilitate initial public feedback and secure preliminary approvals from local governments. Examples of information found on development plans include proposed land uses, density and intensity of development, public utilities, road networks, general location of off-street parking, building location, number of buildable lots, emergency access, open space, and other environmentally sensitive areas such as lakes, streams, hillsides, and view sheds. An approved preliminary development plan serves as a guide for all future improvements within defined boundaries.

"Final development plan" means a plan which has been submitted by an applicant and approved by a local government describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals:

(i) A planned unit development plan;

(ii) A subdivision plat;

(iii) General development plan;

(iv) Subdivision infrastructure construction plan;

(v) Final engineered site plan; or

(vi) Any other land-use approval designation as may be utilized by the City of Athens

Preliminary Development Plans and Final Development Plans shall include the boundaries of the site; significant topographical and other natural features affecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures or a building envelope; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a final development plan, and approval of a final development plan with the condition that a variance be obtained shall not confer a vested property right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type of use, the intensity of use, and the ability to be served with essential utilities and road infrastructure for a specified parcel or parcels of property may constitute a final development plan.

Approval of a Development Plan

Approval of a development plan, regardless of type described above under the "Development Plan" section, shall occur when the development plan submitted shall be determined by the City of Athens to meet all local, state and federal

regulations governing the development.

Termination of Vesting Rights

During the vesting period, the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the issuance of a building permit, whichever applies, remain the development standards applicable to the property described in such preliminary development plan or permit, except such vested property rights terminate upon a written determination by the City of Athens under the following circumstances:

- When the applicant violates the terms and conditions specified in the approved development plan or building permit; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the City of Athens may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;
- When the applicant violates any of the terms and conditions specified in the local ordinance or resolution; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the City of Athens may, upon a determination that such is in the best interest of the community, grant, in writing, an additional time period to cure the violation;]
- Upon a finding by the City of Athens that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan or intentionally and knowingly did not construct the development in accordance with the issued building permit or the approved development plan or an approved amendment for the building permit or the development plan; or
- Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the City of Athens and that precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

The City of Athens may allow a property right to remain vested despite such a determined occurrence when a written determination is made that such continuation is in the best interest of the community by the City of Athens.

Development Standards Enforcement

A vested development standard shall not preclude city enforcement of any development standard when:

- The City of Athens obtains the written consent of the applicant or owner;

- The City of Athens determines, in writing, that a compelling, countervailing interest exists relating specifically to the development plan or property which is the subject of the building permit that seriously threatens the public health, safety or welfare of the community and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the City of Athens, by the applicant using vested property rights;
- Upon the written determination by the City of Athens of Athens of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;
- A development standard is required by federal or state law, rule, regulation, policy, corrective action, order, or other type of governance that is required to be enforced by the City of Athens, regardless of nomenclature; or
- A City of Athens is undertaking an action initiated or measure instituted in order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, permit, order, or other type of governance, regardless of nomenclature.

Development Plan Amendment

An amendment to an approved development plan by the applicant must be approved by the City of Athens to retain the protections of the vested property right. An amendment may be denied based upon a written finding by the City of Athens that the amendment:

- Alters the proposed use;
- Increases the overall area of the development;
- Alters the size of any nonresidential structures included in the development plan;
- Increases the density of the development so as to affect traffic, noise or other environmental impacts; or
- Increases any local government expenditure necessary to implement or sustain the proposed use.

If an amendment is denied by the City of Athens based upon such a written finding, then the applicant may either proceed under the prior approved plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application. Notwithstanding the foregoing, a vested property right shall not terminate if the City of Athens determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right.

Waiver Rights Prohibited

A City of Athens may not require an applicant to waive the applicant's vested

rights as a condition of approval, or as a consideration of approval, of a development plan or the issuance of a building permit.

Extension of Rights

The vesting period for an approved construction project may be extended as deemed advisable by the City of Athens.

Zoning with Vested Property Rights

A vested property right, once established, precludes the effect of any zoning action by a City of Athens which would change, alter, impair, prevent, diminish, or otherwise delay the development of the property, while vested, as described in an approved development plan or building permit. With said exception, nothing shall preclude, change, amend, alter or impair the authority of a City of Athens to exercise its zoning authority.

Development Moratorium

In the event a City of Athens enacts a moratorium on development or construction, the vesting period established by this act shall be tolled during the moratorium period.

Eminent Domain with Vested Property Rights

A vested property right does not preclude, change, amend, alter or impair the authority of a City of Athens to exercise its eminent domain powers as provided by law.

4.17.08. SITE PLAN.

A. The Site Plan shall show the following:

1. Name of development or address.

2. Name and address of owner or record and the applicant.

3. Present zoning of the site and abutting property.

4. Date, scale and north point with reference to source of meridian.

5. Courses and distances of center lines of all streets and all property lines.

6. All building restricting lines, including building setback lines, highway setback lines, easements, covenants, reservation and rights-of-way.

