

**Athens City Planning Commission
Minutes of Regular Meeting
Thursday, October 6, 2022 12:00 p.m.**

The regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor of City Hall, on October 6, 2022.

Attendees: Cherie Gall, Erin Carter, Robert Delach

1. Call to Order

Steve Patterson called the regular meeting of the Planning Commission to order at 12:02 p.m. and administered the oath to those in the audience planning to speak. Quorum was established with five members present.

PLANNING COMMISSION MEMBERS:

Steve Patterson, Chair	Present
John Kotowski, Vice Chair	Present
Nancy Bain	Present
Austin Phillips	Present
Andy Stone, Service-Safety Director	Present

STAFF:

Paul Logue, City Planner	Absent
David Riggs, Code Enforcement Director	Present

2. Disposition of Minutes

John Kotowski moved to approve the September 1, 2022 minutes. Nancy Bain seconded. Motion passed 5:0.

3. Cases

Case #22-05 Proposed Amendment to Title 23 – Zoning Code

David Riggs

- Proposed changes are attached for reference and include changes to 23.03 General Regulations and Permitted Modifications, 23.04 Permitted Uses, and 23.06 Administration and Board of Zoning Appeals:
 - 23.03.10. - Number of buildings restricted.
 - 23.03.11. - Accessory structures.
 - 23.04.04. B-1 Neighborhood Business Zone.
 - 23.04.07. B-3 General Business Zone.
 - 23.06.02. Certificates and permits.
- His goal with this amendment is to get a system in the codified ordinance that would make it easy and accessible to have renewable energy in the city and to streamline the review and approval process.

- Broke it into two types of renewable energy systems: 1. Accessory Structure System and 2. Renewable Energy System is the Primary Use.

Discussion

- Steve P. noted that he has many opportunities recently to discuss the city's carbon fee. The Inflation Reduction Act includes the opportunity for cities to take advantage of solar tax credits. He commended David R. for his efforts to allow citizens to cut through the red tape. Athens is a Sol-Smart Community and this will be viewed favorably by them.
- John K. is excited and supportive of these changes. He requested an overview of the differences of the two pieces.
 - David R. – The main reason he wanted to break it into two sections is because if you already have a primary use in a zoned area the use will be what the zone is for. The accessory structures will allow you to add on to the existing use. What he wanted to look at was if you have a vacant piece of land in a certain zone, how do we want to control what kind of development occurs there? Control where they will be allowed to go in the different zones.
- Andy S. reviewed the four recommended zones listed in 23.03.12 F (page 7 of attachment) for principle use systems.
- Rob Delach/Morris Avenue asked David R. for a clarification about the accessory option in residential zones.
 - David R. – a resident can have 3 different types of renewable energy systems. Wind generated would be the only conditional type (requiring a variance). The others would be allowed in a residential area (geo thermal and solar arrays either ground mounted or mounted on the structure).
- Nancy B. commented that this may be a concern for people who don't live in subdivisions and don't know where their lot lines are. Concern being that the structure would be placed too close to the line if they were ground mounted.
 - Andy S. there would be a built in check under 23.03.11 D2 ground mounted solar setbacks. So you have to abide by the required setbacks.
- David R. noted that there is a permitting process, these changes solidify the permitting process.

Nancy Bain moved to approve Case #22-05 and forward recommendation to City Council for review. John K. seconded. Motion passed 5:0.

4. **Communications**

Title 21 Lot Split 3640 & 3648 Pleasant Hill Road

David Riggs

- This is a simple lot split to create a front lot and back lot and is within the 3-mile radius.
- It would normally be a minor subdivision, but it has a 35' wide access easement, so Athens City Code requires a major subdivision. Staff recommends that this be considered as a minor subdivision but go through the approval process for the major subdivision (but not following all the requirements that we have for a major subdivision - plans, plats, etc.).

Erin Carter/Property Owner

- The front lot has a 3 BR 1 bath residence plus garage.
- The back lot would have a 1 BR 1 bath cabin.

Andy S. is in agreement with David R. and recommends treating this as a minor subdivision.

