

# ZONING ORDINANCE

City of Athens, Texas

**Ordinance No. O-12-01**  
Adopted on April 23, 2001

*prepared by*

**Dunkin, Sefko & Associates, Inc.**  
Urban Planning Consultants  
Dallas, Texas

*Includes the following Text Amendments:*

*#O-08-03, 3/24/03*

*#O-20-04, 5/10/04*

*#O-15-08, 6/23/08*

*#O-21-09, 10/12/09*

*#O-30-11, 10/10/11*

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## City of Athens, Texas

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*(Amended 10/12/09)*

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# ZONING ORDINANCE

## City of Athens, Texas

(Ordinance No. O-12-01)

### I. ENACTING PROVISIONS

#### SECTION 1 ENACTING CLAUSE

AN ORDINANCE OF THE CITY OF ATHENS, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ATHENS, ORDINANCE NO. A-200, ADOPTED ON THE 17<sup>TH</sup> DAY OF OCTOBER, 1962, TOGETHER WITH AMENDMENTS THERETO (INCLUDING ORDINANCE NO. A-1012, ADOPTED ON THE 12<sup>TH</sup> DAY OF JULY, 1982), TOGETHER WITH ALL AMENDMENTS THERETO; ESTABLISHING AND PROVIDING ZONING AND DEVELOPMENT REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN APPROVED BY CITY COUNCIL; REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, THE SIZE OF YARDS COURTS AND OPEN SPACES, AND THE HEIGHT, BULK AND USE OF BUILDINGS AND LAND FOR COMMERCE, INDUSTRY, RESIDENCE AND OTHER PURPOSES; PROVIDING FOR SPECIFIC USE PROVISIONS; SPECIFYING MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF MOTOR VEHICLES AND OFF-STREET LOADING AREAS; PROVIDING MINIMUM REQUIRED FLOOR AREAS FOR DWELLING UNITS AND THE TYPE OF EXTERIOR CONSTRUCTION WITHIN CERTAIN ZONING DISTRICTS; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES AND THE PERCENTAGE OF EACH LOT THAT MAY BE OCCUPIED BY STRUCTURES; ADOPTING PERFORMANCE STANDARDS FOR INDUSTRY; ESTABLISHING THE BASIS FOR CREATING A BUILDING SITE; PROVIDING FOR SITE PLAN APPROVAL; PROVIDING FENCE AND WALL REGULATIONS; PROVIDING SPECIAL ACCESS STANDARDS; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP AND WITHIN THE ORDINANCE; CREATING A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; PROVIDING FOR A PENALTY FOR VIOLATION; PROVIDING FOR NON-CONFORMING USES AND A METHOD OF DISCONTINUANCE THEREOF; DEFINING CERTAIN TERMS AS USED WITHIN THIS ORDINANCE; PROVIDING FOR A CERTIFICATE OF OCCUPANCY AND COMPLIANCE; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH AND EVERY OFFENSE; PROVIDING A SAVINGS CLAUSE; PRESERVING RIGHTS IN PENDING LITIGATION REGARDING VIOLATIONS UNDER THE EXISTING ORDINANCE; AND INCLUDING AN APPENDIX WITH DEFINITIONS.

THIS ORDINANCE IS HEREBY ADOPTED AS THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ATHENS, TEXAS. THE PREVIOUS ZONING ORDINANCE OF THE CITY, ORDINANCE NO. A-200, ADOPTED ON THE 17<sup>TH</sup> DAY OF OCTOBER, 1962, TOGETHER WITH AMENDMENTS THERETO (INCLUDING ORDINANCE NO. A-1012, ADOPTED ON THE 12<sup>TH</sup> DAY OF JULY, 1982), IS HEREBY AMENDED, REPEALED AND REPLACED IN ITS ENTIRETY BY THIS ORDINANCE TO READ AS FOLLOWS:

## SECTION 2 TITLE AND PURPOSE

This Ordinance shall be known and may be cited as the City of Athens' "Comprehensive Zoning Ordinance" or "Zoning Ordinance".

As authorized by Chapter 211 of the Texas Local Government Code, the zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of each zoning district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

## SECTION 3 ZONING DISTRICT MAP

The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the Zoning District Map of the City, which may also be cited as the "Zoning Map", said map being adopted as a part of this Ordinance as fully as if the same were set forth herein in detail.

- 3.1 One original of the Zoning District Map shall be filed in the office of the City Secretary and labeled as "Zoning Map of the City of Athens, Texas -- Ordinance No. O-12-01". This copy shall be the official Zoning District Map and shall bear the signature of the Mayor, attested by the City Secretary, and shall bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3 of the Zoning Ordinance, Ordinance No. O-12-01 of the City of Athens, Texas, adopted on the 23<sup>rd</sup> day of April, 2001". This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.
- 3.2 A copy of the original Zoning District Map shall be placed in the office of the City Manager, or his/her designee. The map copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may only be made of the official Zoning District Map or this copy.

Any changes/amendments made to the zoning district boundaries shall be made on the map copy after the amendment has been approved by the City Council, together with a descriptive entry on the map as follows: "On the \_\_\_th day of \_\_\_\_\_, 20\_\_\_, by official action of the City Council of Athens, Texas, the following change(s) was made on the City's official Zoning District Map: \_\_\_\_\_ (enter a brief description of the nature of the change), Ordinance No. \_\_\_\_\_, effective date \_\_\_\_\_, 20\_\_\_". The descriptive entry shall be signed by the Mayor and attested by the City Secretary.

## SECTION 4 ZONING DISTRICT BOUNDARIES

- 4.1 The zoning district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Zoning District Map, the following rules shall apply:
- A. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
  - B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
  - C. Boundaries indicated as approximately following City limits shall be construed as following City limits.
  - D. Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
  - E. Boundaries indicated as following the centerline of creeks, streams or drainageways shall be construed to follow such centerline, and in the event of change in the centerline shall be construed to move with such centerline.
  - F. Boundaries indicated as parallel to or extensions of features indicated with Subsections A through E above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the Map.
  - G. Whenever any street, alley or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
  - H. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
  - I. Where physical features on the ground are at variance with information shown on the Zoning District Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections A through H, or if the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as "A" (Agriculture district) in the same manner as provided for newly annexed territory.

## **SECTION 5      COMPLIANCE REQUIRED AND APPLICATION OF REGULATIONS**

- 5.1 All land, buildings, structures or appurtenances thereon located within the City of Athens, Texas which are hereafter occupied, used, constructed, erected, removed, placed, demolished, and/or converted shall be occupied, used, erected, altered, removed, placed, demolished and/or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties as per Section 44 of this Ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise.
- 5.2 No uses shall be allowed which are prohibited by State or Federal law or which operate in excess of State or Federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas Air Control Board (TACB), Texas State Department of Health (TSDH), The Texas Natural Resource Conservation Commission (TNRCC), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable State or Federal agency, as the case may be.
- 5.3 No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards and/or open spaces shall be smaller than those required by this Ordinance, nor shall a part of a yard or other open space required by this Ordinance for any building/lot be included as a part of a yard or other open space similarly required for another building/lot.
- 5.4 No building shall hereafter be erected or altered:
- A. That is not in conformance with these zoning regulations; or
  - B. To accommodate or house a greater number of families than is specified within this Ordinance for the zoning district in which such building is located.
- 5.5 Temporary storage of any structure shall be prohibited unless specifically permitted by a separate City ordinance or permit. Licensed manufactured home sales and display establishments are exempt from this provision for the purpose of storing and displaying manufactured homes. *(Amended 3/24/03)*

## **SECTION 6      ZONING UPON ANNEXATION**

- 6.1 As soon as practical following annexation, but in no event more than one hundred and twenty (120) days thereafter, the City Council shall, on its own motion, initiate proceedings to establish Agricultural ("A") zoning on the newly annexed territory, thereupon the City Manager, or his/her designee, shall commence public notification and other standard procedures for zoning amendments as set forth in Section 10 of this Ordinance. Said proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.), however zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval/adoption has occurred and as a separate and distinct City Council action.
- 6.2 The City Council may, upon its own motion, elect to zone newly annexed territory with a zoning classification (e.g., for single-family, multi-family, retail, etc.) other than the Agricultural ("A") zoning designation upon a determination that such zoning is in conformance with the City's adopted Comprehensive Plan, is the most appropriate zoning classification for the subject property, is in the

best interest of the City of Athens, and is not detrimental to adjacent property or to the public health, safety and welfare.

- 6.3 The initial zoning of a land parcel, whether it is interim in nature, by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in Section 10 of this Ordinance and all other applicable State laws.
- 6.4 The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.

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**II. ADMINISTRATION**

**SECTION 7 NONCONFORMING USES AND STRUCTURES**

**7.1 INTENT OF PROVISIONS:**

- A. Within the districts established by this Ordinance or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Ordinance to permit such nonconforming uses to continue, as long as the conditions within this Section and other applicable sections of the Ordinance are met.
- B. It is further the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- C. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

**7.2 NONCONFORMING STATUS:**

Any use, platted lot, or structure which does not conform with the regulations of the zoning district in which it is located shall be deemed a nonconforming use, platted lot, or structure when:

- A. Such use, platted lot, or structure was in existence and lawfully operating as of the effective date of this Ordinance, and has since been in regular and continuous use; or
- B. Such use, platted lot, or structure was in existence and lawfully operating as of the effective date of any amendment to this Ordinance, but by such amendment is placed in a district wherein such use, platted lot, or structure is no longer permitted, and has since been in regular and continuous use; or
- C. Such use, platted lot, or structure was in existence and lawfully operating at the time of annexation into the City and has since been in regular and continuous use.

**7.3 CONTINUING LAWFUL USE OF PROPERTY AND EXISTENCE OF STRUCTURES:**

- A. The lawful use of land or lawful existence of structures as of the effective date of this Ordinance, although such do not conform to the provisions hereof, may be continued; but if said nonconforming use or structure is discontinued or abandoned, as these terms are defined in Subsection B below, any future use of said premises shall be in conformity with the provisions of this Ordinance.

- B. "Discontinuance" of a nonconforming use shall be defined as the actual act or date that the use is discontinued (i.e., ceases to operate on the subject property). "Abandonment" of a nonconforming use or structure shall be defined as the actual act or date of abandonment as described in Subsection C.
- C. When a nonconforming use or structure which does not meet the development standards in this Ordinance ceases to be used in such manner as stated in Subsection B above for a time period of six (6) months or longer, such use shall not be resumed and proof of such event shall constitute prima facie evidence of an act of abandonment, except as allowed in Subsection 7.5(E). Any nonconforming use which does not involve a permanent type of structure or operation and which is moved from the premises shall be considered to have been abandoned.
- D. No nonconforming use or structure may be expanded, re-occupied with another nonconforming use, or increased following the effective date of this Ordinance except as provided in Section 7.5.
- E. Conforming single-family residential uses on platted lots which were approved prior to the effective date of this Ordinance, which may now be nonconforming due to stricter standards, shall be deemed in conformance with this Ordinance as long as the use of the lot is allowed in the respective district. Only the lot size, depth, setbacks and width shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of this Ordinance shall be met or the lot shall be considered nonconforming.
- F. Any existing vacant lot platted prior to the effective date of this Ordinance, which was legally conforming, shall be deemed a conforming lot.

#### 7.4 CHANGING NONCONFORMING USES:

- A. Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.
- B. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined in Section 7.5 below.
- C. A nonconforming use may not be changed to another nonconforming use.

#### 7.5 EXPANSION OF NONCONFORMING USES AND BUILDINGS:

An expansion of a nonconforming use or structure is allowed in accordance with the following:

- A. A nonconforming use located within a building may be extended throughout the existing building, provided that;
  - 1. No structural alteration (except as provided in Subsection E below) may be made on or in the building except those required by law to preserve such building in a safe and structurally sound condition.

2. The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.
- B. No nonconforming use within a building may be extended to occupy any land outside the building.
  - C. No nonconforming use of land or building shall be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a nonconforming use, except to provide off-street loading or off-street parking space.
  - D. The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts, except that a lot having less area than herein required which was an official "lot of record" prior to the effective date of this Ordinance, may be used for a single-family dwelling.
  - E. Buildings or structures which do not conform to the area regulations or development standards in this Ordinance, but where the uses are deemed conforming, shall not increase the gross floor area by more than ten percent (10%).
  - F. Buildings or structures which have been vacant or abandoned for more than six (6) months and do not meet the current area regulations or development standards shall be allowed to be re-occupied by a conforming use if Subsection E above is followed.

#### **7.6 RESTORATION OF NONCONFORMING STRUCTURE:**

- A. If a structure occupied by a nonconforming use is destroyed by fire, the elements, or some other cause, it may not be rebuilt except to conform to the provisions of this Ordinance. In the case of partial destruction of a nonconforming structure which does not exceed fifty percent (50%) of its total appraised value as determined by the Henderson County Central Appraisal District, reconstruction will be permitted, but the previously existing square footage of the structure and/or the function of the nonconforming use cannot be expanded.

#### **7.7 RELOCATION OF NONCONFORMING STRUCTURE:**

- A. A nonconforming structure can be relocated (i.e., moved) to another site on the same lot/tract upon which it was previously located, subject to submission of a structure relocation plan to the Building Official (or his/her designee) for review and approval, and subject to compliance with setback regulations for the zoning district in which the structure is located. If said setback regulations of the zoning district cannot be reasonably adhered to, then the Building Official (or his/her designee) may waive this requirement upon a finding that such waiver would be in the public interest and would not be detrimental or hazardous to the health, safety, welfare or convenience of nearby property owners or other citizens.
- B. Should a nonconforming structure be relocated (i.e., moved) from its original site to a different lot/tract, it shall thereafter conform to the regulations (e.g., setbacks, height, square footage, construction materials, etc.) for the zoning district into which it is moved.

**7.8 COMPLETION OF STRUCTURES:**

- A. Nothing herein contained shall require any change in the plans, construction or designated use of the following:
1. A building or structure for which a building permit has been issued or a site plan approved prior to the effective date of this Ordinance; or
  2. A building or structure for which a substantially complete application for a building permit was accepted by the Building Official (or his/her designee) on or before the effective date of this Ordinance provided, however, that such building permit shall comply with all applicable ordinances of the City of Athens in effect on the date such application was filed and the building permit is issued within thirty (30) days of the effective date of this Ordinance.

## SECTION 8 PLANNING AND ZONING COMMISSION

### 8.1 GENERAL:

The Planning and Zoning Commission (also referred to as the "Commission") shall function according to the following criteria which establishes membership and operating procedures. The powers and duties of the Planning and Zoning Commission are further defined in Section 10 of this Ordinance and in the Code of Ordinances of the City of Athens.

### 8.2 CREATED; MEMBERSHIP; OFFICERS; RULES & BYLAWS:

- A. There is created, in accordance with Chapter 211 of the Texas Local Government Code, and established by Ordinance No. A-200 of the City of Athens, the "Planning and Zoning Commission", hereafter sometimes referred to as the "Commission", which shall consist of five (5) members who are resident citizens, taxpayers and qualified voters of the City of Athens.
- B. Members shall be nominated for appointment by the Mayor or by a member of the City Council of the City of Athens, and each person so nominated must be approved by a simple majority vote of the City Council before becoming a member of the Commission.
- C. All appointments to the Commission shall be for terms of two (2) years, and expiration of terms shall be staggered so that an overlapping of terms occurs (for example, within any two-year period, the terms of two full members shall expire during one of those years, and the terms of three full members shall expire during the second year). Terms of office of Commission members shall expire on the first (1<sup>st</sup>) day of January of any given year. No member of the Commission shall serve more than two (2) consecutive terms.  
*(Amended 10/10/11)*
- D. Any vacancy(s) on the Commission shall be filled for the unexpired term(s) via appointment by a simple majority vote of the City Council for the remainder of the term(s).
- E. Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full City Council either upon its own motion or upon recommendation of the Planning and Zoning Commission. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family.
- F. The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation, and shall not hold any other office or position with the City while serving on the Commission.
- G. The Commission shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full Commission. The City Manager's designee shall serve as Secretary to the Commission, and shall keep minutes of all meetings held by the Planning and Zoning Commission as well as the full record of all recommendations made by the Commission to the City Council.

H. The Commission may make rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the City Council. The rules, regulations and bylaws of the Commission shall be subject to approval by City Council. Such rules and bylaws shall include, among other items, provisions for:

1. Regular and special meetings, open to the public;
2. A record of its proceedings, to be open for inspection by the public;
3. Reporting to the governing body and the public, from time to time and annually; and
4. The holding of public hearings on its recommendations.

### 8.3 **PARLIAMENTARY PROCEDURE; QUORUM; VOTING:**

A. The Commission will follow the parliamentary procedure adopted by City Council for all boards and commissions, and procedures shall not be in conflict with the laws applicable to the Commission on the following:

1. **Quorum** - A quorum shall consist of a majority of the membership of the Commission (i.e., three members), and any issue to be voted upon shall be resolved by a majority of those members present.
2. **Voting** - All Commission members, including the presiding Chairperson, shall be entitled to one vote each upon any question, a quorum being present.
3. **Conflict of Interest** - If any member has a conflict of interest regarding any item on the Commission's agenda, he/she shall remove himself/herself from the room and shall refrain from voting only on the item for which a conflict exists.

### 8.4 **MEETINGS; PUBLIC RECORD:**

- A. The Planning and Zoning Commission shall meet in the Council Chamber in City Hall or in some other specified location as may be designated by the presiding Chairperson, and at such intervals as may be necessary to orderly and properly transact the business of the Commission but not less than once each month.
- B. Meetings shall be open to the public, and minutes shall be kept and shall be treated as public record.

### 8.5 **ESTABLISHING EXTRATERRITORIAL JURISDICTION:**

- A. Statutes of the State of Texas authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the City's corporate limits and establishing extraterritorial jurisdiction are hereby adopted, and the Commission, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes pertaining to regulation of subdivisions and extraterritorial powers.

**8.6 POWERS AND DUTIES:**

- A. The Commission shall have all the rights, powers, privileges and authority authorized and granted by and through the Statutes of the State of Texas authorizing and granting cities the power of zoning as found in Chapter 211 of the Texas Local Government Code, as amended.
- B. In general, the Planning and Zoning Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning and zoning to be given to newly annexed areas, and shall make recommendations regarding the approval of plats of subdivisions as may be submitted to it for review and other planning related matters. The Planning and Zoning Commission shall conduct an annual review of the City's Comprehensive Plan and shall be prepared to make recommendations to the City Council as deemed necessary to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City. The Planning and Zoning Commission shall also serve in an advisory capacity on any planning related item(s) in the City.

**8.7 PROCEDURE ON ZONING HEARINGS:**

- A. The procedure and process for zoning changes/amendments shall be in accordance with Section 10 of this Ordinance.

**8.8 JOINT MEETINGS WITH CITY COUNCIL:**

- A. Whenever the City Council and the Planning and Zoning Commission are required by the laws of the State of Texas to conduct public hearings in matters pertaining to planning, zoning and/or subdividing property, and at other times when it is in the best interest of the City to do so, the City Council and the Planning and Zoning Commission are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings, provided that the City Council shall not take action on any matter heard until it has received the recommendation of the Planning and Zoning Commission.

**SECTION 9      ZONING BOARD OF ADJUSTMENTS (ZBA)**

**9.1      CREATION:**

- A. There is hereby created a Zoning Board of Adjustments (Zoning Board of Adjustments), hereafter referred to as the "Board", for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance. The Board shall be composed of members who are resident citizens, taxpayers and qualified voters of the City of Athens.

**9.2      MEMBERS; TERMS OF OFFICE:**

- A. The Zoning Board of Adjustment shall consist of five (5) regular members, who shall be appointed by a simple majority vote of the City Council, in accordance with Sections 211.008 through 211.011 of the Texas Local Government Code, as amended.
- B. The City Council may provide for the appointment of alternate members to serve in the absence of regular Board members, as requested by the City Manager.
- C. Regular Board members shall serve for terms of two (2) years, and expiration of terms shall be staggered so that an overlapping of terms occurs (for example, in any two-year period, the terms of two regular members shall expire during one of those years, and the terms of three regular members shall expire during the second year).
- D. Any vacancy(s) on the Board shall be filled for the unexpired term(s) via appointment by a simple majority vote of the City Council for the remainder of the term(s).
- E. Members of the Board may be removed from office for cause, and after a public hearing, by a simple majority vote of the full City Council. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member’s control such as sickness of the member or someone within the member's immediate family.
- F. The members of the Board (and alternate members, as needed) shall regularly attend meetings and public hearings of the Board, shall serve without compensation, and shall not hold any other office or position with the City while serving on the Board.
- G. The Board shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office for one (1) year or until replaced by a simple majority vote of the full Board. The City Manager’s designee shall serve as Secretary to the Zoning Board of Adjustments, and shall keep minutes of all meetings held by the Board.
- H. The Board may establish rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the City Council. The rules, regulations and bylaws of the Zoning Board of Adjustments shall be subject to approval by City Council.

### 9.3 MEETINGS:

- A. Meetings of the Zoning Board of Adjustments shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public. Four (4) members of the Board shall constitute a quorum for the conduct of business. All cases to be heard by the Board shall always be heard by at least seventy-five percent (75%) of the members, which constitutes four (4) members.

### 9.4 AUTHORITY OF BOARD:

The Zoning Board of Adjustments shall have the authority, subject to the standards established in Sections 211.008 through 211.011 of the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:

- A. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance; and
- B. Authorize, in specific cases, a variance (see Section 9.6) from the terms of this Ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed and substantial justice is done.
- C. In exercising its authority under Subsection A above, the Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official.
- D. The concurring vote of at least seventy-five percent (75%), or four (4) members, of the full Board is necessary to:
  - 1. Reverse an order, requirement, decision or determination of an administrative official;
  - 2. Decide in favor of an applicant on a matter on which the Board is required to review under this Zoning Ordinance;
  - 3. Authorize a variance from the terms of this Zoning Ordinance; or
  - 4. Authorize special exceptions to this Zoning Ordinance.

## 9.5 LIMITATIONS ON AUTHORITY OF BOARD:

- A. The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided in Section 9.7.
- B. The Board shall have no power to grant or modify Specific Use Provisions authorized under Sections 31 and 32 of these regulations.
- C. The Board shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment.
- D. The Board shall not grant a variance for any parcel of property or portion thereof upon which a site plan, preliminary plat or final plat, where required, is pending on the agenda of the Planning and Zoning Commission and, where applicable, by the City Council. All administrative remedies available to the applicant shall have been exhausted prior to hearing by the Zoning Board of Adjustments.

## 9.6 VARIANCES:

- A. The Zoning Board of Adjustments may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.
- B. **Conditions Required for Variance** - No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with Section 9.9 of this Ordinance and unless the Zoning Board of Adjustments finds:
  - 1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land; and
  - 2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
  - 3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and
  - 4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance.

Such findings of the Zoning Board of Adjustments, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board meeting at which such variance is granted. Variances may be granted only when in harmony with the

general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and that substantial justice may be done.

- C. **Findings of Undue Hardship** - In order to grant a variance, the Board must make written findings that an undue hardship exists, using the following criteria:
1. That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property; and
  2. That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district; and
  3. That the relief sought will not injure the permitted use of adjacent conforming property; and
  4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
- D. A variance or special exception shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance or special exception may be granted which results in undue hardship upon another parcel of land.
- E. The applicant bears the burden of proof in establishing the facts that may justify a variance or a special exception.
- F. **Special Exceptions for Nonconforming Uses and Structures** - Upon written request of the property owner, the Zoning Board of Adjustments may grant special exceptions to the provisions of this Ordinance, limited to the following, and in accordance with the following standards:
1. Expansion of a nonconforming use within an existing structure a maximum of ten percent (10%) provided that, in the case of a nonconforming residential use, such expansion does not increase the number of dwelling units to more than the number that was existing when the use first became nonconforming; or
  2. Expansion of the gross floor area of a nonconforming structure a maximum of ten percent (10%).
  3. Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon a finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.
  4. In granting special exceptions under this Section, the Zoning Board of Adjustments may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including, but not limited to, conditions specifying the period during which the nonconforming use may continue to operate or exist before being conformed to the standards of the Zoning Ordinance.

5. For existing single-family and duplex structures that were constructed prior to the effective date of this Ordinance, the Zoning Board of Adjustments may authorize a special exception for any structure that was constructed over a setback line established by this Ordinance.
- G. The Zoning Board of Adjustments may authorize the reconstruction and occupancy of a nonconforming structure, or a structure containing a nonconforming use, where such structure has been damaged by fire or other causes to the extent of more than sixty percent (60%), but less than the total, of the replacement cost of the structure as of the date of the damage. Such action by the Zoning Board of Adjustments shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property.
- H. The Zoning Board of Adjustments may authorize the enlargement, expansion or repair of a nonconforming structure if such enlargement, expansion or repair will improve the condition of the structure, if it will bring the structure closer into compliance with this Ordinance, or if it will otherwise improve or enhance public health, safety or welfare.

#### 9.7 APPEALS TO THE ZONING BOARD OF ADJUSTMENTS:

- A. **Authority** - In addition to the authorization of variances from the terms of this Ordinance, the Zoning Board of Adjustments shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance. The Zoning Board of Adjustments may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the Zoning Board of Adjustments has the same authority as the administrative official. The Zoning Board of Adjustments may also hear and decide other matters authorized by the Subdivision Ordinance and other ordinances regarding land use/development regulations.
- B. **Who May Appeal** - Any of the following persons may appeal to the Zoning Board of Adjustments a decision made by an administrative official:
  1. A person directly aggrieved by the decision; or
  2. Any officer, department, board or office of the municipality affected by the decision.
- C. **Procedure for Appeal** - The appellant must file with the Zoning Board of Adjustments and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The appeal must be filed within sixty (60) days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the Zoning Board of Adjustments all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the Zoning Board of Adjustments facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Zoning Board of Adjustments or a court of record on application, after notice to the official, if due cause is shown. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal within four (4) weeks after the written request (i.e., notice of

appeal) was received, after which time the request shall be deemed automatically approved if no formal action is taken. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.

#### 9.8 PROCEDURES:

- A. **Application and Fee** - An application for a variance by the Zoning Board of Adjustments shall be made in writing using forms prescribed by the Board, and shall be accompanied by an application fee (as set forth in Appendix A-6), a site plan and/or additional information as may be requested in order to properly review the application. Such information may include, but is not limited to, plat plans, site building plans, photographs, topographic contour maps, and/or other similar documents.
- B. **Review and Report by the City** - The City Manager, or his/her designee, shall visit the site where the proposed variance will apply and the surrounding area, and shall report his/her findings to the Zoning Board of Adjustments.
- C. **Notice and Public Hearing** - The Zoning Board of Adjustments shall hold a public hearing for consideration of the variance request no later than forty-five (45) days after the date the application for action, or an appeal, is filed. Notice of the public hearing shall be provided to all property owners within two hundred feet (200') of the affected property at least ten (10) days prior to the public hearing, and also published in the official local newspaper at least ten (10) days prior to the public hearing.
- D. **Action by the Zoning Board of Adjustments** - The Zoning Board of Adjustments shall not grant a variance unless it finds, based upon compelling evidence, that each of the conditions in Section 9.6 has been established. The Zoning Board of Adjustments may impose such conditions, limitations and safeguards as it deems appropriate upon the granting of any variance. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.

#### 9.9 JUDICIAL REVIEW:

- A. All decisions of the Zoning Board of Adjustments are final and binding. However, any person aggrieved by a decision of the Zoning Board of Adjustments may present a verified petition to a court of record which states that the decision of the Board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten (10) days after the date the decision is filed in the City Secretary's office. Subject to the provisions of Chapter 211.011 of the Texas Local Government Code, only a court of record may reverse, affirm or modify a decision of the Zoning Board of Adjustments.

## **SECTION 10      CHANGES AND AMENDMENTS TO ZONING ORDINANCE AND DISTRICTS, AND ADMINISTRATIVE PROCEDURES**

### **10.1    DECLARATION OF POLICY AND REVIEW CRITERIA:**

The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

- A. To correct any error in the regulations or map;
- B. To recognize changed or changing conditions or circumstances in a particular locality;
- C. To recognize changes in technology, the style of living, or manner of conducting business;
- D. To change the property to uses in accordance with the approved Comprehensive Plan; or
- E. To implement policies within the Comprehensive Plan.

In making a determination regarding a requested zoning change, the Planning and Zoning Commission and City Council shall consider the following factors:

- F. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the City as a whole;
- G. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area, and shall note the findings;
- H. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
- I. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
- J. How other areas designated for similar development will be, or are unlikely to be, affected if the proposed amendment is approved; and
- K. Any other factors which will substantially affect the public health, safety, morals, or general welfare.

## 10.2 AUTHORITY TO AMEND ORDINANCE:

The City Council may from time to time, after receiving a final report thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning District Map. Any Ordinance regulations or zoning district boundary amendment may be ordered for consideration by the City Council, be initiated by the Planning and Zoning Commission, or be requested by the owner of real property, or the authorized representative of an owner of real property.

Consideration for a change in any district boundary line or special zoning regulation may be initiated only by the property owner or his/her authorized agent (proof of such authorization must be submitted with the zoning application, per Section 10.3), or by the Planning and Zoning Commission or City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown in City records are different, the applicant shall submit proof of ownership and/or verification that he/she is acting as an authorized agent for the property owner.

No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Athens, and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence/proof that the taxes have been paid.

## 10.3 APPLICATION:

Each application for zoning or for an amendment or change to the existing provisions of this Zoning Ordinance shall be made in writing on an application form available at the City, filed with the City, and shall be accompanied by payment of the appropriate fee as established within Appendix A-6 of this Ordinance. The application shall also be accompanied by additional information/ materials (i.e., plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the City Manager, or his/her designee, in order to ensure that the request is understood.

## 10.4 PUBLIC HEARING AND NOTICE:

- A. For zoning/rezoning requests involving real property, the Planning and Zoning Commission shall hold at least one public hearing on each zoning application, as per applicable State law (Texas Local Government Code Chapter 211, as may be amended). For proposed changes to zoning district boundaries (including rezoning requests), written notice of the public hearing to occur before the Planning and Zoning Commission shall be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within two hundred feet (200') of any property affected thereby, said written notice to be sent (i.e., postmarked) not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, first-class postage paid, in the United States mail.

- B. For requests involving proposed changes to the text of the Zoning Ordinance, notice of the Planning and Zoning Commission hearing shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing. Changes in the Ordinance text which do not change zoning district boundaries (i.e., which do not involve specific real property) do not require written notification to individual property owners.
- C. The City may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and/or development proposals (e.g., site plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change and/or development by the applicant or its agent(s). Knowledge of and adherence to such rules and procedures, if so established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change and/or development application.

**10.5 FAILURE TO APPEAR:**

Failure of the applicant or his/her representative to appear before the Planning and Zoning Commission or City Council for more than one hearing without an approved delay by the City Manager, or his/her designee, shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council to table or deny the application unless the City is notified in writing by the applicant at least seventy-two (72) hours prior to the hearing.

**10.6 PLANNING AND ZONING COMMISSION CONSIDERATION AND RECOMMENDATION:**

- A. The Planning and Zoning Commission shall function in accordance with Section 8 of this Ordinance and with applicable provisions in the City's Code of Ordinances.
- B. The Commission shall hold a public hearing on a zoning/rezoning request (including a proposed text amendment to the Zoning Ordinance). After all public input has been received and the public hearing closed, the Commission shall make its recommendations on the proposed zoning request stating its findings, its overall evaluation of the request, and its assessment regarding how the request relates to the City's Comprehensive Plan. The Planning and Zoning Commission may, on its own motion or at the applicant's request, defer its decision/recommendations (i.e., table the request) for not more than ninety (90) days from the time the public hearing was first opened, or until it has had an opportunity to consider other information or proposed modifications to the request which may have a direct bearing thereon. If the Commission elects to table the request, such tabling shall specifically state the time period of the tabling (i.e., cite the meeting date whereon the request will reappear on the Commission's agenda).
- C. When the Commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions (i.e., as in the case of a Planned Development district or a Specific Use Provision), or disapproval of the request. If the Commission's recommendation is to approve the request (either as submitted or with additional conditions), then the request will be automatically forwarded to the City Council for a second public hearing thereon (see Section 10.7).

- D. If the Planning and Zoning Commission recommends denial of the zoning change request, it shall provide reasons to the applicant for the denial, if requested by the applicant. The Planning and Zoning Chairperson shall inform the applicant of the right to receive reasons for the denial.

#### 10.7 CITY COUNCIL CONSIDERATION:

- A. **Applications Forwarded from the Planning and Zoning Commission to City Council** - Every application or proposal which is recommended for approval (or approval with conditions) by the Planning and Zoning Commission shall be automatically forwarded (along with the Commission's favorable recommendation) to the City Council for setting and holding of public hearing thereon. The City Council may then approve the request, approve it with conditions, or disapprove it (i.e., against the Commission's recommendation) by a single majority vote of the Council members present and voting.

An application which is recommended by the Planning and Zoning Commission for denial shall not be forwarded to City Council unless the applicant files a written appeal with the City Secretary within ten (10) days after the Commission's decision. Said appeal will, in that instance, be forwarded to City Council along with the Commission's reasons for denial of the request. The appeal shall be scheduled for the next possible City Council agenda, following appropriate public notification as prescribed in Section 10 (i.e., publication in newspaper, notices sent to property owners within 200 feet, etc.). Ultimate approval of the request by City Council will require a three-fourths (3/4) majority vote from the Council. No zoning change, however, shall become effective until after the adoption of an ordinance for same and its publication as required by law.

- B. **City Council Action on Zoning/Rezoning or Text Amendment Requests** - After a public hearing is held before City Council regarding the zoning application, the City Council may approve the request in whole or in part, deny the request in whole or in part, table the application to a future meeting, or it may refer the application back to the Planning and Zoning Commission for further study.

1. If the City Council approves the request, then Subsection 10.7.E would apply.
2. If the City Council denies the request, then no other zoning application may be filed for the same or a similar request for any part of the subject tract of land (or for that portion of the Zoning Ordinance, in the case of a text amendment request submitted by a property owner or citizen) for a waiting period of ninety (90) days following the denial. In the instance that the request was initiated by the City and involved a proposed amendment to the text of the Zoning Ordinance, then there is no waiting period before the request can be reconsidered.
  - a. The City Council may, at its option, waive the 90-day waiting period if, after due consideration of the matter at a scheduled and posted meeting, it is determined that denial of the request was based upon erroneous or omitted information, or if substantial new information pertaining to the request is discovered.

- C. **City Council Hearing and Notice for Zoning Changes** - Notice of the City Council public hearing for zoning/rezoning and for Zoning Ordinance text amendment requests shall be given by publishing the purpose, time and place of such hearing in the official newspaper of the City not less than fifteen (15) days prior to the date of the public hearing.

- D. **Three-Fourths Vote** - A favorable vote of three fourths (3/4) of all members of the City Council shall be required to approve any change in zoning when written objections are received from twenty percent (20%) of the area of the adjacent landowners which comply with the provisions of Section 211.006 of the Texas Local Government Code (commonly referred to as the "twenty percent [20%] rule"). If a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the lots included in such a proposed change or those immediately adjacent to the area thereof extending two hundred feet (200') therefrom or of those directly opposite thereto extending two hundred feet (200') from the street frontage of such opposite lots, such amendments shall not become effective except by a three-fourths (3/4) vote of the City Council.
- E. **Final Approval and Ordinance Adoption** - Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the City for the preparation of the amending ordinance. A metes and bounds description of all property, a survey (i.e., drawing) exhibit, and other appropriate exhibits that are determined necessary by the City Manager, or his/her designee, must be submitted with the zoning change request application. The zoning request shall be deemed approved at the time the City Council makes a decision to approve the request as submitted or with certain conditions. However, the amending ordinance will not be prepared or formally adopted (i.e., effective) until a correct description and all required exhibits have been submitted to the City Manager, or his/her designee.

## SECTION 11 CERTIFICATES OF OCCUPANCY AND COMPLIANCE

### 11.1 Certificates of Occupancy shall be required for any of the following:

- A. Occupancy and use of any nonresidential or multi-family building hereafter erected or structurally altered;
- B. Change in use of an existing building to a use of a different classification; and
- C. Change in the use of land to a use of a different classification.

No such use, or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Building Official, or his/her designee.

### 11.2 Procedure for New or Altered Buildings (i.e., any instance where a building permit is required) - Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the Building Permit for such building. Said Certificate shall be issued after the Building Official, or his/her designee, orders the building or structure inspected and finds no violations of the provisions of this Ordinance or other regulations which are enforced by the Building Official, or his/her designee. Said Certificate shall be issued by the Building Official, or his/her designee, after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Ordinance.

### 11.3 Contents - Every Certificate of Occupancy shall contain the following: 1) building permit number; 2) the address of the building; 3) the name and address of the owner; 4) a description of that portion of the building for which the Certificate is issued; 5) a statement that the described portion of the building has been inspected for compliance with the requirements of the City's Building Codes for the particular group and division of occupancy; 6) the name of the Building Official (or his/her designee); 7) use(s) allowed; 8) maximum number of persons/occupants; and 9) issue date of Certificate of Occupancy.

### 11.4 Posting - The Certificate of Occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the Building Official, or his/her designee.

### 11.5 Revocation - The Building Official (or his/her designee) may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this Ordinance whenever the Certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provision of this Ordinance or the building code and other codes adopted by the City, and any amendments thereto.

### 11.6 Re-occupancy - Uses which re-occupy an existing space or building (i.e., no structural modifications) shall comply with the zoning requirements of this Ordinance and with other applicable codes.

## SECTION 12 SITE PLAN REVIEW

### 12.1 SITE PLAN REVIEW:

- A. **Purpose** - This Section establishes a site plan review process for proposed nonresidential and multi-family residential developments. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular and pedestrian circulation, parking and loading, and adequate water supply, drainage and storm water management, sanitary facilities, and other utilities and services.
- B. **Applicability** - Site plan review and approval shall be required for the following:
1. Any nonresidential development, including but not limited to a school, church, child care center, private recreation facility, etc., within a residential zoning district
  2. Any multi-family development or manufactured/mobile home park
  3. Any development with two (2) or more buildings per platted lot
  4. Any Planned Development district or Specific Use Provision (public hearings may also be required, see Sections 30 and 31).

No building permit shall be issued for any of the above developments until a site plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the site plan and engineering/construction plans, as approved by the City. A public hearing on a site plan is not required unless a site plan is prepared in conjunction with a zoning request for a Planned Development or an SUP.

- C. **Exemptions and Exceptions** - Site plan review shall not be required for single-family (attached or detached) or two-family (MF-2) residential developments, except as provided in (B.4.) above, unless the proposed subdivision will include a private amenity/facility comprised of one or more buildings (e.g., a private recreation/swimming facility, clubhouse, etc.) or a golf course, or unless the proposed subdivision will have private (i.e., not public) streets. In these instances, site plan submission and approval (in accordance with this Section) will be required for the private amenity/facility, the golf course clubhouse/hospitality area, and the gated (i.e., restricted access) entrances.
1. In the PD-2 Agriculture Zoning District -- See Section 30.4 B.2. (Planned Developments).
- D. **Site Plan Submission Requirements** - The site plan submission shall be comprised of the following (all required items/information must be received by the City Manager, or his/her designee, in order for a site plan/development review submission to be considered complete -- incomplete submissions will not be reviewed until all deficient items/information have been received):
1. Verification that all taxes and assessments on the subject property have been paid (see Subsection E below).

2. Copies of the site plan (on 24" x 36" sheet, and drawn to a known engineering scale that is large enough to be clearly legible), the quantity of which shall be determined by the City Manager (or his/her designee) and (if applicable) an application form and filing fee.
  3. If required, complete sets of engineering/construction plans (including the site plan and plat) for all site work and for all required public improvements (e.g., water, wastewater, grading/storm drainage, streets, alleys, fire lanes and hydrants, etc.), the quantity of which shall be determined by the City Manager, or his/her designee.
  4. Preliminary plat/final plat submission (as per the Subdivision Ordinance), if the property has not yet been platted, or a replat submission if additional easements or rights-of-way will need to be established for the proposed development.
  5. Landscaping plans, the quantity of which shall be determined by the City Manager, or his/her designee.
  6. Building facade (i.e., elevation) plans, the quantity of which shall be determined by the City Manager, or his/her designee (applicable in the PD and CBD districts only).
  7. Application and administrative fee for a Tree Removal Permit (if applicable for removal of existing trees -- see Section 34.7B.).
  8. Any additional information/materials (i.e., plans, maps, exhibits, legal description of property, information about proposed uses, etc.) as deemed necessary by the City Manager, or his/her designee, in order to ensure that the request is understood.
- E. No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Athens, and which are directly attributable to a piece of property shall be allowed to submit an application for site plan/development review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof shall have been first fully paid, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that the taxes have been paid.
- F. **Site Plan Details** - The site plan and accompanying engineering/construction plans (if required) shall contain sufficient information relative to site design and construction to clearly show the extent of the proposed development/construction, and shall include but not be limited to the following:
1. A site inventory analysis including major existing vegetation, natural water courses, creeks or bodies of water, and an analysis of planned changes in such natural features as a result of the development. This shall include a delineation of any flood prone areas.
  2. Any existing and proposed public/private streets and alleys; building sites or lots; any areas reserved as parks, parkways, playgrounds, utility easements or school sites; any proposed street widening and street changes (i.e., median cuts and turn lanes); the points of ingress and egress from existing/proposed streets; location and description of existing and proposed utility services, including size of water and sewer mains and laterals, and storm drainage structures (including grading); the location and width for all driveway openings; topography at no more than two-foot (2') contours; and existing development on all abutting sites and the zoning classification thereof.