7. The total land area.

8. Topography of existing ground, and paved areas and elevations of streets, alleys, utilities, sanitary and storm sewers and buildings and structures. Topography to be shown by dashed line illustrating two-foot contours and by spot elevations where necessary to indicate flat areas, as based on U.S.C. and G.S. datum.

B. The Site Plan shall show the location of the following when existing:

1. Sidewalks, streets, alleys, easements and utilities (gas and power).

2. Buildings and structures.

3. Public Sewer Systems.

4. Slopes, terraces, and retaining walls.

5. Driveways, entrances, exits, parking areas and sidewalks.

6. Water mains and fire hydrants.

7. Trees and shrubs.

8. Recreational areas, and swimming pools.

9. Natural and artificial water courses.

10. Limits of floodplains.

11. Right of Way markers

C. The Site Plan shall show the location, dimensions, size and height of the following when proposed:

1. Sidewalks, streets, alleys, easements and utilities (gas and power).

2. Buildings and structures.

3. Public sewer systems.

4. Slopes, terraces, and retaining walls.

5. Driveways, entrances, exits, parking areas and sidewalks.

6. Water mains and fire hydrants.

7. Trees and shrubs.

8. Recreational areas.

9. Distances between buildings.

10. Estimates of the following:

    a. Number of dwelling units.

    b. Number of parking spaces.

    c. Number of loading spaces.

    d. Square feet of floor space.

    e. Number of commercial or industrial tenants and employees.

    f. Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits of floodplains, if any.

    g. Proposed grading, surface drainage, terraces, retaining wall heights, grades on paving areas and ground floor elevations of proposed buildings and structures, and proposed topography of site shall be shown by two or five-foot contours as required by the City Engineer.

4.18. REQUIREMENTS, REGULATIONS AND RESTRICTIONS.

A. Any building or structure erected or altered shall comply with the provisions of the Code as Adopted by the City of Athens, as amended and any applicable laws of the State of Tennessee.

B. Any work or development on the site, including but not limited to the following shall comply with the provisions of the all applicable Codes as Adopted by the City of Athens, as amended and any applicable laws of the State of Tennessee: the grading of land, the installation of utilities, the construction of curbs, gutters and sidewalks, the construction of streets, alleys and retaining walls, the construction of drains and sewers, the construction of off-street parking, and the construction or erection of any improvement on the site.

C. Any building or structure shall be reasonably accessible to fire, police, emergency and service vehicles. When deemed necessary for access by the Fire Chief or their designee,

emergency vehicle easements shall be provided. The access for Fire, Police and emergency vehicles shall be unobstructed at all times.

D. The width, grade, location, alignment and arrangement of streets, sidewalks, and alleys shall conform to the minimum subdivision regulations of the city as nearly as is reasonably practicable.

E. Off-street parking facilities shall have a reasonable slope and be accessible, safe and properly drained.

F. Streets, sidewalks, and alleys shall, insofar as reasonably practicable provide access and good traffic circulation to and from adjacent lands, existing streets, alleys and sidewalks and proposed or planned streets, alleys and sidewalks.

G. Adequate water mains and fire hydrants shall be provided in accessible places in accordance with the City of Athens Minimum Subdivision regulations.

H. Adequate provision shall be made for the collection and disposition of all on-site and off-site storm water and natural surface water. All development within the city shall conform to the City of Athens Stormwater Management Policy

I. Adequate provision shall be made for the collection and disposition of all on and off-site sanitary sewage.

J. Adequate provision shall be made to control flooding, which may include holding basins, retention ponds, detention ponds, or similar structures.

K. The obstruction of natural watercourses shall be prohibited.

L. Adequate provision shall be made to control the slippage, shifting, erosion, accretion and subsidence of soil.

M. Adequate provision shall be made to control the slipping and shifting of buildings and structures.

N. Adequate provision shall be made to protect other lands, structures, persons and property.

4.19. APPEALS.

If an applicant determines that his site plan has been unjustly disapproved or that the City of Athens has made requests for conformity to standards other than those set forth in this ordinance, the applicant may appeal the decision of the Athens Board of Zoning Appeals.

4.20. RESIDENTIAL TOWNHOUSE AND PATIO HOME (RT-PH) REGULATIONS.

A. Purpose:

In certain Athens' zoning districts, fee-simple townhouses and patio homes are allowed to increase the variety of available housing choices. Within these districts, townhouse units and patio homes can be developed and sold as individually-deeded lots in fee-simple, provided the developer follows the specific regulations established in this section for "zero lot line" townhouse units or patio homes.