This will return as a case in 2 weeks to be voted on.

5. Report from City Planner and Director of Code Enforcement

David Riggs

- Informed the commissioners that a subdivision request at University Estates has been submitted. The property owner owns three lots on the south side of UE Blvd. and he would like to avoid doing a major subdivision. A ten lot split off of the boulevard would kick in a major subdivision, however, it is possible to do lots 1-4 as a minor lot split and leave the remainder (lot 80) except they don't meet the length to width ratio (3:1) requirement. Lot 80 is zoned R3, and 81 & 82 are zoned B3 and would require rezoning. Might be better for the property owner to go with a major subdivision.
 - Andy S. asked if it wasn't rezoned and remained R-3, would quadplexes and triplexes be allowable. David R. replied yes.
 - Steve P. asked about topography constraints, to which David R. noted that all 10 lots are buildable, however, proposed lots 7-9 are low and may need to have a gravity fed sewer system.
- High pressure gas line running right through these lots.
 - Andy S. pointed out that a larger issue is the original zoning that occurred when UE was first built. Zoning was based on potential subdivision that was planned and that never happened. It will be a future problem, how to rezone in the area.

7. Opportunity for Citizens to Speak

None

8. Announcements & Other Business

- Steve P. mentioned recent discussions with the City Planner about whether there is a need to take a closer look at the four wards and a need to redraw the boundaries.
- Next meeting October 20, 2022

9. Adjournment

The meeting was adjourned at 12:31 p.m.

23.03.10. – BUILDINGS ON PUBLIC STREETS AND Number of buildings restricted.

(A) EACH PRINCIPAL BUILDING SHALL FRONT ON A DULY ACCEPTED PUBLIC STREET WHICH HAS BEEN IMPROVED IN ACCORDANCE WITH CITY STANDARDS OR ON STREETS IN THE PROCESS OF BEING IMPROVED IN ACCORDANCE WITH REQUIREMENTS OF THE SUBDIVISION REGULATIONS, CHAPTER 151.

(B) There shall be not more than one principal dwelling structure and two accessory structures, including a private garage, on each zone lot in any zone.

23.03.11. Accessory structures AND ACCESSORY ENERGY SYSTEMS

(A) Detached accessory structures—Accessory structures that are not attached to a principal structure may be erected in accordance with the following restrictions:

- (1)** No accessory structure shall be located closer than five feet to the side and rear lot lines.
- (2)** No accessory structure shall be located closer to the street than the required front yard setback of the principal structure.
- (3)** On corner lots, accessory structures shall not be located on the side street side between the side street and the required front yard setback line of structures fronting on the side street.
- (4)** No accessory structure shall contain permanent living quarters.

(B) Attached accessory structures—When an accessory structure is attached to the principal building, it shall comply in all respects with the requirements of the zoning code applicable to the principal buildings.

(C) Accessory buildings in R-Zones; without a principal building. In any R-Zone no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building except for continuous and contiguous lots under common ownership.

(D) ACCESSORY ENERGY SYSTEMS

RENEWABLE ENERGY SYSTEMS THAT ARE DESIGNED PRIMARILY FOR THE ON-SITE CONSUMPTION OF ELECTRICITY OR HEAT EXCHANGE ARE CONSIDERED ACCESSORY ENERGY SYSTEMS (AES). ALL PARTS OF AN AES SHALL BE CONSIDERED TO BE ONE ACCESSORY STRUCTURE. ALL AES INSTALLATIONS SHALL REQUIRE A PERMIT FROM THE CITY OF ATHENS IN ADDITION TO ANY STATE OR FEDERAL PERMITS REQUIRED. PERMIT FEES SHALL BE ESTABLISHED BY SEPARATE ORDINANCE.