3. Placement of all buildings on the site, showing the building footprints and setback lines, and all property lines, street curb lines, alley lines, easements, screening walls, signage, any service/delivery areas for trucks, fire lanes, and parking areas (including parking space counts and a schedule of parking ratios used for the various proposed uses).
4. A landscape plan showing turf areas, screening walls, ornamental plantings, any existing trees that will be preserved (and techniques to be used to ensure preservation) or removed (Tree Removal Permit required -- see Section 34.7B.), all new trees to be planted, and irrigation plans (if required).
5. Building facade (i.e., elevation) plans showing elevations with any attached (i.e., wall-mounted) signage to be used, as determined appropriate by the City Manager, or his/her designee (applicable in the PD and CBD districts only).

Provision of the above items shall conform to the principles and standards of this Ordinance. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the City Manager (or his/her designee) shall have the authority to update such requirements for site plan/development review applications. It is the applicant's responsibility to be familiar with, and to comply with, all City requirements and procedures for site plan review/approval.

- G. **Supplemental Requirements** - The City's staff may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data and/or hydrological studies, environmental information, traffic impact analysis, road capacities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information. Approval of a site plan may establish conditions for construction based upon such information.
- H. **Principles and Standards for Site Plan Review and Evaluation** - The following criteria have been set forth as a guide for evaluating the adequacy of proposed development within the City of Athens, and to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances.

The City Manager, or his/her designee, shall review the site plan for compliance with all applicable City ordinances and with the Comprehensive Plan; for harmony with surrounding uses and with long-range plans for the future development of Athens; for the promotion of the health, safety, order, efficiency, and economy of the City; and for the maintenance of property values and the general welfare.

Site plan review and evaluation by the City Manager, or his/her designee, shall be performed with respect to the following:

1. The site plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the City of Athens including but not limited to off-street parking and loading, lighting, open space, landscaping, existing tree preservation/removal, and the generation of objectionable smoke, fumes, noise, odors, dust, glare, vibration, or heat.
2. The impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources of the surrounding properties and neighborhood.

3. The relationship of the development to adjacent uses in terms of harmonious design, setbacks, maintenance of property values, and any possible negative impacts.
4. The provision of a safe and efficient vehicular and pedestrian circulation system.
5. The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely and conveniently arranged.
6. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire fighting and emergency equipment to buildings.
7. The coordination of streets so as to arrange a convenient system consistent with the Future Thoroughfare Plan of the City of Athens, as amended.
8. The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement, or activities from adjacent properties when necessary, and to complement and integrate the design and location of buildings into the overall site design.
9. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection upon adjacent properties.
10. The location, size, and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
11. Protection and conservation of soils from erosion by wind or water or from excavation or grading.
12. Protection and conservation of water courses and areas subject to flooding.
13. The adequacy of water, drainage, sewerage facilities, solid waste disposal, and other utilities necessary for essential services to residents and occupants.

## 12.2 APPROVAL PROCESS:

- A. The City Manager (or his/her designee) shall review and evaluate all site plan submissions, and shall have the authority to approve the site plan (except for site plans required by a Planned Development or an SUP), to approve the site plan with conditions or stipulations, or to deny the site plan for specific reasons.
- B. If the site plan is denied by the City Manager, or his/her designee, then the applicant may appeal (in writing) this decision to the City Council. The City Manager, or his/her designee, shall schedule consideration of the site plan on the regular agenda of the City Council within thirty (30) days after receipt of the written appeal. The City Council shall review the site plan and shall have final authority to approve the site plan, approve the site plan with conditions or stipulations, or deny the site plan.
- C. **Effect of Site Plan Approval** - If development of a lot with an approved site plan has not commenced (i.e., a building permit has not been applied for or issued) within one (1) year of the date of final approval of the site plan, then the site plan shall be deemed to have expired. Re-

submission of the site plan (i.e., following expiration as described herein) shall be in accordance with site plan submission and review procedures then in effect and shall be accompanied by all required items/information (including payment of filing fees), and reconsideration of the site plan shall take into account all changes to applicable ordinances which may have occurred since prior approval of the site plan.

### 12.3 REVISIONS TO THE APPROVED SITE PLAN:

- A. **Minor Revisions/Amendment** - It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the City Manager, or his/her designee, shall have the authority to approve minor modifications to an approved site plan (which shall be submitted as an “amended site plan” which substantially conforms to the previously approved site plan), provided that such modifications do not materially change traffic circulation, building location(s) on the site, proximity of building(s) to nearby residential areas, the size or height (i.e., enlarge) of building(s), or any other conditions specifically attached as part of City Council’s approval of the site plan. Submission materials and requirements for approval of an amended site plan shall be as determined by the City Manager, or his/her designee.
  
- B. **Major Revisions** - In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a “revised site plan” must be resubmitted and shall be reviewed by the City Manager (or his/her designee) in accordance with the procedures set forth in this Section.

# III. ZONING DISTRICTS

## SECTION 13 ZONING DISTRICTS ESTABLISHED

13.1 The City of Athens, Texas is hereby divided into the following zoning districts. The use, height and area regulations as set out herein apply to each district. The districts established herein shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District Name</u>
<b>Base Districts</b>	
A	Agriculture
SF-15	Single-Family Residential-15 (minimum 15,000 square-foot lots)
SF-10	Single-Family Residential-10 (minimum 10,000 square-foot lots)
SF-7	Single-Family Residential-7 (minimum 7,000 square-foot lots)
SF-5	Single-Family Residential-5 (minimum 5,000 square-foot lots)
SF-PH	Single-Family Residential-Patio Home (zero-lot-line homes)
SF-CH55+	Single-Family Residential-Cottage Housing 55+ District
MF-2	Two-Family Residential (duplex homes)
SFA	Single-Family Attached Residential (townhomes)
MF-4	Multi-Family Residential-4 (triplex and quadriplex homes)
MF-5	Multi-Family Residential-5 (apartments)
MH	Manufactured Home
O	Office
R	Retail
CBD	Central Business District
C	Commercial
I	Industrial

### Overlay Districts

PD	Planned Development
SUP	Specific Use Provision

13.2 A summary of the area regulations for the following zoning districts is included within the Appendix (A-4).

13.3 Certain terms and definitions used within this Ordinance can be found in the Appendix (A-3).

## **SECTION 14     A -- AGRICULTURE DISTRICT**

### **14.1     GENERAL PURPOSE AND DESCRIPTION:**

The A, Agriculture, district is designed to permit the use of land for the propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the City is initially zoned Agriculture until it is assigned another more permanent zoning district. It is anticipated that Agriculture zoned land will eventually be rezoned to another more permanent, urban zoning classification in the future.

### **14.2     PERMITTED USES:**

- A. 1. Those uses specified in Section 32 (Use Charts).
2. Single-family detached dwelling.
3. Farms, barns, nurseries, greenhouses or gardens on parcels one (1) acre or larger, limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises except as provided under home occupation (Appendix A-3, Definitions) and except as may be allowed with a SUP.
4. Municipally-owned facilities and uses (including parks and open space), and public schools owned and/or operated by the School District(s).
5. Accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business except as provided herein:
- a. The term accessory use shall include customary home occupations as herein defined.
  - b. Accessory buildings, including a private garage, shall not occupy more than fifty percent (50%) of the minimum required rear yard. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. See Section 35 for additional accessory use requirements.
  - c. A detached private garage used in conjunction with the main building.
  - d. Antennae (amateur or CB radio) and/or satellite dish antennae, as specified in Section 37.6.
  - e. Detached garages with living quarters (i.e., garage/accessory dwelling), detached servants (i.e., caretaker's) quarters (with a garage), or other accessory buildings such as barns, sheds, and other structures are permitted. Detached servants quarters without a garage may be allowed only by SUP, and are required to be on a lot one (1) acre or larger. No such accessory building or quarters shall be used or occupied as a place of abode or dwelling by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters,

etc.) shall be allowed on any lot within the A district, and they shall be clearly incidental to the primary use (i.e., single-family detached residential). These accessory living structures shall not, in any case, be leased or sold.

- f. Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.
- 6. Swimming Pool (private).
- 7. Such uses as may be allowed by Specific Use Provisions, Section 31.

#### 14.3 HEIGHT REGULATIONS:

##### A. Maximum Height:

- 1. Two and one-half (2½) stories, or thirty-five feet (35') for the main building/house.
- 2. Forty-five feet (45') for agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than one hundred feet (100') from any residential structure on the premises, and they are set back at least one hundred feet (100') or three (3) times their height (whichever is greater) from any residential structure on adjacent property.
- 3. Twenty-five feet (25') for other accessory buildings, including detached garage/accessory dwelling units.
- 4. Other (see Section 37.5).

#### 14.4 AREA REGULATIONS:

##### A. Size of Lots:

- 1. **Minimum Lot Area** - One (1) acre (i.e., 43,560 square feet)
- 2. **Minimum Lot Width** - One hundred fifty feet (150')
- 3. **Minimum Lot Depth** - Two hundred feet (200')

##### B. Size of Yards:

- 1. **Minimum Front Yard** - Thirty-five feet (35')
- 2. **Minimum Side Yard** - Ten percent (10%) of the lot width, but need not exceed thirty feet (30'); 50% of the front yard setback (i.e., 12.5') from a street right-of-way for a corner lot
- 3. **Minimum Rear Yard** - Twenty-five feet (25') for the main building and any accessory building(s); ten feet (10') from a main building to an accessory building

##### C. Minimum Floor Area per Dwelling Unit - Eight hundred (800) square feet

#### 14.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.

- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. Site plan approval (see Section 12) shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the A district.
- F. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

## SECTION 15 SF-15 -- SINGLE-FAMILY RESIDENTIAL-15 DISTRICT

### 15.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-15, Single-Family Residential-15, district is intended to provide for development of primarily detached, single-family residences on lots of not less than fifteen thousand (15,000) square feet.

### 15.2 PERMITTED USES:

- A. 1. Those uses specified in Section 32 (Use Charts).
- 2. Such uses as may be allowed by Specific Use Provisions, Section 31.

### 15.3 HEIGHT REGULATIONS:

- A. **Maximum Height:**
  - 1. Two and one-half (2½) stories, or thirty-five feet (35') for the main building/house.
  - 2. One (1) story for accessory buildings.
  - 3. Other (see Section 37.5).

### 15.4 AREA REGULATIONS:

- A. **Size of Lots:**
  - 1. **Minimum Lot Area** - Fifteen thousand (15,000) square feet
  - 2. **Minimum Lot Width** - One hundred feet (100')
  - 3. **Minimum Lot Depth** - One hundred twenty-five feet (125')
- B. **Size of Yards:**
  - 1. **Minimum Front Yard** - Thirty-five feet (35')
  - 2. **Minimum Side Yard** - Ten percent (10%) of the lot width, but need not exceed twenty-five feet (25'); 50% of the front yard setback (i.e., 12.5') from a street right-of-way for a corner lot
  - 3. **Minimum Rear Yard** - Twenty-five feet (25') for the main building and any accessory building(s); ten feet (10') from a main building to an accessory building.
- C. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet.

### 15.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.

- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. Site plan approval (see Section 12) shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-15 district.
- F. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

## SECTION 16 SF-10 -- SINGLE-FAMILY RESIDENTIAL-10 DISTRICT

### 16.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-10, Single-Family Residential-10, district is intended to provide for development of primarily detached, single-family residences on lots of not less than ten thousand (10,000) square feet.

### 16.2 PERMITTED USES:

- A. 1. Those uses specified in Section 32 (Use Charts).
2. Such uses as may be allowed by Specific Use Provisions, Section 31.

### 16.3 HEIGHT REGULATIONS:

#### A. Maximum Height:

1. Two and one-half (2½) stories, or thirty-five feet (35') for the main building/house.
2. One (1) story for accessory buildings.
3. Other (see Section 37.5).

### 16.4 AREA REGULATIONS:

#### A. Size of Lots:

1. **Minimum Lot Area** - Ten thousand (10,000) square feet
2. **Minimum Lot Width** - Seventy feet (70')
3. **Minimum Lot Depth** - One hundred ten feet (110')

#### B. Size of Yards:

1. **Minimum Front Yard** - Thirty feet (30')
2. **Minimum Side Yard** - Ten percent (10%) of the lot width, but need not exceed twenty feet (20'); 50% of the front yard setback (i.e., 12.5') from a street right-of-way for a corner lot
3. **Minimum Rear Yard** - Twenty-five feet (25') for the main building and any accessory building(s); ten feet (10') from a main building to an accessory building.

#### C. Minimum Floor Area per Dwelling Unit - Eight hundred (800) square feet.

### 16.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.
- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).

- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. Site plan approval (see Section 12) shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-10 district.
- F. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

## SECTION 17 SF-7 -- SINGLE-FAMILY RESIDENTIAL-7 DISTRICT

### 17.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-7, Single-Family Residential-7, district is designed to provide for development of primarily detached single-family residences on smaller and more compact lots or parcels of land not less than seven thousand (7,000) square feet.

### 17.2 PERMITTED USES:

- A. 1. Those uses specified in Section 32 (Use Charts).
- 2. Such uses as may be allowed by Specific Use Provisions, Section 31.

### 17.3 HEIGHT REGULATIONS:

- A. **Maximum Height:**
  - 1. Two and one-half (2½) stories, or thirty-five feet (35') for the main building/house.
  - 2. One (1) story for accessory buildings.
  - 3. Other (see Section 37.5).

### 17.4 AREA REGULATIONS:

- A. **Size of Lots:**
  - 1. **Minimum Lot Area** - Seven thousand (7,000) square feet
  - 2. **Minimum Lot Width** - Sixty feet (60')
  - 3. **Minimum Lot Depth** - One hundred ten feet (110')
- B. **Size of Yards:**
  - 1. **Minimum Front Yard** - Twenty-five feet (25')
  - 2. **Minimum Side Yard** - Ten percent (10%) of the lot width, but need not exceed fifteen feet (15'); 50% of the front yard setback (i.e., 12.5') from a street right-of-way for a corner lot
  - 3. **Minimum Rear Yard** - Twenty-five feet (25') for the main building and any accessory building(s); ten feet (10') from a main building to an accessory building.
- C. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet.

### 17.5 SPECIAL REQUIREMENTS:

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.

- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. Site plan approval (see Section 12) shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-7 district.
- F. A 1990 model or newer HUD-Code manufactured home shall be permitted, provided the following conditions are met:
  - 1. All other requirements of this district are met;
  - 2. The unit is underpinned to a permanent foundation and the transportation wheels are removed;
  - 3. Seventy-five percent (75%) of all property owners within two hundred feet (200') of the site submit written approval of the proposed location of the manufactured home(s); and
  - 4. The towing mechanism (i.e., tongue) is removed.
- G. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

**SECTION 18 SF-5 -- SINGLE-FAMILY RESIDENTIAL-5 DISTRICT**

**18.1 GENERAL PURPOSE AND DESCRIPTION:**

The SF-5, Single-Family Residential-5, district is designed to provide for development of primarily detached single-family residences on smaller and more compact lots or parcels of land not less than five thousand (5,000) square feet.

**18.2 PERMITTED USES:**

- A. 1. Those uses specified in Section 32 (Use Charts).
- 2. Such uses as may be allowed by Specific Use Provisions, Section 31.

**18.3 HEIGHT REGULATIONS:**

- A. **Maximum Height:**
  - 1. Two and one-half (2½) stories, or thirty-five feet (35') for the main building/house.
  - 2. One (1) story for accessory buildings.
  - 3. Other (see Section 37.5).

**18.4 AREA REGULATIONS:**

- A. **Size of Lots:**
  - 1. **Minimum Lot Area** - Five thousand (5,000) square feet
  - 2. **Minimum Lot Width** - Fifty feet (50')
  - 3. **Minimum Lot Depth** - One hundred feet (100')
- B. **Size of Yards:**
  - 1. **Minimum Front Yard** - Twenty-five feet (25')
  - 2. **Minimum Side Yard** - Ten percent (10%) of the lot width, but need not exceed fifteen feet (15'); 50% of the front yard setback (i.e., 12.5') from a street right-of-way for a corner lot
  - 3. **Minimum Rear Yard** - Twenty-five feet (25') for the main building and any accessory building(s); ten feet (10') from a main building to an accessory building.
- C. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet.

**18.5 SPECIAL REQUIREMENTS:**

- A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.

- C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- D. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- E. Site plan approval (see Section 12) shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-5 district.
- F. A 1990 model or newer HUD-Code manufactured home shall be permitted, provided the following conditions are met:
  - 1. All other requirements of this district are met;
  - 2. The unit is underpinned to a permanent foundation and the transportation wheels are removed;
  - 3. Seventy-five percent (75%) of all property owners within two hundred feet (200') of the site submit written approval of the proposed location of the manufactured home(s); and
  - 4. The towing mechanism (i.e., tongue) is removed.
- G. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

## **SECTION 19 SF-PH -- SINGLE-FAMILY RESIDENTIAL-PATIO HOME DISTRICT (ZERO-LOT-LINE HOMES)**

### **19.1 GENERAL PURPOSE AND DESCRIPTION:**

The SF-PH, Single-Family Residential-Patio Home, district is designed to provide for development of primarily detached single-family residences on more compact lots having one side yard reduced to zero feet (i.e., "zero-lot-line"), and having not less than four thousand five hundred (4,500) square feet. Patio home developments shall be arranged in a clustered lot pattern with a common usable open space system that is an integral part of the development.

### **19.2 PERMITTED USES:**

- A. 1. Those uses specified in Section 32 (Use Charts).
- 2. Such uses as may be allowed by Specific Use Provisions, Section 31.

### **19.3 HEIGHT REGULATIONS:**

- A. **Maximum Height:**
  - 1. Two and one-half (2½) stories, or thirty-five feet (35') for the main building/house.
  - 2. One (1) story for accessory buildings.
  - 3. Other (see Section 37.5).

### **19.4 AREA REGULATIONS:**

- A. **Size of Lots:**
  - 1. **Minimum Lot Area** - Four thousand five hundred (4,500) square feet
  - 2. **Minimum Lot Width** - Forty feet (40')
  - 3. **Minimum Lot Depth** - One hundred ten feet (110')
- B. **Size of Yards:**
  - 1. **Minimum Front Yard** - Twenty-five feet (25')
  - 2. **Minimum Side Yard** - One side yard reduced to zero feet (0'); other side yard a minimum of ten feet (10') required with fifteen feet (15') required on corner lots adjacent to a street
  - 3. **Minimum Rear Yard** - Twenty-five feet (25') for the main building and any accessory building(s); ten feet (10') from a main building to an accessory building.
- C. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet.

### **19.5 SPECIAL REQUIREMENTS:**

- A. Patio home developments shall be developed as zero-lot-line homes. One side yard shall be reduced to zero feet, while the other side yard shall be a minimum of ten feet (10'; fifteen feet for a corner lot on the street side). A minimum six-foot (6') wide maintenance easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property

- owner to maintain that portion of his/her house which is on the zero-lot-line. Side yards and maintenance easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of twenty-four inches (24").
- B. **Maintenance Requirements for Common Areas** - A property owners association is required for continued maintenance of common land and/or facilities.
  - C. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
  - D. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
  - E. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
  - F. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
  - G. Site plan approval (see Section 12) shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SF-PH district.
  - H. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

**SECTION 19A SF-CH55+ -- SINGLE-FAMILY RESIDENTIAL-COTTAGE HOUSING 55+ DISTRICT**

*(Amended 10/12/09)*

**19A.1 GENERAL PURPOSE AND DESCRIPTION:**

The SF-CH55+, Single-Family Residential-Cottage Housing 55+, district is designed to provide a residential density of not more than fifteen (15) dwelling units per acre and to establish a “for sale” or “for lease” special purpose district for the 55+ segment of the population that supports the diversity of housing, increases the variety of housing for smaller households, and provides for predominantly small single-family units within existing neighborhoods.

**19A.2 PERMITTED USES:**

- A. 1. Those uses specified in Section 32 (Use Charts).
- 2. Cottage Housing Building, with one dwelling unit.
- 3. Residential Sales Centre.
- 4. Accessory Buildings and Uses, including, but not limited to:
  - a. Club House
  - b. Mail Room
  - c. Gazebo
- 5. Cottage Housing Building, with single-family dwelling units.
- 6. Home Occupations.
- 7. Such uses as may be allowed by Specific Use Provisions, Section 31.

**19A.3 HEIGHT REGULATIONS:**

- A. **Maximum Height:**
  - 1. Twenty-eight feet (28') for all buildings.

**19A.4 AREA REGULATIONS:**

- A. **Size of Lots:**
  - 1. **Minimum Lot Area** - One thousand five hundred ninety-eight (1,598) square feet
  - 2. **Minimum Lot Width** - Thirty-four feet (34')
  - 3. **Minimum Lot Depth** - Forty-seven feet (47')
- B. **Size of Yards:**
  - 1. **Minimum Front Yard** - Five feet (5')
  - 2. **Minimum Side Yard** - Five feet (5')
  - 3. **Minimum Rear Yard** - Five feet (5')

**C. Floor Area per Dwelling Unit:**

1. **Minimum Floor Area** - Four hundred forty (440) square feet.
2. **Maximum Floor Area** - One thousand four hundred (1,400) square feet.

(Total floor area is the area included with the surrounding exterior walls.)

**19A.5 SPECIAL REQUIREMENTS:**

- A. The total square footage of a cottage dwelling unit may not be increased. A caveat/restrictive covenant shall be placed on the title to the property to notify future property owners that an increase in the total square footage of a cottage is prohibited for the life of the cottage.
- B. Floor area or cottage area that is not included in the calculation of total floor area:
  - 1) Unheated storage space located under the main floor of the cottage.
  - 2) Architectural projections, such as bay windows, fireplaces or utility closets no greater than eighteen inches (18") in depth or six feet (6') in width.
  - 3) Attached roof porches.
  - 4) Garages, carports or storage lockers.
- C. Site Coverage - The maximum site coverage permitted for all buildings shall not exceed fifty percent (50%) of lot area.
- D. Porches:
  - 1) Dwelling units shall be oriented around, and have the covered-porches of the main entry facing towards the common open space.
  - 2) Dwelling units shall have a covered porch or entry at least sixty (60) square feet in size with a minimum dimension of six feet (6') on any one side.
- E. Open Space, may include side porches:
  - 1) A minimum of two hundred (200) square feet of open space shall be provided per dwelling unit. Open space with a dimension of less than twenty feet (20') shall not be included in this calculation.
  - 2) Each dwelling unit shall have a private use open space of two hundred (200) square feet with no dimension of less than eight feet (8') on one side. Private use open space should be adjacent to each dwelling unit for the exclusive use of the residents, and oriented toward the central common open space.
- F. Required Yard Setbacks, excluding steps or ramps:
  - 1) Eaves may extend up to two feet (2') into the minimum requirements noted in Section 19A.4.(B).
  - 2) Garages and carports shall be set back a minimum of twenty feet (20') from a road and five feet (5') from a lane.
- G. Fences:
  - 1) Fences on the interior of a cottage dwelling development (e.g. adjacent to the common open space) shall have a maximum height of three feet (3').
  - 2) Chain link fence is prohibited.

H. Parking:

- 1) A minimum of two (2) parking stalls shall be provided for each dwelling unit. For the purposes of this District, one (1) parking stall may include a parking space inside of a garage or carport.
- 2) Parking shall be separated from the central common area by landscaping and/or architectural screen.
- 3) Each parking stall shall have a minimum surface area of one hundred ninety-two (192) square feet, and shall be constructed of a hard surfaced parking pad consisting of concrete, asphalt or grass paved system and measuring at least one hundred ninety-two (192) square feet.

I. Other Development Regulations:

- 1) Garages and/or carports may be attached or detached in all cases.
- 2) Garages and/or carports shall conform to the main building with respect to color, style and materials.
- 3) A dwelling unit in a Cottage Housing Building must not be located above any portion of another dwelling unit.
- 4) HUD-Code homes are prohibited.

## SECTION 20 MF-2 -- TWO-FAMILY RESIDENTIAL DISTRICT (DUPLEX)

### 20.1 GENERAL PURPOSE AND DESCRIPTION:

The MF-2, Two-Family Residential (Duplex), district is intended to promote stable, quality multiple-occupancy residential development at slightly increased densities. Individual ownership of each of the two-family or duplex units is encouraged. This district may be included within single-family neighborhoods or, when in accordance with the intent of the Comprehensive Plan, may provide a "buffer" or transition district between lower density residential areas and higher density or non-residential areas or major thoroughfares.

### 20.2 PERMITTED USES:

- A. 1. Those uses specified in Section 32 (Use Charts).
2. Such uses as may be allowed by Specific Use Provisions, Section 31.

### 20.3 HEIGHT REGULATIONS:

#### A. Maximum Height

1. Two and one-half (2½) stories, or thirty-five feet (35') for the main building/house.
2. One (1) story for accessory buildings.
3. Other (see Section 37.5).

### 20.4 AREA REGULATIONS:

#### A. Size of Lots for Two-Family/Duplex Homes:

1. **Minimum Lot Area** - Six thousand (6,000) square feet per duplex lot (i.e., three thousand [3,000] square feet of lot area per dwelling unit)
2. **Minimum Lot Width** - Sixty feet (60') for each duplex lot (i.e., thirty feet (30') of lot width per dwelling unit)
3. **Minimum Lot Depth** - One hundred feet (100')

#### B. Size of Lots for Single-Family Detached Homes:

1. **Minimum Lot Area** - Six thousand (6,000) square feet
2. **Minimum Lot Width** - Sixty feet (60')
3. **Minimum Lot Depth** - One hundred feet (100')

#### C. Size of Yards:

1. **Minimum Front Yard** - Twenty-five feet (25')
2. **Minimum Side Yard** - Ten percent (10%) of the lot width, but need not exceed fifteen feet (15'); 50% of the front yard setback (i.e., 12.5') from a street right-of-way for a corner lot
3. **Minimum Rear Yard** - Twenty-five feet (25') for the main building and any accessory building(s); ten feet (10') from a main building to an accessory building.

**D. Minimum Floor Area per Dwelling Unit:**

1. **Two-Family/Duplex Homes or Single-Family Detached Homes** - Eight hundred (800) square feet.

**20.5 SPECIAL REQUIREMENTS:**

- A. Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-7 zoning district (except as provided in Section 20.4(B.) above).
- B. Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.
- C. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.
- D. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- E. Single-family and two-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- F. Site plan approval (see Section 12) shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the MF-2 district.
- G. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

## SECTION 21 SFA -- SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT (TOWNHOUSE)

### 21.1 GENERAL PURPOSE AND DESCRIPTION:

The SFA, Single-Family Attached Residential, district is intended to promote stable, quality, attached-occupancy residential development on individual lots at slightly increased densities. Individual ownership of each lot is encouraged. This district may be included within certain areas of neighborhoods or, when in accordance with the intent of the Comprehensive Plan, may provide a "buffer" or transition district between lower density residential areas and multi-family or non-residential areas or major thoroughfares.

### 21.2 PERMITTED USES:

- A. 1. Those uses specified in Section 32 (Use Charts).
2. Such uses as may be allowed by Specific Use Provisions, Section 31.

### 21.3 HEIGHT REGULATIONS:

#### A. Maximum Height

1. Two and one-half (2½) stories, or thirty-five feet (35') for the main building/house.
2. One (1) story for accessory buildings.
3. Other (see Section 37.5).

### 21.4 AREA REGULATIONS:

#### A. Size of Lots:

1. **Minimum Lot Area** - Three thousand (3,000) square feet
2. **Minimum Lot Width** - Thirty feet (30')
3. **Minimum Lot Depth** - One hundred feet (100')

#### B. Size of Yards:

1. **Minimum Front Yard** - Twenty-five feet (25')
2. **Minimum Side Yard:**
  - a. Single-family attached dwellings need not have a side yard, except that a minimum fifteen-foot (15') side yard is required adjacent to a street. The ends of any two adjacent building complexes or rows of buildings shall be at least fifteen feet (15') apart. The required side yards shall be designated upon a plat approved by the City Council.
  - b. A complex of attached single-family dwellings shall have a minimum length of three (3) dwelling units, and shall not exceed two hundred feet (200') in length or the width of six (6) attached units, whichever is less.
3. **Minimum Rear Yard** - Twenty-five feet (25') for the main building and any accessory building(s); ten feet (10') from a main building to an accessory building.

- C. **Minimum Floor Area per Dwelling Unit** - Eight hundred (800) square feet.
- D. **Maintenance Requirements for Common Areas** - A property owners association is required for continued maintenance of common land and/or facilities.
- E. All utilities shall be provided separately to each lot within an SFA district so that each unit is individually metered.
- F. Each attached dwelling unit within the SFA district shall be rear entry only from an alley or an approved fire lane.
- G. Single-family detached dwellings (and their respective lots) constructed within this district shall conform to the standards as set forth in the SF-5 district (i.e., minimum lot size 5,000 square feet, minimum lot width of 50 feet, etc.).
- H. Each SFA lot shall contain a private yard with not less than four hundred (400) square feet of area (i.e., a back yard or large side yard). Private yards may include a patio cover, gazebo or other similar non-enclosed structure which does not cover more than twenty-five percent (25%) of the area of the private yard, and they may also include a swimming pool, swing set, play fort, or other leisure amenity.

21.5 **SPECIAL REQUIREMENTS:**

- A. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- B. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- C. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of one (1) or more acres.
- D. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, gardening materials, etc.).
- E. Single-family homes with side entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty five feet (25') from the door face of the garage or carport to the side property line for maneuvering.
- F. Site plan approval (see Section 12) shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the SFA district.
- G. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

## SECTION 22      MF-4 -- MULTI-FAMILY RESIDENTIAL-4 DISTRICT (TRIPLEX/QUADRIplex)

### 22.1    GENERAL PURPOSE AND DESCRIPTION:

The MF-4, Multi-Family Residential-4, district is an attached residential district intended to provide a residential density of not more than twelve (12) dwelling units per acre. The principal permitted land uses will include low-rise, three- to four-unit modules of multi-family dwelling units. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic and medium or low density residential development.

### 22.2    PERMITTED USES:

- A. 1.    Those uses specified in Section 32 (Use Charts).
- 2.    Multi-family dwelling greater than two (2) units per building, but not more than four (4) units per building.
- 3.    Common open space, community center, recreational building, and other facilities or amenities, provided they are for use by the residents and guests of the multi-family complex.
- 4.    Such uses as may be allowed by Specific Use Provisions, Section 31.

### 22.3    HEIGHT REGULATIONS:

#### A.    Maximum Height:

- 1.    Two and one-half stories or thirty-five feet (35') for the main building(s).
- 2.    One (1) story for accessory buildings.
- 3.    Other (see Section 37.5).

### 22.4    AREA REGULATIONS:

#### A.    Size of Lots:

- 1.    **Minimum Lot Area** - Three thousand six hundred (3,600) square feet per dwelling unit, not to exceed twelve (12) dwelling units per acre (calculated on gross acreage). The minimum lot (i.e., project) size shall be ten thousand (10,000) square feet
- 2.    **Minimum Lot Width** - Eighty feet (80')
- 3.    **Minimum Lot Depth** - One hundred feet (100')
- 4.    **Maximum Number of Units** - No more than four (4) units per structure

#### B.    Size of Yards:

- 1.    **Minimum Front Yard** - Twenty-five feet (25'). All areas adjacent to a street shall be deemed front yards.
- 2.    **Minimum Side Yard** - Fifteen feet (15')

3. **Minimum Rear Yard** - Twenty-five feet (25')
4. **Building Separation:**
  - a. One story buildings - Fifteen feet (15'), for buildings with or without openings
  - b. Two story buildings (or a two-story building adjacent to a one-story building) - Twenty feet (20'), for buildings with or without openings

**C. Minimum Floor Area per Dwelling Unit:**

1. Efficiency unit - Five hundred fifty (550) square feet per unit.
2. One-bedroom unit - Six hundred (600) square feet per unit.
3. Two- or more bedroom unit - Eight hundred (800) square feet for the first two bedrooms, plus an additional two hundred (200) square feet for every bedroom over two (e.g., three-bedroom unit must have 1,000 square feet, etc.).

**22.5 REFUSE FACILITIES:**

- A. Every multi-family dwelling unit shall be located within one hundred feet (100') of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family property.
- B. Each refuse facility shall be screened from view on three (3) sides (gate on fourth side is optional) from persons standing at ground level on the site or immediately adjoining property, by a solid screening device constructed of materials approved by the City Manager, or his/her designee, and not less than six (6) feet in height, or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies. (See Illustration 11 for refuse container enclosure diagram).

**22.6 SPECIAL REQUIREMENTS:**

- A. Single-family or duplex units constructed in this district shall conform to SF-5 and MF-2 district standards, respectively.
- B. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- C. Open storage is prohibited.
- D. The front door of each dwelling unit shall be no more than one hundred fifty feet (150') from a fire lane (measured by an unobstructed pathway, or route, for fire hoses).
- E. A paved walkway shall connect the front door of each ground floor unit to a parking area.
- F. Buildings shall not exceed two hundred feet (200') in length.

- G. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- H. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
- I. All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.
- J. Site plan approval shall be required (see Section 12). Site plan approval shall also be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the MF-4 district.
- K. **Other Regulations:** As established in the Development Standards, Sections 33 through 41.

**SECTION 23 MF-5 -- MULTI-FAMILY RESIDENTIAL-5 DISTRICT (APARTMENTS)**

**23.1 GENERAL PURPOSE AND DESCRIPTION:**

The MF-5, Multi-Family Residential-5, district is an attached residential district intended to provide the highest residential density of twenty-one (21) dwelling units per acre. The principal permitted land uses will include low- and mid-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between retail/commercial development or heavy automobile traffic and medium or low density residential development.

**23.2 PERMITTED USES:**

- A. 1. Those uses specified in Section 32 (Use Charts).
- 2. Multi-family dwellings that are typically greater than four (4) units per building.
- 3. Common open space, community center, recreational building, and other facilities or amenities, provided they are for use by the residents and guests of the multi-family complex.
- 4. Such uses as may be allowed by Specific Use Provisions, Section 31.

**23.3 HEIGHT REGULATIONS:**

- A. **Maximum Height:**
  - 1. Three (3) stories or forty-five feet (45') for the main building(s).
  - 2. One (1) story for accessory buildings.
  - 3. Other (see Section 37.5).

**23.4 AREA REGULATIONS:**

- A. **Size of Lots:**
  - 1. **Minimum Lot Area** - Two thousand (2,000) square feet per dwelling unit, not to exceed twenty-one (21) dwelling units per acre (calculated on gross acreage). The minimum lot (i.e., project) size shall be twenty thousand (20,000) square feet
  - 2. **Minimum Lot Width** - One hundred feet (100')
  - 3. **Minimum Lot Depth** - One hundred fifty feet (150')
- B. **Size of Yards:**
  - 1. **Minimum Front Yard** - Thirty feet (30'). All areas adjacent to a street shall be deemed front yards.
  - 2. **Minimum Side Yard** - Fifteen feet (15'); sixty feet (60') when building is in excess of one story in height and adjacent to a single-family zoning district

3. **Minimum Rear Yard** - Twenty-five feet (25'); eighty feet (80') when the building is in excess of one story and adjacent to a single-family zoning district
4. **Building Separation:**
  - a. One-story buildings - Fifteen feet (15'), for buildings with or without openings
  - b. Two-story buildings (or a two-story building adjacent to a one-story building) - Twenty feet (20'), for buildings with or without openings
  - c. Three-story buildings (or a three-story building adjacent to a one- or two-story building) - Twenty-five feet (25'), for buildings with or without openings

**C. Minimum Floor Area per Dwelling Unit:**

1. Efficiency unit - Five hundred fifty (550) square feet per unit.
2. One-bedroom unit - Six hundred (600) square feet per unit.
3. Two- or more bedroom unit - Eight hundred (800) square feet for the first two bedrooms, plus an additional two hundred (200) square feet for every bedroom over two (e.g., three-bedroom unit must have 1,000 square feet, etc.).

**23.5 REFUSE FACILITIES:**

- A. Every multi-family dwelling unit shall be located within two hundred and fifty feet (250') of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar receptacle designed for receiving garbage in bulk for more than one dwelling. Refuse dumpsters shall be no closer than thirty feet (30') to any adjacent single-family property.
- B. Each refuse facility shall be screened from view on three (3) sides (gate on fourth side is optional) from persons standing at ground level on the site or immediately adjoining property, by a solid screening device constructed of materials approved by the City Manager, or his/her designee, and not less than six (6) feet in height, or by an enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pickup by refuse collection agencies. (See Illustration 11 for refuse container enclosure diagram).

**23.6 SPECIAL REQUIREMENTS:**

- A. Single-family or duplex units constructed in this district shall conform to SF-5 and MF-2 district standards, respectively.
- B. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- C. Open storage is prohibited.
- D. The front door of each dwelling unit shall be no more than one hundred fifty feet (150') from a fire lane (measured by an unobstructed pathway, or route, for fire hoses).
- E. A paved walkway shall connect the front door of each ground floor unit to a parking area.
- F. Buildings shall not exceed two hundred feet (200') in length.

- G. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize parking areas are provided as part of the approved site plan. This parking area shall not be used to meet the minimum parking requirements and shall not be visible from a public street.
- H. All buildings containing residential units shall provide signage which clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
- I. All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.
- J. Site plan approval shall be required (see Section 12). Site plan approval shall also be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the MF-5 district.
- K. **Other Regulations:** As established in the Development Standards, Sections 33 through 41.

## SECTION 24 MH -- MANUFACTURED HOME DISTRICT

### 24.1 GENERAL PURPOSE AND DESCRIPTION:

The MH, Manufactured Home, district is a detached residential district establishing standards for the development of manufactured, HUD-code mobile home parks and subdivisions. Manufactured/mobile home subdivisions include individually platted lots for sale within the subdivision, for the placement of manufactured/mobile home units. A manufactured, or mobile, home park offers spaces for the placement of manufactured/mobile home units on a lease or rental basis. The Manufactured Home district establishes area and design requirements for parks and subdivisions, as well as yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreages and number of units contained.

### 24.2 PERMITTED USES:

- A. 1. Those uses specified in Section 32 (Use Charts).
2. Individually owned HUD-code manufactured homes on lots in platted manufactured/mobile home subdivisions.
3. Mobile, or manufactured, home parks for residential use providing, on a rental basis, lots for placement of mobile homes with utilities. Small offices and washaterias are permitted as incidental uses within the park.
4. Industrialized housing.
5. Such uses as may be allowed by Specific Use Provisions, Section 31.

### 24.3 AREA REGULATIONS:

- A. **Size of Yards** (for each space within manufactured/mobile home park or subdivision):
  1. **Minimum Front Yard** - Twenty-five feet (25') from a dedicated street; fifteen feet (15') from any private street or drive
  2. **Minimum Side Yard** - Ten feet (10'); twenty feet (20') between units; twenty-five feet (25') from any zoning district boundary line
  3. **Minimum Rear Yard** - Ten feet (10'); twenty-five feet (25') from any zoning district boundary line
  4. If a garage is provided, the entry (i.e., door) side of the garage shall have a twenty-five-foot (25') setback
  5. An accessory structure such as an awning, cabana, storage cabinet, carport, windbreak or porch which has a floor area exceeding twenty-five (25) square feet, and which has an opaque top or roof, shall for purposes of all separation requirements be considered to be part of the manufactured/mobile home unit.

**B. Size of Lot:**

1. **Minimum Lot Area** - Five thousand (5,000) square feet per unit
2. **Minimum Lot Width** - Fifty feet (50')
3. **Minimum Lot Depth** - One hundred feet (100')

**C. Minimum Floor Area per Dwelling Unit:** Eight hundred (800) square feet.

**D. Area for Manufactured Home Park** - Minimum, three (3) acres; maximum, thirty-five (35) acres. The total lot area shall equal at least five thousand (5,000) square feet for each unit within the park.

**E. Maximum Height Limit:**

1. Two and one-half (2½) stories, or thirty-five feet (35') for the main building/house.
2. One (1) story for accessory buildings.
3. Other (see Section 37.5).

**24.4 SPECIAL REQUIREMENTS FOR MANUFACTURED/MOBILE HOME PARKS:**

- A. Access** - Each manufactured/mobile home community shall have direct access from a public street or an internal street. Where an internal private street provides access, the same shall be paved in accordance with City standards, and it shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services. Each emergency access/fire lane easement shall have a clear unobstructed width of twenty-four feet (24'), shall connect to a dedicated public street, and shall have a turning area and radii of a minimum of fifty feet (50') to permit free movement of emergency vehicles. Dead end streets are not allowed. Cul-de-sac streets shall not exceed four hundred feet (400') in length. Fire lane easements shall be maintained by the manufactured/mobile home park.
- B. Walkways** - Designated concrete walkways four feet (4') in width will be provided on both sides of roadways or streets.
- C. Street Names and Signs** - Within each manufactured/mobile home park, all streets shall be named, and manufactured/mobile homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be submitted to the City Manager, or his/her designee, along with the preliminary plat application, reviewed by the appropriate City staff with respect to street naming procedures set forth within the Subdivision Ordinance and/or the City's Code of Ordinances, and approved by the Planning and Zoning Commission and City Council on the preliminary plat for the subdivision. The street names shall be set with preliminary plat approval, and shall not be changed on the final plat without City approval. All dwelling unit numbering (i.e., addressing) shall be assigned by the City Manager, or his/her designee.

- D. **Other Signs** - Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the City.
- E. **Intersections** - Internal streets shall intersect adjoining public streets at approximately ninety degrees (90°) and at locations which will eliminate or minimize interference with traffic on those public streets.
- F. **Street Lighting** - Street lighting within the manufactured/mobile home park shall be provided and maintained by the owners of the manufactured/mobile home park.
- G. **Electric and Telephone Service** - All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the park.
- H. **Drainage and Soil Protection** - The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured/mobile home space shall provide adequate drainage for the placement of a manufactured/mobile home. Exposed ground surfaces in all parts of every manufactured/mobile home park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.
- I. **Fire Fighting:**
1. Approaches to all manufactured/mobile homes shall be kept clear for fire fighting.
  2. The owner or agent of a manufactured/mobile home park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall supply standard City fire hydrants located within three hundred feet (300') of all manufactured/mobile home spaces, measured along the drive or street.
  3. The owner or agent of a manufactured/mobile home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds in excess of twelve inches (12") in height.
- J. **Refuse Handling and Collection** - The owner or agent of a manufactured/mobile home park shall provide an adequate system of collection and safe disposal of rubbish, as approved by the City. Storage, collection and handling of refuse shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. Every dwelling unit shall be located within two hundred fifty feet (250') of a refuse facility measured along the designated pedestrian or vehicular travelway. There shall be available at least six (6) cubic yards of refuse containers per thirty (30) units. If trash dumpsters are used, they shall be screened as prescribed in Section 36.2(G) and as shown in Illustration 11.