B. Definitions:

1. RESIDENTIAL TOWNHOUSES: A "townhouse" is defined as a single-family residential dwelling of one or more floors, having or appearing to have a common wall with an adjacent similar unit or units. The ownership of a townhouse shall include the walls inward and the ground underneath to include the front and rear yard, end units shall have one side yard, interior units shall be to the common walls.

2. PATIO HOMES: A "patio home" for the purposes of the Athens Municipal Zoning Ordinance shall be defined as a single-family residential dwelling of one or more floors, which does not have any common walls shared with an adjacent unit or units, but which is located to one side of a less than standard width lot. That is, these homes have a "five foot" setback on one side to maximize the amount of usable outdoor lot area on the other side for a patio, landscaped garden, or other outdoor living area.

C. Regulations for Townhouses:

All townhouse complexes shall incorporate the following features, which have proved to provide the most attractive developments:

1. They shall contain a minimum of three (3) units in each building.

2. Each townhouse shall have an architectural character that is individual yet compatible with its neighbors.

3. **Subdivision Plat Approval Procedure for Townhouse Construction:**

Since it is intended that the land in a townhouse development be used for owner-occupied townhouses, each townhouse shall occupy a separate subdivision lot. Since the townhouses are joined or appear to be joined, they shall be built as entire units.

Therefore, to prevent the sale of individual un-built lots, no individual lots can be recorded until the following subdivision and development process shall have been followed by the developer:

a. Prepare a site plan and a preliminary subdivision plat for the proposed townhouse development.

b. Present the site plan to the Community Development Department for approval and the preliminary subdivision plat to the Athens Municipal-Regional Planning Commission for approval.

c. Proceed to construct the required streets, etc., and the building units according to these approved plans after obtaining needed building permits. (This may be done for the entire development or may be done in phases.)

d. Present final plat of the built-up phases to city staff for inspection and verification and then to the Athens Municipal-Regional Planning Commission for final subdivision approval. (The final plat shall show the individual lot lines exactly where the side walls of the individual units were built.)

e. If all the final subdivision requirements of the Athens Minimum Subdivision Regulations have been met, the planning commission shall grant final subdivision approval for the phases that have been constructed with townhouses.

f. The developer records this final plat and can then sell these townhouse units.

4. **Area and Dimensional Requirements for Townhouses:**

All townhouses within Athens shall conform to the following measurements:

a. **Minimum Floor Area:**

One Story	Two Story (1st Floor)	(Min. Total)
R-1 720 sq.ft.	600 sq. ft.	1,200 sq.ft.
R-2 600 sq.ft.	500 sq.ft.	1,000 sq.ft.
R-3 600 sq.ft.	600 sq.ft.	800 sq.ft.

b. **Minimum Lot Width and Public Street Frontage**

R-1.....24 feet
R-2.....20 feet
R-3.....18 feet

c. **Minimum Lot Area:**

R-1.....2,400 sq.ft. + Townhouse lot + 8,490 common conservation-10,890 total area per unit

R-2.....2,000 sq.ft. + Townhouse + 6,000 common conservation-8,000 total area per unit
R-3.....1,800 sq.ft. + Townhouse + 4,200 common conservation-6,000 total area per unit

d. **Minimum Lot Depth:**

One-hundred (100) feet.

e. **Minimum Building Line Setbacks:**

Front: 30 feet

Side: None except for end units which shall have a fifteen (15) foot side yard or 30 feet on corner lots.

Rear: 20 feet

f. **Minimum Separation Between Building Containing Groups of Townhouses:**

End to end .....30 feet
End to front .....40 feet
Back to end .....40 feet
Back to back.....50 feet
Front to front.....60 feet
Front to back .....60 feet

g. Required Off-Street Parking:

Two spaces (10 feet by 20 feet in size) shall be provided for each dwelling unit. These spaces shall be located entirely upon the lot and shall be directly accessible from the public street right-of-way.

h. **Maximum Density**

Zone	Units per Acre
R-1	4
R-2	5
R-3	7

All remaining acreage has to be placed in permanent conservation for common space where development cannot occur as not to exceed density allotment in the zoning district where development is occurring.

5. Reconstruction:

In the event that one or more townhouse units are destroyed by fire or other cause, no structure or structures shall be placed on each vacant lot except another townhouse which must be built according to the original intent of these RT-PH regulations. If one or more zero lot line homes are destroyed, no structures shall be placed on each vacant lot except another zero-lot line structure also built according to the original intent of these RT-PH regulations.

6. **Building and Fire Codes**

All townhouse construction will have to meet all applicable building and fire codes adopted by the City of Athens.

7. **Accessory structures**

Accessory structures are prohibited on townhouse lots.