(1) ROOF-MOUNTED SOLAR

ROOF-MOUNTED AES ARE A PERMITTED ACCESSORY USE WITHIN ALL ZONING DISTRICTS. ROOF-MOUNTED SOLAR AES SHALL NOT COUNT TOWARD THE MAXIMUM NUMBER OF ACCESSORY STRUCTURES PERMITTED ON ANY LOT AND SHALL MEET THE FOLLOWING REQUIREMENTS:

- (i) HEIGHT:
 - a. ON A PITCHED/SLOPED ROOF, AES SHALL BE INSTALLED PARALLEL TO THE ROOF SURFACE AND MAY NOT EXTEND BEYOND THE EDGE OF THE ROOF PEAK.
 - b. ON A FLAT ROOF, AES ARE NOT PERMITTED TO EXCEED THE ZONING DISTRICT HEIGHT LIMITS BY MORE THAN 18-INCHES.
- (ii) EMERGENCY ACCESS: ROOF-MOUNTED SOLAR AES SHALL COMPLY WITH APPLICABLE STATE AND LOCAL FIRE CODES TO ENSURE EMERGENCY ACCESS TO THE ROOF, PROVIDE PATHWAYS TO SPECIFIC AREAS OF THE ROOF, PROVIDE AREAS FOR SMOKE VENTILATION, AND PROVIDE EMERGENCY EGRESS FROM THE ROOF.
- (iii) SCREENING: ROOF-MOUNTED AES ARE EXEMPT FROM SCREENING REQUIREMENTS.
- (iv) SOLAR ACCESS EASEMENTS: OWNERS OF AES ARE SOLELY RESPONSIBLE FOR NEGOTIATING WITH OTHER PROPERTY OWNERS FOR ANY DESIRED SOLAR EASEMENTS TO PROTECT ACCESS TO SUNLIGHT. ANY SUCH EASEMENTS MUST BE CONSISTENT WITH THE REQUIREMENTS OF SECTION 5301.63 OF THE OHIO REVISED CODE.

(2) GROUND-MOUNTED SOLAR

GROUND-MOUNTED SOLAR AES ARE A PERMITTED ACCESSORY USE WITHIN ALL ZONING DISTRICTS, EXCEPT THE HISTORICAL OVERLAY DISTRICT, AND ONLY WHEN INCIDENTAL TO ONE OR MORE PERMITTED PRIMARY AND/OR ACCESSORY STRUCTURE(S), SUBJECT TO THE FOLLOWING DEVELOPMENT STANDARDS:

- (i) HEIGHT: GROUND-MOUNTED SOLAR AES SHALL COMPLY WITH THE ZONING DISTRICT'S ACCESSORY STRUCTURE HEIGHT STANDARDS, WHEN THE PANELS ARE ORIENTED AT MAXIMUM DESIGN TILT (HIGHEST POINT OF THE SYSTEM).
- (ii) SETBACKS: GROUND-MOUNTED SOLAR AES SHALL COMPLY WITH THE ACCESSORY STRUCTURE SETBACK REQUIREMENTS OF THE ZONING DISTRICT IN WHICH IT WILL BE INSTALLED.

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- (iii) **SCREENING: GROUND-MOUNTED SOLAR AES ARE EXEMPT FROM SCREENING REQUIREMENTS.**
 - (iv) **PLACEMENT:**
 - a. **GROUND-MOUNTED AES SHALL BE LOCATED IN THE SIDE OR REAR YARD OF THE PROPERTY.**
 - b. **GROUND-MOUNTED AES SHALL NOT BE PLACED IN ANY LEGAL EASEMENT OR RIGHT-OF-WAY LOCATION OR PLACED IN ANY STORMWATER CONVEYANCE SYSTEM THAT WOULD IN ANY MANOR IMPEDE STORM WATER RUNOFF.**
 - c. **APPROPRIATE SAFETY/WARNING SIGNAGE CONCERNING VOLTAGE SHALL BE PLACED AT GROUND MOUNTED DEVICES, EQUIPMENT, AND STRUCTURES. ALL ELECTRICAL CONTROL DEVICES ASSOCIATED WITH THE AES SHALL BE LOCKED TO PREVENT UNAUTHORIZED ACCESS OR ENTRY.**
 - (v) **LOT COVERAGE/IMPERVIOUS SURFACE: GROUND-MOUNTED SOLAR AES ARE EXEMPT FROM MAXIMUM LOT COVERAGE AND TOTAL LOT COVERAGE REQUIREMENTS IF THE AREA UNDER THE SYSTEM CONTAINS VEGETATIVE GROUND COVER.**
 - (vi) **SOLAR ACCESS EASEMENTS: OWNERS OF ACCESSORY SOLAR ENERGY SYSTEMS ARE SOLELY RESPONSIBLE FOR NEGOTIATING WITH OTHER PROPERTY OWNERS FOR ANY DESIRED SOLAR EASEMENTS TO PROTECT ACCESS TO SUNLIGHT. ANY SUCH EASEMENTS MUST BE CONSISTENT WITH THE REQUIREMENTS OF SECTION 5301.63 OF THE OHIO REVISED CODE.**