**K. Anchorage of Manufactured/Mobile Homes** - To insure against natural hazards such as tornados, high winds and electrical storms, anchorage for each manufactured/mobile home shall be provided according to the Building Code and State law.

**L. Skirting:**

1. All manufactured/mobile home units not attached to a permanent foundation shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
2. All required skirting shall be masonry (or other material approved by the City Manager, or his/her designee), and shall be of a color similar to the materials used in the construction of the manufactured/mobile home unit such that it blends with the overall appearance of the unit.

**M. Adequate Public Facilities:**

1. **Water** - An accessible, adequate, safe and potable supply of water shall be provided in each mobile home park/subdivision. Where a public supply of water of satisfactory quantity, quality and pressure is available at the site or at the boundary of the site, connection shall be made thereto, and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the City's health authority.
2. **Sewerage** - An adequate and safe sewerage system shall be provided in all mobile home parks/subdivisions for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with State and local laws.
  - a. Each mobile home stand shall be provided with at least a four inch (4") diameter sewer riser pipe. The sewer riser pipe shall be located on each stand so that the sewer connection in the mobile home drain outlet will approximate a vertical position.
  - b. The sewer connection from the drain outlet of the mobile home to the sewer riser pipe shall have a nominal inside diameter of at least three inches (3"), and the slope of any portion thereof shall be at least one-fourth inch (1/4") per foot. The sewer connection shall consist of one pipe only without any branch fittings. All joints shall be watertight.
  - c. All materials used for sewer connections shall conform to City of Athens' engineering specifications.
  - d. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least four inches (4") above ground elevation.

24.5 **SPECIAL REQUIREMENTS:**

- A. Single-family dwellings (and their respective lots) constructed within this district shall conform to the standards as set forth in the SF-5 district (i.e., minimum 5,000 square foot lot size, minimum 50 foot lot width, etc.).
- B. Open storage is prohibited.
- C. **Recreation Areas** - In all mobile home parks/subdivisions accommodating or designed to accommodate twenty-five (25) or more mobile homes, there shall be one or more recreation areas which shall be easily accessible to all park/subdivision residents. The size (i.e., total square footage) of such recreation areas shall be based upon a minimum of one hundred (100) square feet for each lot. No outdoor recreation area shall contain less than twenty-five hundred (2,500) square feet.
- D. Site plan approval (see Section 12) shall be required for any non-residential use (e.g., school, church, child care center, private recreation facility, etc.) in the MH district.
- E. **Management Responsibilities:**
  - 1. The person(s) to whom a license for a mobile home park is issued shall operate the park in compliance with this Ordinance, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
  - 2. The park management shall notify park occupants of all applicable provisions of this Ordinance, and shall inform them of their duties and responsibilities under this Ordinance.
  - 3. The park management shall supervise the placement of each mobile home on its mobile home lot, including securing its stability and installing all utility connections.
  - 4. The park management shall maintain a register containing the following information:
    - a. Name and address of each occupant;
    - b. The make, model, year, name of owner, license number, and state issuing such license of all automobiles, vehicles, mobile homes and travel trailers; and
    - c. The date of arrival and date of departure of each mobile home or travel trailer.
  - 5. The park management shall keep the register available for inspection at all times by law enforcement officers, public health officials, and any other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of two (2) years following date of registration.
  - 6. The park management shall notify the health authority immediately of any suspected communicable or contagious disease within the park.
- F. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

## SECTION 25      O -- OFFICE DISTRICT

### 25.1    GENERAL PURPOSE AND DESCRIPTION:

The O, Office, district is established to create a flexible district for low intensity office and professional uses. The district can be used as a transition district between more intense uses and residential uses. Permitted uses should be compatible with adjacent residential areas by limiting heights to two (2) stories, and by utilizing buffering and landscaping requirements. Adaptive reuse of existing structures is encouraged. Buildings in this district should be compatible and in similar scale with residential uses and adjacent property.

### 25.2    PERMITTED USES:

- A. 1.    Those uses specified in Section 32 (Use Charts).
2.    Accessory uses to the main use.
3.    Such uses as may be allowed by Specific Use Provisions, Section 31.

### 25.3    HEIGHT REGULATIONS:

- A. **Maximum Height** (see also Subsection 25.4(B)4. below):
  1.    Two (2) stories or thirty-five feet (35') for the main building(s).
  2.    One (1) story for accessory buildings.
  3.    Other (see Section 37.5).

### 25.4    AREA REGULATIONS:

- A. **Size of Lots:**
  1.    **Minimum Lot Size** - Seven thousand (7,000) square feet
  2.    **Minimum Lot Width** - Seventy feet (70')
  3.    **Minimum Lot Depth** - One hundred feet (100')
- B. **Size of Yards:**
  1.    **Minimum Front Yard** - Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard.
  2.    **Minimum Side Yard** - Ten feet (10'); Twenty-five feet (25') adjacent to a public street or residential lot (*Amended 3/24/03*)
  3.    **Minimum Rear Yard** - Ten feet (10') (*Amended 3/24/03*)
  4.    **Adjacent to a Single-Family District** - The side or rear setback, whichever is adjacent to the single-family zoning district, shall observe a sixty-foot (60') setback if the office use is over one (1) story in height.

25.5 **SPECIAL DISTRICT REQUIREMENTS:**

- A. Open storage is prohibited.
- B. **Site Plan Review** - Review and approval of a site plan (in accordance with Section 12) shall be required for any tract/lot within the O district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City.
- C. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
- D. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

## SECTION 26 R -- RETAIL DISTRICT

### 26.1 GENERAL PURPOSE AND DESCRIPTION:

The R, Retail, district is established to provide areas for neighborhood, local and regional shopping and service facilities for the retail sales of goods and services. These shopping areas should utilize established landscape and buffering requirements. The R district should be located along or at the intersection of major collectors or thoroughfares to accommodate higher traffic volumes.

### 26.2 PERMITTED USES:

- A. 1. Those uses specified in Section 32 (Use Charts).
2. Such uses as may be allowed by Specific Use Provisions, Section 31.

### 26.3 HEIGHT REGULATIONS:

- A. **Maximum Height** (see also Subsection 26.4(B)5. below):
  1. Two (2) stories or thirty-five feet (35') for the main building(s).
  2. One (1) story for accessory buildings.
  3. Other (Section 37.5).

### 26.4 AREA REGULATIONS:

#### A. Size of Lot:

1. **Minimum Lot Area** - Ten thousand (10,000) square feet
2. **Minimum Lot Width** - Seventy feet (70')
3. **Minimum Lot Depth** - One hundred feet (100')

#### B. Size of Yards:

1. **Minimum Front Yard** - Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard.
2. **Minimum Side Yard** - Ten feet (10'); Twenty-five feet (25') adjacent to a public street or residential lot *(Amended 3/24/03)*
3. **Interior Side Yards** - When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
4. **Minimum Rear Yard** - Ten feet (10') *(Amended 3/24/03)*
5. **Adjacent to a Single-Family District** - The side or rear setback, whichever is adjacent to the single-family zoning district, shall observe a sixty-foot (60') setback if the retail use is over one (1) story in height.

26.5 **SPECIAL REQUIREMENTS:**

- A. **Site Plan Review** - Review and approval of a site plan (in accordance with Section 12) shall be required for any tract/lot within the R district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City.
- B. Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 36 (i.e., cannot be visible from any public street or adjacent property). However, periodic display of seasonal items (e.g., Christmas trees, pumpkins, etc.) is allowed during the appropriate time periods (see provisions for outside display below).
- C. Outside display of merchandise and/or seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be limited to the following:
1. Shall be placed/located on the same lot as the primary use.
  2. Shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property (except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year).
  3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
  4. Shall not extend into public right-of-way or onto adjacent property.
  5. All outside display items shall be removed at the end of business each day (except for items that are seasonal in nature).
  6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- Exceptions to the above restrictions on outside display of merchandise:
7. Businesses whose primary inventory is typically displayed in an outside manner including, but not limited to, auto/boat dealers, lumber yards, plant nurseries, swimming pool/spa contractors, portable building sales lots, etc.
- D. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
- E. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

## **SECTION 27      CBD -- CENTRAL BUSINESS DISTRICT**

*(Entire Section 27 CBD - Amended 10/10/11)*

### **27.1      GENERAL PURPOSE AND DESCRIPTION:**

The Central Business District Development Standards are designed to accommodate development of a diversity of office, retail, commercial, and civic land uses located in a more densely developed environment than typically found elsewhere in the City. Mixed use developments of compatible residential and nonresidential uses are allowed and encouraged. Special provisions are required for building materials, signage, lighting, screening and landscape requirements in order to improve, enhance and preserve the aesthetic quality of the downtown architecture. The central business district of Athens is hereby established as follows: **Corsicana Street**, north and south sides between the west boundary line of Carroll Street and the east boundary line of Pinkerton Street; **Palestine Street**, east and west sides, between the north boundary line of College Street and the south boundary line of Larkin Street; **Prairieville Street**, east and west sides, between the north boundary line of College Street and the south boundary line of Larkin Street; and **Tyler Street**, north and south sides, between the west boundary line of Carroll Street and the east boundary line of Pinkerton Street.

### **27.2      PERMITTED USES:**

- A. Uses permitted in the CBD district are outlined in Section 32 (Use Charts).
- B. Such uses as may be allowed by Specific Use Provisions, Section 31.

### **27.3      AREA REGULATIONS:**

#### **A.    Size of Yards:**

- 1.    **Minimum Front Yard** - none specified
- 2.    **Minimum Side Yard** - none specified
- 3.    **Minimum Rear Yard** - none specified

#### **B.    Size of Lot:**

- 1.    **Minimum Lot Area** - none specified
- 2.    **Minimum Lot Width** - none specified
- 3.    **Minimum Lot Depth** - none specified

#### **C.    Height Regulations:**

##### **Maximum Height :**

- 1.    Two (2) stories or thirty-five feet (35') for the main building
- 2.    One (1) story for accessory buildings
- 3.    Other (Section 37.5)

#### **D.    Maximum Lot Coverage** - none specified

#### **E.    Parking Regulations:** - none specified

## 27.4 SPECIAL REQUIREMENTS:

- A. **Site Plan Review** - Review and approval of a site plan (in accordance with Section 12) shall be required for site redevelopment or the construction of any new structure within the CBD district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City.
- B. For site redevelopment or new construction, building facade (i.e., elevation) plans shall be submitted for review and approval along with the Site Plan. Facade plans shall clearly show how the building(s) will look, especially as viewed from the road(s) upon which the property faces and/or sides, and will portray a reasonably accurate depiction of the materials and colors to be used. Architectural style and scale of new/renovated buildings within the CBD district shall be compatible with the styles and scale of other adjacent buildings, and shall be historically accurate to the greatest extent possible in order to preserve the unique character of the downtown area.

The City Manager (or his/her designee) may, as he/she deems appropriate, require submission of additional information and materials (possibly actual samples of materials to be used) during the Site Plan review process.

### C. Design Standards for the CBD District:

#### 1. Applicability - These standards shall apply to:

- a. New nonresidential and residential construction on an undeveloped site.
- b. Any addition, expansion or renovation to a building on a developed site.
- c. New construction or renovation to a building for combined commercial and residential use.
- d. All new construction, whether a new building or an addition, expansion or renovation to a building on a developed site shall respect existing building heights, offsets and other design elements.

#### 2. Exterior Wall Materials

- a. Masonry materials shall be required for each facade. For the purpose of this Ordinance, masonry shall be defined as brick, stone, manufactured stone, Exterior Insulation Finish Systems (EIFS), split face concrete masonry unit, stucco, polished block or tile. Smooth face masonry unit and Hardi Plank/Hardi Board is prohibited. The Director of Planning and Development shall have the authority to approve the use of synthetic materials engineered to mimic those materials listed above.
- b. Each exterior elevation shall consist of eighty percent (80%) masonry, excluding doors and windows.
- c. Wood or simulated wood products shall be used for window and door frames.

- d. Painting over brick or masonry is strongly discouraged on existing buildings. Existing buildings with painted brick or masonry may have paint removed by an approved cleaning process only if removal of paint does not adversely affect the integrity of the brick or mortar.
- e. The adding of false fronts or mansard roofs that cover or obscure the original facade is prohibited.
- f. Non-original siding materials and false fronts shall be removed.

**3. Facade Articulation**

- a. Front building facades shall be articulated through the use of one or more of the following: architectural features, pilasters, building offsets, building materials and textures. The intent of this requirement is to avoid box-like appearances of structures. Building facades shall be three dimensional, contain height, width and depth.
- b. Storefront doors and windows shall be consistent in height.
- c. Storefront entries shall be recessed with wood and single panel glass door. Transoms above the door and sidelights may be incorporated into the design. Aluminum doors with dark brown or anodized aluminum finish are acceptable.
- d. It is prohibited to reduce the size, block or fill in the original opening on any existing buildings.
- e. The use of solid doors, glass block, or tinted opaque or mirrored glass is prohibited.

**4. Colors and Finishes.**

- a. Primary building colors shall be muted earth tones.
- b. Contrasting colors shall be used for building accent such as trim, railings and entries.
- c. The use of primary colors is prohibited.

**5. Windows**

- a. The first floor of retail/business buildings shall have large display windows with transoms when interior ceiling height allows.
- b. Multi-story buildings shall have vertically oriented windows on the upper floors.
- c. Upper level windows shall have masonry window ledges.
- d. It is prohibited to cover up or fill in upper story windows in existing buildings.

- e. If windows are replaced, they shall have wooden or simulated wood material frames, be of the same size, style, and have the same number and configuration of window panes as the original.
- f. The use of security grills are prohibited on store front windows.
- g. Windows shall not be installed flush to the outside wall.
- h. Windows shall not have plywood or cardboard over them, except when windows have been broken or cracked and owner/tenant is awaiting installation of replacement glass.

**6. Roofs**

- a. Roof lines shall be varied for visual interest.
- b. Roof lines running in a continuous plane more than forty feet (40') are prohibited.
- c. Detailed cornices, friezes and parapet walls shall be required for flat roofs.
- d. All rooftop equipment shall be screened from view.

**7. Awnings**

- a. Awning shall not obscure piers, columns or decorative features.
- b. Awning shall be a minimum of eight feet (8') and a maximum of twelve feet (12') above the sidewalk and no awning shall extend more than five feet (5') outward from the building face/surface.
- c. Color of awning must complement the building.
- d. Awning shall be constructed of woven cloth or linen fabric. Signs on awnings are limited to the valance or small logos on the awning itself.
- e. Bubble awnings, exaggerate-shaped awnings, elongated bull nose entrance canopies/awning or awning/canopies supported from the sidewalk are prohibited.
- f. The use of metal, vinyl or rubber awnings is prohibited.
- g. Awnings shall be at an appropriate scale to the building size and configuration. They shall not extend above the roof line of any single-story structure, or above the top of the second floor of any multi-story structure at the awnings' highest point. Awnings shall not completely obstruct any windows on the building.

**8. Canopies**

- a. Canopies shall not obscure piers, columns or decorative features.

- b. Canopies shall be a minimum of eight feet (8') and a maximum of twelve feet (12') above the sidewalk and no canopy shall extend more than five feet (5') outward from the building face/surface.
- c. Color of canopy must complement the building.
- d. Canopies may be constructed of wood or metal. Signs on canopies are limited to the valance or small logos on the canopy itself.
- e. Canopies constructed of wood must be painted or stained to protect material from elements and shall be properly maintained.
- f. Canopies shall be at an appropriate scale to the building size and configuration. They shall not extend above the roof line of any single-story structure, or above the top of the second floor of any multi-story structure at the canopies' highest point. Canopies shall not completely obstruct any windows on the building.

#### **D. Signs**

Signs shall be in conformance with Section 41.6. M of City of Athens Zoning Ordinance No. O-12-01.

#### **E. Outdoor Lighting**

- 1. All outdoor lighting shall be designed, installed and maintained so as not to overflow onto adjacent properties.
- 2. Light standards and exterior fixtures shall be comparable to others in the CBD district in design, height and light projection.

#### **F. Utilities**

- 1. All newly installed utility service lines shall be underground. Any relocation of existing utilities and any improvements which result in an increase in the capacity of the existing service, shall comply with this requirement.
- 2. All outdoor utility equipment, such as pad mounted transformers, telephone switch boxes and gas meters shall be reasonably screened from the public view and from view of adjacent properties. Whenever possible, all utilities shall be located at the rear of the property. All required screening shall meet the clearance requirements of the affected utility company.

#### **G. Landscaping**

- 1. Each business/storefront shall have a minimum of one (1) planting vessel in front of the property. A business that is located on a corner lot shall have a minimum of one (1) planting vessel located on both street frontages.

2. The owner/tenant shall be responsible for care and upkeep of the planting vessel. The owner/tenant shall keep seasonal flowers and/or shrubs in the vessel, planting a minimum of twice per year.
3. Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. It is important that elements such as construction materials, colors, textures and fixture design complement the area's historic qualities. These features shall be repeated throughout the streetscape so as to unify the district as a whole.

#### **H. Loading and Deliveries**

Whenever possible, all deliveries and loading shall be done on the rear of the property.

#### **I. Refuse Containers**

1. Whenever possible, all refuse containers shall be located at the rear of the property.
2. Whenever possible, refuse containers shall be screened from the view of public street right-of-ways and from view of adjacent property. Where the refuse containers are not entirely screened from view of these areas by the building or landscaping, refuse containers shall be screened on three sides by a wall at least six feet (6') in height. An opening shall be provided on the fourth side for access to refuse collection vehicles. This opening shall have a gate of metal, wood or a combination thereof.
3. Whenever possible, the use of communal dumpsters is encouraged.

#### **J. Outdoor Uses**

1. No outdoor storage, repair or assembly of goods shall be permitted in the CBD district.
2. Outside display of merchandise and/or seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be limited to the following:
  - a. Shall not be placed/located more than five feet (5') from the main building.
  - b. Shall not occupy any on-street or off-street parking spaces.
  - c. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way (i.e., sidewalk sales cannot block the sidewalk or extend out into the street).
  - d. Shall only be located in front of the property/business which is selling the item(s).
  - e. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

- f. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

**K. Outdoor Dining.**

The limited use of public sidewalk for restaurant seating may be permitted, providing that at least five feet (5') of sidewalk remains available for pedestrian use.

**L. Unimproved Pad Sites**

All portions of the CBD district that are not occupied by buildings, structures, vehicle access and parking areas shall be kept in a neat and orderly manner. Outdoor storage is not allowed on unimproved pad sites. Landscaping is encouraged on unimproved pad sites.

**M. Maintenance and Repair**

All structures, parking, landscaping and areas of refuse shall be maintained and repaired in a timely manner.

**N. Other Regulations** - As established in the Development Standards, Sections 33 through 41.

*(Entire Section 27 CBD - Amended 10/10/11)*

## SECTION 28 C -- COMMERCIAL DISTRICT

### 28.1 GENERAL PURPOSE AND DESCRIPTION:

The C, Commercial, district is intended to provide a location for commercial and service-related establishments, such as wholesale product sales, welding/contractors shops, automotive repair services, upholstery shops, and other similar commercial uses. Uses in this district may utilize open storage areas that are screened from public view (see Section 36). The uses envisioned for the district will typically utilize smaller sites and have operation characteristics which are not compatible with residential uses and some nonresidential uses. Convenient access to thoroughfares and collector streets is also a primary consideration.

### 28.2 PERMITTED USES:

- A. 1. Those uses specified in Section 32 (Use Charts).
2. Such uses as may be allowed by Specific Use Provisions, Section 31.

### 28.3 HEIGHT REGULATIONS:

- A. **Maximum Height:**
  1. Three (3) stories or forty-five feet (45') for the main building.
  2. One (1) story for accessory buildings.
  3. Other (Section 37.5).

### 28.4 AREA REGULATIONS:

- A. **Size of Lot:**
  1. **Minimum Lot Area** - Ten thousand (10,000) square feet
  2. **Minimum Lot Width** - Seventy feet (70')
  3. **Minimum Lot Depth** - One hundred feet (100')
- B. **Size of Yards:**
  1. **Minimum Front Yard** - Twenty-five feet (25'); all yards adjacent to a street shall be considered a front yard.
  2. **Minimum Side Yard** - Ten feet (10'); Twenty-five feet (25') adjacent to a public street or residential lot (*Amended 3/24/03*)
  3. **Interior Side Yards** - When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
  4. **Minimum Rear Yard** - Ten feet (10') (*Amended 3/24/03*)

5. **Adjacent to a Single-Family District** - The side or rear setback, whichever is adjacent to the single-family zoning district, shall observe a sixty-foot (60') setback if the retail use is over one (1) story in height.

## 28.5 SPECIAL REQUIREMENTS:

- A. **Site Plan Review** - Review and approval of a site plan (in accordance with Section 12) shall be required for any tract/lot within the C district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City.
- B. Open storage shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 36 (i.e., cannot be visible from any public street or adjacent property). However, periodic display of seasonal items (e.g., Christmas trees, pumpkins, etc.) is allowed during the appropriate time periods (see provisions for outside display below).
- C. Outside display of merchandise and/or seasonal items (e.g., Christmas trees, pumpkins, etc.) shall be limited to the following:
  1. Shall be placed/located on the same lot as the primary use.
  2. Shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property (except on a temporary basis only, which is a maximum of 30 days per display and a maximum of two displays per calendar year).
  3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
  4. Shall not extend into public right-of-way or onto adjacent property.
  5. All outside display items shall be removed at the end of business each day (except for items that are seasonal in nature).
  6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

Exceptions to the above restrictions on outside display of merchandise:

7. Businesses whose primary inventory is typically displayed in an outside manner including, but not limited to, auto/boat dealers, lumber yards, plant nurseries, swimming pool/spa contractors, portable building sales lots, etc.

- D. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
- E. No permanent use of temporary buildings.
- F. **Other Regulations** - As established in the Development Standards, Sections 33 through 41.

## SECTION 29 I -- INDUSTRIAL DISTRICT

### 29.1 GENERAL PURPOSE AND DESCRIPTION:

The I, Industrial, district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits. Such uses do require accessibility to major thoroughfares, major highways, and/or other means of transportation.

### 29.2 PERMITTED USES:

- A. The following uses are permitted in the Industrial district, provided that such light manufacturing or industrial operations shall not disseminate dust, fumes, gas, noxious odor, smoke, glare or other atmospheric influence beyond the boundaries of the property upon which such use is located, and which produces no noise exceeding the average intensity of noise of street traffic, as further defined by the Performance Standards (Section 38), at that point, and provided that such use does not create fire or safety hazards on surrounding property.
1. Those uses specified in Section 32 (Use Charts).
  2. Industrial, fabrication and manufacturing plants, including the assembling of prefabricated parts for the production of finished equipment, where the process of manufacturing or treatment of materials is such that no dust, odors, fumes, gas, smoke, glare, vibration or noise is emitted beyond the property line (see Section 36 for screening requirements).
  3. Uses of a light manufacturing type nature, employing electricity and/or other unobjectionable mode of power and which does not produce any objectionable dust, odors, fumes, gas, smoke, glare, vibration or noise.
  4. Such uses as may be allowed by Specific Use Provisions, Section 31.

### 29.3 HEIGHT REGULATIONS:

#### A. Maximum Height:

1. **Occupied structures/buildings** - Three (3) stories or forty-five feet (45'), but limited to a maximum height of thirty-five feet (35') on any portion of the site that is within two hundred feet (200') of any residentially zoned property (i.e., A, SF-15, SF-10, SF-7, SF-5, SF-PH, MF-2, SFA, MF-4, MF-5 or MH), and a maximum height of one (1) story within sixty feet (60') of residential.

2. **Unoccupied structures** (e.g., private grain silos, private water towers/utility structures, communications antennae, etc.) - Sixty feet (60'); Where any structure over thirty-five feet (35') in height is to be constructed on a site that is adjacent (or in close proximity) to a residential zoning district (A, SF-15, SF-10, SF-7, SF-5, SF-PH, MF-2, SFA, MF-4, MF-5 or MH), additional setback (i.e., front, side, rear yard) distance must be provided from the residential zoning district boundary line of one (1) additional foot for each foot that such structures exceed thirty-five feet (35'). (Also see Section 37.6 for communications antennae and support structures/towers.)
3. One (1) story for accessory buildings.
4. Other (Section 37.5).

#### 29.4 **AREA REGULATIONS:**

##### A. **Size of Lot:**

1. **Minimum Lot Area** - Twenty thousand (20,000) square feet
2. **Minimum Lot Width** - One hundred feet (100')
3. **Minimum Lot Depth** - Two hundred feet (200')

##### B. **Size of Yards:**

1. **Minimum Front Yard** - Fifty feet (50'); all yards adjacent to a street shall be considered a front yard.
2. **Minimum Side Yard** - Twenty-five feet (25')
3. **Minimum Rear Yard** - Twenty-five feet (25')
4. **Adjacent to a Residential District** - The side or rear setback, whichever is adjacent to a residential zoning district, shall observe a sixty-foot (60') setback for any occupied building that is over one (1) story in height, and a two hundred foot (200') setback for occupied buildings over two (2) stories or thirty-five feet (35') in height.

#### 29.5 **SPECIAL REQUIREMENTS:**

- A. **Site Plan Review** - Review and approval of a site plan (in accordance with Section 12) shall be required for any tract/lot within the I district. No certificate of occupancy shall be issued unless all construction and development conforms to the Site Plan as approved by the City.
- B. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
- C. No permanent use of temporary buildings.
- D. **Other Regulations:** As established in the Development Standards, Sections 33 through 41.

## **SECTION 30 PD -- PLANNED DEVELOPMENT OVERLAY DISTRICT**

### **30.1 GENERAL PURPOSE AND DESCRIPTION:**

- A. The City Council of the City of Athens, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a Planned Development overlay district.
- B. The Planned Development (PD) district is a district which accommodates planned associations of uses developed as integral land use units such as industrial districts, office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, duplex, etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions which would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

### **30.2 PERMITTED USES:**

- A. An application for a PD district shall specify a base zoning district upon which the PD is overlaid, and the use or the combination of uses proposed (particularly if any of the proposed uses are not allowed by right in the base zoning district). In selecting a base zoning district, the uses allowed in the base district must be similar or compatible with those proposed for the PD. PD designations shall not be attached to SUP requirements. Specific Use Provisions allowed in a base zoning district are allowed in a PD only if specifically identified at the time of PD approval, and if specifically cited as an “additional use” (i.e., to those allowed by right in the base zoning district) in the ordinance establishing the PD.
- B. In the case of residential PD districts, the proposed lot sizes shall be no smaller than the lot sizes allowed in the base zoning district for each type of housing (e.g., single-family, duplex, etc.) except for minor changes in a small percentage of the lots in order to provide improved design or flexibility in the layout of the subdivision.

### **30.3 PLANNED DEVELOPMENT REQUIREMENTS:**

- A. Development requirements for each separate PD district shall be set forth in the amending ordinance granting the PD district and shall include, but may not be limited to: uses, density, lot area, lot width, lot depth, yard depths and widths, building height, building elevations, coverage, floor area ratio, parking, access, screening, landscaping, accessory buildings, signs,

lighting, project phasing or scheduling, management associations, and other requirements as the City Council and Planning and Zoning Commission may deem appropriate.

- B. In the overlay PD district, uses shall conform to the standards and regulations of the base zoning district to which it is most similar. The base zoning district shall be stated in the granting ordinance. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance (applications without this list will be considered incomplete). The Planned Development district shall conform to all other regulations of the base zoning district, as well as all other sections of the Zoning Ordinance, unless specifically changed or excluded in the ordinance establishing the PD.
  - C. The ordinance granting a PD district shall include a statement as to the purpose and intent of the PD granted therein. A specific list is required of modifications in each district or districts and general statement citing the reason for the PD request.
  - D. The minimum acreage for a planned development request shall be three (3) acres.
- 30.4 In establishing a Planned Development district in accordance with this Section, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each Planned Development district. To facilitate understanding of the request during the review and public hearing process, the concurrent submission of a Concept Plan for a proposed non-residential, multi-family, manufactured (mobile) home, or residential (i.e., single- or two-family) project shall be required along with the PD zoning application. A detailed Site Plan (or a Preliminary Plat in the case of a residential PD; see the Subdivision Ordinance for submission requirements) may be submitted in lieu of the Concept Plan if the applicant prefers to do so, and if the applicant wishes to expend the resources/funds necessary to prepare a complete detailed Site Plan (or Preliminary Plat) submission (i.e., detailed engineering/architectural plans, etc.; see Section 12).
- A. **Concept Plan** - This plan shall be submitted by the applicant at the time of the PD request (for exceptions, see Section 30.5(D)). The plan shall show the applicant's intent for the use of the land within the proposed Planned Development district in a graphic manner and, as may be required, supported by written documentation of proposals and standards for development. The City may prepare application form(s) which further describe and explain the following requirements:
    - 1. **Residential Concept Plan** - A Residential Concept Plan (a Preliminary Plat may serve as the Residential Concept Plan; see the Subdivision Ordinance for submission requirements) shall be submitted with any residential PD zoning request for a development comprised of single-family (detached or attached) or two-family (duplex) dwellings on individually platted lots, and shall show general uses, phasing of the development, access, thoroughfares, alleys (if proposed), preliminary lot arrangements, proposed densities, proposed screening, landscaped or private amenity areas, project scheduling, and other pertinent development data.

2. **Nonresidential or Multi-Family Concept Plan** - A Concept Plan shall be submitted with any nonresidential, multi-family, or manufactured (mobile) home PD zoning request, and shall clearly show all pertinent aspects of the type and nature of the proposed development. The Concept Plan shall show the types of use(s) proposed; access, topography and boundaries of the PD area; existing physical features of the site; existing and proposed streets, alleys, easements and lot lines; location of existing or proposed public facilities; building heights and locations; parking areas and ratios; fire lanes; screening and landscaped areas; project phasing and scheduling; and other pertinent development data to adequately describe the proposed development.
  - a. A detailed Site Plan (i.e., Development Plan) shall be submitted for approval (in accordance with Subsection B below, and with Section 12 of this Ordinance) within one (1) year from the approval date of the Concept Plan for all or some portion/lot of the Planned Development covered by the overall Concept Plan. If a detailed Site Plan is not submitted within one (1) year, then the Concept Plan will be deemed to be expired. A new Concept Plan (along with a zoning application to amend the PD ordinance and its accompanying Concept Plan) must be submitted for review and approval prior to detailed Site Plan review/approval (and any subsequent issuance of a building permit) for any portion of the PD district.
- B. **Site Plan (Development Plan)** - Submission and approval of the detailed Site Plan shall be in accordance with Section 12 of this Ordinance, and shall accompany an application for Planned Development zoning if the applicant prefers to submit the detailed Site Plan in lieu of the required Concept Plan. The detailed Site Plan will establish the final plans for development of the Planned Development district (or any portion/lot thereof), and it shall substantially conform to the site layout and development data approved on the Concept Plan (adopted along with the PD ordinance). If a Concept Plan was previously approved for the overall PD district, then a detailed Site Plan (along with the required engineering/architectural site construction plans) may be submitted for only the sections/lots that are proposed for immediate development rather than for the entire PD. If no Concept Plan was approved with the ordinance establishing the PD, then a detailed Site Plan (along with the required engineering/architectural site construction plans) must be submitted for the entire PD, even though only portions of it are proposed for immediate development.
  1. For any single- or two-family residential district (A, SF-15, SF-10, SF-7, SF-5, SF-PH, MF-2 or SFA), a Preliminary Plat shall qualify as the detailed Site Plan (Development Plan).
  2. PD-2 Agriculture Zoning District -- A single-family structure (i.e., a one-family dwelling on one lot, as described in the Definitions in Appendix A-3) in the PD-2 district does not require site plan approval, but does require issuance of a building permit.
- C. If any portion of the Site Plan has not been issued a building permit within one (1) year following approval, then the entire Site Plan shall be deemed expired and shall be null and void. Prior to issuance of another building permit, a new Site Plan must be submitted for approval

which is in conformance with regulations and requirements that are in effect at the time of submittal.

**30.5 APPROVAL PROCESS AND PROCEDURE:**

- A. The procedure for establishing a Planned Development zoning district shall follow the procedures for zoning amendments as set forth in Section 10 of this Ordinance. This procedure shall be expanded to include concurrent consideration and approval (or denial) of the Concept Plan or the detailed Site Plan (or Preliminary Plat for a residential PD) which is submitted along with the PD zoning request application. The public hearings conducted for, and the subsequent actions taken upon, the PD zoning request shall also include the accompanying Concept Plan or detailed Site Plan/Preliminary Plat.
- B. The ordinance establishing the Planned Development zoning district shall not be approved (or adopted) until the accompanying Concept Plan or detailed Site Plan/Preliminary Plat is approved by the City Council, and until all other procedural requirements set forth in Section 10 are satisfied.

30.6 All Planned Development zoning districts approved in accordance with the provisions of this Ordinance in its original form, or by subsequent amendments thereto, shall be prefixed by a "PD" designation and assigned a unique identification number (e.g., PD-1, PD-2, and so on), and shall also be referenced on the Zoning District Map. A list of such Planned Development districts, showing the uses permitted and any other special stipulations of each PD district, shall be maintained as part of this Ordinance.

**30.7 PRIOR PLANNED DEVELOPMENT ORDINANCES REMAINING IN EFFECT:**

- A. Prior to adoption of this Ordinance, the City Council previously established certain Planned Development districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Ordinance, specified in Appendix A-1, shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development districts shown on the Zoning District Map as of the effective date of this Ordinance. Each prior PD ordinance is hereby assigned a unique identification number (e.g., PD-1, PD-2, and so on) as shown in Appendix A-1, and subsequent PD ordinances adopted after the effective date of this Ordinance shall be similarly numbered for identification purposes.
- B. For all Planned Development districts established prior to adoption of this Ordinance which do not have a Concept Plan or Site Plan/Preliminary Plat approved for the site/parcel or tract, a Concept Plan and a detailed Site Plan must be approved as stated in Section 30.4 above (and pursuant to Section 12 of this Ordinance) prior to development of the property.

## **SECTION 31 SUP -- SPECIFIC USE PROVISIONS**

### **31.1 SPECIFIC USES:**

The purpose of this overlay district is to allow certain uses within base zoning districts that, under most circumstances, would not be compatible with other permitted uses but with certain conditions and development restrictions may be compatible.

The City Council by an affirmative vote may, after public hearing and proper notice (in accordance with the procedures set forth in Section 10) to all parties affected, and after recommendations from the Planning and Zoning Commission that the uses are in general conformance with the intent of the Comprehensive Plan and with general objectives of the City, and containing such requirements and safeguards as are necessary to protect adjoining property, authorize certain uses by a Specific Use Provision (SUP). As a zoning action, issuance of an SUP shall only apply to real property (i.e., shall not be attached to any person, business entity, etc.), shall not be transferred from one property to another (i.e., shall not move if a business operation relocates), and shall not expire without proper zoning action to rescind the SUP (i.e., change the zoning to remove the SUP, with appropriate public notification, public hearing, etc.).

A zoning application for an SUP shall be accompanied by a metes and bounds description and a survey (i.e., drawing) exhibit showing the property for which the SUP is being requested, and by a site plan (see Section 12) drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be allowed; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred feet (200'). The City shall make available application forms specifying drawing requirements. The City Manager (or his/her designee), Planning and Zoning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed. The site plan shall be reviewed and approved along with the SUP zoning application, and in accordance with Section 12 of this Ordinance.

### **31.2 SPECIFIC USE PROVISION REGULATIONS:**

- A. In recommending that a Specific Use Provision for the premises under consideration be granted, the City shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, screening and open space, heights of structures, and compatibility of buildings.

In approving a requested SUP, the Planning and Zoning Commission and City Council may consider any or all of the following:

1. The use is harmonious and compatible with surrounding existing uses or proposed uses;
  2. The activities requested by the applicant are normally associated with the permitted uses in the base district;
  3. The nature of the use is reasonable;
  4. Any negative impact on the surrounding area has been mitigated; and/or
  5. That any additional conditions specified ensure that the intent of the district purposes are being upheld.
- B. In granting a Specific Use Provision, the Planning and Zoning Commission and City Council may impose conditions which shall be complied with by the owner or grantee before a certificate of occupancy may be issued by the Building Official, or his/her designee, for use of the building on such property pursuant to such Specific Use Provision and such conditions precedent to the granting of the certificate of occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the certificate of occupancy, and shall be incorporated into the amending ordinance establishing the SUP.
- C. No Specific Use Provision shall be granted unless the applicant, owner and grantee of the Specific Use Provision shall be willing to accept and agree to be bound by and comply with the written requirements or conditions of the Specific Use Provision, as incorporated into the amending ordinance establishing the SUP, and as reviewed by the Planning and Zoning Commission and approved by the City Council.
- D. A building permit or certificate of occupancy shall be applied for (following site plan approval) and secured within one (1) year from the time of granting the Specific Use Provision, provided however, that the City Council may authorize an extension of up to one (1) additional year. After the one-year period (and the extension, if such has been granted by City Council) has elapsed, the SUP's site plan shall be deemed to be expired. The applicant/property owner(s) must then submit a new site plan for approval prior to any construction or to application for a building permit for the area designated for the Specific Use Provision. The new site plan must be resubmitted for review and approval in accordance with Section 12 of this Ordinance.
- E. No building, premise, or land used under a Specific Use Provision may be enlarged, modified, structurally altered, or otherwise significantly changed unless an amended Specific Use Provision is granted for such enlargement, modification, structural alteration, or change.

Only minor changes or alterations to the building itself (i.e., those that do not involve the addition of land area covered by the SUP or modification of any special stipulations adopted in

the ordinance granting the SUP, either of which must be done using the procedures outlined in Section 10) may be approved by the City Manager, or his/her designee.

- F. The Zoning Board of Adjustments shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any Specific Use Provision.
- G. When the City Council authorizes granting of a Specific Use Provision, the Zoning District Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by a "SUP", or "S" designation followed by the identification number assigned to that particular SUP (e.g., S-1, S-2, S-3, and so on). A list of all issued SUPs, showing the uses permitted and any other special stipulations of each SUP, shall be maintained as part of this Ordinance.

**31.3 USE REGULATIONS:**

- A. Uses allowed by SUP are specified in Section 32 (Use Charts).

**31.4 PRIOR SUP ORDINANCES REMAINING IN EFFECT:**

- A. Prior to adoption of this Ordinance, the City Council had established various Specific Use Permits (SUPs), some of which are to be continued in full force and effect. The permits or parts of permits approved prior to this Ordinance, and specified in Appendix A-2, shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Specific Use Provisions shown on the Zoning District Map as of the effective date of this Ordinance. Each prior SUP ordinance is hereby assigned a unique identification number (e.g., S-1, S-2, S-3, and so on) as shown in Appendix A-2, and subsequent SUP ordinances adopted after the effective date of this Ordinance shall be similarly numbered for identification purposes.

**31.5 EXCEPTIONS:**

- A. In the PD-2 Agriculture Zoning District -- See Section 30.4 B.2. (Planned Developments).

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## IV. USE REGULATIONS

### SECTION 32 USE REGULATIONS (CHARTS)

- 32.1 A. The use of land and/or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the Use Charts is:



Designates use permitted in the zoning district indicated.



Designates use prohibited (i.e., not allowed) in the zoning district indicated.



Designates use may be permitted in the zoning district indicated by Specific Use Provision (also see Section 31).

See Definitions in the Appendix (A-3) for further description of uses identified with an asterisk (\*).

- B. If a use is not listed, it is not allowed in any zoning district.

**C. Use Chart Organization:**

1. Primary Residential Uses (Use Chart 32.2)
2. Accessory and Incidental Uses (Use Chart 32.3)
3. Utility and Service Uses (Use Chart 32.4)
4. Recreational and Entertainment Uses (Use Chart 32.5)
5. Education, Institutional, Public, and Special Uses (Use Chart 32.6)
6. Transportation Related Uses (Use Chart 32.7)
7. Automobile and Related Uses (Use Chart 32.8)
8. Office and Professional Uses (Use Chart 32.9)
9. Retail and Related Service Uses (Use Chart 32.10)

10. Commercial Uses (Use Chart 32.11)

11. Industrial and Related Uses (Use Chart 32.12)

**D. Classification of New/Unlisted Uses** - It is recognized that new types of land use will develop, and forms of land use not presently anticipated may seek to locate in the City of Athens. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Use Charts (Sections 32.2 through 32.12) shall be made as follows:

**1. Initiation:**

- a. A person, City department, the Planning and Zoning Commission, or City Council may propose zoning amendments to regulate new and previously unlisted uses.
  - b. A person requesting the addition of a new or unlisted use shall submit to the City Manager, or his/her designee, all information necessary for the classification of the use, including but not limited to:
    - (1) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
    - (2) The type of product sold or produced under the use;
    - (3) Whether the use has enclosed or open storage and the amount and nature of the storage;
    - (4) Anticipated employment typically anticipated with the use;
    - (5) Transportation requirements;
    - (6) The nature and time of occupancy and operation of the premises;
    - (7) The off-street parking and loading requirements;
    - (8) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and
    - (9) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required.
2. The City Manager, or his/her designee, shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in Subsection "b" above. An amendment to this Ordinance shall be required as prescribed by Section 10.

3. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted.
4. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance according to Section 10 (i.e., following notification and public hearing, etc.).
5. Standards for new and unlisted uses may be interpreted by the City Manager, or his/her designee, as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined above ("b") shall be followed for determination of the appropriate district. The decision of the City Manager, or his/her designee, may be appealed according to the process outlined in Subsections "2" through "4" above.