D. Regulations for Patio Homes:

1. Subdivision Plat Approval Procedure for Patio Home Construction:

To ensure that each building is built within the proper area of its lot, these regulations shall be followed:

a. Prepare a site plan and a preliminary subdivision plat for the proposed patio home development. The site plan among other requirements must indicate with a separate line the portion of each lot on which the patio houses must be built and which lot line will have a zero foot setback.

b. After approval of the site plan, the normal subdivision review process for preliminary and final plats must be followed. The final plat will also show the buildable lot area for each lot, so that the building inspector will know if a future house plan for one of these lots complies with the intent of the approved site plan.

2. Area and Dimensional Requirements for Patio Homes:

All patio homes within Athens shall conform to the following measurements:

a. **Minimum Lot Width:**
R-1.....60 feet

R-2.....50 feet
R-3.....50 feet

b. **Minimum Lot Area:**

R-1.....6,000 Sq. feet Patio Home + 4,890 common conservation-10,890 total area per unit
R-2.....5,000 Sq. feet Patio Home + 3,000 common conservation-8,000 total area per unit
R-3.....5,000 Sq. feet Patio Home + 1,000 common conservation area 6,000 total area per unit.

c. **Minimum Public Street Frontage:**

Fifty (50) feet

d. **Minimum Lot Depth:**

One-hundred (100) feet.

e. **Minimum Building Line Setbacks:**

Front: 30 ft. from interior street right-of-way and 30 ft. from both streets on corner lots

Side: Five (5) feet on one side and fifteen (15) feet on the other and 15 feet from any non-patio home lot.

Rear: 20 ft.

Accessory Structures

Front- accessory structures are prohibited it the front yards and front setbacks of the property.

Side- 5 feet

Rear-15 feet

f. **Required Off-Street Parking:**

Two spaces (10 feet by 20 feet in size) shall be provided for each dwelling unit. These spaces shall be located entirely upon the lot and shall be directly accessible from the public street right-of-way.

g. **Maximum Density**

Zone	Units per Acre
R-1	4
R-2	5
R-3	7

All remaining acreage, in certain district's, has to be placed in permanent conservation for common space where development cannot occur as not to exceed density allotment in the zoning district where development is occurring.

3. Reconstruction:

In the event that one or more patio homes are destroyed by fire or other cause, no structure or structures shall be placed on each vacant lot except another patio home which must be built according to the original intent of these RT-PH regulations. If one or more zero lot line homes are destroyed, no structures shall be placed on each vacant lot except another zero-lot line structure also built according to the original intent of these RT-PH regulations.

4. Building and Fire Codes

All patio home construction will have to meet all applicable building and fire codes adopted by the City of Athens.

5. Location of structures on lots

All patio home building envelopes must be marked by the surveyor to ensure setbacks are followed correctly throughout the entire development.

4.21. PARKING, STORAGE, AND USE OF VEHICLES, TRUCKS, HEAVY EQUIPMENT IN RESIDENTIAL DISTRICTS.

The following provisions shall apply for the parking, storage, and use of vehicles, trucks, heavy equipment, and major recreational equipment in residential districts:

A. In any residential district, no inoperable vehicle and no vehicle without current license plates shall be parked or stored unless in a completely enclosed building.

B. In any residential district, no major recreational equipment (including boats, campers, travel trailers, partial travel units, and the like, and equipment use for transporting such)

shall be parked or stored in any front yard or any side yard on street side corner lots except for periods not to exceed twenty-four (24) hours during loading and unloading.

C. No recreational equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

D. In any residential district, no truck of a rated capacity of greater than one (1) ton, no parcel truck or other truck painted with any sign, and no heavy equipment, construction equipment or any other equipment not normally associated with residential uses shall be stored or parked on any lot or in the public right-of-way adjacent to any lot overnight nor stored or parked while loading or unloading for periods in excess of twenty-four (24) hours except in an enclosed building.

4.22. FENCES, WALLS, AND HEDGES.

A building permit is required for the installation of any fence or any wall over six (6) feet in height. Fences less than six (6) feet in height and which are not a part of a site plan required by other sections in this Zoning Code shall be exempt from setback requirements and exempt from building permit, provided that the fence wall and hedge meets all requirements of Section 4.08 of this Zoning Code. Privacy Walls and Fences over 6 feet in height are also exempted from the setbacks in any district as long as they meet requirements of Section 4.08 as well.

4.23. SELF-SERVICE STORAGE FACILITIES (MINI-WAREHOUSES).

The following special standards shall apply to all self-service storage facilities:

A. Parking shall be provided in parking/driving lanes adjacent to the storage buildings. These lanes shall be at least twenty (20) feet wide when storage cubicles open onto one side of the lane only and at least twenty-four (24) feet wide when cubicles open onto both sides of the lane. Said lanes shall be surfaced with asphalt or concrete.

B. A minimum of two (2) parking spaces plus one (1) additional space for every two-hundred (200) storage cubicles or a fraction thereof shall be located adjacent to the facility's office.