(3) GEOTHERMAL HEATING AND COOLING

GEOTHERMAL AES ARE A PERMITTED ACCESSORY USE WITHIN ALL ZONING DISTRICTS EXCEPT THAT SYSTEMS IN THE WELLHEAD PROTECTION OVERLAY DISTRICT WILL REQUIRE APPROVAL FROM THE WELLHEAD PROTECTION TEAM.

GEOTHERMAL HEATING AND COOLING AES SHALL MEET THE FOLLOWING REQUIREMENTS:

- (i) **A GEOTECHNICAL REPORT PROVIDED BY A QUALIFIED PROFESSIONAL DESCRIBING THE LAYOUT, HISTORY, SOIL STABILITY, AND UNDERLYING GEOLOGY OF THE PROJECT SITE WILL BE REQUIRED AS PART OF THE GEOTHERMAL AES PERMIT.**
- (ii) **OPEN-LOOP GEOTHERMAL AES SHALL NOT BE PERMITTED IN THE WELLHEAD PROTECTION OVERLAY DISTRICT OR ON ANY**

LAND WITHIN 200 FEET OF A PRIVATE SANITARY SYSTEM OR PRIVATE WELL.

- (iii) OPEN-LOOP GEOTHERMAL AES WITH A SURFACE WATER DISCHARGE WILL BE CONSIDERED A POINT DISCHARGE AND WILL REQUIRE PERMITTING THROUGH THE OEPA NPDES GENERAL PERMIT FOR GEOTHERMAL SYSTEMS.
- (iv) OPEN-LOOP GEOTHERMAL AES WITH A SOURCE WELL SHALL OBTAIN ALL REQUIRED PERMITS FROM ODNR AND OTHER STATE AGENCIES AS REQUIRED.
- (v) OPEN-LOOP GEOTHERMAL AES WITH A RETURN WELL SHALL OBTAIN A PERMIT FROM THE COUNTY HEALTH DEPARTMENT AND FROM OEPA-UIC.
- (vi) SUB-SURFACE GEOTHERMAL AES CLOSED-LOOP SYSTEMS SHALL INCLUDE A CONDUCTIVE TRACER WIRE INSTALLED SO THAT BURIED PIPE AND EQUIPMENT CAN BE LOCATED.
- (vii) VERTICAL AND SUBSURFACE CLOSED-LOOP GEOTHERMAL AES SHALL INDICATE THE TYPE OF HEAT TRANSFER FLUIDS TO BE USED ALONG WITH THE FLUID MSDS SHEETS USED IN THE SYSTEM.

(4) WIND POWERED AES

WIND POWERED AES ARE A CONDITIONALLY PERMITTED ACCESSORY WITHIN ALL ZONING DISTRICTS.

