AGENDA
ATHENS PLANNING COMMISSION
WEDNESDAY, MAY 21, 2025 AT 11:30 AM

Streaming is available at www.ci.athens.oh.us/video

Establish Quorum

Disposition of Minutes

- May 7, 2025

Cases

- Case #25-04/ Recommendation to City Council to allow a use not permitted in a R-3 Zone for 7 Congress- The Gathering Place Conestoga Huts

- Case #25-05/ Changes to Title 23 to allow Temporary Housing Shelters in R-3 and B-3 Zones as a permitted accessory use.

Communications

Reports

Opportunity for Citizens to Speak About Items Not Covered on Agenda

Announcements & Other Business

- Next Meeting is June 4, 2025.

Adjournment

Athens City Planning Commission

Minutes of Regular Meeting
Wednesday, May 7, 2025 – 11:30 a.m.

A regular meeting of the Athens City Planning Commission was held in the City Council Chambers, third floor of City Hall, on May 7, 2025, at 11:30 a.m.

1. Call to Order

Chair John Kotowski called the meeting to order at 11:35 a.m. and administered the oath to those in the audience intending to speak before the Commission. A quorum was established.

Planning Commission Members:

- Chris Knisely – Present
- John Kotowski, Chair – Present
- Steve Patterson, Mayor – Present
- Austin Phillips, Vice-Chair – Absent
- Andy Stone, Service-Safety Director – Arrived at 11:56 AM

Staff Present:

- David Riggs, Code Enforcement Director
- Meghan Jennings, City Planner

2. Disposition of Minutes

Motion: Ms. Knisely moved to approve the minutes from the April 2, 2025, meeting.
Second: Mr. Patterson seconded
Vote: Motion passed 3:0

3. Cases

Case 25-03: Proposed Code Changes to Title 9, 21, 33 37, & 41 and Shade Tree Commission Response to Code Changes

Commission Discussion

- Additional time is needed to thoroughly review similar commissions across the state to identify and understand best practices.
- Concern that eliminating language of registration may:
    - Prevent residents from being aware of the program
    - Undermine enforcement

- Want clarification on why 37.01.05 (B) is being deleted before approval.
- Concern over loss of specific planting requirement in section 37.01.09 (B).
- Propose that landscape plans be submitted first to the Shade Tree Commission before Planning Commission review.

Motion: Mr. Patterson motioned to table the proposed code changes
Second: Mr. Kotowski seconded
Vote: Motion to table passed 3:0

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4. Communications

Recommendation to City Council to allow a use not permitted in an R-3 Zone for 7 N Congress-The Gathering Place Conestoga Huts

Summary

- There is a long-standing, serious chronic housing shortage in the region.
- Temporary solutions like the Conestoga Huts are seen as critical stopgaps.
- The Conestoga Hut prototype was constructed during the pandemic (~3 years ago).
- Initial planning began over 4 years ago.
- The unit is not currently inhabited due to lack of occupancy permissions but has demonstrated durability.
- The proposal includes adding two new units to the existing prototype, totaling three units on site.
- The location is at the property owned by The Gathering Place, with sufficient space and amenities.

Commission Discussion

- A question was raised about the possibility of putting a time limit on temporary housing and requiring annual renewals.
- This communication will be a case at the next meeting.

Changes to Title 23 to allow Temporary Housing Shelters in a B-3 zone as a permitted accessory use.

Summary

- Staff proposed permitting temporary housing shelters as a permitted accessory use in B-3 zones.
- Code amendments were drafted to reflect this proposed change (See Attachment).

- Each facility must have at least one sink and one toilet available within 200 feet of every three units or beds.
- Any proposed use would require prior approval from the Service Safety Director before a formal application for a use permit.

Commission Discussion

- Mr. Stone emphasized that B-3 zoning might be too limited and recommended the Commission consider expanding permitted zones (e.g., B-2 or R-3).
- Concern over confusing language in existing zoning text regarding accessory uses in B-1 and B-2 zones.
- Mr. Patterson recommended that the city create a clear definition of "temporary housing" to distinguish it from other improvised arrangements (e.g., living in cars).
- Temporary housing shelters (e.g., Conestoga huts, tents) must not be permanently affixed to the ground.
- Shipping containers and storage units would not be permitted under this definition due to safety and suitability issues.
- The Commission discussed the need to evaluate unintended consequences and ensure the city maintains control over how and where such shelters are implemented.
- General consensus supported moving forward with further refining the zoning language and definitions for clarity and enforcement.