C. No self-service storage facility shall exceed eighteen (18) feet in height.

D. Except for the sale or auction of items foreclosed upon by the owner of the facility, the sale or auction of any item is specifically prohibited.

E. The storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is specifically prohibited and all rental contracts shall include clauses prohibiting such storage.

F. The servicing or repair of motor vehicles, boats, trailers, lawnmowers or any similar equipment is specifically prohibited.

G. Any proposed outdoor storage areas shall be shown on a site plan for the facility. Outside storage of motor vehicles, boats, trailers and lawnmowers shall be governed by the specific requirements of the zone in which the facility is located. In no case shall parking areas or driveways be used for storage.

H. All outdoor lights shall be shielded to direct light and glare only onto the self-service storage premises and may be of sufficient intensity to discourage vandalism and theft. Said lighting and glare shall be deflected, shaded, and focused away from all adjoining property.

4.23.01 TEMPORARY MOBILE STORAGE STRUCTURES REQUIREMENTS

A. In residential zoning districts, these structures should be either located in the driveway or at the rear of the residence.

B. In commercial zoning districts, these structures should be located in a designated loading/unloading area or in an area meeting setbacks for the zoning district.

C. In industrial zoning districts, these structures should be located in a designated loading/unloading area or in an area meeting setbacks for the zoning district.

D. Permit required at no charge.

E. Time of permit shall be 90 days and can be renewed for an additional 90 days upon review by the Building Inspector or his/her designee.

F. Mobile Storage Structures shall be removed within 90 days after construction activity ceases or a certificate of occupancy is issued by the Building Inspector.

4.24. CHILD CARE FACILITIES REQUIREMENTS.

Whenever a Child Care Facility is permitted as a use on review, no matter how titled or classified by state regulations the following requirements shall be met:

In districts where child-care facilities are allowed, a permit for such use shall not be issued until a site plan has been submitted to the Department of Community Development for review subject to the following minimum standards:

a. All dimensional regulations of the district shall apply.

b. A fenced play area of not less than fifty (50) square feet of open space per child shall be provided. The fence shall be at least five (5) feet in height.

c. Along the site boundary of the facility, buffering, screening, and landscaping must be provided to adequately protect and abutting residential property.

d. All outdoor play activities shall be conducted within the fenced play area. The fenced play area shall not be located within any required front yard.

e. The facilities operation and maintenance shall meet the requirements of the Tennessee Department of Human Services.

f. The applicant shall submit an accurately and legibly drawn site plan showing existing and proposed buildings, fences, landscaping, parking and access facilities.

4.25. GENERAL APPEARANCE AND COMPATIBILITY STANDARDS FOR MANUFACTURED HOMES.

Manufactured or Modular homes, as defined by this ordinance, shall be permitted in all residential districts subject to the requirements and limitations set forth herein and which apply generally to residential use in such zoning classifications, including minimum lot size, setbacks, percentage of lot coverage and off-street parking requirements.

A. Manufactured/modular homes must be connected to a public water and sewage system.

B. Manufactured/modular homes shall be built on a permanent foundation, such as concrete block or poured concrete.

C. Manufactured/Modular homes qualifying as single-family dwellings shall have the same appearance as required for site built homes, including veneers and roof coverings.

D. All towing devices, wheels, axles and hitches used for transportation of the manufactured/modular unit shall be removed prior to the issuance of a Certificate of Occupancy.

E. Where applicable, all site-built additions to manufactured/modular home shall meet all applicable building, safety and fires Code, as amended.

4.26. BED AND BREAKFAST ESTABLISHMENTS.

The following standards shall apply for all bed and breakfast establishments:

A. There shall be no more than twelve (12) guest rooms and no guest shall stay for more than fourteen (14) consecutive days.

B. A current register shall be kept by the owner.

C. The owner of operator must reside on the premises.

D. Required off-street parking shall be located to the rear of the principal structure.

E. The only meal to be provided to guests shall be breakfast, and it shall only be served to guests taking lodging in the facility.

F. No food preparation or cooking for guests shall be conducted within any bedroom made available for guests.

G. No alterations to the residential structure shall indicate from the exterior that the structure is being utilized for any other purpose other than a residential dwelling unit, including permitted accessory buildings.

H. The provisions of Tennessee Code Annotated, Section 68-14-501 through 68-14-503 shall be met.

4.27 STANDARDS FOR OUTSIDE DINING

A. Outside dining must be located adjacent to the restaurant that food and beverage is served.

B. It must be enclosed by a landscape buffer consisting of 2 offset rows of evergreen shrubs spaced at 6 feet on centers in all directions and not less than 6 feet in height or opaque fencing a minimum of 4 feet in height. If alcohol is being sold in this area, all regulations of Title 8 of the City of Athens Municipal Code will be required as well.

C. A canopy that is connected to the structure can cover the area. If the outside dining area utilizes a canopy or any roof type, it shall conform to all setbacks on the site.