- (i) WIND POWERED AES SHALL BE LOCATED IN SUCH A MANOR AS TO HAVE THE LEAST VISUAL IMPACT POSSIBLE.
- (ii) WIND POWERED AES SHALL BE DESIGNED IN SUCH A MANOR AS TO HAVE MINIMAL IMPACT TO RESIDENTS, PUBLIC AREAS INCLUDING CITY PARKS, STREAMS, CREEKS AND RIVERS.
- (iii) WIND POWERED AES SHALL NOT BE PLACED IN ANY LEAGAL EASEMENT OR RIGHT-OF-WAY LOCATION OR PLACED IN ANY STORMWATER CONVEYANCE SYSTEM THAT WOULD IN ANY MANNER IMPEDE STORM WATER RUNOFF.
- (iv) APPROPRIATE SAFETY/WARNING SIGNAGE CONCERNING VOLATGE SHALL BE PLACED AT GROUND MOUNTED DEVICES, EQUIPMENT, AND STRUCTURES. ALL ELECTRICAL CONTROL DEVICES ASSOCIATED WITH THE AES SHALL BE LOCKED TO PREVENT UNAUTHORIZED ACCESS OR ENTRY.
- (v) THE PERMIT FOR WIND POWERED AES SHALL INCLUDE AS A MINIMUM:

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- a. STANDARD MANUFACTURERS DRAWINGS AND ENGINEERING SPECIFICATIONS OF THE TURBINE STRUCTURE, TOWER, BASE, AND FOOTINGS.
 - b. A STATEMENT THAT THE SYSTEM SHALL COMPLY WITH ALL STATE PERMITS AND REGULATIONS.
 - c. A PLOT PLAN SHOWING THE WIND POWERED AES RELATIVE TO ALL PROPERTY LINES, ON-SITE STRUCTURES, OFF-SITE STRUCTURES WITHIN 1.5 TIMES THE HEIGHT OF THE PROPOSED WIND POWERED AES, OVERHEAD UTILITY LOCATIONS, PARKS AND PUBLIC OPEN SPACES.

~~23.03.12. Buildings on public streets.~~

~~Each principal building shall front on a duly accepted public street which has been improved in accordance with city standards or on streets in the process of being improved in accordance with requirements of the subdivision regulations, Chapter 151.~~

23.03.12. – PRINCIPAL RENEWABLE ENERGY SYSTEMS

RENEWABLE ENERGY SYSTEMS THAT ARE DESIGNED PRIMARILY FOR THE PRODUCTION OF OFF-SITE ENERGY CONSUMPTION ARE CONSIDERED TO BE PRINCIPAL RENEWABLE ENERGY SYSTEMS (PRES).

(A) PURPOSE

THESE REGULATIONS ARE ADOPTED AS THE MINIMUM REQUIREMENTS TO REGULATE AND CONTROL RENEWABLE ENERGY SYSTEMS THAT ARE THE PRINCIPAL USE FOR ANY LOT WITHIN THE CITY OF ATHENS. THE CITY ENCOURAGES THE USE OF PRINCIPAL RENEWABLE ENERGY SYSTEMS TO REDUCE DEPENDENCE ON FOSSIL FUEL CONSUMPTION, LIMIT THE EMISSION OF GREENHOUSE GASES, AND PROVIDE SAFE AND EFFECTIVE PRODUCTION OF ENERGY THROUGH THE USE OF RENEWABLE RESOURCES.

(B) PERMIT REQUIREMENTS

(1) ALL PRES SHALL REQUIRE A PERMIT FROM THE CITY OF ATHENS IN ADDITION TO ANY STATE OR FEDERAL PERMIT REQUIREMENTS. PERMIT FEES SHALL BE ESTABLISHED BY SEPARATE ORDINANCE.