# USE CHART

## CITY OF ATHENS, TEXAS

### ZONING ORDINANCE

Legend for Interpreting Use Charts

- Designates use permitted in District indicated
- Designates use prohibited in District indicated
- S** Indicates use may be approved as Specific Use Provision (SUP)

SECTION 32.4

UTILITY, SERVICE AND OTHER USES

	A	SF-15	SF-10	SF-7	SF-5	SF-PH	MF-2	SFA	MF-4	MF-5	MH	O	R	CBD	C	I	
	AGRICULTURE	SINGLE-FAMILY RESIDENTIAL 15,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 10,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 7,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 5,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL PATIO HOME/CERDOL-LINE	TWO-FAMILY RESIDENTIAL (DUPLICATE)	MULTI-FAMILY RESIDENTIAL (ATTACHED) (TRIPLEX)	MULTI-FAMILY RESIDENTIAL-4 (APARTMENTS)	MANUFACTURED HOME	OFFICE	RETAIL	CENTRAL BUSINESS DISTRICT	COMMERCIAL	INDUSTRIAL	SINGLE-FAMILY RESIDENTIAL COTTAGE HOUSING 55+	
	A	SF-15	SF-10	SF-7	SF-5	SF-PH	MF-2	SFA	MF-4	MF-5	MH	O	R	CBD	C	I	
ANIMAL POUND (PUBLIC)	<input checked="" type="checkbox"/>																
ANTENNA (NON-COMMERCIAL) *	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ANTENNA (COMMERCIAL) (ALSO SEE SECTION 41.5) *	SEE SECTION 37.6																
ELECTRICAL ENERGY GENERATING PLANT	S																S
ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER) *	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
ELECTRICAL TRANSMISSION LINE (HIGH VOLTAGE)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
FARM RANCH, GARDEN, CROPS OR ORCHARD *	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
FIRE, POLICE OR MUNICIPAL BUILDINGS *	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
FRANCHISED PRIVATE UTILITY (NOT LISTED) *	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
GAS LINE AND REGULATING STATION	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
LOCAL UTILITY LINE *	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
PUBLIC AGENCY BUILDING, SHOP, YARD OR FACILITY *	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
STUDIO FOR RADIO OR TELEVISION *	S											S	S	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
SEWAGE PUMPING STATION (PUBLIC)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
TELEPHONE BUSINESS OFFICE										<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>						
TELEPHONE EXCHANGE, SWITCHING OR RELAY OR TRANSMITTING STATION *	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
UTILITY SHOPS OR STORAGE YARDS OR BUILDINGS	S												S	<input checked="" type="checkbox"/>			
WATER RESERVOIR WELL OR PUMPING STATION	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
WATER STAND PIPE OR ELEVATED WATER STORAGE	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
WATER TREATMENT PLANT	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MUNICIPAL FACILITY OR USE *	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

\* SEE APPENDIX A-3 FOR DEFINITIONS

# USE CHART

## CITY OF ATHENS, TEXAS

### ZONING ORDINANCE

Legend for Interpreting Use Charts

-  Designates use permitted in District indicated
-  Designates use prohibited in District indicated
-  Indicates use may be approved as Specific Use Provision (SUP)

SECTION 32.5

RECREATIONAL AND ENTERTAINMENT USES

A	SF-15	SF-10	SF-7	SF-5	SF-PH	MF-2	SFA	MF-4	MF-5	MH	O	R	CBD	C	I	SF-CH 55+	
AGRICULTURE	SINGLE-FAMILY RESIDENTIAL 15,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 10,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 7,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 5,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL PATIO HOME/ZERO LOT/LINE	TWO-FAMILY RESIDENTIAL	SINGLE-FAMILY RESIDENTIAL (DUPLICATE)	MULTI-FAMILY RESIDENTIAL (ATTACHED)	MULTI-FAMILY RESIDENTIAL (TRIPLEX/QUADRIPLEX)	MULTI-FAMILY RESIDENTIAL-4 (APARTMENTS)	MANUFACTURED HOME	OFFICE	RETAIL	CENTRAL BUSINESS DISTRICT	COMMERCIAL	INDUSTRIAL	SINGLE-FAMILY RESIDENTIAL COTTAGE HOUSING 55+

	A	SF-15	SF-10	SF-7	SF-5	SF-PH	MF-2	SFA	MF-4	MF-5	MH	O	R	CBD	C	I	SF-CH 55+
AMUSEMENT ARCADE *														S	S	●	●
AMUSEMENT, COMMERCIAL (INDOOR) *														S	S	●	●
AMUSEMENT, COMMERCIAL (OUTDOOR) *														S	S		
BALLROOM DANCING *														S	●	S	●
CARNIVAL, CIRCUS OR TENT SERVICE (TEMPORARY) *	SUBJECT TO TEMPORARY PERMIT ISSUED BY CITY OF ATHENS																
COUNTRY CLUB (PRIVATE) *	●	S	S	S	S	S	S	S	S	S	S	S	S	●		●	●
DAY CAMP FOR CHILDREN *	●	S	S	S	S	S	S	S	S	S	S	S	●		●	S	
GOLF COURSE *	●	S	S	S	S	S	S	S	S	S	S	S	●		●	●	
PARK OR PLAYGROUND (PRIVATE) NON COMMERCIAL *	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S
PARK OR PLAYGROUND (PUBLIC)	●	●	●	●	●	●	●	●	●	●	●	●	●		●	●	●
PLAYFIELD OR STADIUM (PUBLIC) *	S	S	S	S	S	S	S	S	S	S	S	S	●		●	●	S
PRIVATE CLUB *													S		S	S	
RODEO GROUNDS	S														S	S	
ROLLER OR ICE RINK													S		●	●	
RV PARK *									S								
STABLE (PRIVATE) *	●															S	
STABLE (COMMERCIAL) *	●								S						S	S	
SWIMMING POOL (COMMERCIAL) *									S	S	S				●	●	
SWIM, TENNIS OR HANDBALL CLUB	S	S	S	S	S	S	S	S	S	S	S	S	●		●	●	
THEATER (OPEN DRIVE-IN) *																S	
THEATER OR PLAYHOUSE (INDOOR) *									S	●	●	●	●				
ZOO (PRIVATE) *	S															S	
ZOO (PUBLIC) *	S														S		

\* SEE APPENDIX A-3 FOR DEFINITIONS

# USE CHART

## CITY OF ATHENS, TEXAS

### ZONING ORDINANCE

#### Legend for Interpreting Use Charts

-  Designates use permitted in District indicated
-  Designates use prohibited in District indicated
-  Indicates use may be approved as Specific Use Provision (SUP)

#### SECTION 32.6

#### EDUCATIONAL, INSTITUTIONAL AND SPECIAL USES

	A	SF-15	SF-10	SF-7	SF-5	SF-PH	MF-2	SFA	MF-4	MF-5	MH	O	R	CBD	C	I	SF-CH 55+	
	AGRICULTURE	SINGLE-FAMILY RESIDENTIAL 15,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 10,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 7,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 5,000 S.F. LOTS	PATIO HOME/ZERO-LOT-LINE	TWO-FAMILY RESIDENTIAL (DUPEX)	MULTI-FAMILY RESIDENTIAL (ATTACHED)	MULTI-FAMILY RESIDENTIAL-4 (TRIPLEX/QUAD/APPLEX)	MULTI-FAMILY RESIDENTIAL-4 (APARTMENTS)	MANUFACTURED HOME	OFFICE	RETAIL	CENTRAL BUSINESS DISTRICT	COMMERCIAL	INDUSTRIAL	SINGLE-FAMILY RESIDENTIAL COTTAGE HOUSING 55+	
ART GALLERY OR MUSEUM	*	S																
ASSISTED LIVING FACILITY	*						S											
CEMETERY, ANIMAL	*	S																
CEMETERY OR MAUSOLEUM	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
CHILD CARE CENTER/ DAY CARE CENTER	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
CHURCH, RECTORY OR TEMPLE	*																	
COLLEGE OR UNIVERSITY	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
COMMUNITY CENTER (PUBLIC)	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
CONTINUING CARE RETIREMENT COMMUNITY	*																	
CONVENT OR MONASTERY		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
FAIRGROUNDS OR EXHIBITION AREA	*	S																
FAMILY HOME (CHILD CARE)	*																	
FRATERNAL ORGANIZATION, LODGE UNION HALL OR CIVIC CLUB	*	S																
GROUP DAY CARE HOME	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
HOSPITAL, ACUTE CARE	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
HOSPITAL, CHRONIC CARE	*	S																
INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS	*	S																
INSTITUTION OF RELIGIOUS, CHARITABLE OR PHILANTHROPIC NATURE		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
KINDERGARTEN OR NURSERY SCHOOL (PRIVATE)	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
NON-PROFIT ACTIVITIES BY A CHURCH	*																	
REHABILITATION CARE FACILITY (HALFWAY HOUSE)	*	S																
REHABILITATION CARE INSTITUTION	*	S																
RETIREMENT HOUSING FOR THE ELDERLY	*																	
SCHOOL, BUSINESS	*																	
SCHOOL, COMMERCIAL TRADE	*																	
SCHOOL, DRIVING/DEFENSIVE DRIVING																		
SCHOOL, PRIVATE (PRIMARY OR SECONDARY)	*	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
SCHOOL, PUBLIC OR PAROCHIAL	*																	
SEASONAL USES (TEMPORARY)	*																	
SKILLED NURSING FACILITY	*																	

\* SEE APPENDIX A-3 FOR DEFINITIONS







# USE CHART

## CITY OF ATHENS, TEXAS

### ZONING ORDINANCE

#### Legend for Interpreting Use Charts

- Designates use permitted in District indicated
- Designates use prohibited in District indicated
- S** Indicates use may be approved as Specific Use Provision (SUP)

#### SECTION 32.10

#### RETAIL & SERVICE USES

	A	SF-15	SF-10	SF-7	SF-5	SF-PH	SF-2	SFA	MF-4	MF-5	MH	O	R	CBD	C	I	
	AGRICULTURE	SINGLE-FAMILY RESIDENTIAL 15,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 10,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 7,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 5,000 S.F. LOTS	PATIO HOME/ZERO-LOT-LINE	TWO-FAMILY RESIDENTIAL (DUPLEX)	MULTI-FAMILY RESIDENTIAL (ATTACHED)	MULTI-FAMILY RESIDENTIAL-4 (APARTMENTS)	MANUFACTURED HOME	OFFICE	RETAIL	CENTRAL BUSINESS DISTRICT	COMMERCIAL	INDUSTRIAL	SINGLE-FAMILY RESIDENTIAL COTTAGE HOUSING 55+	
	A	SF-15	SF-10	SF-7	SF-5	SF-PH	SF-2	SFA	MF-4	MF-5	MH	O	R	CBD	C	I	
ANIMAL HUMANE SOCIETY	S																
ANTIQUE SHOP, SALES INDOORS *									S								
APPLIANCE RENTAL (INDOOR ONLY)																	
ART SUPPLY STORE									S								
BAKERY OR CONFECTIONERY SHOP (RETAIL)																	
BANKING, AUTOMATIC TELLER ONLY																	
BOOK OR STATIONERY SHOP OR NEWSSTAND																	
BUILDING MATERIALS, HARDWARE OR HOME IMPROVEMENT CENTER (INDOOR ONLY) *																	
BUILDING MATERIALS, HARDWARE OR HOME IMPROVEMENT (OUTDOOR STORAGE) *										S	S						
CELLULAR PHONE/PAGER SALES (INDOOR)																	
CLEANING SHOP OR LAUNDRY PICK-UP AND SELF-SERVICE (SMALL SHOP) *									S								
CLEANING PLANT (COMMERCIAL OR WHOLESALE) *																	
COMPUTER SALES																	
CONSIGNMENT STORE																	
CONVENIENCE STORE WITH GASOLINE SALES *																	
CONVENIENCE STORE WITHOUT GASOLINE SALES *																	
COPY SHOP *																	
CUSTOM PERSONAL SERVICE SHOP *																	
DISCOUNT OR DEPARTMENT STORE																	
DONUT SHOP									S								
DRAPERY, NEEDLEWORK OR WEAVING SHOP																	
DRUG STORE OR PHARMACY									S								
FLOORING SHOP *									S								
FOOD STORE *																	
FUNERAL HOME OR MORTUARY *																	
FURNITURE, HOME FURNISHINGS & APPLIANCE STORE *																	
GARDEN SHOP *																	
GREENHOUSE OR PLANT NURSERY W/OUTSIDE DISPLAY OF PLANTS (RETAIL SALES)																	
HANDCRAFT SHOP AND ART OBJECTS SALES																	

\* SEE APPENDIX A-3 FOR DEFINITIONS

# USE CHART

## CITY OF ATHENS, TEXAS

### ZONING ORDINANCE

#### Legend for Interpreting Use Charts

- Designates use permitted in District indicated
- Designates use prohibited in District indicated
- S** Indicates use may be approved as Specific Use Provision (SUP)

#### SECTION 32.10 (CONT.)

#### RETAIL & SERVICE USES (CONT.)

	A	SF-15	SF-10	SF-7	SF-5	SF-PH	MF-2	SFA	MF-4	MF-5	MH	O	R	CBD	C	I	
	AGRICULTURE	SINGLE-FAMILY RESIDENTIAL 15,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 10,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 7,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL 5,000 S.F. LOTS	SINGLE-FAMILY RESIDENTIAL PATIO HOME/CORNER LOT-LINE	TWO-FAMILY RESIDENTIAL (DUPLICATE)	MULTI-FAMILY RESIDENTIAL (ATTACHED)	MULTI-FAMILY RESIDENTIAL-4 (TRIPLEX/QUADRIPLEX)	MULTI-FAMILY RESIDENTIAL-5 (APARTMENTS)	MANUFACTURED HOME	OFFICE	RETAIL	CENTRAL BUSINESS DISTRICT	COMMERCIAL	INDUSTRIAL	SINGLE-FAMILY RESIDENTIAL COTTAGE HOUSING 55+
HARDWARE SHOP													●	●	●	●	
HOBBY SHOP													S	●	●	●	
HOUSEHOLD APPLIANCE SERVICE OR REPAIR *													S	S	●	●	
ICE CREAM/YOGURT SALES									S	●	●	●	●				
INCIDENTAL OR ACCESSORY RETAIL OR SERVICE USES									S	●	●	●	●				
KEY SHOP									S	●	●	●					
KIOSK *									S	S	S	S	S				
LAUNDROMAT (OR SELF-SERVICE WASHATERIA) *										S	●	●	●				
MEDICAL APPLIANCES, FITTING, SALES OR RENTAL										●	●	●	●				
MINI-WAREHOUSE *										S		S	●				
PAWN SHOP *										S		●	●				
PET SHOP & GROOMING *										●	●	●	●				
RECYCLING KIOSK *										S		●	●				
RESTAURANT WITH DRIVE THRU SERVICE *										S	●	●	●				
RESTAURANT OR CAFETERIA (NO DRIVE-THRU SERVICE) *									S	●	●	●	●				
RESTAURANT OR EATING PLACE (DRIVE-IN SERVICE) *										S	●	●	●				
RETAIL SHOP, APPAREL, GIFT, ACCESSORY AND SIMILAR ITEMS *									S	●	●	●	●				
SECURITY SYSTEMS INSTALLATION COMPANY									S	●	●	●	●				
SILK SCREENING STUDIO OR TEE SHIRT SHOP										●	●	●	●				
STUDIO, DECORATOR, ARTIST, PHOTOGRAPHER									●	●	●	●	●				
STUDIO, HEALTH/REDUCING/FITNESS OR SIMILAR SERVICE/ESTABLISHMENT *									●	●	●	●	●				
STUDIO, MUSIC, DANCE OR DRAMA									●	●	●	●	●				
TOOL AND LIGHT EQUIPMENT RENTAL (INDOOR)										S	●	●	●				
TRAVEL BUREAU OR TRAVEL CONSULTANT									●	●	●	●	●				
TROPHY SALES AND ENGRAVING										S	●	●	●				
USED MERCHANDISE OR SECOND-HAND THRIFT STORE										S	S	●	●				
USED MERCHANDISE OR SECOND-HAND THRIFT STORE (NON-PROFIT)										S	S	●	●				
VACUUM CLEANER SALES AND REPAIR										●	●	●	●				

\* SEE APPENDIX A-3 FOR DEFINITIONS



# USE CHART CITY OF ATHENS, TEXAS ZONING ORDINANCE

## Legend for Interpreting Use Charts



Designates use permitted in District indicated



Designates use prohibited in District indicated



Indicates use may be approved as Specific Use Provision (SUP)

### SECTION 32.11

### COMMERCIAL USES

	A	SF-15	SF-10	SF-7	SF-5	SF-PH	MF-2	SFA	MF-4	MF-5	MM	D	R	CBD	C	I
	A	SF-15	SF-10	SF-7	SF-5	SF-PH	MF-2	SFA	MF-4	MF-5	MM	D	R	CBD	C	I
	A	SF-15	SF-10	SF-7	SF-5	SF-PH	MF-2	SFA	MF-4	MF-5	MM	D	R	CBD	C	I
AMBULANCE SERVICE *																
BAKERY OR CONFECTIONARY (WHOLESALE OR COMMERCIAL) *																
BOOK BINDING																
BOTTLING WORKS																
CABINET SHOP																
CLOTHING OR SIMILAR LIGHT MANUFACTURING																
CONTRACTOR SHOP W/OUTSIDE STORAGE YARD *																
DISTRIBUTION CENTER *																
DRAPERY OR FURNITURE UPHOLSTERY SHOP *																
DYEING OR LAUNDRY PLANT (COMMERCIAL)																
EQUIPMENT RENTAL (HEAVY)																
EQUIPMENT SALES (NEW OR USED)																
FEED AND GRAIN STORE *	S															
FOOD PROCESSING PLANT *																
FURNITURE MANUFACTURE AND REFINISHING SHOP																
HEATING AND AIR CONDITIONING SALES																
HEAVY MACHINERY SALES / STORAGE *																
KENNEL (INDOOR PENS) *	S															
KENNEL (OUTDOOR PENS) *	S															
LABORATORY EQUIPMENT MANUFACTURING *																
LABORATORY, SCIENTIFIC OR RESEARCH *																
LANDSCAPING SERVICE/CONSTRUCTION	S															
LIGHT MANUFACTURING AND ASSEMBLY PROCESSES																
LITHOGRAPHIC OR PRINT SHOP																
MAINTENANCE AND REPAIR SERVICE FOR BUILDINGS																
MANUFACTURED OR INDUSTRIALIZED HOME SALES (NEW)																
MANUFACTURED OR INDUSTRIALIZED HOME SALES (USED)																
MILK DEPOT, DAIRY OR ICE CREAM PLANT																

\* SEE APPENDIX A-3 FOR DEFINITIONS





## V. DEVELOPMENT STANDARDS

### SECTION 33 OFF-STREET PARKING AND LOADING REQUIREMENTS

#### 33.1 PURPOSE:

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

#### 33.2 RESIDENTIAL DISTRICTS -- SPECIAL OFF-STREET PARKING PROVISIONS:

- A. Required off-street parking shall be provided on the same site as the use it is to serve.
- B. All vehicle parking shall be on a suitably paved parking surface. All driveways and approaches to parking spaces shall be similarly paved, except in the Agriculture district.
- C. No required parking space, garage, carport, or other automobile storage space shall be used for the storage of any heavy load vehicle (see definitions for heavy load vehicle).
- D. A minimum of two (2) off-street parking spaces shall be provided for all single-family (detached and attached) and duplex (MF-2) dwelling units on the same lot as the main structure.
- E. The following additional parking requirements apply to single-family attached, multi-family and manufactured homes, as noted:
  1. Single-family attached (SFA district):
    - a. Additional parking shall be required for any recreational uses, club house, office, sales offices and/or visitors.
    - b. Designated visitor parking spaces shall be provided in off-street, common areas at a ratio of one (1) guest/visitor space per four (4) units.
  2. Triplex, quadriplex and multi-family (MF-4 and MF-5 districts; also see Section 33.3):
    - a. 1.75 spaces for each efficiency or 1 bedroom unit
    - b. 2 spaces for each 2 bedroom unit
    - c. 2.5 spaces for each 3 bedroom unit
    - d. 3 spaces for each 4 or more bedroom unit
    - e. All parking areas adjacent to public streets shall be screened from view. Screening may be in the form of live plant materials, berms or brick/masonry walls.

3. Manufactured home (MH district):
  - a. 2 spaces per unit located on the same lot as the unit served.
  - b. *Tenant parking* - Each parking space shall be an approved all-weather surface, in accordance with City standards, and shall be located to eliminate interference with access to parking areas provided for other manufactured/mobile homes and for public parking in the park.
  - c. *Visitor and supplemental parking* - In addition to parking spaces required for each manufactured/mobile home unit, there shall be paved parking provided for the manufactured/mobile home community in general:
    - (1) Two (2) visitor parking space for every three (3) manufactured/mobile home spaces.
    - (2) One (1) supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every four (4) manufactured/mobile home spaces.
    - (3) Supplemental spaces may be located anywhere within the manufactured/mobile home community provided that no manufactured/mobile home space shall be situated further than one hundred fifty feet (150') from a visitor space.
    - (4) Each parking space will be not less than nine feet by eighteen feet (9' x 18'), which is not to be included in the lot size.

**33.3 NONRESIDENTIAL AND MF DISTRICTS -- SPECIAL OFF-STREET PARKING PROVISIONS:**

- A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Section 39.
- B. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with Section 33.9 (Fire Lanes).
- C. All off-street parking, maneuvering, loading and storage areas shall be paved with an all-weather surface (i.e., no parking shall be permitted on grass, within landscaped areas, on gravel, or on other unimproved surfaces). All maneuvering areas for parking and loading shall be on-site (i.e., shall not occur within public right-of-way or on adjacent property without a platted/recorded access easement granting such access on adjacent property).

Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

- D. Each standard off-street surface parking space size shall be in accordance with the design standards as shown on Illustration 10 for space size and design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:
  1. Standard: Ten feet (10') by eighteen feet (18')
  2. Parallel: Eight feet (8') by twenty-two feet (22')

- E. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device (e.g., curb, wheel stop, etc.) installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide sidewalk on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed four-foot (4') minimum sidewalk width. The requirement shall apply only where spaces are adjacent to the walks, right-of-way, and required landscaping. Parking shall not be permitted to encroach upon the public right-of-way in any case. For new construction only, all vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space, or for circulation within the parking lot.
- F. In all nonresidential and multi-family zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs or other means to control traffic.
- G. Refuse storage containers (i.e., dumpsters) placed in a parking lot shall not be located in a designated parking or loading space. Each refuse container shall be located so as to facilitate pickup by refuse collection agencies with the general flow of on-site vehicular traffic and with minimal backing movements. Access and approaches to a refuse container shall be entirely on the lot it serves, and shall not be from adjacent property unless an irrevocable, platted/recorded access easement is secured granting use of adjacent property for such purpose.
- H. Handicap parking space(s) shall be provided according to building codes, State laws, and requirements of the Americans with Disabilities Act (ADA).
- I. In all nonresidential and multi-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).
- J. To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses. At no time after initial approval of the parking area layout can changes be made in the location and number of provided spaces without approval of the City Manager, or his/her designee.
- K. Off-street stacking requirements for drive-through facilities:
  - 1. A stacking space shall be an area on a site measuring nine feet (9') by twenty feet (20') with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least nine feet (9') in width and with negotiable geometric design, must be provided to allow vehicles to get out of the stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc. In computing the number of stacking spaces for a

particular use and where fractional spaces result, the stacking spaces required shall be construed to be the next higher whole number (i.e., “rounded up”).

2. For each service window of a drive-through restaurant, a minimum of six (6) spaces shall be provided for the first vehicle stop (usually the menu/order board), and two (2) spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu/order board).
3. For retail operations (other than restaurants, banks, etc.) and kiosks that provide drive-up service (e.g., pharmacy, dry cleaners, etc.), a minimum of three (3) stacking spaces for each service window shall be provided.
4. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of three (3) stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.
5. For each automated self-service (drive-through/rollover) car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
6. For each wand-type self-service (open) car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.
7. For automobile quick-lube type facilities, a minimum of two (2) stacking spaces shall be provided for each service bay in addition to the service bay(s) itself.
8. Kindergartens, elementary schools, day care facilities, and similar types of facilities shall provide pick-up/drop-off areas that are not located in main traffic circulation aisles or in fire lanes. Stacking requirements for such facilities shall be a minimum of three (3) stacking spaces, plus one (1) stacking space for each ten (10) students/children (based upon the maximum occupancy/enrollment of the facility) over thirty (30) students/children.

#### **33.4 PARKING ACCESS FROM A PUBLIC STREET -- ALL DISTRICTS:**

- A. In the approval of a detailed Site Plan, design consideration shall be given to providing entrance/exit drives which extend into the site to provide adequate queuing of vehicles on the site.
- B. In all districts (except single-family and duplex zoning districts) building plans shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets as approved by the City Manager, or his/her designee.

1. Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane or turn lane may be required of a developer in order to reduce such interference.
  2. The determination of additional right-of-way or paving requirements shall be made at the time the final site plan is submitted for approval.
- C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas, and shall not be configured as “head-in” parking spaces which are accessed directly from the street.
- D. Parking space configuration, location, arrangement, size and circulation in all districts shall be constructed according to Illustration 10.

### 33.5 **PARKING REQUIREMENTS BASED UPON USE:**

- A. In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:
1. **Automobile parts sales (indoors):** One (1) space per two hundred (200) square feet of indoor floor area
  2. **Automobile sales or service:** See Motor-Vehicle Sales
  3. **Bank, savings and loan, or similar institution:** One (1) space per two hundred and fifty (250) square feet of gross floor area in addition to required stacking spaces (see Subsection 33.3 K.)
  4. **Bed and breakfast facility:** One (1) space per guest room in addition to the requirements for a normal residential use
  5. **Bowling alley or center:** Six (6) parking spaces for each alley or lane
  6. **Bus or truck repair, storage area, or garage:** One (1) space for each five hundred (500) square feet of floor area and repair garage with a minimum of five (5) spaces
  7. **Business or professional office (general):** Five (5) spaces, or one (1) space per three hundred (300) square feet of gross floor area (except as otherwise specified herein), whichever is greater
  8. **Car wash (self-serve):** One (1) space per washing bay or stall in addition to the washing areas/stalls themselves and required stacking spaces; **Car wash (full service):** One (1) space per one hundred fifty (150) square feet of floor area in addition to the required stacking spaces (also see Subsection 33.3 K.)

9. **Church, rectory, or other place of worship:** One (1) parking space for each three (3) seats in the main auditorium/sanctuary (see Subsection 33.6(B))
10. **College or university:** One (1) space per three (3) day students (based upon maximum occupancy and/or enrollment numbers)
11. **Commercial amusement (indoor):** One (1) space per one-hundred (100) square feet of gross floor area, or as follows:
  - a. Racquetball or handball courts - Three (3) spaces for each court
  - b. Indoor tennis courts - Six (6) spaces for each court
  - c. Gymnasium, skating rinks, and martial arts schools - One (1) space for each three (3) seats at a maximum seating capacity (based upon maximum occupancy), plus one (1) space for each two hundred (200) square feet
  - d. Swimming pool - One (1) space for each one hundred (100) square feet of gross water surface and deck area
  - e. Weight lifting or exercise areas - One (1) space for each one hundred (100) square feet
  - f. Indoor jogging or running tracks - One (1) space for each one hundred (100) linear feet
  - g. Motion picture theaters (which do not include live performances): a) one (1) space per three and one-half (3½) seats for single-screen theaters; b) one (1) space per five (5) seats for motion picture theaters with two (2) or more screens (see Subsection 33.6(B))
  - h. Amusement center - One (1) space for each game table and one (1) space for each amusement device
  - i. Health club, health spa or exercise club - One (1) space per one hundred fifty (150) square feet of floor area
  - j. All areas for subsidiary uses not listed above or in other parts of this Section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses
12. **Commercial amusement (outdoor):** Ten (10) spaces plus one (1) space for each five hundred (500) square feet over five thousand (5,000) square feet of building and recreational area
  - a. Golf course - Four (4) parking spaces per hole or green plus requirements for retail, office, and club house areas and one (1) space per each two (2) employees
  - b. Golf driving range - One and one-half (1½) spaces for each driving tee
13. **Commercial use:** One (1) space per two hundred fifty (250) square feet of floor area

14. **Community center, library, museum or art gallery:** Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains (see Subsection 33.6(B))
15. **Convenience store (with gasoline pumps):** One (1) space per two hundred (200) square feet of floor area, plus one (1) space for each gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling. (See also Section 37.2(E))
16. **Dance/aerobics studio, or assembly/exhibition hall without fixed seats:** One (1) parking space for each one hundred (100) square feet of floor area thereof
17. **Day nursery, day care center, kindergarten:** One (1) space per ten (10) pupils (based upon maximum occupancy and/or licensing capacity), plus one (1) space per teacher, plus one (1) space for each bus or van stored on the property (and sized to accommodate the vehicle), plus required stacking spaces (see Subsection 33.3 K.)
18. **Defensive driving school/class:** One (1) space for each classroom seat (see Subsection 33.6(B))
19. **Fraternity, sorority or dormitory:** One (1) parking space for each two (2) beds on campus, and one and one-half (1½) spaces for each two beds in off-campus projects
20. **Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service:** Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) square feet
21. **Gasoline station:** One (1) space per two hundred (200) square feet of floor area, plus one (1) space for each gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling. (See also Section 37.2(E))
22. **Hospital:** One (1) space for each two (2) beds or examination room, whichever is applicable; plus one (1) space for every two (2) employees during periods of full occupancy.
23. **Hotel or Motel:** One (1) space per guest room, plus one (1) space per three (3) restaurant/lounge area seats (based upon maximum occupancy), plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas.
24. **Industrial uses:** One (1) space for each one thousand (1,000) square feet of floor area (one space per 300 square feet for any office/administrative areas)

25. **Institutions of a philanthropic nature:** Ten (10) spaces plus one (1) space for each employee
26. **Library or museum:** Ten (10) spaces plus one (1) space for every three hundred (300) square feet
27. **Lodge or fraternal organization:** One (1) space per two hundred (200) square feet
28. **Lumber yard/home improvement center:** One (1) space per four hundred (400) square feet display area, plus one (1) space per one thousand (1,000) square feet of warehouse
29. **Machinery or heavy equipment sales:** One (1) space per five hundred (500) square feet of gross floor area
30. **Manufactured/mobile home or manufactured/mobile home park:** Two (2) spaces for each manufactured/mobile home unit
31. **Manufacturing, processing or repairing:** One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater
32. **Medical or dental office:** One (1) space per two hundred (200) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
33. **Mini-warehouse:** Three (3) spaces per establishment if an office is located on-site, plus two (2) spaces for an on-site manager's residence (if applicable), plus one (1) appropriately sized space for any type of vehicle to be stored on-site (e.g., rental trucks, boats, RVs, etc.)
34. **Mortuary or funeral home:** One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium/sanctuary (see Subsection 33.6(B)), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.
35. **Motor-vehicle sales and new or used car lots:** One (1) parking space for each five hundred (500) square feet of sales floor/office and other indoor uses, plus one (1) parking space for each one thousand (1,000) square feet of exterior lot area used for storage, sales and parking areas, plus one (1) parking space per repair bay in service areas (indoors or outdoors), plus one (1) parking space per service/towing vehicle to be stored on-site (required parking spaces are in addition to those to be used for the storage/display of vehicles for sale/lease).
36. **Nursing home, convalescent home, or home for the aged:** One (1) space per six (6) beds; plus one (1) parking space for each three hundred (300) square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses; plus one (1) space for every two (2) employees at full occupancy.
37. **Office (administrative or professional):** One (1) space for each three hundred (300) square feet of floor area

38. **Outdoor display:** One (1) space for each six hundred (600) square feet of open sales/display area
39. **Places of public assembly not listed:** One (1) space for each three (3) seats provided (see Subsection 33.6(B))
40. **Real estate office:** One (1) space for each two hundred (200) square feet
41. **Residential:** See Subsection 33.2 for the parking requirements for various types of residential development.
42. **Restaurant, private club, night club, café or similar recreation or amusement establishment:** One (1) parking space for each one hundred (100) square feet of seating/waiting area, or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be required for drive-through facilities (see Subsection 33.3 K.)
43. **Retail or personal service establishment, except as otherwise specified herein:** One (1) space per two hundred (200) square feet of gross floor area in addition to any required stacking spaces for drive-through facilities (see Subsection 33.3 K.)
44. **Retirement housing for the elderly (independent living):** One and one-half (1.5) spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses
45. **Rooming or boarding house:** One (1) parking space for each sleeping room, plus one (1) parking space for each host resident or employee during maximum (i.e., peak) shift
46. **Sanitarium or similar institution:** One (1) parking space for each six (6) beds, plus one (1) parking space for every two (2) employees at maximum (i.e., peak) shift and full occupancy
47. **School, elementary (grades K-6):** One (1) parking space for each fifteen (15) students (design capacity)
48. **School, secondary or middle (grades 7-8):** One (1) parking space for each twelve (12) students (design capacity)
49. **School, high school (grades 9-12):** One space for each three (3) students, faculty and staff (design capacity)
50. **Storage or warehousing:** One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater
51. **Telemarketing:** One (1) space for each two hundred and fifty (250) square feet of floor space
52. **Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium or auditorium (except school auditorium):** One (1) parking space for each three (3) seats or bench seating spaces (see Subsection 33.6(B))

- 53. **Truck stop/travel center:** One (1) truck parking space for each ten thousand (10,000) square feet of site area, plus one (1) vehicle parking space per two hundred (200) square feet of retail/service building area (plus one space per one hundred square feet of restaurant/café floor area, if provided)
- 54. **Veterinarian clinic:** One (1) space per three hundred (300) square feet of gross floor space.
- 55. **Warehouse or wholesale type uses:** One (1) space for five thousand (5,000) square feet of gross floor area.

33.6 **RULES FOR COMPUTING NUMBER OF PARKING SPACES:**

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. **"Floor Area"** shall mean the gross floor area of the specific use.
- B. **"Seat"** shall be interpreted as follows:
  - 1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals one and one-half (1.5) feet of length; and
  - 2. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight (8) square feet of floor area occupied by such seating area (includes aisles).
- C. For any type of use in Section 33.5 above in which the number of seats is used to compute the required number of parking spaces, the City Manager (or his/her designee) may, at his/her discretion, make a determination that the parking requirement shall instead be determined by the maximum occupancy load for the building (as prescribed in the City's Building Code) at a rate of one (1) parking space required for every three (3) persons to be accommodated in the facility at maximum occupancy.
- D. Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.
- E. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be made by the City Manager, or his/her designee, in accordance with the requirements for the most closely related use specified in this Section. In the event the applicant disagrees with this determination, then he/she may submit a request for determination by the Planning and Zoning Commission and City Council using the same process as provided in Section 32.1 (D) for classifying new and unlisted uses.
- F. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

- G. For buildings which have mixed uses within the same structure (such as retail and office), the parking requirement shall be calculated for the most intensive use. In cases where the design of the interior of the structure is not practical for alteration, the parking requirement may be calculated for each use within a structure for buildings over 20,000 square feet.
- H. **Shared parking** may be allowed in the case of mixed uses (different buildings) under the following conditions. Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall be determined by the City Manager, or his/her designee. To assure retention of the shared parking spaces, each property owner shall properly draw and execute a document expressing the same and shall file this agreement with the City of Athens.

### 33.7 LOCATION OF PARKING SPACES:

All parking spaces required herein shall be located on the same lot, and within one hundred fifty feet (150') in the case of nonresidential buildings/uses, as the building or use served, except in the CBD district and as follows:

- A. Where an increase in the number of spaces is required by a change or enlargement of an existing use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required additional spaces may be located not to exceed three hundred (300) feet from any nonresidential building served.
- B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval by the Planning and Zoning Commission and City Council is required according to the following criteria:
  - 1. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within one hundred fifty feet (150') of such building or structure providing:
    - a. That a permanent, irrevocable easement of the parking facilities in favor of the premises to be benefitted shall be dedicated and recorded as a condition of such use, or
    - b. That a long-term Remote Parking Lease Agreement be provided upon approval by the City as a condition of such use.

### 33.8 USE OF REQUIRED PARKING SPACES, NON-RESIDENTIAL DISTRICTS:

Required off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials or products for sale, lease or rent.

**33.9 FIRE LANES:**

- A. Fire lanes shall be provided in all multi-family, single-family attached, manufactured home, and nonresidential developments. Fire lanes shall be a minimum width of twenty-four feet (24') of paving, and shall have a minimum inside turning radius at curves of twenty feet (20'), or as required by the Fire Code and/or the Fire Chief of the City of Athens. The minimum overhead vertical clearance over any portion of a fire lane shall be fourteen feet (14').

## **SECTION 34 LANDSCAPE REQUIREMENTS**

### **34.1 PURPOSE:**

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area which, in turn, helps to reduce the amount of impervious surface area, storm water runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is hereafter required of new development, except single- and two-family and agricultural uses, adjacent to public streets. Single- and two-family uses are generally not required to provide extensive landscaping at the time of development because they rarely fail to comply with the requirements set forth herein.

### **34.2 SCOPE AND ENFORCEMENT:**

The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new or altered construction occurring within the City, except that single-family or duplex dwellings shall be exempt. Additionally, any use requiring a Specific Use Provision or a PD zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the SUP or PD district. The provisions of this Section shall be administered by the City Manager, or his/her designee. The landscape standards in this Section apply only to nonresidential and multi-family developments (including uses such as schools, day care centers, and churches within a residential zoning district).

If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be not in conformance with the standards and criteria of this Section, the City Manager (or his/her designee) shall issue notice to the owner, citing the violation and describing what action is required to comply with this Section. The owner, tenant or agent shall have thirty (30) days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this Ordinance.

### **34.3 PERMITS:**

No permits shall be issued for building, paving, grading or construction until a detailed landscape plan is submitted and approved by the City Manager, or his/her designee, along with the site plan and engineering/construction plans. A conceptual or generalized landscape plan shall be required as part of the site plan submission, as required in Section 12. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

In any case in which a certificate of occupancy is sought at a season of the year in which the City Manager, or his/her designee, determines that it would be impractical to plant trees, shrubs or groundcover, or to successfully establish turf areas, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is submitted that states when the

installation shall occur. All landscaping required by the landscaping plan shall be installed within six (6) months of the date of the issuance of the certificate of occupancy.

#### 34.4 **LANDSCAPE PLAN:**

Prior to the issuance of a building, paving, grading or construction permit for any use other than single-family detached or duplex dwellings, a landscape plan shall be submitted to the City Manager, or his/her designee. The City Manager, or his/her designee, shall review such plans and shall approve same if the plans are in accordance with the criteria of these regulations. If the plans are not in conformance, they shall be disapproved and shall be accompanied by a written statement setting forth the changes necessary for compliance.

Landscaping plans shall be prepared by a person knowledgeable in plant material usage and landscape design (e.g., landscape architect, landscape contractor, landscape designer, etc.) and shall contain the following minimum information:

- A. Minimum scale of one inch (1") equals fifty feet (50'); show scale in both written and graphic form.
- B. Location, size and species of all existing trees that are greater than or equal to a six-inch (6") caliper size (do not use "tree stamps" unless they indicate true size and location of trees).
- C. Location and planting design of all new plant and landscaping materials to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, and all other landscape features
- D. Species and common names of all plant materials to be used
- E. Size of all plant material to be used (container size, planted height, etc.)
- F. Spacing of plant material where appropriate
- G. Layout and description of irrigation, sprinkler, or water systems including location of water sources
- H. Description of maintenance provisions
- I. Name and address of the person(s) responsible for the preparation of the landscape plan
- J. North arrow/symbol, and a small map showing where the property is located
- K. Date of the landscape plan

#### 34.5 **GENERAL STANDARDS:**

The following criteria and standards shall apply to landscape materials and installation:

- A. All required landscaped open areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants, but shall not comprise a significant portion of the total landscaped area.
- B. Plant materials shall conform to the standards of the current edition of the "American Standard for Nursery Stock" (as amended), published by the American Association of Nurserymen. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
- C. Trees shall have an average crown spread of greater than fifteen feet (15') at maturity. Trees having a lesser average mature crown of fifteen feet (15') may be substituted by grouping the same so as to create the equivalent of fifteen feet (15') of crown spread. Trees shall be a minimum of two inches (2") in caliper (as measured twenty-four inches (24") above the ground) and seven feet (7') in height at time of planting.
- D. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be six feet (6') high within three (3) years after time of planting (except for parking lot/headlight screens, which shall form a continuous, solid visual screen three feet high within two years after planting).
- E. Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.
- F. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.
- G. Any trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this Section according to the following table:

<u>Caliper Size of Existing Tree</u>	<u>Credit Against Tree Requirement</u>
6" to 8"	1.0 tree
9" to 30"	1.5 trees
31" to 46"	2.0 trees
47" or more	3.0 trees

Should any required tree designated for preservation in the landscape plan die, the owner shall replace the tree with a two inch (2") minimum caliper tree in accordance with the credits listed above. The caliper size of existing trees shall be measured at forty-eight inches (48") above natural grade. No living trees greater than six inches (6") in caliper may be cut, destroyed or damaged on the development site until approved as part of the site plan requirements in this Ordinance, and such trees shall be preserved and protected, wherever possible.

- H. Earthen berms shall have side slopes not to exceed 33.3 percent (three feet (3') of horizontal distance for each one foot (1') of vertical height). All berms shall contain necessary drainage provisions as may be required by the City's Engineer.