Clarifications

- A camper may be temporarily occupied in residential zones while constructing a permanent residence, subject to time limits.
- B-3 zones are currently the only non-residential zones permitting camper use.
- The proposed accessory shelters would not include campers, storage units, or shipping containers.
- The intent is to allow non-permanent, non-plumbed structures such as tents or huts adjacent to facilities with sanitation services.

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5. Reports

David Riggs/Code Enforcement Director

- Blackburn Landing has submitted their application package following recent approval. The review is underway, with approvals expected within the next week or two. Construction could begin as early as June.

Meghan Jennings/City Planner

- At the last meeting, a map of current land uses for the potential rezoning of the Lancaster Columbia hub was shared, following earlier proposed rezoning maps. The Planning Commission is invited to provide comments or hold a broader discussion. A public engagement meeting with the neighborhood is also suggested to gather feedback on appropriate new zoning designations.

6. Opportunity for citizens to speak about items not covered on the agenda

- No comments

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7. Announcements & Other Business

- Next Meeting is May 21, 2025

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8. Adjournment

- The meeting adjourned at 12:25 PM

Minutes submitted by: Monica Flowers, Secretary, Planning Commission

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 subsections (A)(9) and (10) below. Outdoor dining shall be permitted.

(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) Restaurants and drive-in or drive-through restaurants, provided that for any drive-in or drive-through restaurants, the speaker box or location where the business interaction with the persons in their vehicle takes place shall be at least 200 feet from any R-1 or R-2 zone.

(4) Drive-in or drive-through establishments, provided that the speaker box or location where the business interaction with the persons in their vehicle takes place shall be at least 200 feet from any R-1 or R-2 zone.

(5) Hospitals—Any hospital for human care, provided that buildings which are used for the treatment of contagious diseases and substance abuse, shall be at least 200 feet from any lot in any R-Zone. Minimum lot area: Two acres, 200 feet frontage, front yard depth 25 feet; side yard widths 290 feet, rear yard depths 50 feet; hospitals for contagious diseases and substance abuse; five acres, 400 feet frontage.

(6) Animal hospitals and any enclosures or buildings in which the animals are kept—At least 200 feet from any R-Zone and at least 100 feet from any B-Zone.

(7) Commercial recreation—At least 200 feet from any R-Zone.

(8) Building and related trades and printing and related trade—At least 100 feet from any R-1 or R-2 Zone.

(9) Bottling works—At least 100 feet from any R-Zone.

(10) Miscellaneous trades and businesses—At least 50 feet from any R-Zone.

(11) Contractors' yards and related establishments—Building material yards, not including concrete mixing, contractors' equipment storage yard or plant and rental of equipment commonly used by contractors; trucking or motor freight stations or terminals; retail lumber yards, including incidental millwork; storage and sale of grain, livestock feed or fuel; carting, express or hauling establishments, including storage of vehicles; provided such uses are conducted either:

(a) Wholly within a completely enclosed building, except for storage of vehicles which building shall be at least 100 feet from any R-Zone, unless such building has no openings other than stationary windows and required fire exits within such distance, but at least 50 feet of any R-Zone in any case; or

(b) When conducted within an area completely enclosed on all sides with a solid wall or solid fence not less than six feet high, but at least 200 feet of any R-Zone; provided further that all storage yards related to the uses in this paragraph shall be enclosed.

(12) Agricultural—Nurseries, greenhouses and general farming, not including commercial animal farms or kennels provided any lot or tract in such use shall be not less than five acres in area and provided that

voluntarily discontinued or abandoned for more than six months, the structure, building, or premises shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.

(14) Sweepstakes/internet café business uses:

(a) A sweepstakes/internet café business shall not be operated or located on any parcel within 1,000 feet of:

(1) Any building which is used primarily for religious worship and related religious activities;

(2) A public or private school as defined in Chapter 23.10 of the zoning code;

(3) A boundary of any residential zoning district;

(4) A public park as defined in Chapter 23.10;

(5) Any public library; or

(6) Any other sweepstakes/internet café business.

(b) No such business shall be located on any parcel or operated within 500 feet of any landmark or historic district.

(c) Such businesses shall only be located in a B-3, Planned Unit Development, or M Zone.

(d) For the purposes of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sweepstakes/internet café business is conducted, to the nearest property line of the premises of a church or school, or to the nearest boundary of an affected public park, or residential district.

(e) For the purposes of this section, the distance between any two sweepstakes/internet café businesses shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which each business is located.