4.28 STANDARDS FOR PUBLIC SIDEWALK DINING IN THE B-2 CENTRAL BUSINESS DISTRICT

A. Sidewalk dining must be adjacent to the restaurant that food and beverage is served.

B. Business's must receive approval for sidewalk dining from the Board of Zoning Appeals

C. The sidewalk where dining is allowed can be no less than 10 feet in width along the entire length of the sidewalk being considered.

D. Tables, chairs, or umbrellas cannot cover more than five (5) feet of the sidewalk. No Table and umbrella ensemble may be over of 7 feet in height.

E. Trash and rubbish shall be the responsibility of the restaurant owner.

F. Tables and chairs cannot be permanently attached to the sidewalk.

G. Patrons cannot obstruct the flow of pedestrians on the sidewalk.

H. The Board of Zoning Appeals can revoke sidewalk dining if upon receiving any complaints or at anytime it sees a need.

4.29 STANDARDS FOR SIDEWALK SALES IN THE B-2 CENTRAL BUSINESS DISTRICT

A. Sidewalk sales must be adjacent to the store conducting the business.

C. Business's must receive approval for sidewalk sales from the Board of Zoning Appeals

B. The sidewalk where sales are allowed can be no less than 10 feet in width along the entire length of the sidewalk being considered.

C. Tables, and merchandise displays cannot occupy more than 5 feet of the sidewalk. No display may be over of 7 feet in height.

D. Trash and rubbish shall be the responsibility of the business owner.

E. Tables and merchandise displays cannot be permanently attached to the sidewalk.

F. Patrons cannot obstruct the flow of pedestrians on the sidewalk.

G. The Board of Zoning Appeals can revoke sidewalk sales if upon receiving any complaints or at anytime it sees a need.

4.30 MUNICIPAL FLOODPLAIN ZONING ORDINANCE

See Appendix A of this Ordinance.

CHAPTER 5: - EXCEPTIONS AND MODIFICATIONS

5.01. SCOPE.

Chapter 5 of this ordinance is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Chapter 3 and Chapter 4.

5.02. NONCONFORMING USES.

It is the intent of this ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of this ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions of this ordinance. It is also the intent of this ordinance to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of the passage of this ordinance or any amendment thereto shall be allowed to remain subject to the following provisions:

A. A nonconforming use of land shall be restricted to the parcel occupied by such use as of the effective date of this ordinance. A nonconforming use of a building or buildings shall not be expanded unless it complies with the regulations of the current zoning district after the effective date of this ordinance.

B. Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damaged to extent of more than fifty (50) percent of its fair market value immediately prior to damage in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.

C. A nonconforming building or building housing nonconforming use shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

D. Non-conforming industrial, commercial, or other business establishments will be allowed to increase in size or demolish and rebuild within the nonconforming district, unless it ceased to operate for a period of thirty (30) continuous months, per TCA 13-7-208.

5.03. EXCEPTIONS TO HEIGHT LIMITATIONS.

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, silos, grain elevators,

observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts and aerials.

Building heights greater than the maximum height requirements listed in Chapter 2 for the B-2, B-3, M-1, P-1, I-1 and I-2 may be permitted upon review and meeting certain adopted International Building Code (IBC) sections with the approval of the Athens Fire Department and the Board of Zoning Appeals. The maximum height requirement will be established by using certain methods outlined in the IBC that ensure the building/s meets Fire and Life safety aspects of the code. Below are some of the items that will have to be provide in the structure, but the list of safety features is not limited to the following:

1. The building would require a complete fire sprinkler system regardless of square footage to exceed the height limitations listed in each of the districts shown above.

2. Due to the size and height, a fire pump in all likelihood will also be needed. The size of the pump to determine the required fire flow will be determine from the required professionally stamped set of plans.

3. Class 1 standpipe connections must be provided on each floor to establish a minimum fire flow of one thousand (1,000) gallons per minute.

4. Suitable fire department access roads and travel lanes are required to be designed to city street standards in regard to road base materials outlined in the current Subdivision Regulations. This travel lane shall be unobstructed around the structure with a minimum width of twenty-six (26) feet to allow fire truck aerial apparatus and other equipment the ability to setup and safely operate during an emergency.

5.04. SUBSTANDARD LOTS OF RECORD.

The following provisions shall apply to all existing substandard lots of record:

A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are compiled with as closely as, in the opinion of the Board of Zoning Appeals, is possible.

B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.