**34.6 MINIMUM LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL AND MULTI-FAMILY:**

- A. For all nonresidential and multi-family developments (including schools, churches, day care centers, and other similar uses in a residential district), at least ten percent (10%) of the lot shall be permanently landscaped area (i.e., pervious surface area). The required landscaped area shall be defined as the total square footage of the lot minus the area occupied by any structure, parking area, sidewalk, or other paved or impervious surface area.
- B. A minimum ten-foot (10') landscape buffer (interior parkway) adjacent to the right-of-way of any major thoroughfare street is required. Corner lots fronting two (2) major thoroughfares shall be required to observe the ten-foot (10') buffer on both street frontages. All other street frontages shall observe a minimum five-foot (5') landscape buffer. Developers shall be required to plant one (1) tree per five thousand (5,000) square feet (or portion thereof) of lot area. Trees within street rights-of-way shall not count toward the number of trees required for a development site.
- C. All existing trees which are to be preserved shall be provided with undisturbed, permeable surface area under (and extending outward to) the existing dripline of the tree. All new trees shall be provided with a permeable surface under the dripline that is a minimum of four feet (4') by four feet (4') in size.
- D. Necessary driveways from the public right-of-way shall be permitted through all required landscaping in accordance with City regulations.

**34.7 TREE PRESERVATION:**

- A. During any construction or land development, the developer shall clearly mark all trees to be preserved/retained on-site, and may be required to erect and maintain protective barriers around all such trees or groups of trees. The developer shall not allow the movement of equipment or the storage of equipment, materials, debris or fill to be placed within the dripline of any trees that are designated for preservation. Trees located where buildings are shown on an approved site plan are exempt and may be removed upon issuance of a Tree Removal Permit (see Subsection B. below).

During the construction stage of development, the developer shall not allow cleaning of equipment or material under the canopy of any tree or group of trees that are being preserved. Neither shall the developer allow the disposal of any waste/toxic material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any tree or groups of trees to remain.

No attachment or wires of any kind, other than those of a protective or supportive nature, shall be attached to any tree.

- B. Tree Removal** - No person shall, directly or indirectly, cut down, destroy, remove, or effectively destroy through damaging, any tree that is six inches (6") or larger in caliper size (as measured forty-eight inches (48") above the ground at the trunk) on any nonresidential or multi-family property within the City of Athens without first obtaining a Tree Removal Permit as provided by this Section.
1. **Permit Required** - Trees shall not be damaged, destroyed or removed prior to the issuance of a Tree Removal Permit, nor until the City Manager (or his/her designee) approves removal of trees due to the following:
    - a. Said trees are injured, dying, diseased or excessively infested with harmful insects; or
    - b. Said trees are in danger of falling, interfering with utility services, or creating an unsafe visual obstruction; or
    - c. Said trees create a hazardous or dangerous condition so as to endanger the public health, safety or welfare.
  2. Utility companies shall be exempt from authorization of the City Manager (or his/her designee) when public health, safety or welfare of the general citizenship is in danger.
  3. Under no circumstances shall the clear-cutting of trees, six-inch (6") caliper size and larger (as measured forty-eight inches (48") above the ground at the trunk), on any nonresidential or multi-family property within the City of Athens be allowed prior to the issuance of a Tree Removal Permit for said property (except where buildings are located, according to an approved site plan). Any tree removed will be required to follow the guidelines of this Ordinance.
  4. **Penalties for Unauthorized Removal of Trees** - If any trees are removed from any nonresidential or multi-family property, including any injury to a tree resulting from the developer's or contractor's failure to follow required tree protection measures that causes or may reasonably be expected to cause the tree to die, the property owner shall be determined to be in violation of this Ordinance. Each and every tree removed in violation of this Ordinance shall constitute a separate and distinct offense, and shall be subject to the penalties provided in Section 44 of this Ordinance.
  5. **Application for Tree Removal Permit** - A permit for the removal of trees shall be obtained by making application to the City of Athens, Building Department, on a form provided by the City, and shall be subject to the following procedures:
    - a. *Review of Application for Tree Removal Permit* - Upon receipt of a proper application for a Tree Removal Permit, accompanied by an administrative fee of twenty-five dollars (\$25.00) per permit application, the City Manager (or his/her designee) shall review the application and may conduct field inspections of the proposed development.

- b. The application for a Tree Removal Permit (if applicable) shall be considered an integral part of the application for site plan approval (see Section 12), and no site plan or development plan for any development that is subject to the provisions of this Section shall be approved without approval of the required Tree Removal Permit.
- c. Denial of an application for a Tree Removal Permit may be appealed (in writing) to the City Council.

**34.8 SIGHT DISTANCE AND VISIBILITY:**

- A. Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of a street(s), alley and/or driveway occurs, a triangular visibility area shall be created (see Section 37.9). Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between twenty-four inches (24") and eight feet (8') above the ground. Single-trunked trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area and provided that their trunks, when mature in size, will not produce a "picket fence" effect which would hinder visibility.
- B. Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any accessway pavement.
- C. In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the City Manager, or his/her designee, the requirements set forth herein may be reduced to the extent to remove the conflict.

**34.9 MAINTENANCE:**

- A. The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include, but not to be limited to, mowing (of grass six inches or higher), edging, pruning, fertilizing, watering, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds, and other such material or plants not a part of the landscaping. All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials which die shall be replaced with plant material of similar variety and size, within one hundred and twenty (120) days. Trees with a trunk diameter in excess of six inches (6") measured twenty-four inches (24") above the ground may be replaced with ones of similar variety having a trunk diameter of no less than two inches (2") measured twenty-four inches (24") above the ground. A time extension may be granted by the City Manager, or his/her designee, if substantial evidence is presented to indicate abnormal circumstances beyond the control of the owner or his/her agent.
- B. Failure to maintain any landscape area in compliance with this Section is considered a violation of this Section and may be subject to penalties of Section 44.

## SECTION 35 ACCESSORY BUILDING AND USE REGULATIONS

- 35.1 In a single-family or multi-family district, an accessory building is a subordinate or incidental building, detached from the main building, not used for commercial purposes and not rented. Accessory buildings shall be located toward the rear portion of the property.
- 35.2 In nonresidential districts, an accessory building is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory buildings shall not be permitted without a main building or primary use being in existence. Accessory buildings should, wherever possible, be located toward the rear portion of the property.

### 35.3 AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS:

#### A. Size of Yards:

1. **Front Yard:** Detached accessory buildings shall be prohibited in front of the main building. Carports and garages are allowed providing they meet the front set-back requirements. *(Amended 3/24/03)*
2. **Side Yard:** There shall be a side yard not less than three feet (3') from any side lot line, or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of ten feet (10'). Garages or carports located and arranged so as to be entered from the side yard shall have a minimum distance of twenty-five feet (25') from the side lot line, alley line, alley easement line or street. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required yard for the main building or twenty-five feet (25'), whichever is greater.
3. **Rear Yard:** There shall be a rear yard not less than three feet (3') from any lot line or alley line, or alley easement line, except that; a) where apartments are permitted, the main building and all accessory buildings shall not cover more than sixty percent (60%) of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line; b) carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than six feet (6') to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building; or c) accessory buildings constructed six feet (6') or more from the main building shall have a rear yard of three feet (3'). If an alley exists, accessory buildings may be located within three feet (3') of a rear lot line. Garages or carports that are arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty-five feet (25').
4. Carports shall be measured from the outermost limits of the roof nearest to the street or alley. (See Illustration 5.)

5. Accessory buildings shall not exceed one (1) story in height, unless otherwise allowed in the specific zoning district. Garage/accessory dwelling units are allowed up to thirty-five feet (35') in height in some residential districts. Garage/accessory dwelling units up to two (2) stories may be allowed in certain other districts (see Section 32) by SUP if there is no adverse impact upon adjacent properties.

## **SECTION 36 FENCING, WALLS AND SCREENING REQUIREMENTS**

### **36.1 PURPOSE:**

To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this Section in accordance with the following standards.

### **36.2 SCREENING OF NONRESIDENTIAL, MULTI-FAMILY AREAS AND MANUFACTURED/MOBILE HOME PARKS:**

- A. In the event that multi-family, non-residential uses, or manufactured/mobile home parks side or back upon a single-family, two-family or residential PD district, or in the event that any non-residential district sides or backs upon a multiple-family district, a solid brick/masonry screening wall of not less than six feet (6'), nor more than eight feet (8'), in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.
1. The owner of the multi-family property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family or duplex residential district. This construction requirement applies only when multi-family is adjacent to residential uses.
  2. When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.
  3. Any screening wall or fence required under the provisions of this Section or under a Specific Use Provision, Planned Development District, or other requirement shall be constructed of masonry, reinforced concrete, wood or other similar suitable materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.
  4. Alternative equivalent screening may be approved through the site plan approval process, Section 12.
- B. In nonresidential and multi-family zoning districts, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street unless the fence/wall is required to screen the development from an adjacent residential area (particularly if the residence has, or could have, a back yard fence that would be exposed to view from the street if the required screening wall were not extended out to the street right-of-way line). In this case, the screening fence/wall shall be extended out to the street right-of-way line by the developer of the nonresidential or multi-family development, and the fence/wall shall be finished on both sides in a manner/color that is compatible to the exterior finish materials used on the nonresidential or multi-family buildings. Screening fences/walls shall be placed such that they do not impede visibility for

vehicles entering or exiting the nonresidential or multi-family development (see Section 37.9 for sight visibility requirements).

- C. All fences require permits. An administrative fee must be paid at the time of permit application (see Appendix A-6).
- D. See Section 37.9 for sight visibility requirements for fences and screening walls.
- E. Open storage of materials, commodities or equipment (see Section 32, Zoning Districts permitting outside storage) shall be screened with a minimum six-foot (6') tall fence or wall, and shall not be visible from the street. (See Appendix A-3 definition of outside storage.)
- F. In districts permitting open storage, screening shall be required only for those areas used for open storage. A six-foot (6') tall screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one or a combination of the following methods:
  - 1. Solid masonry (brick, concrete block or concrete panels)
  - 2. Chain link with privacy slats or chain link with solid landscape screening (opaque within three (3) years of planting) *(Amended 3/24/03)*
  - 3. Wrought iron with solid landscape screening (opaque within three (3) years of planting)
  - 4. Alternate equivalent screening may be approved through the site plan approval process under Section 12.

No outside storage may exceed the height of the fence. Outside storage exceeding eight feet (8') shall require a Specific Use Provision.

- G. Refuse storage areas which are not located behind a building and are visible from a public right-of-way, a street, or a residential area for all nonresidential, multi-family and manufactured/mobile home park uses shall be visually screened by a minimum six-foot (6') tall solid masonry wall on at least three (3) sides (see Illustration 11 for refuse container enclosure diagrams). The fourth (4<sup>th</sup>) side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved through the site plan approval process, Section 12. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 11.
- H. Plans and specifications for screening and/or fencing around ground-mounted utility structures (e.g., transformers, natural gas regulating stations, etc.) shall be approved in writing by the affected utility company, and shall be submitted, along with an approval letter/document from the utility company, to the City Manager (or his/her designee) for review and approval prior to construction of said screening/fencing.

36.3 **FENCES IN RESIDENTIAL AREAS:**

- A. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.
- B. Except as provided by (1.) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot which is adjacent to a public street.
  - 1. Decorative fences with openings not less than fifty percent (50%) of the fence area and not exceeding four feet (4') in height are permitted in front yard areas adjacent to public streets. Woven wire mesh or similar materials not considered decorative fencing shall not be used in the front yard area. A chain link fence may be constructed in the front yard area if it is adjacent to an existing chain link fence. *(Amended 3/24/03)*
- C. Fences or walls shall be placed so as not to interfere with the maintenance of any utilities or with emergency access into a property. The City shall not be responsible for the replacement of fences or walls built over or within dedicated utility easements if the fence or wall must be removed for maintenance or emergency access purposes. In order to facilitate ingress for public safety and utility company personnel, at least one (1) pedestrian gate, not less than three feet (3') wide, shall be required on each fence or wall section that is adjacent or parallel to a public right-of-way or a utility easement.
- D. No fence or wall shall be constructed or placed within ten feet (10') of the back of the street curb or, if no curb is present, within ten feet (10') of the edge of the street or alley pavement regardless of the location of the property line.
- E. All fences require permits. An administrative fee must be paid at the time of permit application (see Appendix A-6).
- F. No barbed wire or electrical fencing shall be allowed except as used for farm or ranching purposes on undeveloped land over one (1) acre in size.
- G. The minimum gauge of wire for a wire mesh fence shall be not less than eleven and one-half (11½), and the minimum wire mesh size shall not be less than two and one-quarter inches (2¼").
- H. Gates designed for vehicular access shall be set back a distance off of the property line to allow vehicle to be totally off of the roadway before passing through gate. *(Amended 3/24/03)*
- I. Swimming pools shall be enclosed by a security fence not less than six feet (6') in height. All swimming pool security fences shall be constructed so as not to have openings, holes or gaps larger than two inches (2") in dimension, except for doors and gates. All doors and gates shall be equipped with self-closing, self-latching devices. Solid wood fences along property lines which surround the swimming pool may also satisfy this screening requirement. Fences around swimming pools shall also comply with the Standard Swimming Pool Code and with any other City of Athens codes/ordinances pertaining to same.
- J. See Section 37.9 for sight visibility requirements for fences and screening walls.
- K. Special purpose fencing, such as fencing around tennis courts, is permitted (permit required).

## SECTION 37 SUPPLEMENTAL REGULATIONS

- 37.1 A. **Measuring Setbacks** - All setback measurements shall be made in accordance with Illustrations 6, 7 and 8.
- B. **Configuration of Lots** - Wherever possible, flag lots (i.e., lots with minimal, or panhandle type, frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. (Also see Subdivision Ordinance for regulations pertaining to the configuration of lots.)

### 37.2 FRONT YARD:

- A. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat (see Illustration 9 and Section 37.3A.). Where a single-family or duplex lot has double frontage, extending from one street to another, or it is located on a corner, a front yard shall be required on both street frontages unless a side or rear yard building line has been established along one frontage on the plat and the side or rear yard is not directly abutting a front yard on another lot (i.e., it is physically separated from the adjacent lot by an alley, street right-of-way, creek/flood plain area, or some other similar feature by a distance of fifteen feet or more), in which event only one required front yard need be observed (see Section 37.3A.). The side and/or rear yards in the case of single-family and duplex uses shall be identified and the front of the structure shall not face the side or rear yard (see Illustration 9).
- B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see Illustration 3). Similarly, the front/side yards of a lot which has more than one street frontage shall conform to the setback lines established by the immediately adjacent lot(s) such that the setbacks along the block face are uniform (i.e., consistent, not staggered). At least one front yard setback shall be provided for every lot/parcel.
- C. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard (see Illustration 4).
- D. Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Minimum lot widths for all lots shall be as set forth in the respective zoning district for each lot.
- E. Gasoline service station pump islands that parallel a public street may be located a minimum of eighteen feet (18') to the property line adjacent to a public street. For pump islands that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') in order to

prevent vehicles stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line as described above (provided that all other requirements of this Ordinance are met), but shall not be closer than fifteen feet (15') to any property line that is not adjacent to a public street.

- F. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

### 37.3 **SIDE YARDS:**

- A. On a corner lot used for a single- or two-family dwelling, both street frontages shall be treated as front yards on all lots platted after April 9, 1962 (pursuant to the Subdivision Ordinance, Ordinance No. A-186), except that one street exposure may be designated as a side yard for the corner lot if an alley, street right-of-way, creek/flood plain area, or other similar phenomenon physically separates the corner lot from the adjacent lot by a distance of fifteen feet (15') or more. In such case, a building line may be designated as a side yard (as determined by the applicable zoning district standards). On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
- B. Every part of a required side yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side yard. Air conditioning compressors and similar equipment are permitted in the side yard.
- C. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

### 37.4 **REAR YARDS:**

- A. Slabs, driveways, porches and similar surfaces may be constructed in the rear yard area.
- B. Every part of a required rear yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required rear yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required rear yard. Air conditioning compressors and similar equipment are permitted in the rear yard.
- C. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

37.5 **SPECIAL HEIGHT REGULATIONS:**

- A. In the districts where the height of buildings is restricted to two (2) to three (3) stories, cooling towers may extend for an additional height not to exceed fifty feet (50') above the average grade line of the building. Water stand pipes and tanks, church steeples, domes and spires, school buildings, and institutional buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that one (1) additional foot shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.
- B. **Airport Height Exceptions** - In any district, no structure shall be erected which exceeds the maximum heights permissible under the rules of the Federal Aviation Administration (FAA), and further provided that no structure shall be erected within seven hundred and fifty feet (750') of the projected centerline of a runway for a distance of five hundred feet (500') from the boundary of the airport.

37.6 **COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES/TOWERS:**

- A. In all residential zoning districts (A, SF-15, SF-10, SF-7, SF-5, SF-PH, MF-2, SFA, MF-4, MF-5 and MH), commercial antennas and antenna support structures are prohibited, except as specified within this Section.
  - 1. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) exceeding fifty feet (50') in height, provided that the antenna does not extend more than 10 feet above the height of the utility structure (see 37.6(c) below).
  - 2. A commercial antenna may be placed wholly within any building permitted in the zoning district (see 37.6(c) below). A commercial antenna may be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.
- B. In nonresidential zoning districts (O, R, CBD, C and I), commercial antennas and antenna support structures are allowed as follows:
  - 1. Commercial antenna support structures are allowed by right if they do not exceed the maximum building height allowed for the zoning district in which they are located. Structures in excess of the height allowed in the zoning district may be allowed by Specific Use Provision (SUP). In all nonresidential zoning districts, antenna support structures must meet the setback requirements from residential districts.
  - 2. A commercial antenna may be attached to a utility structure (e.g., electrical transmission/distribution tower, elevated water storage tank, etc.) exceeding 50 feet in height, provided that the antenna does not extend more than 10 feet above the height of the utility structure (see 37.6(c) below).

3. A commercial antenna may be placed wholly within any building permitted in the zoning district (see 37.6(C) below). A commercial antenna may also be mounted flush to the exterior of a building/structure if it is painted and/or disguised to integrate into the overall architectural design and is not readily visible/identifiable as an antenna from public roadways or neighboring residential properties.
- C. No commercial antenna support structure shall be closer to any residential district boundary line or residential dwelling than a distance equal to twice the height of the support structure. Such setback/distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of a residential district boundary line or residential dwelling. Setbacks from residentially zoned property do not apply to antennae attached to utility structures exceeding fifty feet (50') in height, or to antennae placed wholly within or mounted upon a building.
  - D. No amateur or commercial antenna, antenna support structure, microwave reflector/antenna, or associated foundations or support wires or appurtenances shall be located within any required setback area for the front, side or rear yards.
  - E. Antennae (amateur or commercial) shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA), and/or all other applicable Federal, State and local authorities. In no manner shall the use of such equipment infringe upon adjoining property owners.
  - F. Satellite dishes and other similar antennas shall be permitted on the roof of a building, as long as satellite dishes do not exceed three feet (3') in diameter and antennas do not extend over twelve feet (12') above the roof of the building. Any parabolic or satellite dish antenna over three feet (3') in diameter may not be mounted on the roof of a building. Roof-mounted antennae that comply with the above do not require additional yard setbacks or setbacks from residential areas or dwellings.
  - G. Only one (1) satellite dish shall be permitted per residential lot or primary structure, except that a maximum of two (2) dishes shall be allowed if both units are three feet (3') or less in diameter. Satellite dishes in any residential district shall not exceed twelve feet (12') in diameter.
  - H. All commercial signs, flags, lights and attachments other than those required for communications operations, structural stability, or as required for flight visibility by the FAA and FCC shall be prohibited on any antenna or antenna support structure.
  - I. All publicly owned antennae or antenna support structures shall be permitted in any district (e.g., public safety communications, etc.).

### 37.7 MINIMUM DWELLING UNIT AREA:

Minimum dwelling unit areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

**37.8 OPEN STORAGE AREAS:**

Open storage of materials, commodities or equipment (where allowed in the specific zoning district) shall be located behind the front building line and shall observe all setback requirements for the main structure or building. This standard does not apply to outside display (see definition of outside display in Appendix A-3; see screening requirements in Section 36.

**37.9 SIGHT VISIBILITY:**

- A. Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding, landscaping or other feature obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection. Whenever an intersection of a street(s), alley, and/or driveway occurs, a triangular visibility area shall be created. Landscaping, fences, walls, earthen berms and other features within the triangular visibility area shall be designed so as to provide unobstructed cross-visibility at a level between twenty-four inches (24") and eight feet (8') above the ground. The triangular areas are defined as follows:
  - 1. Alley intersects a public street right-of-way - The areas on both sides of the intersection of an alley and a public street shall have a triangular visibility area with two (2) sides of each triangle being a minimum of ten feet (10') in length from the point of intersection, and the third side being a line connecting the ends of the other two (2) sides (see Illustration 12).
  - 2. Street intersection or intersection of private driveway onto a public street - These areas shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty-five feet (25') in length along the right-of-way lines (or along the driveway curb line and the street right-of-way line) from the point of the intersection, and the third side being a line connecting the ends of the other two (2) sides (see Illustration 12).
- B. Shrubs and plant materials that are typically less than twenty-four inches (24") in height at maturity may be located within sight visibility areas provided that they are kept maintained at a maximum height of twenty-four inches (24").
- C. A limited number of single-trunked trees having a clear trunk (i.e., branching) height of at least eight feet (8') may be located within sight visibility areas provided that they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area defined above, and provided that they are spaced and positioned such that their trunks will not produce a visibility inhibiting, "picket-fence" effect when they attain mature size.

**37.10 NONRESIDENTIAL STRUCTURES IN RESIDENTIAL DISTRICTS:**

- A. Nonresidential structures (e.g., churches, schools, day care centers, etc.) which are permitted in residential zoning districts (A, SF-15, SF-10, SF-7, SF-5, SF-PH, MF-2, SFA, MF-4, MF-5 and MH) shall be designed and constructed such that they conform to the development standards set forth in the Retail (R) zoning district (i.e., with respect to maximum height, minimum lot size, minimum front/side/rear setbacks, screening, etc.) unless otherwise stated in this Ordinance.

**SECTION 38 PERFORMANCE STANDARDS**

38.1 In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by County, State and/or Federal agencies. All uses, including those which may be allowed by PD or SUP, shall conform in operation, location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare.

38.2 All Federal and State pollution, noise, and requirements for toxic waste disposal shall be observed.

38.3 **NOISE:**

At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed the decibel limits specified in the Octave Band groups designated in the following table:

A. Maximum Permissible Daytime\* Octave Band:

Decibel Limits at the Bounding Property Line\*\*

Octave Band (cps)	37	75	150	300	600	1200	2400	4800	A
	75	150	300	600	1200	2400	4800	9600	Scale
Decibel Band Limit (db re 0.0002 Microbar)	86	76	70	65	63	58	55	53	65

*Note -- "A scale" levels are provided for monitoring purposes only and are not applicable to detailed sound analysis.*

\* "Daytime" shall refer to the hours between sunrise and sunset on any given day.

\*\* "Bounding Property Line" shall be interpreted as being at the near side of any street, alley, stream, or other permanently dedicated open space from the noise source when such open space exists between the property line of the noise source and adjacent property. When no such open space exists, the common line between two parcels of property shall be interpreted as the bounding property line.

- B. The following corrections shall be made to the table of octave band-decibel limits in determining compliance with the noise level standards.

When noise is present at nighttime, subtract (-7db.)

When noise contains strong pure-tone components or is impulsive, that is when meter changes at 10 decibels or more per second, subtract (-7db.)

When noise is present for not more than the following, add (+10db):

- ½ minute in any ½ hour period
- 1 minute in any 1 hour period
- 10 minutes in any 2 hour period
- 20 minutes in any 4 hour period

- C. Measurement of noise shall be made with a sound level meter on octave band analyzer meeting the standards prescribed by the American Standards Association.
- D. Exemptions - The following uses and activities shall be exempt from the noise level regulations herein specified.
1. Noises not directly under control of the property user.
  2. Noises emanating from construction and maintenance activities between the hours of 6:00 a.m. and 6:00 p.m. (daylight hours).
  3. Noises of safety signals, warning devices and emergency pressure relief valves.

#### 38.4 **SMOKE AND PARTICULATE MATTER:**

No operation or use shall cause, create, or allow the emission for more than three minutes in any one hour of air contaminants which at the emission point or within the bounds of the property are:

- A. Of such density as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed by the ASTM except that, when the presence of uncombined water is the only reason for failure to comply or when such contaminants are emitted inside a building which prevents their escape into the atmosphere, the standards specified in 3-1302-1 and 3-1302-2 shall not apply.
- B. The emission of particulate matter from all sources shall not exceed 0.5 pounds per acre of property within the plant site per any one hour.
- C. Open storage and open processing operations, including on-site transportation movements which are the source of wind or air borne dust or other particulate matter; or which involves dust or other particulate air contaminants, generating equipment such as used in paint spraying, grain handling, sand or gravel processing or storage or sand blasting shall be so conducted that dust and other particulate matter so generated are not transported across the boundary line of the tract on which the use is located in concentrations exceeding four grains per 1000 cubic feet of air.

**38.5 ODOROUS MATTER:**

- A. No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line or any point beyond the tract on which such use or operation is located.
- B. The odor threshold shall be determined by observation by a person or persons. In any case, where uncertainty may arise or where the operator or owner of an odor emitting use may disagree with the enforcing officer or where specific measurement of odor concentration is required, the method and procedures specified by a recognized independent authority shall be used.

**38.6 FIRE OR EXPLOSIVE HAZARD MATERIAL:**

- A. No use involving the manufacture or storage of compounds or products which decompose by detonation shall be permitted except that chlorates, nitrates, perchlorates, phosphorus, and similar substances and compounds in small quantities for use by industry, school laboratories, druggists or wholesalers may be permitted when approved by the Fire Chief of the City of Athens.
- B. The storage and use of all flammable liquids and materials such as pyroxylin plastics, nitrocellulose film, solvents, and petroleum products shall be permitted only when such storage or use conforms to the standards and regulations of the City of Athens Fire Code or are approved by the Fire Chief.

**38.7 TOXIC AND NOXIOUS MATTER:**

- A. No operation or use shall emit a concentration across the bounding property line of the tract on which such operation or use is located of toxic or noxious matter which will exceed 10 percent of the concentration (exposure) considered as the threshold limit for an industrial worker as such standards are set forth by the Texas State Department of Health in "Threshold Limit Values Occupational Health Regulation No. 3," a copy of which is hereby incorporated by reference.

**38.8 VIBRATION:**

- A. No operation or use shall at any time create earthborne vibrations which when measured at the bounding property line of the source operation exceed the limits of displacement set forth in the following table in the frequency ranges specified:

<u>Frequency</u> <u>Cycles Per Second</u>	<u>Displacement</u> <u>in Inches</u>
0 to 10	0.0010
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and over	0.0003

## SECTION 39 LIGHTING AND GLARE STANDARDS

### 39.1 PURPOSE:

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

### 39.2 NONRESIDENTIAL SITE LIGHTING AND GLARE STANDARDS:

A. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles.

B. All off-street parking areas for non-residential uses in non-residential districts which are used after dark shall be illuminated beginning one-half (½) hour after sunset and continuing throughout the hours of business operation. If only a portion of a parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum requirements:

#### 1. Intensity:

- a. Minimum at any point on the parking area surface to be at least 0.6 foot candles initial, and at least 0.3 foot candles maintained or one-third (1/3) of the average, whichever is greater.
- b. Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25 foot candles of light upon any adjacent residentially zoned area.

#### 2. Height:

- a. On tracts or lots over three (3) acres in size, the maximum height for poles with lights is thirty-five feet (35').
- b. On tracts or lots less than three (3) acres, the maximum height of poles with lights is thirty-five feet (35').
- c. Special lighting or lighting higher than thirty-five feet (35') may be approved as specifically noted on a site plan.

**39.3 RESIDENTIAL LIGHTING AND GLARE STANDARDS:**

- A. Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:
  - 1. Direct lighting over ten feet (10') in height is shielded from adjacent property.
  - 2. No light source shall exceed thirty-five feet (35') in height. Street lights and other traffic safety lighting are exempt from this standard.
  - 3. Lighting shall not directly shine on adjacent dwellings.

**39.4 LUMINAIRES:**

- A. Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited, except for temporary lighting as provided in 39.5 below.

**39.5 SPECIAL OR TEMPORARY LIGHTING -- LOW WATTAGE:**

- A. Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) days for each holiday or special occasion.

## SECTION 40 HOME OCCUPATION REGULATIONS

### 40.1 PURPOSE:

Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

### 40.2 SPECIAL PROVISIONS FOR HOME OCCUPATIONS:

- A. Home occupations shall be permitted as accessory uses in single-family, two-family and multi-family residential zoning districts (i.e., A, SF-15, SF-10, SF-7, SF-5, SF-PH, MF-2, SFA, MF-4, MF-5 and MH) provided that they comply with all restrictions herein;
- B. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street;
- C. Such use shall be incidental and secondary to the use of the premises for residential purposes;
- D. The occupation shall not employ more than one (1) person who is not a member of the household in which the home occupation occurs;
- E. The operation of such an occupation shall be between the hours of 8:00 a.m. and 10:00 p.m.;
- F. One commercial vehicle, capacity of one ton or less (according to the manufacturer's classification), may be used or parked (behind the front building line) on the property in connection with the home occupation, but said vehicle may not be parked in the street or within the front yard setback;
- G. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification;
- H. There shall be no outside storage, including trailers, or outside display related to the home occupation use;
- I. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain;
- J. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district;

- K. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood;
- L. The home occupation shall not use advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means, except that one (1) sign not exceeding one hundred and forty-four (144) square inches may be displayed;
- M. The occupation shall not offer a ready inventory of any commodity for sale on the premises unless the commodity is made/assembled on-site (e.g., arts and crafts items, handmade clothing, etc.); and
- N. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

**40.3 APPLICABILITY OF OTHER REGULATIONS:**

Home occupations shall also be subject to any and all other provisions of local, State and/or Federal regulations and laws that govern such uses.

**40.4 USES ALLOWED AS HOME OCCUPATIONS:**

Subject to the provisions of Section 40.2 above, home occupations may include the following uses:

- A. Office facility of an accountant, architect, landscape architect, doctor, dentist, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;
- B. Author, artist or sculptor;
- C. Dressmaker, seamstress or tailor;
- D. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than one pupil at a time;
- E. Individual tutoring and home schooling;
- F. Millinery;
- G. Office facility of a minister, rabbi, priest or other clergyman;
- H. Home crafts, such as rug weaving, model making, etc.;
- I. Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;

- J. Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;
- K. Registered Family Homes (see definition in Appendix A-3), in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children; and
- L. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time.

**40.5 USES PROHIBITED AS HOME OCCUPATIONS:**

Home occupations shall not, in any event, be deemed to include the following uses:

- A. Animal hospitals or clinics, commercial stables, or kennels;
- B. Schooling or instruction, except swimming/water safety classes and home schooling, with more than one pupil at a time;
- C. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind, except for limited food/meal consumption associated with the operation of a licensed registered family home or a bed and breakfast facility;
- D. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;
- E. Office facility for a veterinarian;
- F. On-premises retail or wholesale sales of any kind, except for items that are produced entirely on the premises in conformance with this Ordinance, and except for occasional garage sales;
- G. Commercial clothing laundering or cleaning;
- H. Mortuaries or funeral homes;
- I. Trailer, vehicle, tool or equipment rentals;
- J. Repair shops or services, except as specifically provided in Section 40.4 above;
- K. Drapery or furniture upholstery shops;
- L. Antique, gift or specialty shops;
- M. Repair shops for any items having internal combustion engines; and
- N. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy.

**40.6 HOME OCCUPATION USES NOT CLASSIFIED:**

- A. Any use that is not either expressly allowed nor expressly prohibited by Sections 40.4 and 40.5, respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance by the Athens City Council, subsequent to an affirmative recommendation by the Planning and Zoning Commission.

**40.7 EFFECT OF SECTION 40 UPON EXISTING HOME OCCUPATIONS:**

- A. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 7 provided that the owner/proprietor of such home occupation register his/her business with the City within ninety (90) days of the effective date of this Ordinance, and provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on that date. Proof of the existence of such home occupation use prior to the effective date of this Ordinance shall be required upon registration.
- B. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue, provided that the home occupation use is registered with the City as described in Subsection A above.

## SECTION 41 SIGN REGULATIONS

### 41.1 PURPOSE:

Signs use private land near the public rights-of way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of private signs. All private signs that are not exempt as provided below shall be erected and maintained in accordance with these standards. The general objectives of these standards are to promote health, safety, welfare, convenience and enjoyment of the public and, in part, to achieve the following:

A. **Safety:** To promote the safety of persons and property by providing that signs:

1. Do not create a hazard due to collapse, fire, collision, decay or abandonment;
2. Do not obstruct fire fighting or police surveillance; and
3. Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, or other vehicles, or to read traffic signs.

B. **Communication Efficiency:** To promote the efficient transfer of information in sign messages by providing that:

1. Those signs which provide messages and information most needed and sought by the public are given priorities;
2. Businesses and services may identify themselves;
3. Customers and other persons may locate a business or service;
4. No person or group is arbitrarily denied the use of the sight lines from the public rights-of-way; and
5. Persons exposed to signs are not overwhelmed by the number of messages presented, and are able to exercise freedom of choice to observe or ignore said messages, according to the observer's purpose.

C. **Landscape Quality and Preservation:** To protect the public welfare and to enhance the appearance and economic value of the cityscape, by providing that signs:

1. Do not interfere with scenic views;
2. Do not create a nuisance to persons using the public rights-of-way;
3. Do not create a nuisance to occupancy of adjacent and contiguous property by their brightness, size, height or movement; and
4. Are not detrimental to land or property values.

41.2 **ADMINISTRATION:**

The provisions of this Section shall be administered and enforced by the City Manager (or his/her designee) of the City of Athens.

The permittee, owner, agent, person or persons having the beneficial use of the sign, the owner of the land or structure upon which the sign is located, and the person in charge of erecting the sign are all subject to the provisions of this Section.

41.3 **PERMIT PROCEDURES AND FEES:**

- A. **Requirements:** It shall be unlawful for any person to erect, alter, replace, enlarge or relocate any sign within the City without first obtaining a permit to do so from the City Manager (or his/her designee), except as may be hereinafter provided. All sign construction shall conform to the adopted Building Code.
- B. **Applications for Permits:** All applications for permits shall include a drawing to scale of the proposed sign (including size, colors and design) and all existing signs maintained on the premises and visible from the right-of-way, a drawing(s) of the lot plan and/or building facade indicating the proposed location(s) of the sign, and sign specifications. Applications shall be made to the City Manager (or his/her designee) on forms provided by the City. If a site plan is required, the sign location shall also be shown on the site plan drawing.
- C. **Fee Required:** Fees for a permit to erect, alter, replace, enlarge or relocate a sign shall be as provided in Appendix A-6 of this Ordinance.
- D. **Repair Permit (Nonconforming Signs):** It shall be unlawful for any person to repair or make alterations to any nonconforming sign without first obtaining a repair permit and making payment of the required fee. Fees for a permit to repair shall be as provided in Appendix A-6 of this Ordinance.
- E. **Permit Revocable:** The City Manager (or his/her designee) may suspend or revoke any permit issued under the provisions of this Section whenever he/she shall determine that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit is issued in violation of any of the provisions of this Section or any other ordinance of the City of Athens or the laws of this State or of the federal government. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign, or the owner of the premises upon which the sign is located. Any sign installed under a revoked permit shall be removed by the permit holder, sign owner or property owner within fifteen (15) days of written notice of the revocation.
- F. **Inspections:**
  - 1. All signs for which a permit is required shall be subject to inspection by the City Manager (or his/her designee).
  - 2. Footing inspections may be required by the City Manager (or his/her designee) for all signs having footings.

3. All signs containing electrical wiring shall be subject to the provisions of the National Electrical Code, and the electrical components used shall bear the label of an approved testing agency.
  4. The City Manager (or his/her designee) may order the revocation of any sign permit and/or the removal of any sign that is not maintained in accordance with the provisions of any City ordinance.
  5. The City Manager (or his/her designee) may inspect annually, or at such other times as he/she deems necessary, each sign regulated by this Section for the purpose of ascertaining whether the same is secure or insecure, whether it still serves a useful purpose, and whether it is in need of removal or repair.
- G. Investigation Fee:** When a sign is erected, placed or maintained, or work started thereon before obtaining a sign permit, it shall be subject to an investigation fee as specified in Appendix A-6 of this Ordinance. The investigation fee does not excuse full compliance with the provisions of this Section.
- H. Electrical Permit:** Prior to issuance of a sign permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained from the City. The City's electrical inspector shall examine the plans and specifications submitted with the application to insure compliance with the National Electrical Code. No sign shall be erected in violation of the Electrical Code. However, the sign contractor may tie the sign to an existing power source or power provided by an electrician that has permitted the job. The electrical power supply for a sign must be placed underground within an acceptable type of conduit, and shall be concealed from view (i.e., it cannot be strung as an overhead line). No temporary electrical service for signs shall be allowed.

#### 41.4 SPECIAL DEFINITIONS - GENERAL:

The following definitions are generally specific to the Sign Regulations section of the Zoning Ordinance (Section 41). The definitions of other terms used within this Section may be found in Appendix A-3 of this Ordinance.

**Alter:** To change the size, shape or outline, intent or type of sign.

**Awning:** A structure hung from the surface of a building, designed to provide protection from sun, rain, wind and other climatological conditions or to provide decoration to the building facade. An awning is typically composed of canvas, fabric, or other similar lightweight material supported and shaped by a metal or wood frame. An awning shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

**Building Line:** See definition in Appendix A-3 of the Zoning Ordinance.

**Building Official:** See definition in Appendix A-3 of the Zoning Ordinance.

**Canopy:** A roof-like structure which is supported by the building to which it is attached, and which is generally open on two or more sides. A canopy shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

**Changeable Electronic Variable Message Sign (CEVMS):** A sign which permits light to be turned on or off intermittently or which is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign located within the right-of-way that functions as a traffic control device and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administrator as the National Standard. *(Amended 6/23/08)*

**Commission:** The State Highway and Public Transportation Commission.

**Dilapidated or Deteriorated Condition:** Dilapidated or deteriorated condition shall include instances where:

- a. Elements of the surface or background can be seen, as viewed from a normal viewing distance (i.e., the intended viewing distance), to have portions of the finished material or paint flaked, broken off, missing and/or otherwise not in harmony with the rest of the surface;
- b. The structural support or frame members are visibly bent, broken, dented or torn;
- c. The sign panel is visibly cracked or, in the case of wood and similar products, splintered in such a way as to constitute an unsightly or harmful condition;
- d. The sign and/or its elements are twisted or leaning or at angles other than those at which it was originally erected (such as may result from being blown by high winds or from the failure of a structural support);
- e. The message or wording can no longer be clearly read by a person with normal eyesight under normal viewing conditions; and/or
- f. The sign and/or its elements are not in compliance with the requirements of the National Electrical Code and/or the current Building Code of the City of Athens.

**Erect:** To build, construct, attach, hang, place, suspend or affix a sign, and shall also include the painting of signs on the exterior surface of a building or structure.

**Face Panel or Surface:** A surface(s) of the sign upon, against or through which the message is displayed or illustrated on the sign.

**Framework:** A support structure which meets all existing wind and load requirements as stated in applicable Athens codes and ordinances, and which is designed to secure a banner or an interchangeable sign on any or all sides.

**Illegal Conforming Sign:** A sign erected within the City that meets current sign regulations but does not have a required permit.

**Illegal Nonconforming Sign:** A sign erected within the City that does not meet current sign regulations and does not have a required permit.

**Illegal Sign:** A sign that was erected in violation of any regulation applicable at the time of erection of such sign. Any sign which does not comply with the provisions of this Section of the Zoning Ordinance.

**Legal Sign:** A sign that, when erected, meets all Athens codes and ordinances pertaining to signs, including this Section of the Zoning Ordinance.

**Logo:** A formalized design or insignia (i.e., symbol) of a company or product, which is commonly used in advertising to identify that company or product.

**Nonconforming Sign:** A sign that was lawfully installed in compliance with all City codes and ordinances that were applicable at the time of installation, but that does not comply with the provisions of this Section of the Zoning Ordinance (and/or other codes or ordinances) of the City of Athens.

**Non-Structural Trim:** A retainer, batten, capping, nailing strip, latticing, platform or other similar trim component which is attached to the sign or its structure.

**Noncombustible Material:** Any material which will not ignite at or below a temperature of twelve hundred (1200°) degrees Fahrenheit and will not continue to burn or glow at that temperature, and which would have a flame spread of twenty-five (25) feet or less.

**Obsolete Sign:** A sign which no longer serves a bona fide use or purpose.

**On-Premise Sign:** A detached sign identifying or advertising a business, person or activity on the premises, and which is installed and maintained on the same premises as the business, person or activity it advertises.

**Off-Premise Sign:** A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located.

**Person:** A person, firm, partnership, association, corporation, company or organization of any kind.

**Primary Highway Systems:** A portion of the system of connected main highways located in this State that is designated officially by the State Highway and Public Transportation Commission and approved pursuant to Title 23, United States Code.

**Private Premise:** A dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited/vacant. A private premise shall include any yard, ground, lawn, walk, driveway, porch, steps or mailbox belonging to or appurtenant to such dwelling, house, building or other structure.

**Projecting Structure:** A covered structure of a permanent nature which is constructed of approved building materials, specifically excluding canvas or fabric material (i.e., an awning), and where such structure is an integral part of the main building or is permanently attached to a main building and does not extend over public property. A projecting structure is defined to include marquee and fixed

canopy types of structures. A projecting structure shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface.

**Property Line:** The line denoting the limits of legal ownership of property.

**Public Place:** Any and all streets, boulevards, avenues, lanes, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.

**Rear Wall:** A wall with no main entrances or store fronts, and which does not face the front of the lot (i.e., the street). A building may have a maximum of one rear wall (either in a single wall segment or in several segments which are more or less parallel to one another or which follow the curvature of the overall building).

**Roof Line:** The height which is defined by the intersection of the roof of the building and the wall of the building with the following exception: for mansard-type roofs having two (2) slopes, the “roof line” shall be defined as the top of the lower slope of the roof. For mansard-type roofs having parapet walls, the “roof line” shall be the top of the parapet.