(f) Any sweepstakes/internet café business lawfully operating on the effective date of Section 23.04.07(13) of this code that is in violation shall be deemed a nonconforming use. An internet café/sweepstakes business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a church, public or private school, residential district, public park, or library within 1,000 feet, or a landmark or historic district within 500 feet, of the internet café/sweepstakes business. When a nonconforming sweepstakes/internet café business use of a structure, building, or premises is voluntarily discontinued or abandoned for more than six months except in conformity with the regulations of the zoning district in which it is located.

(15) Other uses—Any other use which is determined by the BZA to be of the same general character as the above permitted uses, but not including any use which is first permitted in the M-Zone, or which is prohibited in the M-Zone.

(B) Permitted accessory uses:

(1) Accessory uses and structures as permitted and as regulated in the B-1 Zone and such other accessory uses and structures not otherwise prohibited, customarily accessory and incidental to any of the foregoing permitted B-2 uses.

(2) TEMPORARY HOUSING SHELTERS – HOUSING STRUCTURES OF A TEMPORARY NATURE THAT ARE NOT AFFIXED TO THE PROPERTY AND THAT DO NOT CONTAIN KITCHEN OR BATHROOM FACILITIES. ONE SINK AND ONE TOILET MUST BE AVAILABLE FOR USE WITHIN 200-FEET FOR EVERY THREE

9.10.02. Noxious weeds, grass to be cut.

No person, whether the owner, lessee, agent, tenant or other person or entity having charge or care of land in the city, shall permit lawn grass or noxious weeds to grow thereon or on the adjacent right-of-way to a height in excess of eight inches, or to mature seeds thereon, or fail to cut and destroy such high grass, **STATE LISTED INVASIVE PLANT SPECIES** or noxious weeds when notified by the code enforcement officer or designee to do so. agricultural plants are exempt if for personal use and are in compliance with Section 37.01.07 sightline maintenance.

All landscaping materials shall be kept in a neat and orderly appearance, free from litter, refuse, debris, and **INVASIVE OR**noxious weeds.

9.10.02.1. Exemption.

UNDEVELOPED LOTS GREATER THAN 20,000 SF AND properties that are registered and in full compliance with the city's native and pollinator-friendly yard registration program, Section 37.02.04, are exempt from the grass and weed height restrictions. such registration does not exempt lawn grass, noxious weeds, or state listed invasive species from Section 9.10.02.

If a native and pollinator-friendly registered garden is cited under Section 9.10.02, that garden will lose their registration and cannot apply for the program for one year.

~~37.02.04~~9.10.02.1. Native and pollinator-friendly front yard program. ~~– Exemption~~

~~Owner-occupied h~~**H**omes and businesses are encouraged to plant and maintain native pollinator-friendly front yards. ~~This program will be used to document pollinator-friendly locations. The program will also develop educational material for the public.~~

Designation as a pollinator-friendly front yard must include:

(1) An agreement to reduce all pesticide and herbicide use in the yard.

(2) Have at least one pollinator-friendly species in bloom during each season from spring through fall.

(3) Have at least one native pollinator-friendly species in the yard. this can include trees or shrubs.

(4) Have one of the following in the yard: water source, nesting habitat, or protection.

~~(5) After taking the pollinator pledge and paying a $25.00 application fee, a program property can then display their "pollinator-friendly yard" sign.~~

Commented [1]: How will yards be ID'd for exemption?

9.10.02.2 NOTIFICATION FLAGS.

ANY LAND APPLICATION OF PESTICIDES OR FERTILIZER SHALL INCLUDE THE PLACEMENT OF NOTIFICATION FLAGS ALONG THE PERIMETER OF THE APPLICATION AREA**OF RESIDENTIAL CUSTOMERS.**

21.07.05. Landscape plan.

A landscape plan shall be submitted for all subdivisions within the city in accordance with the city's landscaping ordinance, Title 37, have a street tree plan **REVIEWED BY THE PLANNING COMMISSION AND** approved by the shade tree commission ~~and post a bond for future installation of the plan~~.

Commented [2]: It's unacceptable for us to lose approval rights. While I'm happy to have input from planning, especially before approval, we are in a much weaker position to suggest than the city.

21.07.06. Site protection and general planting requirements.

(A) Protection of existing plantings: Maximum effort should be made to save fine or exceptional plant specimens. No material or temporary soil deposits shall be placed within the dripline of shrubs and trees designated on the landscape plan to be retained. Protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site. Barriers shall not be supported by the plants they are protecting, but shall be self-supporting. They shall be a minimum of four feet high and constructed of a durable material that will last until construction is completed. Snow fences and silt fences are examples of acceptable barriers.

(B) Removal of debris: All stumps and other tree parts, litter, brush, weeds, excess or scrap building materials or other debris shall be removed from the site and disposed of in accordance with the law. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas, subject to approval by the planning commission.