C. Where two or more substandard lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

CHAPTER 6: - ADMINISTRATION AND ENFORCEMENT

6.01. ADMINISTRATION OF THE ORDINANCE.

Except as otherwise provided no structure or land shall after the effective date of this ordinance be used and no structure or part thereof shall be erected, altered or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, convenience, order, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

6.02. THE ENFORCEMENT OFFICER.

The provisions of this ordinance shall be administered by the Athens Building Inspector. The Building Inspector shall administer and enforce this ordinance and, in addition, he shall:

A. Issue all Building Permits and make and maintain records thereof.

B. Issue all Certificates of Occupancy and make and maintain records thereof.

C. Issue and renew, where applicable, all Temporary Use Permits and make and maintain records thereof.

D. Maintain and keep current zoning maps, and records of amendments thereto.

E. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The building inspector shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

F. Issue Certificates of Appropriateness in the Historic H-1 Zone

6.03. BUILDING PERMITS.

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair or any structure, including accessory structures or to commence the filling of land within the corporate limits of Athens until the building inspector has issued for such work a Building Permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this ordinance.

Application for a Building Permit shall be made in writing to the building inspector on forms provided for that purpose. It shall be unlawful for the building inspector to approve the plans or

issue a Building Permit for any excavation or construction until such plans have been inspected in detail and found to be in conformity with this ordinance. To this end, the application for a Building Permit for excavation, construction, moving or alteration shall be accompanied by a plan or plat drawn to a scale and showing the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed excavation, construction, moving or alteration is in conformance with this ordinance:

A. The actual shape, location, and dimensions of the lot to be built upon;

B. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot;

C. The existing and intended use of all such buildings or other structures;

D. Location and design of off-street parking areas and off-street loading areas. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this ordinance, the building inspector shall issue a Building Permit for such excavation or construction. If any application for a building permit is not approved, the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this ordinance, and building permits shall be void after six (6) months from date of issue, unless substantial progress on the project has been made by that time.

6.04. TEMPORARY USE PERMITS.

It shall be unlawful to commence construction or development of any use of a temporary nature until a permit has been secured from the Athens Building Inspector, as provided for in Chapter 4, Section 4.05 of this ordinance. Application for a Temporary Use Permit shall be made in writing to the building inspector on forms provided for that purpose.

6.05. CERTIFICATE OF OCCUPANCY.

No land or building or other structure or part thereof hereafter existing, erected, moved, or altered in its use shall be used until the building inspector shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within five (5) business days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the building inspector to make a final inspection thereof, and to issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of this ordinance; or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

6.06. PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW.

The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this ordinance or whether a review is requested by the building inspector to determine whether a proposed use is potentially noxious, dangerous or offensive.

A. Application:

A request shall be filed with the Board of Zoning Appeals for review. Said request shall list the location and intended use of the site, and other material pertinent to the request which the Board of Zoning Appeals may require.

B. Restrictions:

In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this ordinance.

C. Validity of Plans:

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board of Zoning Appeals shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

D. Time Limit:

All requests reviewed by the Board of Zoning Appeals shall be decided within a timely manner, and the applicant shall be provided with either a written notice of approval or denial.

6.07. CITY OF ATHENS BOARD OF ZONING APPEALS.

An Athens Board of Zoning Appeals is hereby established in accordance with 13-7-201 through 13-7-211 of Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members appointed by the Athens City Council. The membership shall consist of one (1) designated member of the Planning Commission (the Mayor or a Councilperson), one (1) appointed members of the Planning Commission, and three (3) members appointed at large. The Board members shall be appointed to five (5) - year terms; however, the initial appointments shall be arranged so that the term of one (1) member will expire each year.

A. Procedure:

Meetings of the Board of Zoning Appeals 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 vice-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 rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Appeals to the Board:

An appeal to the Athens Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental office, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The building inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

C. Powers of the Board:

The Board of Zoning Appeals shall have the following powers as regulated by Tennessee Code Annotated Section 13-7-207:

1. Administrative Review:

To hear and decide appeals where it is allowed by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance;

2. Uses Permitted on Review:

To hear and decide applications for Uses Permitted on Review as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning appeals is authorized to pass;

3. Variances:

To hear and decide applications for variances from the terms of this ordinance.

6.08. VARIANCES.

The purpose of a variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship, which would deprive an owner of the reasonable use of his land. The

variance shall be used only where necessary to overcome some obstacle, which is preventing an owner from using his property under this ordinance.

A. Application:

A property owner may make application for a variance, using the standard form made available by the Board of Zoning Appeals.

B. Hearings:

Upon receipt of an application and a non-refundable application fee, the Board shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within a timely manner of such hearing and in accordance with the standards provided below.

C. Standards for Variances:

In granting a variance, the Board shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district;

2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested;

3. For reasons fully set forth in the findings of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of any beneficial use of land;

4. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development;

5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefore.