**Setback:** The horizontal distance between a sign and the front, rear or side property line, as measured from that part of the sign, including its extremities and supports, nearest to any point on any imaginary vertical plane projecting vertically from the front, rear or side property line.

**Sight Visibility Triangle/Area:** An area within which visibility clearance must be maintained for safety purposes (see Section 37.9 of this Ordinance).

**Sign (general):** A name, number, identification, description/announcement, declaration, demonstration, device, display, flag, banner, pennant, illustration, beacon, light or insignia, and structure supporting any of the same, affixed directly or indirectly to or upon any building, window, door or outdoor structure, or erected or maintained upon a piece of land, which directs attention to any object, product, service, place, activity, person, institution, organization or business. Any interior illuminated or moving sign or light which is visible from the exterior may be determined as being erected on the exterior of the building or structure. (See Section 41.5, “Definitions and Regulations for Specific Types of Signs” for each particular type of sign.)

**Sign Area:** The area (i.e., square footage) of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Double-faced signs shall be calculated as the area of one side only. Three-dimensional or multi-faceted signs shall be calculated as the maximum area visible from any single direction at any point in time. Signs may be V-shaped, not to exceed a forty-five (45) degree angle, and can have only two sign faces (i.e., one sign face, or panel, in each of two different directions only; the sign cannot have sign panels in three different directions).

**Vehicle:** For the purpose of this Section, “vehicle” shall mean any automobile, truck, camper, tractor, van, trailer or any other device capable of being transported, and such device shall be considered a “vehicle” in both moving and stationary modes, irrespective of its state of repair or its physical condition.

#### 41.5 DEFINITIONS AND REGULATIONS FOR SPECIFIC TYPES OF SIGNS:

The following definitions and regulations generally pertain to specific types of signs. The definitions of other general terms used within this Section may be found in Subsection 41.4 or in Appendix A-3 of this Ordinance.

**Attached Sign:** A sign that is painted on, permanently anchored, or moored to a structure.

**Awning/Canopy Sign:** An awning/canopy sign is a sign that is attached to or painted on an awning/canopy. The copy/artwork on an awning/canopy sign shall not exceed the area and size that is allowed for a wall sign on the wall upon which it is attached. The copy/artwork may be illuminated by either an internal or external light source. However, the total area of wall signs and awning/canopy signs shall not exceed the area and size allowed for a single wall sign, and any awning/canopy sign shall not exceed seventy-five (75) percent of the awning's/canopy's surface area. An awning/canopy and/or awning/canopy sign shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface. *(Amended 5/10/04)*

- a. Maximum Height: Not applicable.
- b. Maximum Size/Area: Not to exceed seventy-five (75) percent of the awning's/canopy's surface area. *(Amended 5/10/04)*
- c. Zoning Permitted: In all nonresidential districts.
- d. Placement: Applied flat against the awning/canopy surface without extending beyond the awning's/canopy's height or width. *(Amended 5/10/04)*
- e. Maximum Number: One per awning/canopy, however, when an awning/canopy runs continuously in front of separate businesses, each business shall be allowed to have a sign upon the awning/canopy in front of their business. The width of the awning/canopy shall be equal to the width of the front of the store for which the awning/canopy is being used. *(Amended 5/10/04)*
- f. Duration: No limit.

**Banner:** A type of temporary sign that is generally constructed of lightweight plastic, fabric or a similar non-rigid material, and that is mounted/tethered to a pole(s), building or other structure at one or more edges. A banner typically (but not always) exhibits a text message and/or a symbol(s) for the business located on the property, or for a product or service provided by that business. National/State or local government flags are not considered banners (see "Flag"). One (1) banner is allowed at a time per business premise, and shall be securely attached to the front or side of a building structure (i.e., not to a fence, screening wall, tree, etc.). Banners shall be kept in good repair and shall remain firmly anchored or secured at all corners. Banners and other portable signs are prohibited in single-family residential districts. (See "Promotional Signage" provisions.)

**Billboard Sign:** A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service and/or product not principally located or primarily manufactured or sold on the premises upon which the sign is located (i.e., off-premise).

**Canopy Sign:** *Deleted (Amended 5/10/04)*

**Construction Sign:** A temporary, accessory sign identifying the property owner, architect, contractor, engineer, landscape architect, decorator and/or mortgagee engaged in the design, construction and/or improvement of the premises upon which the sign is located. A construction sign shall be removed prior to the issuance of a Certificate of Occupancy or, in the case of a residential dwelling, prior to the final building inspection. (See "Detached Sign" provisions.)

**Decorative Display:** See "Promotional Flags/Pennants" and "Promotional Signage".

**Detached Sign:** A sign which is supported by structures, supports, or a foundation in or upon the ground and independent of support from any building.

a. **Max. Height, Size/Area:** Determined by the street speed limit of the vehicular traffic traveling along the street which the sign fronts:

<u>MPH</u>	<u>Max. Total Height</u>	<u>Max. Size/Area of Sign Faces</u>
0-39 mph	20 feet	60 square feet
40-54 mph	25 feet	80 square feet
55-69 mph	30 feet	100 square feet
70+ mph	30 feet	200 square feet

Exception: Shopping centers with multiple tenants shall have a maximum total height of 30 feet and a maximum size/area of 240 square feet. (Amended 3/24/03)

b. **Zoning Permitted:** In all districts.

c. **Placement:** A minimum setback from the property line of ten (10) feet for signs not exceeding twenty-five (25) feet in height. For signs over twenty-five (25) feet in height, an additional setback of one (1) foot for every foot over twenty-five (25) feet will be required. A minimum setback of ten (10) feet from any other property line shall also be required. Example: A sign thirty (30) feet in height would need a setback of fifteen (15) feet from the property line, the required ten (10) feet and then five (5) feet (30 - 25 = 5). (Amended 3/24/03; 5/10/04)

d. **Maximum Number:** One (1) sign per street frontage; however, for a lot having more than 450 linear feet of street frontage, one (1) additional sign shall be allowed for every 300 feet of frontage above 450 feet.

e. **Duration:** Permanent.

**Development Signs:** A temporary, accessory sign identifying the name and general nature of the development project that is being constructed on the premises upon which the sign is located. Such signs must relate only to the property on which they are located. Each development may have one (1) such sign, or one (1) for each fifty (50) acres of total project size. A development sign shall be removed when the project is ninety (90) percent complete. In the case of a commercial project, "ninety (90) percent complete" means when a Certificate of Occupancy is issued for a shell building. For a residential project, "ninety (90) percent complete" means when ninety (90) percent of the subdivision lots have been issued building permits. (See "Detached Sign" provisions.)

**Directional Sign (On-Site):** A sign designated specifically for the purpose of directing or providing guidance to vehicular and/or pedestrian traffic on private property. Sign shall not show advertising, such as company names/logos or advertised specials, of any type. Examples include, but are not limited to, signs with or without a directional arrow and wording such as "Entrance", "Exit", "Visitor Parking", "Customer Service Department", "One Way", "Leasing Office This Way", etc.

**Directory/Informational Sign (On-Site):** A sign used for the purpose of directing vehicular and/or pedestrian traffic to specific occupants/businesses on private property (i.e., within shopping centers, industrial parks, retail districts, office complexes and commercial sites). Sign shall not show any advertising (such as corporate logos, advertised specials, etc.) other than the names of occupants/businesses and arrows directing traffic to those locations.

**Flag:** A fabric, banner or bunting containing distinctive colors, patterns, words and/or insignia which is used as a symbol for a government, political subdivision or some other professional, religious, educational or nonprofit entity, provided that such device is displayed for noncommercial (i.e., not-for-profit) purposes.

**Garage Sale Sign:** Any temporary sign for the occasional (i.e., not on-going) sale of personal household goods, typically displayed in a residential area or on the property of a non-profit organization. Off-premise garage sale signs are not permitted. Garage sale signs may not be placed prior to 5:00 p.m. of the day before the sale, and they must be recovered (i.e., removed) by 8:00 a.m. on the day immediately following the last day of the sale. A fine will be assessed for each garage sale sign left after 8:00 a.m. on the required removal date.

- a. Maximum Height: Three (3) feet.
- b. Maximum Size/Area: Two hundred and eighty-eight (288) square inches.
- c. Zoning Permitted: In all districts.
- d. Placement: On private property only; cannot be mounted on public/utility structures or within public rights-of-way or easements.
- e. Maximum Number: One (1) on the property having the sale.
- f. Duration: From 5:00 p.m. the day before the sale, until 8:00 a.m. the day after the sale.

**Hanging Sign:** A sign which is suspended from an awning or canopy. Hanging signs shall have a minimum clearance of eight (8) feet above any sidewalk/pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface. Each face shall not exceed twelve (12) square feet in area.

**Identification Sign:** A sign which is used to identify the name of a multi-tenant retail shopping center, business park or industrial, commercial or office center.

**Illuminated Sign:** A sign which has characters, letters, figures and/or designs that are illuminated by electric lights, luminous tubes or other means, and that are specifically placed to draw attention to, or to provide nighttime viewing of, the subject matter on the sign face.

**Incidental Sign:** A small sign, less than two (2) square feet in surface area, of a noncommercial nature which is intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, public telephones, directions to locations, "Help Wanted" signs and so forth. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of an office building or a business development by means of a directory designating names and addresses only (see "Directional Sign").

**Inflatable Sign:** A temporary balloon or hollow sign expanded or enlarged by the use of air or gas.

**Menu Board:** A sign, not exceeding two (2) square feet in area, that is used to list items, dishes, meals or specialties to be served.

**Mobile (or Portable) Sign:** See "Portable Sign".

**Model Home Sign:** Model home signs may be erected in residential zoning districts, and shall not exceed sixteen (16) square feet with a maximum height of six (6) feet. Required setback shall be fifty (50) percent of the distance between the front property line and the building, but no less than ten (10) feet from the front property line. Model home signs are limited to one (1) per premise. Each builder within the subdivision may have one (1) model home sign, and the permit for such sign shall be granted for a period of time to coincide with the validity of the model home's Certificate of Occupancy.

**Monument Sign:** A sign having a low profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials. A monument sign shall be solid from the ground up; pole(s) or supports shall be concealed.

- a. **Maximum Height:** Seven (7) feet, including the monument base, as measured from the average ground level at the base to the topmost portion of the sign. The ground upon which a monument sign is located may be bermed up (or designed as a raised planter) a maximum of three (3) feet from the top of the adjacent street curb.
- b. **Maximum Size/Area:** Fifty (50) square feet.
- c. **Zoning Permitted:** In all nonresidential districts, MH, MF-4 and MF-5.
- d. **Placement:** A minimum setback from the edge of street ten (10) feet. No sign shall encroach across the property line or right-of-way. *(Amended 3/24/03)*
- e. **Maximum Number:** One (1) per street frontage.
- f. **Duration:** Permanent.

**Municipally Owned Sign:** A sign which identifies a park, an entrance into the City, a place of interest within the City, a City-sponsored event or any municipally owned site or facility. A municipally owned sign does not include traffic or street identification/name signs.

**Nameplate:** A sign showing only the name and address of the owner or occupant of the premises upon which it is erected or placed. A nameplate shall not exceed two (2) square feet in size.

**Neon Sign:** A sign or advertising device formed from neon (or other gaseous, such as argon) lamps/tubing.

**Pole Sign:** A free-standing sign that is detached from a building (i.e., independent of any structure or building) and that is supported by a pole (or poles) having no guys or braces to the ground or to any other structure. (See "Detached Sign" provisions.)

**Political Sign:** Political signs are allowed on private property (with the written permission of the property owner), and shall be prohibited within rights-of-way, on any other public property, and on any public/utility structure (e.g., telephone poles, street light standards, street sign poles, public buildings, etc.) or on trees, fences, etc. Political signs placed within the rights-of-way or upon public/utility property or structures may be removed and disposed of by City of Athens (or the

applicable utility company) personnel, and removal costs and/or fines may be assessed for removal of the signs and/or noncompliance with this Section of the Zoning Ordinance.

**Portable Sign:** An outdoor advertising display sign supported by uprights or braces in or on the ground, or mounted on a vehicle, trailer or mobile structure, principally used for the purpose of advertising; or any advertising device that is not permanently attached to its support structure via commonly used construction standards. Portable signs shall also comply with the following:

1. Portable signs are allowed for a single, thirty (30) day period each quarter of the calendar year. Permitted periods cannot run consecutively. A new business opening for the first time is allowed one (1) permitted portable sign for a maximum of seven (7) days prior to initial business opening, and for a maximum of seven (7) days after opening. Portable sign usage for a new business opening shall not be counted against the thirty (30) day time period stated above.
2. Portable sign permit applications shall be accompanied by a drawing indicating what the proposed sign will look like and how it will be secured in place. Portable signs will be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot. Electrical wiring and related components within and connected to portable signs shall be installed in accordance with the National Electrical Code, latest edition. Sign illumination will be restricted to non-flashing internal light fixtures with lamps not to exceed a maximum of sixty (60) watts each. External lighting is prohibited.
3. Portable signs shall not be located within or on any public right-of-way, property, sidewalks, driveways, fire lanes and required off-street parking spaces. Portable signs shall be located a minimum of thirty-five feet (35') from adjacent fire hydrants, driveways, approaches and street intersections (measured from the property line adjacent to each street) and a minimum of five feet (5') from curbs located at the right-of-way property line. All portable signs shall be at least thirty-five feet (35') apart. Approved portable signs shall be used to advertise or promote commodities and services offered on the premises where the sign will be located. Portable signs shall not be used for off-premise advertising.
4. Removal/Impoundment - The owner or occupant of any property upon which there is located a portable sign in violation of this Section, or the owner or lessee of any portable sign, or the owner and/or manager of any business advertised on a portable sign which is in violation of this Section as herein defined, shall be given written notice by the City Manager (or his/her designee) or his designee stating the nature of the violation, and ordering that the violation be corrected or removed from said property within seventy-two (72) hours.

If the owner, lessor, lessee, or the representative of the lessor or the owner and/or manager of any business advertised on a portable sign fails to remove such sign within seventy-two (72) hours of written notification, or by publication if the address is unknown, the sign may be removed by the City at the expense of the sign owner or the person erecting, leasing, using or maintaining it. Any portable sign so removed shall be subject to a fee of twenty-five dollars (\$25.00) for hauling the sign to the City's storage area, plus a five dollar (\$5.00) per day storage fee for each day the sign is stored by the City. Any sign so removed from public or private property shall be stored or impounded by the City until all applicable charges have been paid, or until thirty (30) days have passed. If any sign remains unclaimed for a period of thirty (30) days after its removal, or if the removal and storage cost are not paid within such thirty (30) day period, the City may destroy, sell or otherwise dispose of the sign. If sold, the sign shall be marked by City personnel and shall not be brought back inside the City limits for display. In calculating the length of the storage period and the storage fee, the first working day after the date of the impoundment shall be considered day number one; thereafter, all days including weekends and holidays shall be counted.

The City Manager (or his/her designee) may enter upon private property which is accessible to the public for the purposes specified in this Section to examine signs at their location, to obtain information as to the ownership of signs, and/or to remove or cause the removal of a sign declared to be a nuisance pursuant to this Section.

**Promotional Flags/Pennants:** A type of temporary sign that is generally constructed of lightweight plastic, fabric or a similar material; that is mounted/tethered to a pole(s), building or other structure by a rope, wire, string or similar device, usually in series (i.e., more than one on a string); and that is designed to move in the wind (i.e., flutter) to attract attention. Promotional flags/pennants may or may not exhibit a text message or symbol of any kind, and may be a single color or several colors. For the purposes of this Section, a string of multiple pennants and/or streamers, of whatever length, shall also constitute a "promotional pennant".

**Promotional Signage:** A type of temporary signage that is typically used for (but not limited to) special events and promotions or for business grand openings. Promotional signage may include banners, flags, pennants, streamers, balloons, inflatable signs/devices and any other legal types of signs allowed by this Section. A searchlight may be used provided it complies with all other provisions of this Section (see "Searchlights").

- a. Any device described as promotional signage shall not exceed an overall height of thirty-five (35) feet.
- b. Promotional signage shall be contained on the property of the legal business which it advertises, and shall not extend into the City right-of-way or onto other adjacent property(s). Signage shall not be located in any sight visibility triangle/area, nor shall any combustible materials be placed in contact with lighted signs or any electrical fixtures.

**Pylon Sign:** A free-standing sign supported by a solid, ground up, tall monumental structure (see "Pole Sign").

**Reader-Board Sign (also called "Changeable Message Sign"):** A permanent marquee-type sign having alternating electronic data, messages and/or control components.

**Real Estate Sign:** A temporary accessory sign pertaining to the sale or rental of property, and which advertises property only for a use for which it is legally zoned. A real estate sign shall be removed upon the sale/rental of the property. (See "Detached Sign" provisions.)

**Roof Sign:** A sign erected upon or above a roof or parapet of a building or structure.

**Searchlights:** Searchlights may be permitted in accordance with any other applicable City regulations, and may include traditional searchlight devices or laser-type devices. A permit for use of an advertising searchlight may be granted under the following additional regulations:

- a. A searchlight shall be located a minimum distance of fifty (50) feet from any public right-of-way and from side or rear property lines, and shall be positioned so as to project all beams at minimum angle of thirty (30) degrees upward from grade level. No searchlight beam may project onto adjacent property or onto property or buildings not owned/operated by the business utilizing the searchlight.

- b. The maximum light intensity generated by searchlights on any premise may not exceed a total of one thousand six hundred (1600) million footcandle power. No more than four (4) beams of light may be projected from any premise at any point in time.
- c. All searchlights must be designed and maintained so as to prevent beam rays of light (or laser beams) from being directed at any portion of the traveled ways, and no light shall be of such intensity or brilliance as to cause glare or to impair the vision of the driver of any vehicle, or to create any other type of traffic hazard (i.e., cannot be such an unusual, eye-catching display that would distract the attention of motorists).
- d. No advertising searchlight may be operated between the hours of 11:00 p.m. and 7:00 a.m.
- e. No advertising searchlight may be operated on a premise for more than seven (7) consecutive days nor for more than fourteen (14) days within any calendar year. No permit for an advertising searchlight may be issued for any business entity for which a permit has been issued for a searchlight on the same premise within the last six (6) months preceding the date of the permit application.

**Shingle (Projecting) Sign:** A sign attached to and placed perpendicular to a building. Projecting signs shall have a minimum clearance of eight (8) feet above any sidewalk/ pedestrian travel surface, and fourteen (14) feet above any vehicular parking or circulation surface. Projecting signs shall not exceed twelve (12) square feet in area.

**Stake Sign:** A sign that is not permanently attached to the ground or designed to be permanently attached to the ground, including (but not limited to) temporary real estate directional (i.e., "bandit") signs. A stake sign is typically placed for the off-premise advertising of, and directing traffic toward, a real estate project/ subdivision or a sales event. Off-premise stake signs are permitted, provided they have the name of the business entity (e.g., home builder) upon them, they are self-supporting, and they are not placed within public rights-of-way or mounted upon public/utility structures (e.g., telephone poles, street light standards, street sign poles, public buildings, etc.) or on trees, fences, etc. Off-site stake signs may not be placed prior to 5:00 p.m. on Friday, and they must be recovered (i.e., removed) by 8:00 a.m. on Monday (i.e., over the weekend only). A fine will be assessed for each off-site stake sign left after the 8:00 a.m. Monday recovery time/date.

- a. Maximum Height: Three (3) feet.
- b. Maximum Size/Area: Six (6) square feet.
- c. Zoning Permitted: In all districts.
- d. Placement: On private property (off-premise signs require the property owner's permission); cannot be mounted on public/utility structures or located within public rights-of-way or easements.
- e. Maximum Number: One (1) for each fifty (50) feet of street frontage, with a maximum of four (4) signs per lot.
- f. Duration: From 5:00 p.m. on Friday, until 8:00 a.m. on Monday (weekend only).

**Temporary Sign:** A sign, banner, pennant, valance, inflatable sign or other advertising device constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials, with or without a frame, and any type of sign that is not permanently attached to the ground, wall or building, and which is intended to be displayed for a short period of time only (i.e., changeable; not permanent). (Also see "Promotional Signage".) The use of a temporary sign or banner shall not

exceed thirty (30) calendar days unless a permanent sign has been ordered and not received. One (1) additional thirty (30) day extension may be granted. No fee shall be charged. *(Amended 3/24/03)*

**Wall Sign:** A sign attached to or painted upon a wall surface with the sign facing parallel to and not more than twelve (12) inches from the wall surface. A sign attached to or painted upon an awning/canopy and visible to the exterior shall be considered a wall sign (also see "Awning/Canopy Sign"). Neon (or other gaseous) tubing attached directly to a wall surface shall be considered a "wall sign" when forming a border for the subject matter, when directing attention to the subject matter or when forming letters, logos, symbols or pictorial designs. *(Amended 5/10/04)*

- a. **Maximum Height:** Sign must not extend above the roof line of a building.
- b. **Maximum Size/Area:** Shall not exceed forty (40) square feet, or two (2) times the lineal frontage of the building or store frontage for which such sign is intended, whichever is greater. Such sign shall not have a vertical height exceeding one-third ( $\frac{1}{3}$ ) the height of the overall wall upon which it is located, with a maximum height of ten (10) feet, nor shall such sign exceed seventy-five percent (75%) of the width of such building or store frontage.
- c. **Zoning Permitted:** In all nonresidential districts.
- d. **Placement:** Upon the wall of the building, painted or attached directly to the surface.
- e. **Maximum Number:** One (1) sign for each business; however, a business that adjoins two streets may have a wall sign for each street it adjoins. The area of the signs shall not exceed the area as outlined in (b.) above for each business side. For businesses sharing common wall frontage (i.e., Strip Shopping Center), each business shall be allowed a wall sign with an area not to exceed the area as outlined in (b.) above for each business. Architectural features such as decorative molding or medallions which have words, letters or symbols incorporated into them shall not be counted as a wall sign. *(Amended 5/10/04)*
- f. **Duration:** Permanent.

**Window Sign:** A sign painted or affixed to the exterior (or interior) surface of a window and visible from outside the building (e.g., from the street or parking lot).

- a. **Maximum Height:** Not applicable.
- b. **Maximum Size/Area:** Forty (40) percent of the total window area.
- c. **Zoning Permitted:** In all nonresidential districts.
- d. **Placement:** Interior or exterior surface of the window.
- e. **Maximum Number:** Not applicable.
- f. **Duration:** No limit.

#### 41.6 GENERAL PROVISIONS FOR SIGNS:

##### A. Removal of Signs:

1. **Removal of Obsolete Signs** - Any sign which the City Manager (or his/her designee) determines no longer serves a bona fide use conforming to this Section, shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure

upon which such sign is located within fifteen (15) days after written notification to do so from the City Manager (or his/her designee). Upon failure to comply with such notice, the City Manager (or his/her designee) is hereby authorized to cause the removal of such sign, and any expense incurred thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.

2. **Removal or Repair of Unsafe Signs** - If the City Manager (or his/her designee) shall determine that any sign is unsafe or unsecure, or is a menace to the public, he shall give written notice to the person or persons responsible for such sign. If the sign permit holder, owner, agent or person having the beneficial use of the premises and/or the sign fails to remove or repair the sign within fifteen (15) days after such notice, such sign may be removed by the City Manager (or his/her designee) at the expense of the permit holder, sign owner, or owner of the property upon which the sign is located. The City Manager (or his/her designee) may cause any sign which is deemed to be an immediate hazard to persons to be removed summarily and without notice.
  3. **Removal Expenses** - Upon failure of the sign permit holder, owner, agent or person responsible for a sign to remove it upon fifteen (15) day notice to do so by the City Manager (or his/her designee), the City Manager (or his/her designee) is hereby authorized to enter the property upon which such sign is located, and to cause the removal of such sign. The owner of the land, building or structure to which such sign is attached and upon which it is erected and/or the owner/permit holder of such sign are jointly and severably liable for any expense incurred in removal of the sign.
- B. **Maintenance of Signs:** All signs and sign support structures, together with all of their supports, braces, guys and anchors, shall be kept in good repair and in a proper state of appearance and preservation. No sign will be allowed to be kept in a dilapidated or deteriorated condition. Any sign which the City Manager (or his/her designee) determines is in an unacceptable, deteriorated condition shall be removed by the owner, agent or person having the beneficial use of the land, buildings or structure upon which such sign is located within fifteen (15) days after written notification to do so from the City Manager (or his/her designee). Upon failure to comply with such notice, the City Manager (or his/her designee) is hereby authorized to cause the removal of such sign, and any expense incurred thereto shall be paid by the owner of the land, building or structure to which such sign is attached or upon which it is erected.
- C. **Signs in a Planned Development (PD) District:** In a PD district, the sign standards shall be as specified in this Section of the Zoning Ordinance, unless specifically cited otherwise in the amending ordinance that establishes the PD zoning district.
- D. **Noninterference with Traffic:** No sign shall be located or constructed as to interfere with or confuse the flow or control of traffic on the public streets, and no sign shall use a rotating beacon, beam or flashing illumination resembling an emergency signal. It shall be unlawful to erect, relocate or maintain any sign in such a manner as to obstruct free and clear vision at any location whereby, by reason of position, size, movement, shape, color, flashing, manner or intensity of illumination, such sign may interfere with vehicular or pedestrian traffic. Further, it shall be unlawful to erect or maintain any sign in such a manner as to interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device. Accordingly, no sign shall make use of the words, "Stop", "Go", "Look", "Slow", "Danger", or any other similar word, phrase, symbol or character or employ any red, yellow, orange, green or other colored lamp or light in such a manner as to cause confusion to or otherwise interfere with vehicular or pedestrian traffic.

- E. **Signs Projecting into Rights-of-Way:** No sign shall be erected so as to project into the public right-of-way of any street or alley.
- F. **Number of Sign Face Panels/Surfaces:** Sign structures shall be allowed to contain multiple sign face panels/surfaces facing in the same direction. The area of all the sign face panels/surfaces shall not exceed the area as allowed in other sections of this Ordinance. *(Amended 5/10/04)*
- G. **Flags:** American, State of Texas, or local government flags less than sixty (60) square feet shall be exempt from this Section, except only one (1) of each type shall be permitted per lot or business. Any flag over sixty (60) square feet shall be classified as a general business sign.
- H. **Wind Pressure and Dead Load Requirements:** All signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30) pounds per square foot of area, and shall be constructed to receive dead loads as required by the Building Code.
- I. **Illegal Signs:** Owners with/of illegal (either conforming or nonconforming) signs must obtain a permit from the City of Athens within fifteen (15) days of notification of non-compliance. If the owner has not obtained a permit for the illegal sign by the sixteenth (16<sup>th</sup>) day following notification, the owner will be cited for noncompliance.
- J. **Nonconforming Signs:** A sign which does not conform to the regulations prescribed in this Section and which existed lawfully on the date of adoption (i.e., on the effective date) of this Ordinance, or amendment hereto, shall be deemed a nonconforming sign. A nonconforming sign shall be allowed to remain as is in the same location wherein it existed on the effective date of this Ordinance unless/until one or more of the conditions stated in Subsection 1 below exists/occurs.
1. The right to continue all nonconforming signs shall cease and such sign shall be removed within fifteen (15) days whenever:
    - a. The area and/or height of a sign is increased. Any sign which existed lawfully on the date of adoption of the Ordinance, or amendment hereto, shall be allowed to continue to be used regardless of a change of property ownership, business ownership and/or business occupancy. Sign faces/surfaces are allowed to be changed as long as neither the area nor the height of the sign is increased. This applies to all signs which are allowed by this Ordinance. Once a sign is removed from its original placement on the property/business, then it must comply to the regulations of this Ordinance; *(Amended 5/10/04)*
    - b. A sign is altered, moved or relocated without a permit pursuant to the provisions of this Section;
    - c. A sign is damaged, defaced or destroyed and the cost to repair it exceeds fifty percent (50%) of the replacement/repair cost of the sign on the date of repair (if an existing nonconforming sign is already in a dilapidated/deteriorated condition or if it represents a public safety hazard as of the effective date of this Ordinance, then it must either be repaired/refinished to a reasonable state of repair or removed at the owner's expense);  
or

- d. A sign which is normally perpendicular ninety degrees (90°) to the ground leans such that an angle between the sign and the ground is seventy-five degrees (75°) or less (or, for a sign that was purposefully placed at an angle upon installation, its angle to the ground decreases by fifteen degrees (15°) or more; no sign, regardless of its original installation angle, shall be allowed to exist at less than a forty-five degree (45°) angle to the ground for public safety reasons).
2. Any sign designated by official action of the City as having special historic or architectural significance is exempt from the provisions of this Ordinance.
  3. A nonconforming sign situated on a property acquisition initiated by the City may be temporarily relocated on-site provided the sign is later removed or rebuilt to conform to this Section (and any other applicable Athens codes/ordinances) within twenty-four (24) months following relocation of the sign. Relocation is limited to the same physical sign with no increase in height, area or change in other physical attributes. For the purposes of this provision, "a property acquisition initiated by the City" does not include right-of-way dedicated in the subdivision platting process.
  4. **Illegal Nonconforming Signs:**
    - a. Owners with/of illegal nonconforming signs which require a permit and which have been in place less than three (3) months prior to notification of violation must apply for a permit and must upgrade the sign to conforming within thirty (30) days of original notification. If a permit is not granted, then the sign must be removed within sixty (60) days of original notification.
    - b. Owners with/of illegal nonconforming signs which require a permit and which have been in place for longer than three (3) months prior to notification of violation must apply for a permit and upgrade the sign to conforming within thirty (30) days of original notification. If a permit is not granted, then the sign must be removed within twelve (12) months of original notification.
    - c. In the case of painted wall signs, such signs shall be removed or painted over within thirty (30) days of original notification of violation.
- K. Signs Exempt From Permit:** A permit shall not be required for the following signs provided, however, such signs shall otherwise comply with all other applicable provisions of this Sections of the Zoning Ordinance and with any other applicable City code/ordinance:
1. Temporary construction or real estate signs not exceeding eight (8) square feet in area when located in residential districts, and thirty-two (32) square feet in area when located in any other zoning district.
  2. Memorial plaques, building identification signs and building cornerstones when cut or carved into the masonry surface or when made of noncombustible material and made an integral part of the building or structure. These signs shall not exceed four (4) square feet in area.
  3. On-site directional and directory/informational signs not exceeding eight (8) square feet in area and three (3) feet in height, provided that such directional or directory/informational

signs do not contain advertising and are not used as such. On-site directional and directory/informational signs are only permitted behind the front building line.

4. Political signs.
5. Traffic or other municipal signs, legal notices, danger and such emergency, temporary or non-advertising signs as may be approved by the City Council or the City Manager or his authorized representative, when placed in compliance with the "Uniform Manual of Traffic Control Devices" and with applicable City codes/ordinances.
6. Temporary special occasion announcement signs on residential lots for a maximum time limit of five (5) days.
7. Religious emblems when installed in compliance with this Section and with other applicable City codes/ordinances.
8. Seasonal decorations for a maximum of sixty (60) days, provided traffic visibility is not affected.
9. Nameplates.
10. Incidental signs.
11. Menu boards.

**L. Prohibited Signs and Activities:**

1. Traffic - A sign shall not be erected in a manner that would confuse motorists, or that would obstruct the view or interpretation of any official traffic sign, signal or device.
2. Obscene, indecent and immoral matter - It shall be unlawful for any person to display upon any sign any obscene, indecent or immoral matter.
3. All billboard signs and the conversion of any existing billboard (off-premise) sign to a changeable electronic variable message sign (CEVMS). *(Amended 6/23/08)*
  - a. Exempt: non-profit organizations. Signs shall not exceed six (6) square feet in area, shall not interfere with vehicular traffic in any manner and shall be placed only on private property with permission of property owner. Each non-profit organization is limited to a total of six (6) signs. *(Amended 3/24/03)*
4. Advertising matter placed or suspended from buildings, poles, sidewalks, fences and the like.
  - a. No person shall place or suspend from any building, light pole, utility pole, structure, sidewalk, parkway, driveway or parking area, any display of items other than a sign, as defined, regulated and permitted by this Section.

5. Painting, marking or otherwise inscribing streets, sidewalks, utility poles, and the like. No person shall attach any sign, paper or other material, or paint, stencil or write any name, number (except address numbers) or otherwise mark on any sidewalk, curb, gutter, street, utility pole, public building, fence or structure except as otherwise allowed by ordinance.
6. Attaching advertising matter to fences, utility poles and the like; scattering advertising matter on streets and sidewalks.
  - a. No person, firm, corporation, association or person shall paste, stick, stack, nail, or otherwise place any advertisement, handbill, placard or printed, pictured or written matter or thing for any purpose upon any fence, railing, sidewalk or public telephone, electric or other utility pole or any other public property, including trees thereon, with the exception of a public school or public college promoting their facility shall be limited to placement on electric poles located on rights-of-way adjoining their campus. *(Amended 3/24/03)*
  - b. Exempt public school or public college banners shall not exceed twelve (12) square feet in area, shall not interfere with the safe maintenance of mounting pole, shall not be located within eight (8) feet of any energized electrical wire, shall not be located within ten (10) feet of ground, shall not interfere with vehicular traffic in any manner and shall be limited to placement on electrical poles located on rights-of-way adjoining their campus. *(Amended 3/24/03)*
7. Certain illuminated signs prohibited:
  - a. No sign shall be illuminated to such an intensity or in such a manner as to cause a glare of brightness to a degree that constitutes a hazard or nuisance to traffic or to adjacent properties. Moving, flashing, animated, intermittently lighted, changing color, beacons, revolving or similarly constructed signs, jump clocks or digital display devices showing the time, temperature and similar data are prohibited. No portion of an illuminated sign shall have luminescence greater than two hundred (200) foot-lamberts.
  - b. No lighted sign shall be erected within one hundred and fifty (150) feet of a residential district unless the lighting is shielded from view of the residential district.
8. Roof sign prohibited - Any sign erected on a vertical framework supported by and located immediately and entirely over the roof of a building is prohibited.
9. Signs attached to or upon any vehicle shall be prohibited where any such vehicle is allowed to remain parked in the same location, or in the same vicinity, at frequent or extended periods of time where the intent is apparent to be one of using the vehicle and signs for purposes of advertising an establishment, service or product. Vehicles operating under a City franchise shall be excluded from this provisions.
10. Off-premises attached signs.

**M. Signs in the CBD District:**

*(Entire Section M "Signs in CBD" Amended 10/10/11)*

Most private signs shall be designed for and in scale with the pedestrian, and it shall be constructed in keeping with character of the building upon which it is placed. Material suggested for use are finished hardwoods, neon, channel letters, metal, fiberglass or softwoods and should be compatible with the materials used on the building facade upon which they are associated. Sign colors should complement the colors and theme of the entire street scape. Signs shall not be of a misleading nature. The key provisions for various types of signs are as follows:

1. *Attached Signs* – except as noted, all attached signs shall be flush with the building facade, shall not extend above the top of the second-story window, shall not project above the roof line, shall not extend outside the edge of a building corner and shall not cover or compete with the architectural features of the building. Internally illuminated plastic cabinet signs are prohibited.
2. *Awning/Canopy Signs* – limited to the valance or small logos on the awning/canopy itself.
3. *Portable Signs* – not allowed within the CBD district.
4. *Wall Signs* -- wall signs may be illuminated by either an internal or external light source. Wall signs shall also conform to the following:
  - a. Minimum height (clearance over sidewalk): eight (8) feet, six (6) inches
  - b. Maximum height: shall not exceed the roof line of the building or above the top of the second-story window
  - c. Maximum thickness: one (1) foot
  - d. Maximum area: for every one (1) linear foot of building frontage or entrance frontage, 1½ square feet of sign area shall be allowed
  - e. Maximum number of signs: one (1) sign per each business; however, signs on a secondary side-street frontage shall not exceed one-half (½) the size of the sign on the primary or entrance frontage. For businesses sharing common wall frontage (i.e., Strip Shopping Center), each business shall be allowed a wall sign with an area not to exceed the area as listed above for each business. Architectural features such as decorative molding or medallions which have words, letters or symbols incorporated into them shall not be counted as a wall sign. Shingle/projecting, window or hanging signs do not count as wall signs.
5. *Shingle/projecting signs*
  - a. Minimum height (clearance over sidewalk): eight (8) feet, six (6) inches and shall not project more than five (5) feet from the building
  - b. Maximum sign height of three (3) feet from top of the sign to bottom
  - c. Sign area shall not exceed twelve (12) square feet
  - d. Decorative iron or wooden brackets are encouraged
6. *Hanging Sign*
  - a. Minimum height (clearance over sidewalk): seven (7) feet, six (6) inches
  - b. Shall not extend beyond awning or canopy projection
  - c. Maximum area of five (5) square feet

7. *Menu Boards/Display Signs* (signs which are removed daily)
  - a. One (1) sign per primary entrance
  - b. Sign may extend out a maximum of two (2) feet from the building
  - c. Maximum of six (6) square feet shall be permitted for the area of the sign or the area of sidewalk used
  
8. *Monument Signs* -- A sign having a low profile made of stone, concrete, brick, routed wood, planks, beams or similar material.
  - a. Maximum height shall be seven (7) feet, including the monument base, as measured from the average ground level at the base to the topmost portion of the sign. The ground upon which a monument sign is located may be bermed up (or designed as a raised planter) a maximum of three (3) feet from the top of the adjacent street curb.
  - b. Maximum area of fifty (50) square feet
  - c. Minimum setback from the edge of street ten (10) feet. No sign shall encroach across the property line or right-of-way
  - d. One (1) per street frontage
  
9. *Window Signs*
  - a. Shall not cover more than 40 percent of the total glass area
  - b. Individual letters placed or painted on interior of window
  - c. Paper or cardboard signs are prohibited in or on windows
  
10. Occupants of mini-malls (i.e., small stalls that are leased out to tenants/vendors within a larger area) are prohibited from exhibiting individual signs.
  
11. All off-premise signs are prohibited.
  
12. *Temporary Signs* – A sign, banner, pennant, valance or other advertising device constructed of cloth, canvas, wallboard or other like materials, with or without a frame that is not permanently attached to the ground, wall or building and which is intended to be displayed for a period not to exceed fourteen (14) days.
  - a. A temporary sign should be limited to a maximum of twenty-four (24) square feet in area with a maximum height of three (3) feet.
  - b. A temporary sign, when installed, should not obscure architectural details of building
  - c. A maximum of two (2) temporary signs may be displayed at the same time.
  - d. Under no circumstances shall a temporary sign be allowed to substitute as a permanent sign.

(Entire Section M "Signs in CBD" Amended 10/10/11)

## **VI. PENALTIES AND NONCONFORMITIES**

### **SECTION 42 EFFECT OF INTERPRETATION**

- 42.1 In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern.

### **SECTION 43 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES**

- 43.1 By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the time the exiting Zoning Ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

### **SECTION 44 PENALTY FOR VIOLATIONS**

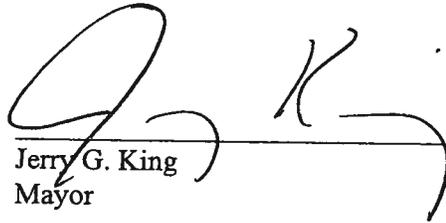
- 44.1 Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars (\$2,000.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

**SECTION 45 VALIDITY**

45.1 If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

**PASSED AND APPROVED** by the City Council of the City of Athens, Texas on the 9<sup>th</sup> day of April, 2001.

**PASSED AND ADOPTED** by the City Council of the City of Athens, Texas on the 23<sup>rd</sup> day of April, 2001.



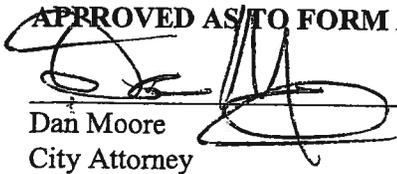
Jerry G. King  
Mayor

**ATTEST:**



Pam Watson  
Pam Watson  
City Secretary

**APPROVED AS TO FORM AND LEGALITY:**



Dan Moore  
City Attorney

## **APPENDICES**



# A-1 PLANNED DEVELOPMENT DISTRICTS

The following Planned Developments are included within this ordinance as originally approved except as noted. For specific requirements or restrictions for each individual Planned Development, refer to the original amending ordinance for each Planned Development.

An asterisk (\*) specifies the new base zoning district that existing Planned Developments are now converted to under this ordinance.

<u>Name</u>	<u>Location</u>	<u>Ordinance Number</u>
PD-1 Retail	E. Tyler Street	
PD-2	Loop 317	0-1-96

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<u>Name</u>	<u>Location</u>	<u>Ordinance Number</u>	<u>Date Approved</u>
PD-3	312-318 Commanche St. (Cemetery)	O-31-01	11/13/01
PD-4 SF-15	Mill Run Rd. @ Gibson Rd.	O-34-01	9/24/01

Revised 7/30/04

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## A-2 SPECIFIC USE PROVISIONS

The following Specific Use Permits are included within this Ordinance as originally approved. For specific requirements or restrictions for each SUP, refer to the original amending ordinance.

\*Indicates reference number on the Zoning District Map.