(2) PERMIT SHALL INCLUDE

(i) SCALED DRAWINGS SHOWING ALL PROPERTY LINES

(ii) ADJACENT PROPERTY STRUCTURES AND OWNER NAMES WITHIN 200- FEET OF THE PROPERTY LINES

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- (iii) UTILITIES, RIGHTS-OF-WAY, AND EASEMENTS WITHIN 200-FEET OF THE PROPERTY LINES
 - (iv) PROPOSED PRES STRUCTURES, SUBSTATIONS AND TRANSMISSION LINES WITH DIMENSIONS AND DISTANCES
 - (v) ALL ACCESS ROADS, FENCING, OUTBUILDINGS AND GROUND COVER FOR THE PROPOSED FACILITIES.
 - (vi) ENGINEERING CERTIFICATION BY A QUALIFIED PROFESSIONAL ENGINEER STATING THAT ALL STRUCTURAL ASPECTS OF THE PROPOSED SYSTEM ARE WITHIN ACCEPTED PROFESSIONAL STANDARDS AND THAT THE STRUCTURES WERE DESIGNED TO THE INSTALLATION WEIGHT, SNOW AND WIND LOAD, AND SEISMIC DESIGN CATEGORY OF THIS REGION.
 - (vii) APPLICANT SHALL PROVIDE A UTILITY NOTIFICATION INDICATING THAT THE PUBLIC UTILITY COMPANY TO WHICH THE PRES SHALL BE CONNECTED HAS BEEN INFORMED OF THE APPLICANTS INTENT TO INSTALL A GRID CONNECTION SYSTEM AND APPROVE OF SUCH CONNECTION, INCLUDING THE PROJECTED POWER OUTPUT OF THE SYSTEM. OFF-GRID SYSTEMS SHALL BE EXEMPT OF THIS REQUIREMENT.
 - (viii) A STATEMENT FROM THE DESIGN PROFESSIONAL OR ENGINEER THAT THE PRES AND ALL OF ITS COMPONENTS AND INSTALLATION PROCEDURES CONFORM TO THE CURRENT VERSION NATIONAL ELECTRIC CODE.
 - (ix) IF THE PROPOSED PRES WILL CONNECT TO AN OFF-SITE ELECTRICAL SUBSTATION, THE PLANS MUST ALSO INCLUDE THE PROPOSED UTILITY CONDUIT ROUTE FOR BOTH PUBLIC AND PRIVATE CONDUIT.
 - a. APPLICANT SHALL PROVIDE THE LEGAL DOCUMENTATION OF ALL PRIVATE UTILITY EASEMENTS.
 - b. UTILITY INSTALLATION WITHIN THE PUBLIC RIGHT-OF-WAY SHALL REQUIRE UTILITY REGISTRATION WITH THE CITY OF ATHENS UNDER 49.03.02 OF THIS CODE.

(C) SETBACK REQUIREMENTS

- (1) GROUND MOUNTED PRES SHALL MEET THE SETBACKS OF THE UNDERLYING ZONE.
- (2) GROUND MOUNTED PRES SHALL NOT BE PLACED WITHIN ANY LEGAL EASEMENT OR RIGHT-OF-WAY LOCATION.
- (3) SUBSTATIONS SHALL BE SET BACK AT LEAST 100-FEET FROM ANY ADJACENT PROPERTY LINE.
- (4) INVERTERS SHALL BE SET BACK AT LEAST 200-FEET FROM ANY DWELLING.

(D) LOT COVERAGE

THE AREA COVERED BY GROUND MOUNTED SYSTEMS, WHERE THE GROUND BENEATH IS PERMEABLE OR PERVIOUS, SHALL NOT BE INCLUDED IN THE CALCULATIONS FOR LOT COVERAGE. THE APPLICANT IS ENCOURAGED TO PLANT POLLINATOR SPECIES AS COVER FOR GROUND MOUNTED SYSTEMS WITH A SEED MIX RECOMMENDED BY LOCAL LICENSED LANDSCAPE ARCHITECT OR EQUIVALENT.

(E) ADVERTISING

THE DISPLAY OF ADVERTISING IS PROHIBITED EXCEPT FOR REASONABLE IDENTIFICATION OF THE MANUFACTURER OF THE SYSTEM.