(C) Topsoil preservation: Topsoil shall be temporarily stored and later redistributed on all regarded surfaces so as to provide at least four inches of even topsoil cover to all disturbed areas of the development and shall be stabilized by seeding or planting.

(D) Slope plantings: Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent erosion, and all roadway slopes steeper than one foot vertical to three feet horizontal shall be planted with ground cover appropriate for the land use and for the soil conditions and water availability.

(E) Additional landscaping: In residential developments, besides the screening and street trees required, additional plantings or landscaping elements may be required throughout the subdivision where necessary for climate control, privacy, or other reasons in accordance with the landscape plan approved by the shade tree commission taking cost constraints into consideration. In non-residential developments, all areas of the site not occupied by buildings and required improvements shall be landscaped by the planting of grass or other ground cover, shrubs, and trees as part of the landscape plan approved by the shade tree commission.

(F) Planting specifications: Deciduous trees shall have at least a one and a half-inch caliper at planting. Size of evergreens and shrubs shall be allowed to vary depending on setting and type of shrub. Only nursery-grown plant materials shall be acceptable, and all trees, shrubs, and ground covers shall be planted according to accepted horticultural standards. Dead and dying plants shall be replaced by the subdivider during the following planting season.

(G) Plant species: The plant species selected shall be hardy for the climate in Athens County and appropriate in terms of function and size.

21.07.07. Shade trees.

Shade trees shall be installed on both sides of all streets in accordance with the developer's landscape plan, approved by the shade tree commission. Subdivisions planned for wooded sites will not need shade trees planted along roadways as long as the **SERVICE SAFETY DIRECTOR AND** shade tree commission agrees that there are sufficient and acceptable trees remaining in the right-of-way adjacent to the street.

Commented [3]: Same concern as above with unequal power between the board and the city, we would be less than a rubber stamp.

33.01.02. - Duties of the commission.

The duties of the said "shade tree commission" shall be as follows:

(A) To study the problems and determine the needs of the City of Athens, Ohio, in connection with its tree planting program;

(B) To recommend to the proper authority, the type and kind of trees to be planted upon such city streets or parts of city streets or in parks as is designated;

(C) TO PREPARE AND SUBMIT APPLICATIONS AND PAPERWORK TO MAINTAIN TREE CITY USA DESIGNATION FOR THE CITY OF ATHENS AND TO PARTICIPATE IN ARBOR DAY CELEBRATIONS.

(~~C~~D) To assist the properly constituted officials of the City of Athens, Ohio, as well as the council and citizens of the city in the dissemination of news and information regarding the selecting, planting and maintaining of trees within the corporate limits, whether the same be on private or public property, and to make such recommendations from time to time to the council as to desirable legislation concerning the tree program and activities for the municipality;

(~~D~~E) To provide regular and special meetings at which the subject of trees insofar as it relates to the municipality may be discussed by the members of the commission, officers and personnel of the city and its several divisions and all others interested in the tree program.

33.01.03. Prohibitions.

(A) No person shall plant, prune or move any tree or shrub on any public area of the City of Athens, Ohio, without first obtaining permission from the service-safety director's office, whose permission shall be given in writing and, except in an emergency as determined by the service-safety director. **IN CASES WHERE THE SERVICE-SAFETY DIRECTOR DETERMINES SUCH A REQUEST IS NOT AN EMERGENCY, THE SERVICE-SAFETY DIRECTOR SHALL** ~~render after~~ seek~~ing~~ the advice and consultation of the shade tree commission **BEFORE REMOVAL** whose advice may include a ~~requirement~~ **RECOMMENDATION** to compensate the city to the value of the tree to be removed.

Commented [4]: I like this language change (it was vague in what happens if it ISN'T an emergency), but should be specified that we should give comment before removal not post-hoc. This is a fair balance with us giving up required recompensation

(B) Upon application by the adjacent property owner, the shade tree commission may advise the service-safety director to permit the adjacent property owner to prune branches below eight feet in height and two inches in diameter of trees in the city right-of-way. Persons permitted to perform such pruning may do so until such time as they are notified by the service-safety director that they are no longer permitted to person such work.

(C) The shade tree commission will maintain a list of qualifications that persons or companies shall meet in order to perform work for hire on pruning, removing or planting of trees on public property.

33.01.04. Planning.

When the service-safety director is to plan, design, and budget for a city project to build a new street or widening existing streets by including the planting of street trees in the base bid with grass seeding; plans for the planting or preserving of shade trees are to be approved by the shade tree commission, but are subject to budget limitations imposed by city council.