<u>Specific Use</u>	<u>Location</u>	<u>Ord. #</u>	<u>Date Approved</u>
<b>Day Care Center</b>	Lot 1B, Block 37, Original Town (202 Hawn St.)	---	7/26/82
<b>Lodge Hall, for Athens Lodge #961, IOOF</b>	Lot 40G, Thomas Parmer Survey (Cayuga Hwy.)	A-1032	11/08/82
<b>R.V. Park</b>	Lot 18 B1, B.C. Walters (Hwy. 19 North)	A-1097	11/14/83
<b>Day Care Center</b>	Lot 1A, Block 87, Original Town (709 W. College St.)	#2010	3/12/84
<b>Hispanic Mission</b>	Lots 1,2,3 & 4, Block 1, Easterwood Frizzell & Lot 6, Block 82, Original Town	11-90	3/12/90
<b>College Related Facilities including, but not limited to Vehicle Maintenance Shop, Fuel Servicing Area, Shipping &amp; Receiving</b>	Lots 1A, 2A, 2C, 2D, 2B, 3, 3A, 4A & 5B, Block 72, Original Town (Lakeside Dr. & Frizzell St.)	2-92	2/10/92
<b>Civic Center</b>	Lots 8B & 8C, Block 110, Original Town (206 Edmondson St.)	0-28-92	10/12/92
<b>Private School for Grades 1-12</b>	Lot 29, Block 1, Sunrise Subdivision (101 Lila Ln.)	0-64-94	8/08/94
<b>Apartment Complex, with a maximum of eight (8) units</b>	Lot 1A1, Block 71, Original Town (600 Block of Valle Vista)	0-7-95	2/27/95
<b>Placement of Mobile Home to be used as supplemental residential use</b>	Tract 64, J.B. Atwood (F.M. 1616)	0-10-95	4/10/95
<b>Specific Use (Heavy Industry) for purpose of mining, subject to reclamation plan</b>	Tract 4A, 18, J.V. Watkins Survey (1409 Robbins Rd.)	0-24-98	7/13/98
<b>Unattended Carwash</b>	Lot 1, Block 14, Park Highland Addition (809 S. Palestine St.)	0-4-01	1/22/01
<b>Expansion of Cemetery</b>	Lot 10, Block 4, College View Subdivision (312-318 Commanche St.)	O-29-01	9/10/01

## A-2 SPECIFIC USE PROVISIONS, Cont'd.

<u>Specific Use</u>	<u>Location</u>	<u>Ord. #</u>	<u>Date Approved</u>
<b>Tobacco Station, Storage Rental Units &amp; Manager's Residence</b>	Lot 8, Block B, Matthews Subdivision (722 E. Tyler St.)	O-45-01	11/12/01
<b>Antenna Tower</b>	Lot 6A, Block 72, Athens Original Town (323 Frizzell St.)	O-47-01	11/12/01
<b>Wrecker Impound Yard</b>	Lot 33, F.M. Coker Tract (932 N. Palestine St.)	O-4-02	2/11/02
<b>Stadium</b>	Lots 1 & 2, Block 30, Athens Original Town (Owen St. & Dull Averiette St.)	O-10-02	3/11/02
<b>Ambulance Service</b>	Lot 12, Block 106, Athens Original Town (801 Needmore St.)	O-33-02	9/09/02
<b>Rodeo Arena, Fair Grounds &amp; R.V. Parking</b>	Lots 134A & 108, J.B. Atwood Survey (3356 Hwy. 31 East)	O-34-02	9/09/02
<b>Air Conditioning Office &amp; Warehouse</b>	Lot 9D, Block 31, Athens Original Town (421 S. Carroll St.)	O-24-03	9/08/03
<b>Used Manufactured Homes Sales</b>	Lot 14, Block 1, J.I. Richardson Survey (520 U.S. Hwy. 175 West)	O-25-03	9/08/03
<b>Private Soccer Field</b>	Lot 1, Block 86, Athens Original Town (701 W. College St.)	O-36-03	12/08/03
<b>House Movers Storage Yard &amp; Used Manufactured Homes Sales</b>	Lot 9B, Block 107, Athens Original Town (917 N. Palestine St.)	O-4-04	2/09/04
<b>Hair Salon &amp; Mini-Storage Warehouses</b>	Lot 9, Block 104, Athens Original Town (729 N. Prairieville St.)	O-22-04	5/10/04
<b>RV &amp; Park Home Community with covered storage units</b>	Lot 3A, T. Parmer Survey (1508 W. Corsicana St.)	O-10-05	3/14/05
<b>RV &amp; Park Home Community with Covered Storage Units</b>	Lot 3C, T. Parmer Survey (1506 W. Corsicana St.)	O-11-05	3/14/05
<b>Parties, Receptions, Possible Food Preparation &amp; Charitable Bingo</b>	Lot 1, J. Royal Survey (1801 Flat Creek Rd.)	O-34-05	10/10/05
<b>Wrecker Storage Lot and Travel Trailer &amp; R.V. Storage Lot</b>	Lots 13 & 15A, Block 2, T. Parmer Survey (1107 Sawyer St.)	O-35-05	10/10/05
<b>Mini-Warehouses &amp; R.V. Storage</b>	Tract 20, J.B. Atwood Survey (1701 N.E. Loop 7)	O-23-06	6/12/06

## A-2 SPECIFIC USE PROVISIONS, Cont'd.

<u>Specific Use</u>	<u>Location</u>	<u>Ord. #</u>	<u>Date Approved</u>
<b>Existing Commercial Building &amp; Four (4) R.V. Spaces</b>	Lot 5, Block 2, McCaleb Heights Subdivision (Hodge St. & W. Corsicana St.)	O-25-07	6/25/07
<b>Storage Units</b>	Lot 9A, Block 107, Athens Original Town (923 N. Palestine St.)	O-30-07	8/13/07
<b>170 Ft. Communications Tower</b>	Lot 3, Block 50, Athens Original Town (790 N. Wofford St.)	O-06-09	2/09/09
<b>250 Ft. Communications Tower &amp; Agricultural Uses</b>	Lot 4A-4, E. Holland Survey (Southeast Loop 7 & Hwy. 175 East)	O-26-09	12/14/09
<b>Sale of Portable Buildings, Gazebos &amp; Carports</b>	Lot 4N, R.A. Clark Survey (1411 East Tyler St.)	O-06-10	2/08/10
<b>Metal Fabrication Shop</b>	Lot 1B, Block 38, Athens Original Town	O-33-10	11/08/10
<b>Mini-Storage Units, Medical Supply Business, and Boat &amp; RV Storage</b>	Lot 39A, D. Harrison Survey	O-07-11	2/14/11
<b>Check Cashing Service, U-Haul Rentals, Auto Accessories, ATV Sales, and Beer &amp; Wine Sales</b>	Lots 6 & 7, Block 10, Large Lot Subdivision	O-26-11	9/12/11
<b>Recycling Collection Center</b>	Lot 11B13 (Tract 39), T. Parmer Survey	O-34-11	12/12/11

Revised 1/25/12

## A-3 DEFINITIONS

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

1. **ACCESSORY BUILDING (RESIDENTIAL)** - In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business (i.e., the building area must be significantly less than that of the main structure). Examples may include, but are not limited to, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, garden shelter, etc.
2. **ACCESSORY BUILDING (BUSINESS OR INDUSTRY)** - In the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main use (see "Accessory Use").
3. **ACCESSORY USE** - A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be significantly less than that used for the primary use, and/or the gross receipts/income that is derived from the accessory use must be significantly less than that derived from the primary use).
4. **AIRPORT OR LANDING FIELD** - A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.
5. **ALLEY** - A minor right-of-way that is dedicated to public use and 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.
6. **AMBULANCE SERVICE** - Provision of private (not operated by the City of Athens) emergency transportation which may include mobile medical care, and which may include storage and maintenance of vehicles.
7. **AMUSEMENT ARCADE (ALSO VIDEO ARCADE)** - Any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to three (3) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated, machines that

are designed exclusively for small children, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.

8. **AMUSEMENT, COMMERCIAL (INDOOR)** - An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.
9. **AMUSEMENT, COMMERCIAL (OUTDOOR)** - An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.
10. **ANTENNA, MICROWAVE REFLECTOR & ANTENNA SUPPORT STRUCTURE** - An antenna is the arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic or microwave signals (includes microwave reflectors/antennae). A microwave reflector is an apparatus constructed of solid, open mesh, bar-configured, or perforated materials of any shape/configuration that is used to receive and/or transmit microwave signals from a terrestrial or orbitally located transmitter or transmitter relay. Microwave reflectors are also commonly referred to as satellite receive only earth stations (T.V.R.O.S.), or satellite dishes. An antenna support structure is any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of supporting one or more antennae or microwave reflectors. (See Section 37.6).
11. **ANTENNA (NON-COMMERCIAL/AMATEUR)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use and not for the purpose of operating a business and/or for financial gain. A satellite dish antenna not exceeding six feet (6') in diameter shall also be considered as a non-commercial antenna. (See Section 37.6).
12. **ANTENNA (COMMERCIAL)** - An antenna or antenna support structure used for the purpose of transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain (e.g., commercial broadcasting, cellular/wireless telecommunications, etc.). A satellite dish antenna that exceeds six feet (6') in diameter shall also be considered as a commercial antenna. (See Section 37.6).
13. **ANTIQUESHOP, SALES INDOORS** - A retail establishment engaged in the selling of works of art, furniture and/or other artifacts of an earlier period, with all sales and storage occurring inside a building.
14. **ART GALLERY OR MUSEUM** - An institution for the collection, display and/or distribution of objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public.
15. **ASSISTED LIVING FACILITY** - A congregate residence facility for ten (10) or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living

facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.).

16. **AUTO LAUNDRY OR CAR WASH** - Washing, waxing or cleaning of automobiles or light duty trucks.
  - a. **Attended Auto Laundry or Car Wash** - The owner of the vehicle does not actually wash the vehicle. Instead, he either leaves the vehicle and comes back to retrieve it later, or he waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.
  - b. **Unattended Auto Laundry or Car Wash** - The owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.
17. **AUTO FINANCE AND LEASING** - Leasing of automobiles, motorcycles, and light load vehicles but no outside storage.
18. **AUTO PARTS AND ACCESSORY SALES (INDOORS)** - The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.
19. **AUTO RENTAL** - Storage or renting of automobiles and light trucks.
20. **AUTO SALES (NEW)** - Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.
21. **AUTO SALES (USED)** - Retail sales, or offering for sale, used automobiles or light load vehicles.
22. **AUTO STORAGE OR AUTO AUCTION** - The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "Wrecking Yard").
23. **AUTOMOBILE** - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans and mini-vans, motor scooters and motorcycles.
24. **AUTOMOBILE ACCESSORY INSTALLATION (MINOR)** - Minor installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories.
25. **AUTOMOBILE REPAIR GARAGE** - An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.

26. **AUTOMOBILE REPAIR, MAJOR** - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.
27. **AUTOMOBILE REPAIR, MINOR** - Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.
28. **AUTOMOTIVE GASOLINE OR MOTOR FUEL SERVICE STATION** - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor". Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than forty-eight (48) hours.
29. **BAKERY OR CONFECTIONERY (RETAIL)** - A facility less than 1,500 square feet for the production and/or sale of baked goods.
30. **BAKERY OR CONFECTIONERY (WHOLESALE OR COMMERCIAL)** - A manufacturing facility over 1,500 square feet for the production and distribution of baked goods and confectioneries to retail outlets.
31. **BALLROOM DANCING** - An establishment open to the general public for dancing (any sales of alcoholic beverages for on-premise consumption shall be subject to requirements and use restrictions for private clubs).
32. **BANK, SAVINGS AND LOAN, OR CREDIT UNION** - An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds.
33. **BARN** - A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock.
34. **BASEMENT (OR CELLAR)** - A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.
35. **BED AND BREAKFAST INN OR FACILITY** - a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five (5) rooms for transient guests for compensation.
36. **BLOCK** - A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the City Manager, or his/her designee, shall determine the outline of the block.
37. **BOARDING OR ROOMING HOUSE** - A dwelling other than a hotel, where for compensation and

by prearrangement for definite periods, lodging and/or meals are provided.

38. **BUILDING** - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.
39. **BUILDING HEIGHT** - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof.
40. **BUILDING LINE** - A line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected (see Illustration 6).
41. **BUILDING, MAIN OR PRIMARY** - A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.
42. **BUILDING MATERIALS AND HARDWARE SALES (INDOOR OR OUTDOOR)** - Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a "home improvement center". "Outdoor" means the storage of materials and products outside of the main building.
43. **BUILDING OFFICIAL** - The inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code of the City of Athens.
44. **BUILDING SITE** - See "Lot" definition.
45. **BUS STATION OR TERMINAL** - Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.
46. **CARETAKERS' OR GUARDS' RESIDENCE** - A residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the premises (e.g., residence for guard in a private street development, residence for a guard/manager/caretaker for a self-storage facility or a restricted access business park, etc.).
47. **CARNIVAL, CIRCUS OR TENT SERVICE (TEMPORARY)** - Outdoor or indoor commercial amusement provided on a temporary basis.
48. **CARPORT** - A structure that is open on a minimum of two sides and designed or used to shelter not more than three vehicles and not to exceed twenty-four feet on its longest dimension. Also called "covered parking area."
49. **CEMETERY OR MAUSOLEUM** - Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.
50. **CEMETERY, ANIMAL** - Same as cemetery except only for the burial of dead animals.

51. **CERTIFICATE OF OCCUPANCY** - An official certificate issued by the City through the Building Official which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.
52. **CHILD CARE CENTER (OR DAY CARE CENTER)** - A commercial institution or place designed for the care or training of twelve (12) or more unrelated children under fourteen (14) years of age for less than 24 hours a day.
53. **CHURCH, RECTORY OR TEMPLE** - A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.
54. **CITY COUNCIL** - The governing body of the City of Athens, Texas.
55. **CIVIC CENTER** - A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.
56. **CLEANING PLANT (COMMERCIAL/WHOLESALE)** - An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents on a commercial or wholesale basis.
57. **CLEANING SHOP OR LAUNDRY (SMALL SHOP, PICK-UP AND SELF SERVICE)** - A custom cleaning shop not exceeding two thousand five hundred (2,500) square feet of floor area and may include customer self-service laundry and cleaning.
58. **COLLEGE OR UNIVERSITY** - An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.
59. **COMMERCIAL AMUSEMENT (INDOOR)** - See Amusement, Commercial (Indoor).
60. **COMMERCIAL AMUSEMENT (OUTDOOR)** - See Amusement, Commercial (Outdoor).
61. **COMMUNICATIONS OPERATIONS (NON-COMMERCIAL/AMATEUR)** - The transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals for private or personal use, and not for the purpose of operating a business and/or for financial gain.
62. **COMMUNICATIONS OPERATIONS (COMMERCIAL)** - The transmission, retransmission, and/or reception of radio, television, electromagnetic, or microwave signals primarily for the purpose of operating a business and/or for financial gain.
63. **COMMUNITY CENTER (PUBLIC)** - A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.
64. **COMMUNITY HOME** - A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Human Resources Code).

65. **COMPREHENSIVE PLAN** - Document adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City.
66. **CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT)** - A permanent manufacturing facility for the production of concrete or asphalt.
67. **CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY)** - A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.
68. **CONTINUING CARE RETIREMENT COMMUNITY** - A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.
69. **CONVENIENCE STORE WITH (OR WITHOUT) GASOLINE SALES** - Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). Does not include or offer any automobile repair services.
70. **COPY SHOP OR PRINTING** - An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet.
71. **CONTRACTOR'S SHOP WITH OUTSIDE STORAGE YARD** - A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.
72. **COUNTRY CLUB (PRIVATE)** - A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.
73. **COURT** - An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.
74. **COVERAGE** - The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.
75. **CUSTOM PERSONAL SERVICE SHOP** - Tailor, dressmaker, shoe shop, barber shop, beauty shop or similar shop offering custom service.
76. **DAY CAMP FOR CHILDREN** - A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.
77. **DENSITY** - The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.
78. **DETACHED** - Having no physical connection above the top of the floor line of the first floor with any other building or structure.

79. **DISTRIBUTION CENTER** - Building or facility used for the storage and distribution of wholesale items/products.
80. **DRAPERY OR FURNITURE UPHOLSTERING SHOP** - An establishment for the production, display and sale of draperies and soft coverings for furniture.
81. **DWELLING** - Any building or portion thereof, which is designed or used as living quarters for one or more families.
82. **DWELLING, SINGLE FAMILY ATTACHED (TOWNHOUSE)** - See "Single Family Dwelling (Attached)".
83. **EASEMENT** - A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.
84. **EDUCATIONAL FACILITIES** - Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally funded educational programs for preschool children as the Head Start Program.
85. **ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER)** - A subsidiary station in which electric current is transformed.
86. **ENCLOSED BUILDING** - A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air.
87. **FAIRGROUNDS OR EXHIBITION AREA** - An area or space either outside or within a building for the display of topic-specific goods or information.
88. **FAMILY** - One or more persons related by blood, marriage, or adoption; or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.
89. **FAMILY HOME (Child Care in Place of Residence)** - A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.
90. **FARM, RANCH, GARDEN, CROPS OR ORCHARD** - An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

91. **FEED AND GRAIN STORE** - An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.
92. **FIRE, POLICE OR MUNICIPAL BUILDING** - Any public service building of the municipal government including a library or City Hall, but excluding storage yards, utility shops and equipment centers.
93. **FLOOD PLAIN** - An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the City of Athens.
94. **FLOOR AREA** - The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.
95. **FLOOR AREA RATIO (FAR)** - The floor area of a main building or buildings on a lot, divided by the lot area (see Illustration 1).
96. **FLORIST SHOP** - An establishment for the display and retail sale of flowers, small plants and accessories.
97. **FOOD PROCESSING** - A manufacturing or light industrial use that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.
98. **FOOD STORE** - A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.
99. **FRANCHISED PRIVATE UTILITY (NOT LISTED)** - A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Athens.
100. **FRATERNAL ORGANIZATION, LODGE, CIVIC CLUB, OR UNION** - An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.
101. **FRONT YARD** - See "Yard, Front".
102. **FUNERAL HOME OR MORTUARY** - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.
103. **FURNITURE, HOME FURNISHINGS OR APPLIANCE STORES** - This group includes retail stores selling new goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.
104. **FURNITURE STORE (NEW AND USED)** - Same as above except sales may include used items.

105. **GARAGE, PRIVATE** - An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."
106. **GARAGE/ACCESSORY DWELLING** - A residential dwelling unit attached to or over a garage but not attached to the main residential structure.
107. **GARDEN SHOP** - A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.
108. **GASOLINE SERVICE OR FILLING STATION** - See "Automotive Gasoline or Motor Fuel Service Station".
109. **GENERAL COMMERCIAL PLANT** - Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.
110. **GENERAL MANUFACTURING** - See "Industrial, Manufacturing".
111. **GENERAL RETAIL STORES** - This major group includes retail stores which sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (also see "Retail Shop").
112. **GOLF COURSE** - An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.
113. **GROUP DAY-CARE HOME** - Means a facility that provides care for seven (7) to twelve (12) children under fourteen (14) years of age less than 24 hours a day.
114. **GYMNASTIC OR DANCE STUDIO** - A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.
115. **HAULING OR STORAGE COMPANY** - See "Motor Freight Company".
116. **HEAVY LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 15,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.
117. **HEAVY MACHINERY SALES AND STORAGE** - A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.
118. **HELIPORT** - An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

119. **HELISTOP** - The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.
120. **HOME FOR AGED, RESIDENCE** - A home where elderly people are provided with lodging and meals without nursing care being a primary function.
121. **HOME OCCUPATION** - An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes (see Section 40).
122. **HOSPITAL (ACUTE CARE)** - An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.
123. **HOSPITAL (CHRONIC CARE)** - An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.
124. **HOUSEHOLD APPLIANCE SERVICE AND REPAIR** - The maintenance and rehabilitation of appliances that are customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, etc., but not including appliances/equipment which have internal combustion engines.
125. **HOUSEHOLD CARE FACILITY** - A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and Art. 1011n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist or may be amended in the future.
126. **HOUSEHOLD CARE INSTITUTION** - A facility which provides residence and care to ten or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.
127. **INCIDENTAL OR ACCESSORY RETAIL AND SERVICE USES** - Any use different from the primary use but which compliments and/or supplements the primary use (for example, a sundries shop that serves tenants of an office building or hospital). Incidental shall mean an area which constitutes not more than fifteen percent (15%) of the main use.
128. **INDUSTRIAL, MANUFACTURING** - Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.
129. **INDUSTRIALIZED HOME OR MODULAR HOME** - Means a structure or building module as defined, under the jurisdiction and control of the Texas Department of Labor and Standards and that

is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Article 5221f V.A.C.S.); nor does it include building modules incorporating concrete or masonry as the primary structural component.

130. **INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS** - An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.
131. **KENNELS (INDOOR PENS)** - An establishment with indoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.
132. **KENNELS (OUTDOOR PENS)** - An establishment with outdoor pens in which more than four (4) dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.
133. **KINDERGARTEN OR NURSERY SCHOOL (PRIVATE)** - An establishment where more than three (3) children are housed for care and/or training during the day or portion thereof.
134. **KIOSK** - A small, free-standing, one-story accessory structure having a maximum floor area of one hundred (100) square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.
135. **KITCHEN, RESIDENTIAL** - Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this Ordinance, generally indicates the presence of complete cooking facilities (i.e., stove, oven, microwave oven and/or refrigerator) as differentiated from a "kitchenette" which provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).
136. **LABORATORY EQUIPMENT MANUFACTURING** - A facility that makes or produces equipment or products used for research or testing.
137. **LABORATORY, SCIENTIFIC OR RESEARCH** - An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "Medical Facilities -- Medical Laboratory").
138. **LANDSCAPING** - Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.
139. **LAUNDROMAT (OR SELF-SERVE WASHATERIA)** - A facility where patrons wash, dry and/or dry clean clothing and other fabrics in machines that are operated by the patron.
140. **LIGHT LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 15,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than thirty-two [32] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

141. **LIGHT MANUFACTURING OR INDUSTRIAL USE** - Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.
142. **LOADING SPACE** - An off-street space or berth used for the delivery and loading/unloading of vehicles.
143. **LOCAL UTILITY LINE** - The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.
144. **LOT** - A platted (as specified in Chapter 212 of the Texas Local Government Code) parcel of land that is occupied or intended to be occupied by one main building (or a group of main buildings) and any accessory building(s), which includes such parking, landscaping and open space as are required by this Ordinance or other laws and/or ordinances, and also which has its principal frontage upon a public street. (See Illustrations 6, 7 and 8)
145. **LOT AREA** - The total area, measured on a horizontal plane, included within lot lines.
146. **LOT, CORNER** - A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°). (See Illustration 9).
147. **LOT DEPTH** - The mean horizontal distance between the front and rear lot lines. (See Illustration 7).
148. **LOT, DOUBLE FRONTAGE** - A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot. (See Illustration 5).
149. **LOT, FLAG** - A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than thirty-five (35) feet. Flag, or panhandle, lots are typically discouraged.
150. **LOT, INTERIOR** - A lot other than a corner lot.
151. **LOT FRONTAGE** - That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.
152. **LOT LINE, FRONT** - The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (See Illustration 6).
153. **LOT, KEY** - A corner lot whose exterior side is adjacent to the front yard of another lot.
154. **LOT LINE, REAR** - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero. (See Illustration 8).

155. **LOT LINE, SIDE** - Any lot line not the front or rear lot line.
156. **LOT LINES OR PROPERTY LINES** - The lines bounding a lot as defined herein.
157. **LOT OF RECORD** - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Henderson County.
158. **LOT WIDTH** - The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line. (See Illustration 6).
159. **MAIN BUILDING** - The building or buildings on a lot which are occupied by the primary use.
160. **MANUFACTURED HOME DISPLAY OR SALES (NEW)** - The offering for sale, storage, or display of new manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
161. **MANUFACTURED HOME DISPLAY OR SALES (USED)** - The offering for sale, storage, or display of previously owned (i.e., used), movable manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.
162. **MANUFACTURED HOUSING** - Any one of three types of prefabricated housing products which are typically manufactured/assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (Article 5221f and 5221f-1, V.A.C.S.). For the purpose of this Ordinance, there are three types of manufactured homes:
- a. **Mobile Home** - A movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, which is constructed with a base section so as to be independently self-supporting, and which does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976.
  - b. **HUD-Code Manufactured Home** - A movable dwelling designed to be transported on the highway (either intact or in major sections) by a prime mover, which can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976.
  - c. **Industrialized Home (also called Modular Prefabricated Structure or Modular Home)** - A structure or building module as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

163. **MASONRY CONSTRUCTION** - That form of construction comprised of brick, stone, granite, marble, concrete, hollow clay tile, concrete block or tile, brick veneer, exterior plasters (including stucco), or other similar building units or materials or combination of these materials laid up unit by unit and set in mortar.
164. **MAUSOLEUM** - Property used for the interring of the dead and where bodies are interred above ground in staked vaults.
165. **MEDICAL FACILITIES:**
- a. **Medical Clinic or Office** - A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.
  - b. **Dental Office or Doctors Office** - Same as medical clinic.
  - c. **Hospital** - An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
  - d. **Massage Establishment** - Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.
  - e. **Public Health Center** - A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
  - f. **Sanitarium** - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.
  - g. **Surgical Out-Patient Facility** - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.
  - h. **Medical Laboratory** - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.
166. **MINI-WAREHOUSE** - Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.
167. **MINOR MEDICAL EMERGENCY CLINIC** - See "Medical Clinic or Office".

168. **MOBILE HOME PARK (also TRAILER PARK or RV PARK)** - A parcel of land which is designed, improved, or intended to be used for short- or long-term occupancy by mobile homes/trailers and/or recreational vehicles (including travel trailers) in designated spaces. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.
169. **MOBILE HOME SPACE** - A plot of ground within a mobile home park, trailer park, RV park, or mobile home subdivision which is designed for the accommodation of one mobile home, trailer or RV unit.
170. **MOBILE HOME SUBDIVISION** - A parcel of land which is designed, platted, improved and intended for the long-term placement of individually owned mobile home units or HUD-Code manufactured homes on platted lots which can be purchased outright by the owners of the mobile home units. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.
171. **MODEL HOME** - A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.
172. **MOTEL OR HOTEL** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.
173. **MOTORCYCLE** - A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, all-terrain vehicles (ATVs), motorscooters, mopeds and similar vehicles are classified as motorcycles.
174. **MOTORCYCLE SALES AND REPAIR** - The display, sale and/or servicing, including repair work, of motorcycles.
175. **MOTOR FREIGHT COMPANY** - A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.
176. **MOTOR VEHICLE** - Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.
177. **MULTIPLE-FAMILY DWELLING** - Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. Includes three-family units (triplex) and four-family units (quadriplex), as well as traditional apartments.
178. **MUNICIPAL FACILITY OR USE** - Any area, land, building, structure and/or facility which is owned, used, leased or operated by the City of Athens, Texas.
179. **NONCONFORMING USE** - A building, structure, or use of land lawfully occupied as of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

180. **NURSERY** - An establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.
181. **NURSING, CONVALESCENT OR REST HOME** - See "Skilled Nursing Facility".
182. **OCCUPANCY** - The use or intended use of the land or buildings by proprietors or tenants.
183. **OFFICES, PROFESSIONAL AND GENERAL BUSINESS** - A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.
184. **OFFICE CENTER** - A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop, hair/nail salon, etc.
185. **OFFICE SHOWROOM** - An establishment with no more than twenty-five percent (25%) of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.
186. **OFFICE WAREHOUSE** - An establishment with more than twenty-five percent (25%) of the total floor area devoted to storage and warehousing, but not generally accessible to the public.
187. **OFFICIALLY APPROVED PLACE OF ACCESS** - Access to a property, other than from a dedicated street, which is approved by the City of Athens.
188. **OFF-STREET PARKING INCIDENTAL TO MAIN USE** - Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main use or within one hundred fifty feet (150') of such lot or tract, and located within the same zoning district as the main use or in an adjacent parking district.
189. **OUTSIDE DISPLAY** - Outside temporary display of finished goods that are specifically intended for retail sale but not displayed outside overnight.
190. **OUTSIDE STORAGE** - The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours. Also referred to as open storage.
191. **PAINT SHOP** - A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "Automobile Repair, Major").
192. **PARCEL** - Any unplatted tract of land, or any portion of an unplatted tract of land (also see "Tract").
193. **PARK OR PLAYGROUND (PRIVATE)** - See "Private Recreation Facility".
194. **PARK OR PLAYGROUND (PUBLIC)** - See "Public Recreation".
195. **PARKING LOT** - An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City of Athens parking lot standards, for the short- or long-term storage of motor

vehicles.

196. **PARKING LOT OR STRUCTURE, COMMERCIAL (AUTO)** - An area or structure devoted to the parking or storage of automobiles for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.
197. **PARKING SPACE** - An off-street (i.e., not on a public street or alley) area, paved in accordance with City of Athens parking lot standards, that is used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street.
198. **PATIO HOME (ZERO-LOT-LINE DWELLING)** - A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line. (See Section 19).
199. **PAWN SHOP** - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.
200. **PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES** - Establishments less than 2,000 square feet in gross floor area, primarily engaged in providing services generally involving the care of the person or his apparel and including (but not limited to) barber/beauty shops, dressmaking, shoe shining and repair, dry-cleaning and laundry pick-up stations, tailor or seamstress services, and other similar types of uses (no outside storage).
201. **PET AND ANIMAL GROOMING SHOP** - A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.
202. **PETROLEUM DISTRIBUTION/STORAGE/WHOLESALE FACILITY** - A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.
203. **PLANNED DEVELOPMENT DISTRICT** - Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners.
204. **PLANNING AND ZONING COMMISSION** - A board which is appointed by the City Council as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Council. Also referred to as the "Commission."
205. **PLAT** - A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the City of Athens, and which is approved by the City of Athens and recorded in the plat records of Henderson County.
206. **PLATTED LOT** - See "Lot" and "Lot of Record".

207. **PLAYFIELD OR STADIUM (PUBLIC)** - An athletic field or stadium owned and operated by a public agency (e.g., City of Athens, Athens Independent School District, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.
208. **PLAYFIELD OR STADIUM (PRIVATE)** - An athletic field or stadium owned and operated by an agency other than the City of Athens or the School District.
209. **PORTABLE BUILDING SALES (OUTDOOR DISPLAY)** - An establishment which displays and sells structures capable of being carried and transported to another location, but not including mobile homes.
210. **PREMISES** - Land together with any buildings or structures situated thereon.
211. **PRIMARY USE** - The principal or predominant use of any lot or building.
212. **PRINCIPAL BUILDING** - See "Main Building".
213. **PRIVATE CLUB** - An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.
214. **PRIVATE RECREATION FACILITY OR PRIVATE PARK** - A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.
215. **PRODUCE STAND** - A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods. No cooking or on-premises consumption of produce occurs on the site.
216. **PROFESSIONAL SERVICE** - Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.
217. **PROPANE SALES** - Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.
218. **PUBLIC AGENCY BUILDING, SHOP, YARD OR FACILITY** - Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: the State of Texas, the United States, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the City of Athens is defined as "Municipal Facility or Use".
219. **PUBLIC RECREATION** - Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in the City of Athens' Code of Ordinances.

220. **PUBLIC VIEW** - Public view means areas that can be seen from any public street.
221. **RADIO, TELEVISION OR MICROWAVE TOWER** - See Antenna, Microwave Reflector & Antenna Support Structure (see also Section 37.6).
222. **REAR YARD** - See "Yard, Rear".
223. **RECREATION CENTER** - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.
224. **RECREATIONAL VEHICLE (RV)** - A self-propelled (i.e., motorized), mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence. An RV may also be utilized as a permanent place of residence within districts that allow them to be used as such. (See also "Heavy Load Vehicle").
225. **RECREATIONAL VEHICLE/CAMPER SALES AND LEASING** - An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.
226. **RECREATIONAL VEHICLE (RV) PARK** - An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. (See also "Mobile Home Park").
227. **RECYCLING KIOSK** - A small uninhabited structure (120 square feet maximum) or temporary container (e.g., "igloo" or dumpster-type container) which provides a self-service location for the depositing of recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.
228. **REHABILITATION CARE FACILITY (HALFWAY HOUSE)** - A dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.
229. **REHABILITATION CARE INSTITUTION** - A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.
230. **RESIDENCE** - Same as a dwelling; also, when used with district, an area of residential regulations.
231. **RESIDENCE HOTELS** - A multi-unit, extended stay lodging facility consisting of efficiency units and/or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this Ordinance.
232. **RESIDENTIAL DISTRICT** - District where the primary purpose is residential use.

233. **RESTAURANT OR CAFETERIA (WITH DRIVE-THROUGH SERVICE)** - An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through window(s).
234. **RESTAURANT OR CAFETERIA (WITH NO DRIVE-THROUGH SERVICE)** - An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.
235. **RESTAURANT OR EATING PLACE (DRIVE-IN SERVICE)** - An eating establishment where food and/or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.
236. **RETAIL OR SERVICE, INCIDENTAL** - The rendering of incidental retailing or services incidental to the primary use. In the Office district, for example, such uses may include a barber/beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than fifteen percent (15%) of the main use.
237. **RETAIL SHOP (FOR APPAREL, GIFTS, ACCESSORIES AND SIMILAR ITEMS)** - An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. (Also see "General Retail Stores").
238. **RETIREMENT HOUSING FOR THE ELDERLY (also INDEPENDENT LIVING CENTER or CONGREGATE HOUSING)** - A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.
239. **ROOM** - A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.
240. **ROOMING HOUSE** - See "Boarding House".
241. **SALVAGE OR RECLAMATION OF PRODUCTS (ALSO SEE WRECKING YARD)** - The reclamation and storage of used products or materials.
242. **SAND, GRAVEL OR STONE EXTRACTION AND/OR STORAGE** - The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.
243. **SCHOOL, BUSINESS** - A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school, but not including commercial trade schools.
244. **SCHOOL, COMMERCIAL TRADE** - A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.
245. **SCHOOL, PRIVATE (PRIMARY OR SECONDARY)** - A school under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.

246. **SCHOOL, PUBLIC OR PAROCHIAL** - A school under the sponsorship of a public or religious agency which provides elementary and/or secondary curricula, but not including private business or commercial trade schools.
247. **SCIENTIFIC AND INDUSTRIAL RESEARCH LABORATORIES** - Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
248. **SCREENED** - Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.
249. **SEASONAL USES** - Seasonal uses include the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items which are typically only available at certain times of the year.
250. **SERVANT'S QUARTERS OR GUEST HOUSE** - An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities.
251. **SEXUALLY ORIENTED BUSINESS** - See Ordinance No. O-43-95.
252. **SHOPPING CENTER** - A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading/delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.
253. **SIDE YARD** - See "Yard, Side".
254. **SINGLE-FAMILY DWELLING, ATTACHED (TOWNHOUSE)** - A dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.
255. **SINGLE-FAMILY DWELLING, DETACHED** - A dwelling designed and constructed as a free-standing structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.
256. **SKILLED NURSING FACILITY (also termed NURSING HOME, CONVALESCENT HOME or LONG-TERM CARE FACILITY)** - A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.
257. **SMALL ENGINE REPAIR SHOP** - Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.
258. **STABLE, COMMERCIAL** - A stable used for the rental of stall space or for the sale or rental of horses or mules.
259. **STABLE, PRIVATE** - An area used solely for the owner's private purposes for the keeping of horses,

mules or ponies which are not kept for remuneration, hire or sale.

260. **STORAGE OR WHOLESALE WAREHOUSE** - A building used primarily for the storage of goods and materials.
261. **STORY** - That portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as twelve feet (12'). The definition of a story does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the number of stories (i.e., height) of a building shall be measured from point representing the average slope from front to back (or side to side) of the building.
262. **STORY, HALF** - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.
263. **STREET** - Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').
264. **STREET INTERSECTION** - Any street which joins another street at an angle, whether or not it crosses the other.
265. **STREET YARD** - The area between the building front line and the front property (i.e., right-of-way) line.
266. **STRUCTURE** - Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of "Building").
267. **STRUCTURAL ALTERATIONS** - Any change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.
268. **STUDIO, HEALTH/REDUCING/FITNESS** - Includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses.
269. **STUDIO, TATTOO OR BODY PIERCING** - A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.
270. **STUDIO FOR RADIO AND TELEVISION** - A building or portion of a building used as a place for radio or television broadcasting.

271. **SWIMMING INSTRUCTION AS A HOME OCCUPATION** - The teaching of swimming in a private swimming pool. Within a residential district, this use is subject to the approval and issuance of a Specific Use Provision which may specify operating conditions and standards and which may limit the number of students and operating times.
272. **SWIMMING POOL, COMMERCIAL** - A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.
273. **SWIMMING POOL, PRIVATE** - A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with the City of Athens Code of Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
274. **TELEMARKETING CENTER** - An establishment which solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.
275. **TELEPHONE AND EXCHANGE, SWITCHING/RELAY OR TRANSMITTING STATION** - A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.
276. **TEMPORARY** - Used or lasting for only a limited period of time; not permanent. The use of a temporary sign or banner shall not exceed thirty (30) calendar days unless a permanent sign has been ordered and not received. One (1) additional thirty (30) day extension may be granted. No fee shall be charged. *(Amended 3/24/03)*
277. **TEMPORARY BUILDING** - Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.
278. **TEMPORARY FIELD OFFICE OR CONSTRUCTION YARD OR OFFICE** - A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the Building Official and shall be subject to review and renewal for reasonable cause.
279. **TENNIS COURT, PRIVATE** - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by the Specific Use Provision.
280. **THEATER, DRIVE-IN (OUTDOOR)** - An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.
281. **THEATER OR PLAYHOUSE (INDOOR)** - A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.
282. **TIRE DEALER, NO OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

283. **TIRE DEALER, WITH OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.
284. **TOOL AND MACHINERY RENTAL SHOP** - A building or a portion of a building used for the display and rental of tools, machinery and instruments.
285. **TRACT** - A single individual parcel or lot.
286. **TRACTOR SALES** - See "Heavy Machinery Sales and Storage".
287. **TRADE AND COMMERCIAL SCHOOLS** - See "School, Commercial Trade".
288. **TRAILER PARK OR COURT** - See "Mobile Home Park".
289. **TRAILER, HAULING** - A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.
290. **TRAILER HOME** - See "Manufactured Housing, Mobile Home".
291. **TRAILER OR MOBILE HOME SPACE** - See "Mobile Home Space".
292. **TRAILER RENTAL** - The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.
293. **TRAILER, TRAVEL OR CAMPING** - A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.
294. **TRANSPORTATION AND UTILITY STRUCTURES/FACILITIES** - Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.
295. **TRUCK** - A light or heavy load vehicle (see definitions for "Light Load Vehicle" and "Heavy Load Vehicle").
296. **TRUCK AND BUS REPAIR** - An establishment providing major and minor automotive repair services to heavy load vehicles.
297. **TRUCK AND BUS LEASING** - The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.
298. **TRUCK STOP** - A facility for the parking, refueling and/or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.
299. **TRUCK TERMINAL** - An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

300. **TRUCK SALES (HEAVY TRUCKS)** - The display, sale or rental of new or used heavy load vehicles in operable condition.
301. **TWO-FAMILY DWELLING (DUPLEX)** - Two attached dwellings in one structure, each designed to be occupied by one family.
302. **USABLE OPEN SPACE** - An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains.
303. **USE** - The purpose for which land or buildings are or may be occupied in a zoning district.
304. **UTILITY DISTRIBUTION/TRANSMISSION LINES** - Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.
305. **VARIANCE** - An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Zoning Board of Adjustment of the City of Athens can grant a variance.
306. **VETERINARIAN CLINIC** - An establishment where animals and pets are admitted for examination and medical treatment (also see "Kennels").
307. **WRECKING YARD (JUNKYARD OR AUTO SALVAGE)** - Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.
308. **YARD** - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (See Illustration 8).
309. **YARD, FRONT** - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. (See Illustrations 6 and 8).
310. **YARD, REAR** - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. (See Illustration 8).
311. **YARD, SIDE** - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (See Illustration 8).

312. **ZERO-LOT-LINE DWELLING** - See "Patio Home".
313. **ZONING BOARD OF ADJUSTMENT** - A board which is appointed by the City Council, and which is authorized to make special exceptions to the Zoning Ordinance (i.e., variances), and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. Also referred to as the "ZBA."
314. **ZONING DISTRICT** - A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.
315. **ZONING DISTRICT MAP** - The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance. (See Section 3, "Zoning District Map" and Section 4, "Zoning District Boundaries").
316. **ZOO (PRIVATE)** - A facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.
317. **ZOO (PUBLIC)** - A publicly owned zoo or similar facility owned and operated by the City or a nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

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## A-4 APPROVED PLANT LIST

### Large Trees

(within parking areas  
or as street trees)

*Pecan*  
*Sweetgum*  
*Chinese Pistache*  
*Live Oak*  
*Red Oak*  
*Shumard Oak*  
*Willow Oak*  
*Cedar Elm*  
*Texas Ash*  
*White Ash*  
*Green Ash*  
*Loblolly Pine*  
*Short Leaf Pine*  
*Water Oak*  
*American Holly*  
*Bald Cypress*  
*Laurel Oak*

### Large Trees

(non-vehicular areas)

*Bur Oak*  
*Texas Persimmon*  
*Willow*  
*River Birch*  
*Western Soapberry*

### Small Trees

*Bradford Pear*  
*Aristocrat Pear*  
*Crape Myrtle*  
*Flowering Dogwood*  
*Mexican Plum*  
*Yaupon Holly*  
*Golden Raintree*  
*Southern Wax Myrtle*  
*Redbud*  
*Japanese Black Pine*  
*Wilson's Holly*  
*Shining Sumac*  
*Poosumhaw Holly*  
*Carolina Buckthorn*

### Evergreen Shrubs

(Acceptable for low [5' or less]  
screening)

*Dwarf Abelia*  
*Dwarf Yaupon Holly*  
*Dwarf Burford Holly*  
*Barberry*  
*Japanese Boxwood*  
*Eleagnus*  
*'Berries Jubilee' Holly*  
*Carissa Holly*  
*'Dazzler' Holly*  
*Nandina*

### Evergreen Shrubs

(Acceptable as noted for  
6' screening)

*Red Tip Photinia*  
*Cleyera*  
*Nellie R. Stevens Holly*  
*Waxleaf Ligustrum*  
*Sweet Viburnum*  
*Willowleaf Holly*  
*Cherry Laurel*  
*Burford Holly*  
*Abelia*  
*'Mary Nell' Holly*  
*'Savannah' Holly*  
*False Holly (Osmanthus)*

### Other Shrubs

*Poosumhaw Holly*  
*Chinese Holly*  
*Juniper*  
*Sumac*

### Ground Cover

*Asian Jasmine*  
*Honeysuckle*  
*English Ivy*  
*Liriope*  
*Monkey Grass*  
*Vinca (Periwinkle)*  
*Trailing Juniper*

### Notes:

- Plants in *italics* are preferred due to their lower water demand as designated in "Landscape Water Conservation...Xeriscape" published by the Texas Agricultural Extension Service.
- Additional plant material may be approved as appropriate.