(F) RECOMMENDED ZONES

- (1) ALL PRES ARE RECOMMENDED IN ANY BROWNFIELD, CLOSED LANDFILL, OR BLIGHTED AREAS.**
- (2) ALL PRES ARE PRINCIPALLY PERMITTED AND RECOMMENDED IN OPEN SPACE AND EDUCATIONAL INSTITUTION ZONE.**
- (3) PRES ARE CONDITIONALLY PERMITTED IN ALL RESIDENTIAL ZONES.**
- (4) PRES ARE NOT PERMITTED IN ANY BUSINESS OR INDUSTRIAL ZONES.**

(G) ABANDONMENT AND DECOMMISSIONING

- (1) DECOMMISSIONING: ALL PRES WHICH HAS REACHED THE END OF ITS USEFUL LIFE OR HAS BEEN ABANDONED SHALL BE REMOVED BY THE SYSTEM OPERATOR OR LANDOWNER WITHIN 150 DAYS AFTER THE DATE OF DISCONTINUED OPERATION. THE CITY SERVICE-SAFETY DIRECTOR OR DESIGNEE MAY ALLOW THE OWNER OR OPERATOR TO LEAVE LANDSCAPING OR DESIGNATED BELOW GRADE STRUCTURES IN PLACE IN ORDER TO MINIMIZE EROSION AND DISRUPTION TO VEGETATION.**
- (2) ABANDONMENT: A PRES IS ASSUMED TO BE ABANDONED IF NO ELECTRICITY IS GENERATED FOR A PERIOD OF 6 CONSECUTIVE MONTHS.**
- (3) ABANDONMENT NOTICE OF VIOLATION: UPON FAILURE TO REMOVE AN ABANDONED OR DECOMMISSIONED PRES WITHIN 150 DAYS, THE SERVICE-SAFETY DIRECTOR MAY ISSUE A NOTICE OF VIOLATION TO THE OPERATOR OR LANDOWNER OF THE PRES.**
- (4) APPEAL OF NOTICE OF VIOLATION: ANY PERSON RECEIVING A NOTICE OF VIOLATION MAY APPEAL THE DETERMINATION OF THE SERVICE-SAFETY DIRECTOR. THE NOTICE OF APPEAL MUST BE RECEIVED WITHIN 15 DAYS FROM THE DATE OF THE NOTICE OF VIOLATION. HEARING ON THE APPEAL BEFORE THE APPROPRIATE AUTHORITY OR DESIGNEE SHALL TAKE PLACE WITHIN 30 DAYS FROM THE DATE OF RECEIPT OF THE APPEAL. THE DECISION OF THE MUNICIPAL AUTHORITY SHALL BE FINAL.**

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- (5) ENFORCEMENT MEASURES AFTER APPEAL: IF THE VIOLATION HAS NOT BEEN CORRECTED WITHIN 90 DAYS OF THE NOTICE OF VIOLATION, THE REPRESENTATIVES OF THE CITY MAY ENTER ONTO THE SUBJECT PRIVATE PROPERTY AND TAKE ALL MEASURES NECESSARY TO CORRECT THE VIOLATION AND RESTORE THE PROPERTY. IT SHALL BE UNLAWFUL FOR ANY OWNER OR OPERATOR TO REFUSE TO ALLOW THE MUNICIPALITY OR DESIGNATED CONTRACTOR TO ENTER UPON THE PREMISES FOR THE PURPOSES SET FORTH ABOVE.
- (6) PENALTIES: ANY PERSON, FIRM, OR CORPORATION VIOLATING THE PROVISIONS OF THIS CODE SHALL BE REQUIRED TO TAKE REMEDIAL ACTIONS AND BE SUBJECT TO CIVIL PENALTIES. THE SERVICE-SAFETY DIRECTOR SHALL HAVE THE RIGHT TO RECOVER ALL REASONABLE EXPENSES INCURRED IN INVESTIGATING THE VIOLATION, REMOVING THE ABANDONED OR DECOMMISSIONED SYSTEM, RESTORING THE PROPERTY, AND ANY ADDITIONAL COSTS AND ATTORNEY FEES INCURRED BY THE CITY OF ATHENS AS A RESULT OF ENFORCING THE VIOLATIONS OF THIS CODE.

23.04.04. - B-1 Neighborhood Business Zone.