6.09. AMENDMENTS TO THE ORDINANCE.

The regulations and the number, or boundaries of districts established by this ordinance, may be amended, supplemented, changed, modified, or repealed by the Athens City Council; but, in accordance with the Tennessee enabling legislation, no amendment shall become effective unless

it is first submitted to and approved by the Athens Municipal-Regional Planning Commission or, if disapproved, shall receive a majority vote of the entire membership of the Athens City Council. Before finally adopting any such amendment, the city council shall hold a public hearing thereon, at least fifteen (15) day's notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the county.

A. Application Required:

An application for an amendment to this Zoning Code shall be filed with the Community Development Office on forms provided by said Department. Said application shall state the purpose of the amendment and any other information pertinent to the request that the Planning Commission and City Council may require.

B. Application Fee Required:

A non-refundable fee shall be paid to the City of Athens with each application requesting an amendment to this Zoning Code to defray the costs of notices, the hearing, and miscellaneous expenses.

C. Planning Commission Review Required:

In accordance with Section 13-7-204 of the Tennessee Code Annotated, no amendment shall become effective unless it is first submitted to and approved by the Planning Commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the Athens City Council. A Planning Commission recommendation shall become null and void after a period of one (1) year if the amendment has not been submitted to the Athens City Council by that time.

6.10. COMPLAINT PROCEDURE.

Whenever a violation of this Zoning Code occurs, any person may file a complaint. Said complaint shall be in writing and shall be filed with the Office of the Department of Community Development, who shall properly record such complaint and immediately investigate, and take action thereon as provided by this Zoning Code.

6.11. VIOLATIONS AND PENALTIES.

Violation of the provisions of this Zoning Code or failure to comply with any of its requirement shall constitute a misdemeanor. Any person who violates this Zoning Code or fails to comply with any of its requirements, shall upon conviction thereof be fined under the general penalty clause of the Athens Municipal Code.

6.12. REMEDIES.

For the purposes of this Zoning Code, the following remedies and enforcement powers, which are cumulative, shall apply:

A. Denial of Permits:

Any and all permits, certificates or other forms of authorization may be denied or withheld on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Zoning Code or of a condition or qualification of a permit, certificate, or approval previously granted.

B. Revocation of Permits:

Any permit may be revoked when it is determined: (1) that there is a departure from the plans, specifications, or conditions as required under the terms of the permit; (2) that the permit was procured under false representation; (3) that the permit was issued by mistake (error); or (4) that any provision of this Zoning Code is being violated.

C. Issuance of Stop Work Orders:

In accordance with the building codes adopted by the City of Athens, a stop work order may be issued on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Zoning Code or of a condition or qualification for a permit, certificate or other authorization issued by the City of Athens.

D. Injunctions:

An injunction or other equitable relief may be sought in court to stop any violation of this Zoning Code or of a condition or qualification for a permit, certificate or other authorization issued by the City of Athens.

E. Mandamus and Abatement:

A court order in the nature of mandamus, abatement, or other action or proceeding may be sought to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

F. Criminal or Civil Penalties:

Criminal or civil penalties may as provided by the Tennessee Code Annotated or by the Athens Municipal Code may be pursued.

G. Other Remedies and Enforcement Powers:

The City of Athens shall have other remedies and enforcement powers as may be provided by the Tennessee Code Annotated and by the Athens Municipal Code for the violation of this Zoning Code.

6.13. ENFORCEMENT PROCEDURES.

The following enforcement procedures shall apply for violations of this Zoning Ordinance.

A. Notice of Violation.

The building official shall give notice of the nature of the violation to the property owner(s), other person(s) party to the agreement, and to any applicant for any relevant permit. Notice shall be given in person, by United States Mail, or by posting the notice on the premises. Notices of violation shall state the nature of the violation, the time period for compliance, the corrective steps necessary and the nature of subsequent penalties and enforcement actions should the violation not be corrected.

B. Time Period for Correction of Violations.

Persons receiving notice of violations shall have ten (10) days to correct the violation before further enforcement actions or remedies shall be taken.

C. Emergency Situations.

In cases of emergency, the remedies and enforcement powers available under this Zoning Ordinance may be utilized without prior notice and upon obtaining an Administrative Search Warrant. At the time or when enforcement action is taken, the building official shall give notice of the nature of the violation and enforcement action to the property owner and to any person who is party to the agreement.

6.14. INTERPRETATION.

Those items of Ordinance No. 483 known as "The Municipal Zoning Ordinance of the City of Athens, Tennessee", and all amendments thereto, that are in conflict herewith are hereby repealed. That in case of conflict between this ordinance or any part thereof and the whole or part of any existing or future ordinance of the City of Athens, the most restrictive shall, in all cases, apply.

6.15. EFFECTIVE DATE.

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

PASSED ON FIRST READING: July 16, 2013

PASSED ON FINAL READING: August 20, 2013



MAYOR OF THE CITY OF ATHENS

UPDATED ORDINANCE CHANGES AND CORRECTIONS - JULY 14, 2021