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## A-5 SUMMARY OF ZONING DISTRICT REGULATIONS \*

### City of Athens, Texas

This is a chart for general comparison purposes only and is incomplete. For complete requirements see the body of the Zoning Ordinance.

District	Minimum Lot Area	Minimum Dwelling Unit Size	Minimum Lot Width	Minimum Lot Depth	Minimum Front Yard	Minimum Rear Yard	Minimum Side Yard	Maximum Height of Building
<b>A</b>	1 Acre	800 Sq. Ft.	150 Ft.	200 Ft.	35 Ft.	25 Ft.	10% of lot width/30 Ft.	2.5 stories/ 35 Ft.
<b>SF-15</b>	15,000 Sq. Ft.	800 Sq. Ft.	100 Ft.	125 Ft.	35 Ft.	25 Ft.	10% of lot width/25 Ft.	2.5 stories/ 35 Ft.
<b>SF-10</b>	10,000 Sq. Ft.	800 Sq. Ft.	70 Ft.	110 Ft.	30 Ft.	25 Ft.	10% of lot width/20 Ft.	2.5 stories/ 35 Ft.
<b>SF-7</b>	7,000 Sq. Ft.	800 Sq. Ft.	60 Ft.	110 Ft.	25 Ft.	25 Ft.	10% of lot width/15 Ft.	2.5 stories/ 35 Ft.
<b>SF-5</b>	5,000 Sq. Ft.	800 Sq. Ft.	50 Ft.	100 Ft.	25 Ft.	25 Ft.	10% of lot width/15 Ft.	2.5 stories/ 35 Ft.
<b>SF-PH</b>	4,500 Sq. Ft.	800 Sq. Ft.	40 Ft.	110 Ft.	25 Ft.	25 Ft.	0 Ft./10 Ft./ 15 Ft.	2.5 stories/ 35 Ft.
<b>SF-CH55+</b>	1,598 Sq. Ft.	440 Sq. Ft.	34 Ft.	47 Ft.	5 Ft.	5 Ft.	5 Ft.	2 stories/ 28 Ft.
<b>MF-2</b>	6,000 Sq.Ft./lot 3,000 Sq.Ft./D.U.	800 Sq. Ft.	60 Ft.	100 Ft.	25 Ft.	25 Ft.	10% of lot width/15 Ft.	2.5 stories/ 35 Ft.
<b>SFA</b>	3,000 Sq. Ft.	800 Sq. Ft.	30 Ft.	100 Ft.	25 Ft.	25 Ft.	0 Ft./15 Ft.	2.5 stories/ 35 Ft.
<b>MF-4</b>	10,000 Sq.Ft./lot 3,600 Sq.Ft./D.U.	550sf-Effic'y. 600sf-1 B.R. 800+sf-2+ B.R.	80 Ft.	100 Ft.	25 Ft.	25 Ft.	15 Ft.	2.5 stories/ 35 Ft.
<b>MF-5</b>	20,000 Sq.Ft./lot 2,000 Sq.Ft./D.U.	550sf-Effic'y. 600sf-1 B.R. 800+sf-2+ B.R.	100 Ft.	150 Ft.	30 Ft.	25 Ft./ 80 Ft.	15 Ft./ 60 Ft.	3 stories/ 45 Ft.
<b>MH</b>	5,000 Sq. Ft./Unit	800 Sq. Ft.	50 Ft.	100 Ft.	25 Ft.	25 Ft..	10 Ft.	2.5 stories/ 35 Ft.
<b>O</b>	7,000 Sq. Ft.	N/A	70 Ft.	100 Ft.	25 Ft.	25 Ft.	15 Ft./ 25 Ft.	2 stories/ 35 Ft.
<b>R</b>	10,000 Sq. Ft.	N/A	70 Ft.	100 Ft.	25 Ft.	25 Ft.	25 Ft.	2 stories/ 35 Ft.
<b>CBD</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	2 stories/ 35 Ft.
<b>C</b>	10,000 Sq. Ft.	N/A	70 Ft.	100 Ft.	25 Ft.	25 Ft.	25 Ft.	3 stories/ 45 Ft.
<b>I</b>	20,000 Sq. Ft.	N/A	100 Ft.	200 Ft.	50 Ft.	25 Ft.	25 Ft.	3 stories/45/ 35/1 story

\*See text of the Zoning Ordinance for additional or supplemental requirements for all zoning districts.

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## A-6 SCHEDULE OF FEES

The following fees for the processing of zoning/development applications, as governed by this Ordinance, are included herein as Appendix A-6.

Zoning Change .....	\$100
Zoning Change - PD (with Concept Plan) .....	\$100
Zoning Ordinance Text Amendment .....	\$75
Specific Use Provision (SUP) .....	\$100
Fence Permit .....	\$15
Board of Adjustment .....	\$100

### Sign Permit Fees: *(Adopted 8/9/99)*

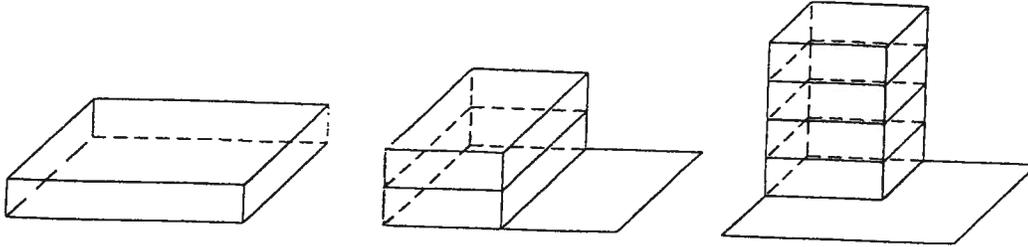
- (1) \$0 through \$15,000 in value; \$15.00 fee.
- (2) Above \$15,000 in value: \$15.00 for first \$15,000 plus \$5.00 for each \$1,000 thereafter.
- (3) Political signs shall follow State Law.

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## ILLUSTRATIONS



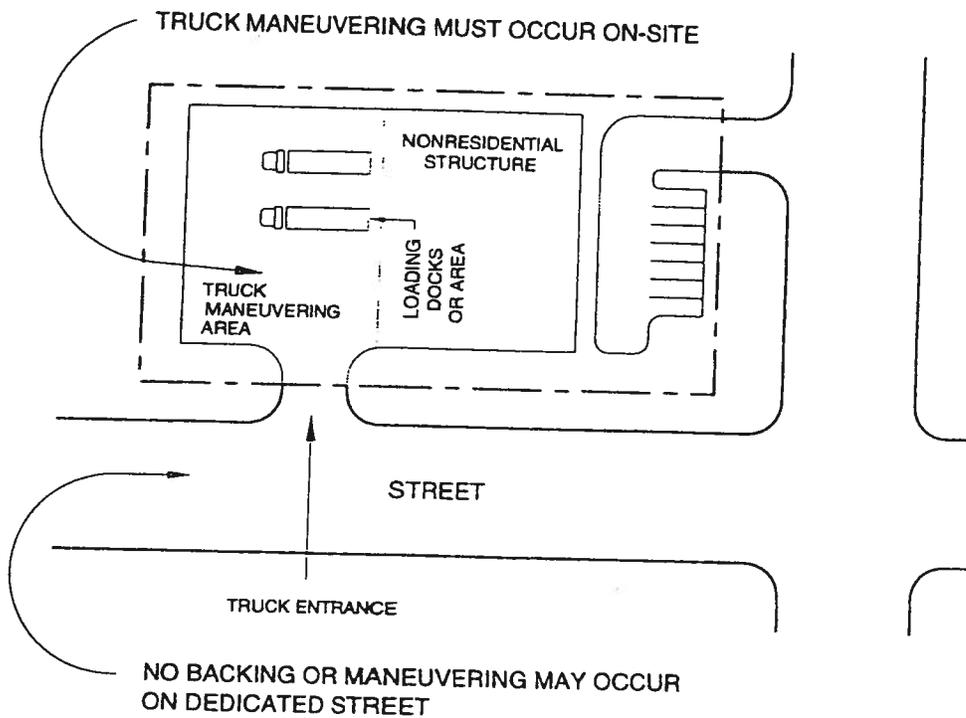
# ILLUSTRATION #1



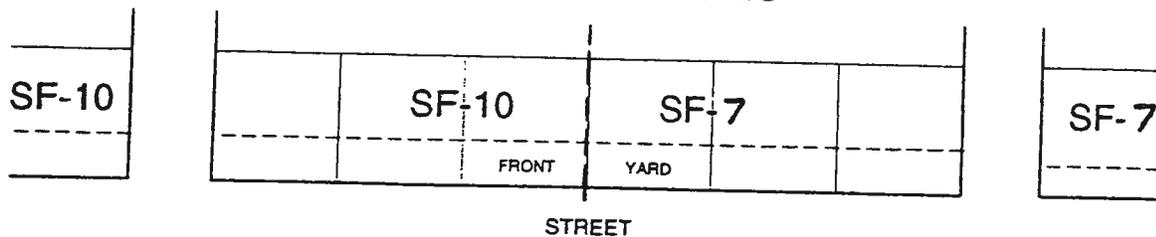
EACH DRAWING ILLUSTRATES FLOOR AREA RATIO OF 1:1

# ILLUSTRATION #2

## OFF-STREET MANEUVERING FOR LOADING AREA



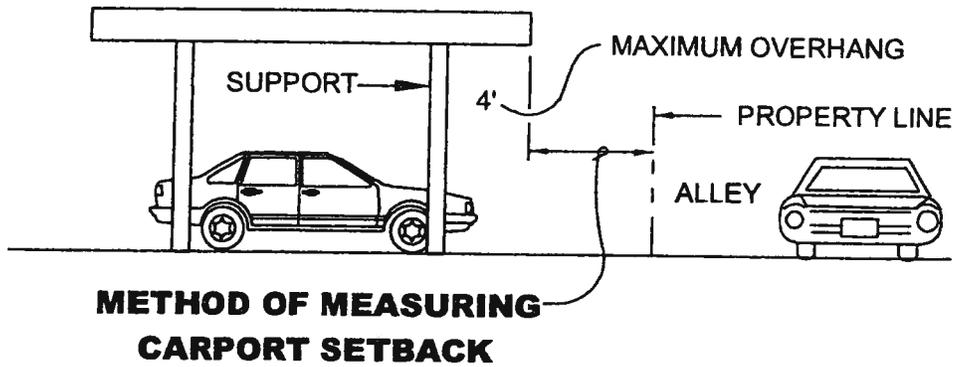
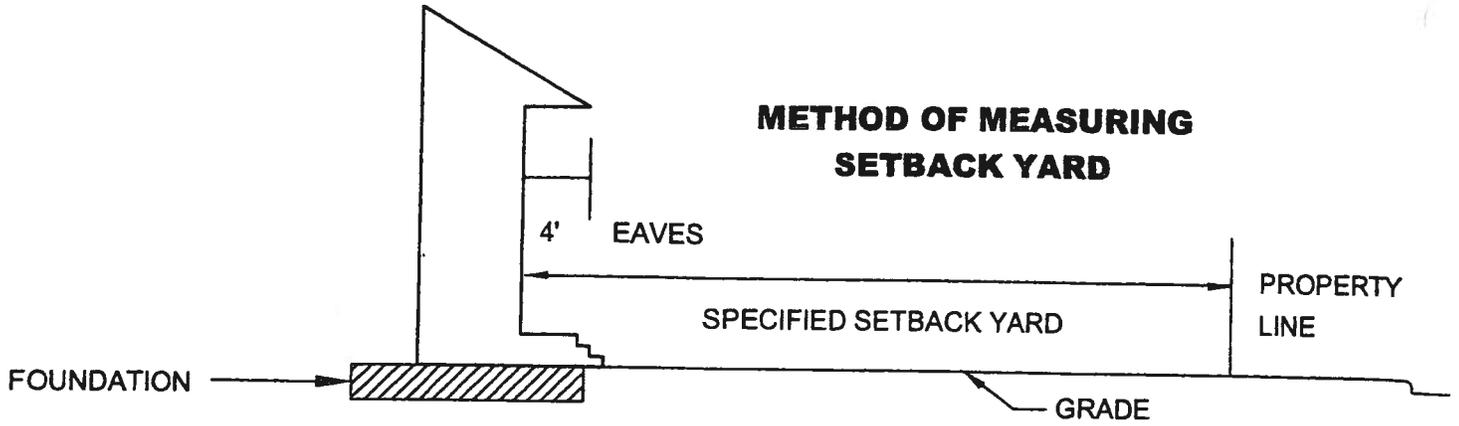
# ILLUSTRATION #3



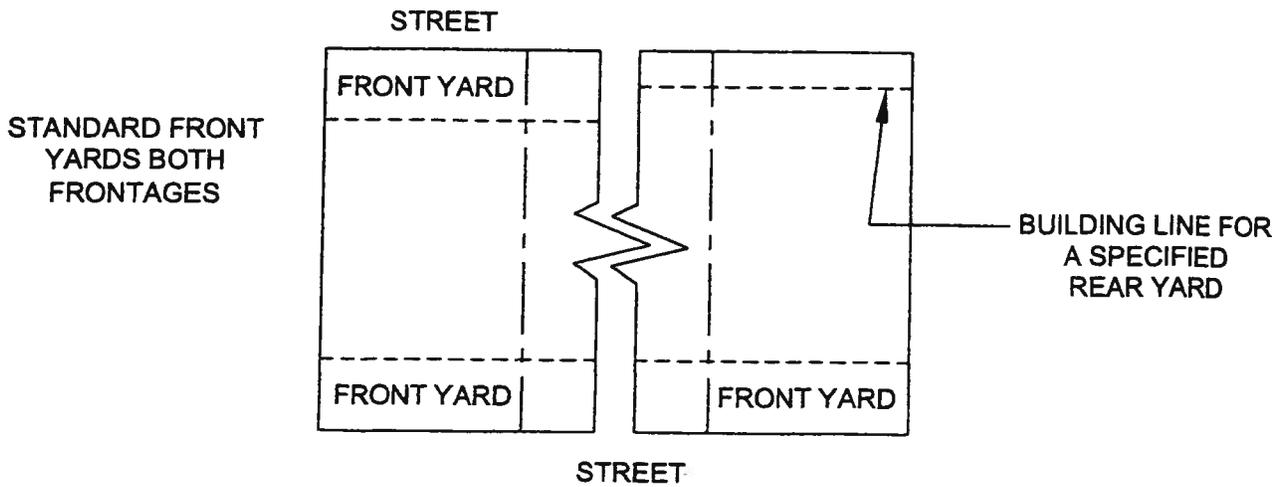
IN AREAS WITH SPLIT ZONING DISTRICTS  
FRONT YARD REMAINS UNIFORM THROUGHOUT  
THE BLOCK ACCORDING TO THE MOST RESTRICTIVE  
DISTRICT STANDARDS

## FRONT YARD WHERE ZONING CHANGES IN A BLOCK

# ILLUSTRATION #4

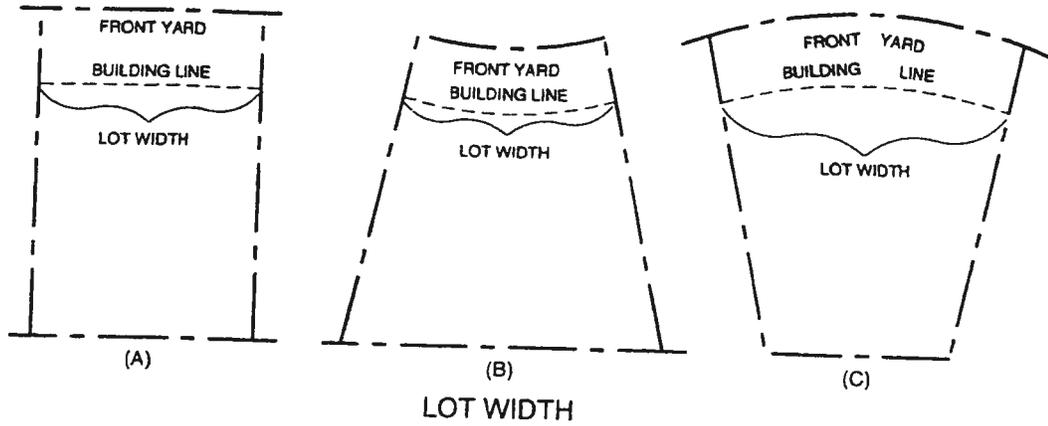


# ILLUSTRATION #5

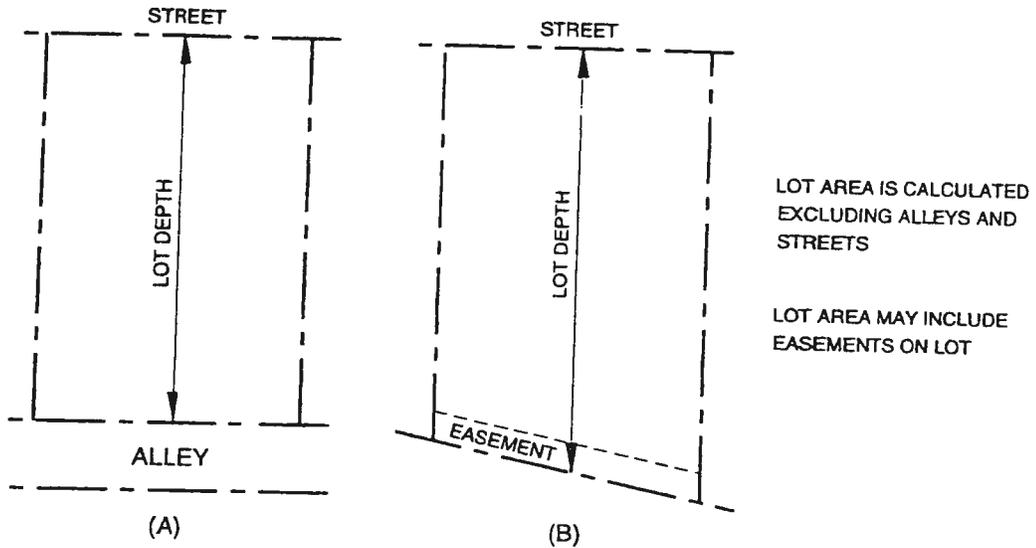


# DOUBLE FRONTAGE LOTS

### ILLUSTRATION #6

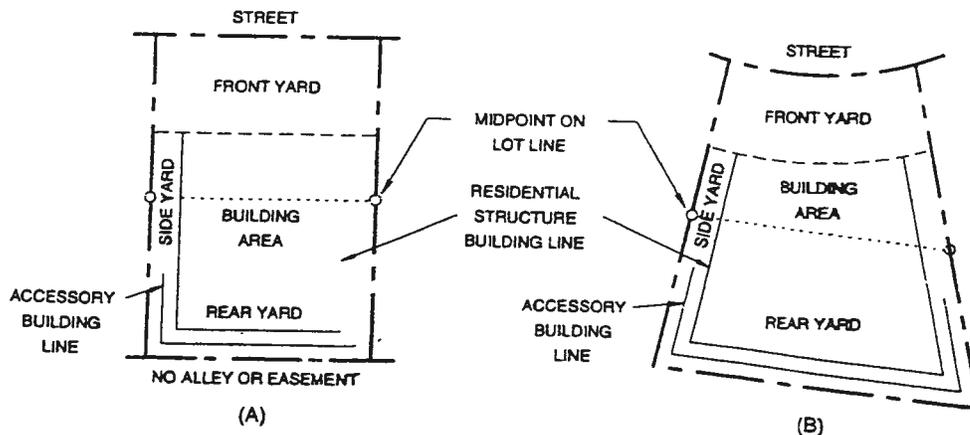


### ILLUSTRATION #7



LOT AREA & DEPTH

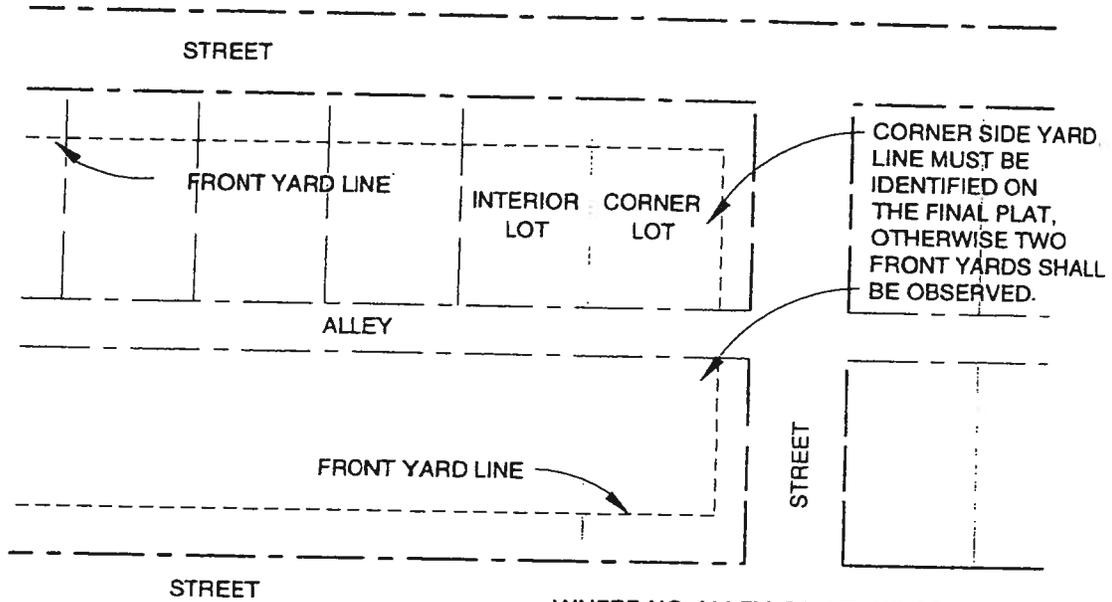
### ILLUSTRATION #8



YARDS

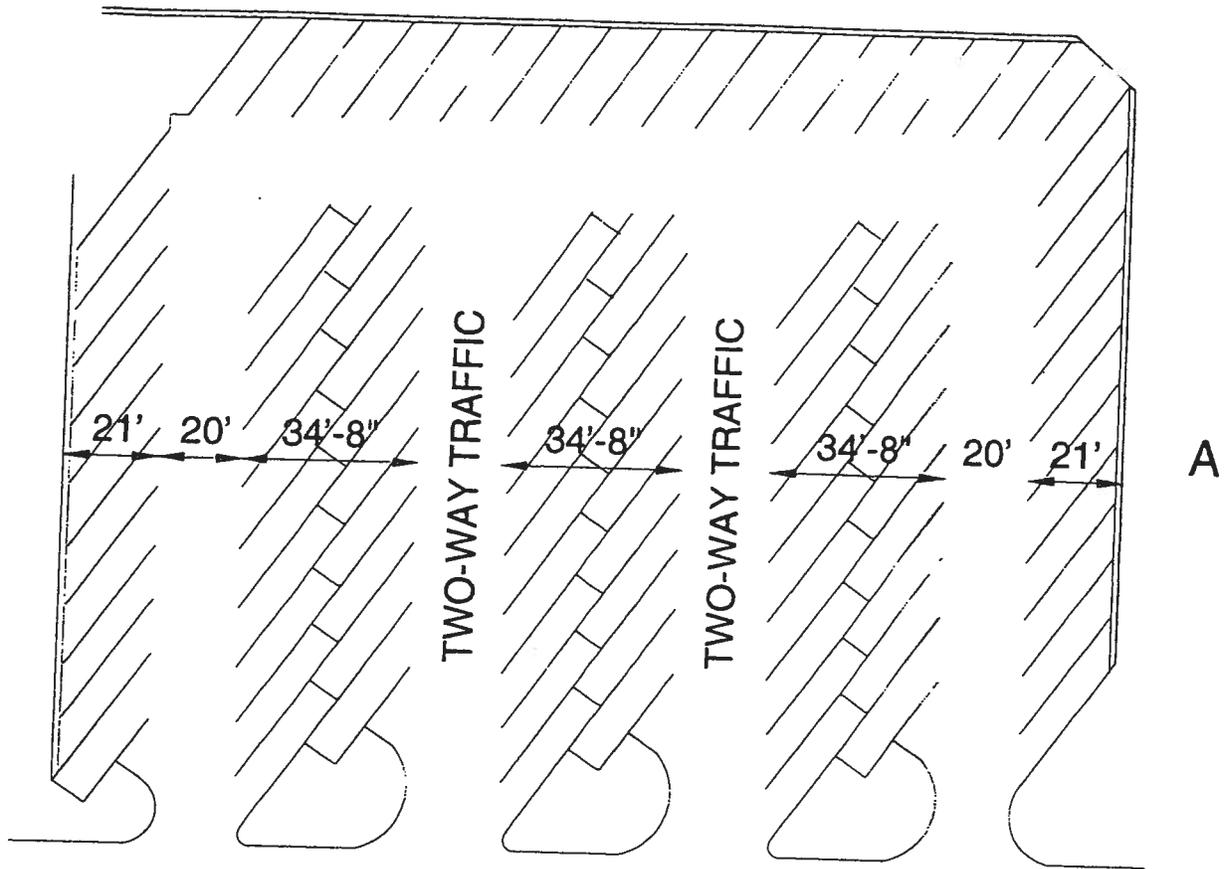
# ILLUSTRATION #9

## CORNER LOT/INTERIOR LOT

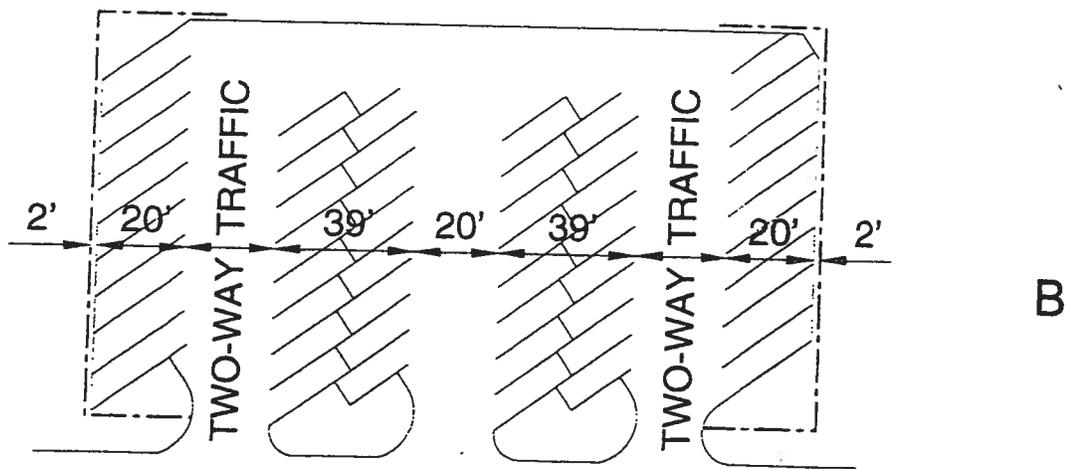


WHERE NO ALLEY OR OTHER SEPARATION EXISTS BETWEEN ADJACENT LOTS, SETBACK ALONG BLOCK FACE SHALL BE CONSISTENT (i.e., UNIFORM; NOT STAGGERED).

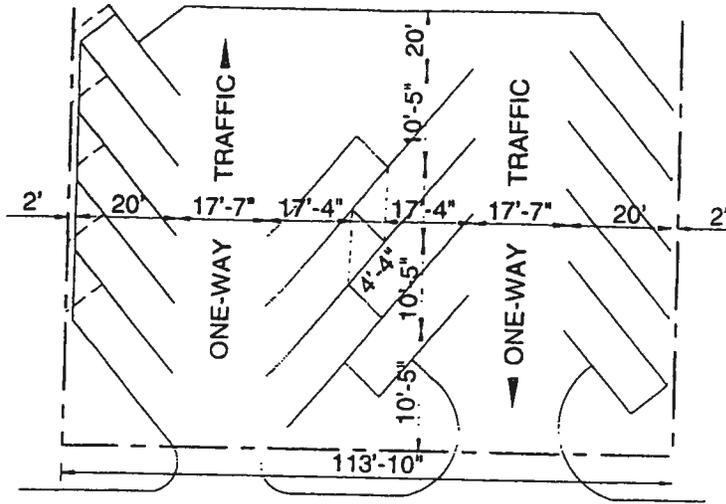
# ILLUSTRATION #10



60° LAYOUT WITH TWO-WAY TRAFFIC

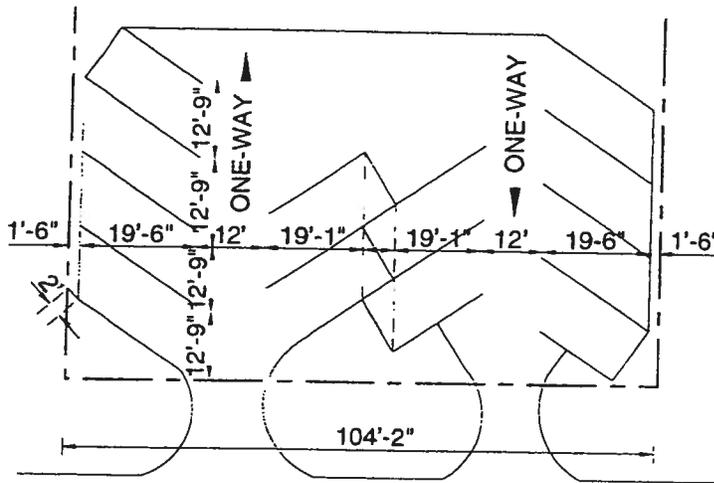


45° LAYOUT WITH TWO-WAY TRAFFIC



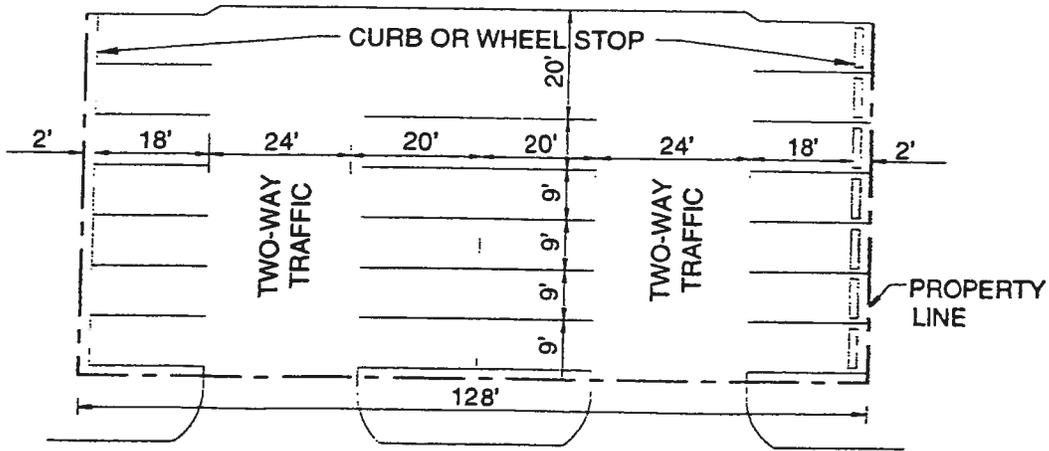
C

60° LAYOUT WITH ONE-WAY TRAFFIC



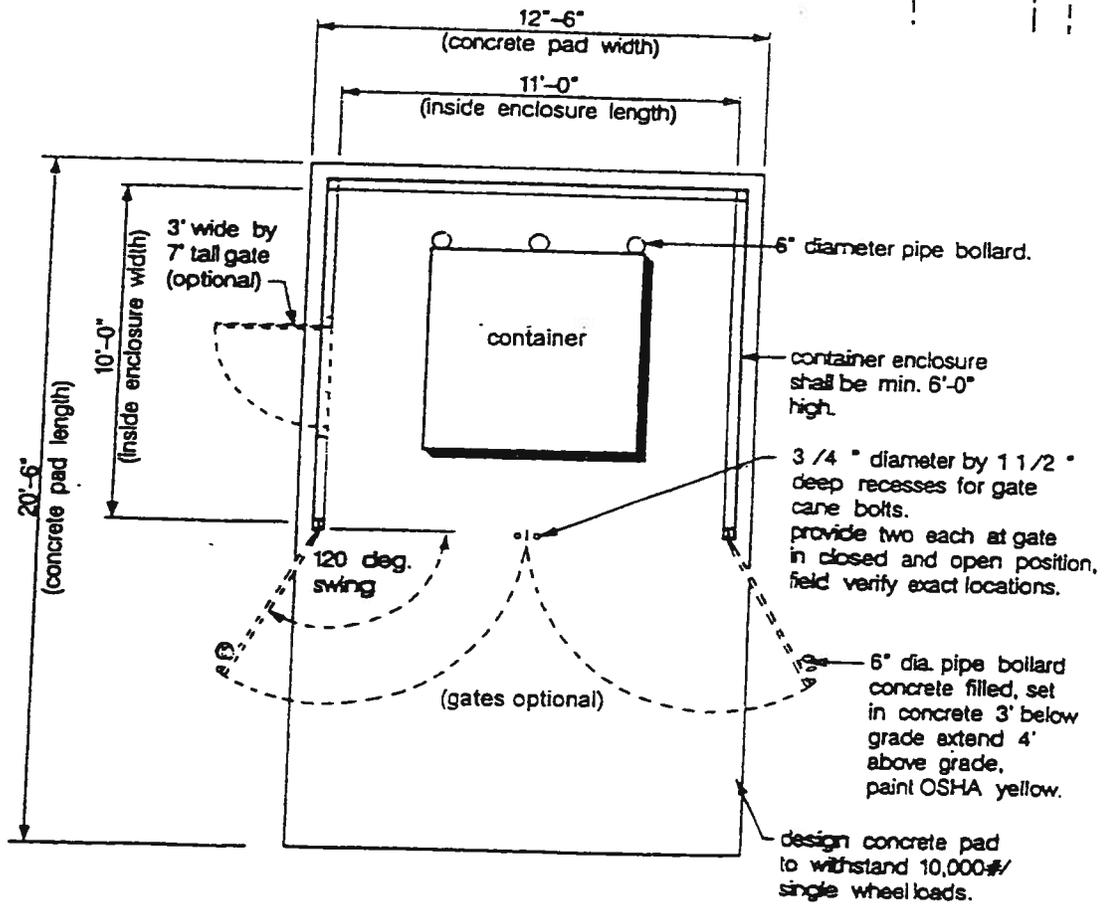
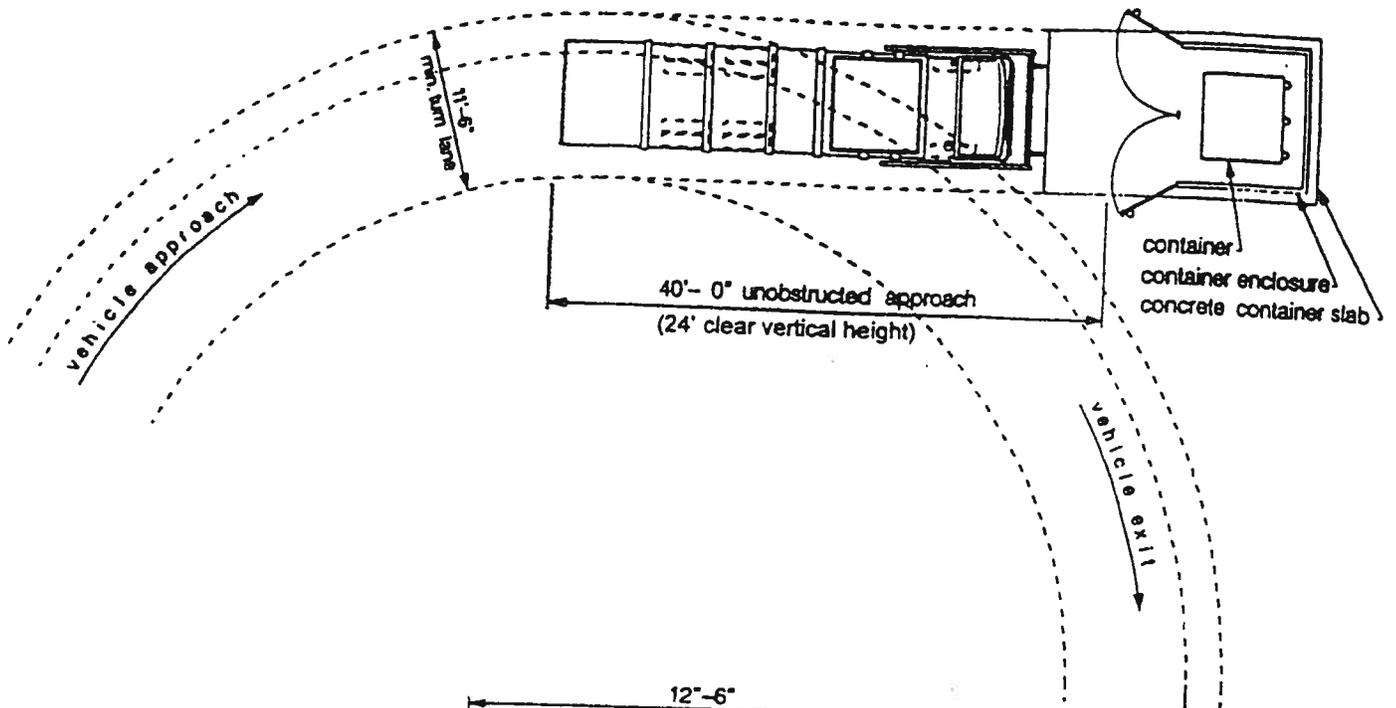
D

45° LAYOUT WITH ONE-WAY TRAFFIC



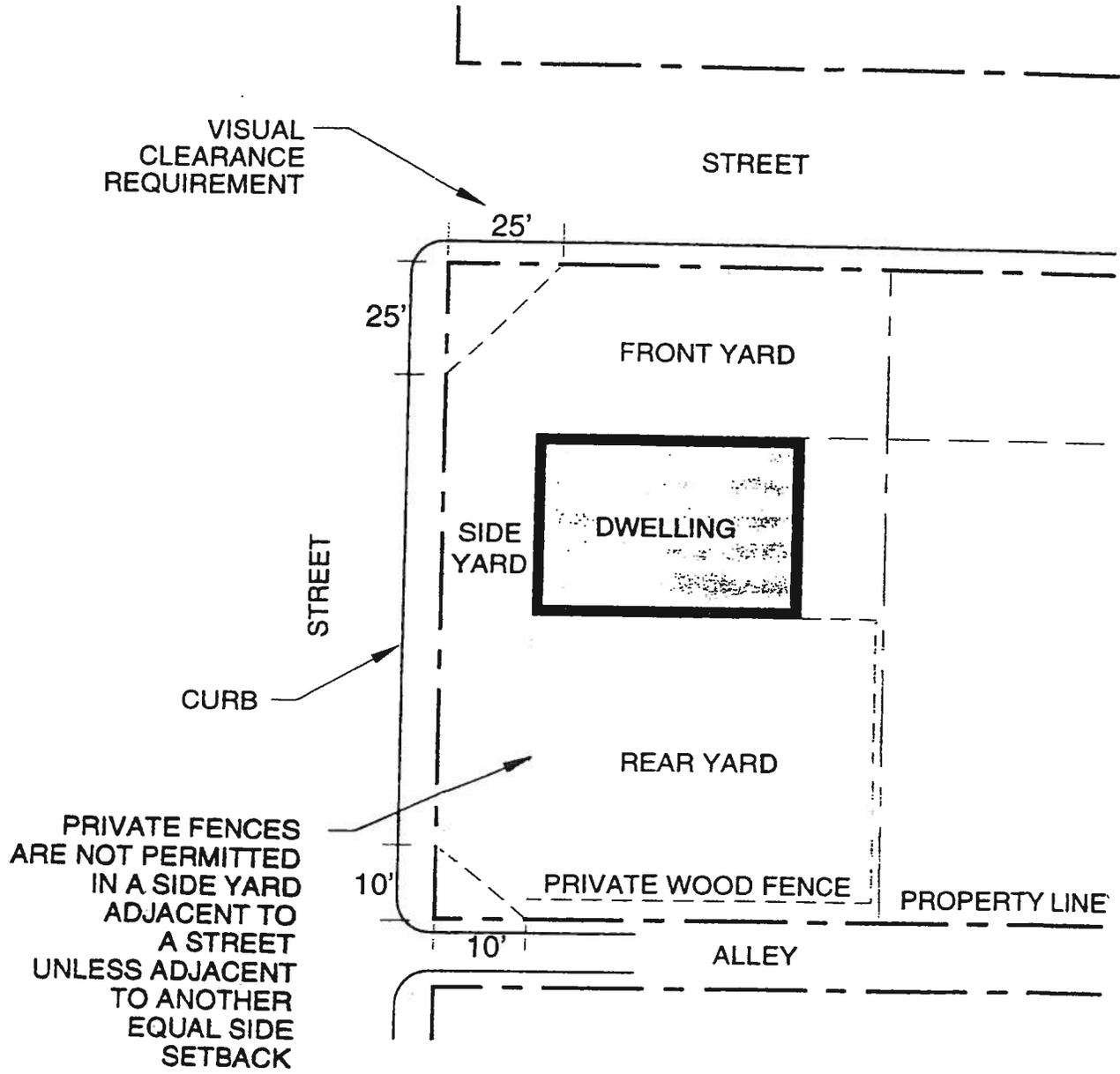
E

90° LAYOUT



**ILLUSTRATION #1 1**

# ILLUSTRATION #12



FENCE & SIGHT REQUIREMENTS FOR CORNER LOTS