(A) Principal permitted uses: Any local retail business or service establishment supplying commodities or performing services primarily for residents of the neighborhood:

(1) General conditions:

(a) Business in enclosed buildings: All business, services or processing shall be conducted wholly within a completely enclosed building. **OUTDOOR DINING SHALL BE PERMITTED.**

23.04.07. - B-3 General Business Zone.

(A) Principal permitted uses: Any use permitted and as regulated in the B-2 and B-2D Zones, except as hereinafter modified in the following general conditions:

(1) All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automobile fuel, lubricants and fluids at service stations, loading and unloading operations, parking, the outdoor display or storage of vehicles, materials and equipment and the uses specified in Paragraphs (A)(9), (10) below. **OUTDOOR DINING SHALL BE PERMITTED.**

23.04.07. B-3 General Business Zone.

(A) Principal permitted uses: Any use permitted and as regulated in the B-2 and B-2D Zones, except as hereinafter modified in the following general conditions:

(1) All businesses, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automobile fuel, lubricants and fluids at service stations, loading and unloading operations, parking, the outdoor display or storage of vehicles, materials and equipment and the uses specified in Paragraphs (A)(9), (10) below.

(2) No building customarily used for night operations, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire escape within 100 feet of any R-Zone and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within 100 feet of any R-Zone.

(3) Eating and drinking establishments—**PROVIDED THAT RESTAURANTS WITH** Drive-inS, drive-throughS, ~~and eating and drinking places, provided the principal building shall~~ **be HAVE THE DRIVE-IN/DRIVE-THROUGH** at least ~~200~~ **100** feet from any R-I or R-2 Zone.

23.06.02. Certificates and permits.

- (A) Zoning permit: It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged wholly or partly, until a zoning permit has been issued by the zoning administrator. Such zoning certificate shall show that such building or premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of the zoning code. It shall be the duty of the zoning administrator to issue a zoning permit, provided he is satisfied that the structure, building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary wastes conform with all applicable requirements of the zoning code.
- ~~(B) Certificate of health officer: In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval by the health officer of the city of the proposed method of water supply and/or disposal of sanitary wastes.~~
- ~~(C) Occupancy permits: The purpose of any occupancy permit is to certify that the premises comply with the provisions of this and all other local codes and ordinances and is being used for the purposes set forth in the occupancy permit. Prior to the use or occupancy of any land or building for which a zoning permit is required, or for any change of use of any existing building or for any change of use of land, an occupancy permit shall be secured from the zoning administrator. All applications for occupancy permits shall be in writing on forms to be furnished by the zoning administrator.~~
- ~~(D)~~(B) Certificate of nonconforming use: The owner of the premises occupied by a lawful nonconforming use or building shall secure a certificate of nonconforming use from the zoning administrator. Such certificate shall be for the purpose of insuring to the owner the right to continue such nonconforming use.
- ~~(E) Excavating permit: No permit for excavation shall be issued by the zoning administrator unless the plans, specifications and the intended use conform to the provisions of the Athens City Code. A permit shall be established by separate ordinance.~~
- ~~(F)~~(C) Filing plans: Every application for a zoning permit shall be accompanied by plans in duplicate, drawn to scale in black line or blue print or in a form acceptable to the zoning administrator, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structures to be erected or altered; in the case of a proposed new building or structure or proposed alteration of an existing building or structure as would substantially alter its appearance, drawings or sketches showing the front, side, and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought shall have been completed; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the

building is designed to accommodate; and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of the zoning code. One copy of such plans shall be returned to the owner when such plans shall have been approved by the zoning administrator, together with such zoning permit as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started. **PERMITS WITHOUT THE ABOVE INFORMATION SHALL BE CONSIDERED INCOMPLETE.**

- (G)(D)** Administration schedule: The zoning administrator shall act upon all such **COMPLETE** applications on which he is authorized to act by the provisions of the zoning code within 30 days after they are filed in full compliance with all the applicable requirements. He shall either issue a zoning permit within the 30 days or shall notify the applicant in writing of his refusal of such certificate and the reasons therefore.
- (H) Fees: For all other zoning permits (including, but not limited to, remodeling and new construction) there shall be a fee as established by ordinance.