33.01.05. Subdivision development.

Any new street developed in a subdivision by private developer and dedicated to the city shall have a street tree plan **REVIEWED BY THE PLANNING COMMISSION AND** approved by the shade tree commission ~~and post a bond for future installation of the plan. This requirement would be added to the list of subdivision regulations.~~

37.01.05. Shade tree requirements.

(A) APPLICATION: THIS SECTION SHALL APPLY TO ALL TITLE 41 SITE PLAN DEVELOPMENTS

(AB) For every 1,527 square feet of impermeable surface at least one large shade tree or two medium sized shade trees shall be planted in a permeable space of at least 240 square feet with a minimum linear dimension of eight feet. Shade trees shall be planted within eight feet from the adjacent impermeable surface except where there is a building of more than one story where the shade trees shall be planted between 15 feet to 20 feet from such buildings. Large shade trees must be planted at least 30 feet from each other and from any medium sized trees. Medium sized trees must be 15 feet from each other. The shade tree commission maintains lists of large and medium sized trees from which the trees are to be selected; any trees not on the list must be approved for use by the shade tree commission.

(BC) For every 1,767 square feet of permeable surface, excluding that used in subsection (A), at least one large shade tree or two medium sized shade trees shall be planted. Large shade trees must be planted at least 30 feet from each other and from any medium sized trees. Medium sized trees must be 15 feet from each other. Healthy trees preserved during site preparation may be counted toward fulfilling the tree requirements.

~~**(B) IN ORDER TO MEET THE COMPREHENSIVE PLAN RECOMMENDATIONS OF 40% SHADE TREE COVER, ONE LARGE OR TWO MEDIUM SHADE TREES FOR EVERY 4,500 SF OF DEVELOPED AREA SHALL BE REQUIRED TO BE PLANTED ON THE DEVELOPMENT SITE. TREES SHALL BE SPACED 75 FEET APART. PRESERVATION OF EXISTING TREES IS ENCOURAGED AND EACH TREE PRESERVED SHALL COUNT TOWARDS THESE REQUIREMENTS.**~~

(CD) If the site cannot facilitate all shade tree requirements, an off-site mitigation fee, established by separate ordinance, will be assessed. Said fee, in accordance with Section 37.02.02, tree bank, will be deposited into the Athens City Tree Bank account line.

(DE) Vehicular encroachment. Landscaped areas abutting parking spaces must be protected from vehicular encroachment by wheel stops, curbing or other means to prevent vehicles from damaging trees or other landscaping. Vehicles shall not encroach on landscaped areas.

~~**(E) MANUFACTURING DEVELOPMENTS ARE EXEMPT FROM THESE LANDSCAPING REQUIREMENTS.**~~

(F) Anyone aggrieved by the requirements of this section may ask for a variance from the shade tree commission.

37.01.09. Commercial~~, institutional, and industrial~~ landscaping.

(A) Application. This section shall apply to all new **COMMERCIAL** developments, pavement replacing of existing parking lots greater than 25 percent including adding at least one-fourth inch of material to the surface of 25 percent of the parking lot by way of renovating, repaving, or upgrading, ~~and~~ ~~to~~ alterations to existing **COMMERCIAL** buildings which will increase the floor area by more than 25 percent~~, and to alterations, renovations, and improvements to existing buildings where the costs exceed 50 percent of the county auditor's valuation. In the case of pavement replacement and existing A~~building alteration, t. The minimum number of parking spaces required for the use by the city zoning code can be reduced by ~~one space, but~~ not more than two spaces to meet **THESE** requirements. Existing native, healthy trees may fulfill these minimum requirements. Acceptable, healthy trees preserved during site preparation may be counted toward fulfilling the tree requirements of Section 37.01.05.

Commented [5]: Trying to simplify and meet the comprehensive plan of 40% tree cover. Average shade tree coverage at maturity is 75 to 150 feet in diameter. That is 4,417 to 17,670 sf of shade coverage per tree. At 40% coverage that would be one tree per to 11,042 to 44,184 sf of developed area. Taking the more trees are better approach, say one tree per 4,500 sf.

Commented [6R5]: This would work if they were planting in 75 year old oak trees, but most trees in the city will be dead long before they reach a canopy of 75 to 150ft. I think this may be a decent number to add to manufacturing to ease their burden, but we should account a solid 30-50% die off within the first 10 years of planting.

Commented [7]: I'm open to manufacturing to be exempt from submitting a landscaping plan and to ease the tree/sq footage, but exempting them from paying into the tree bank is unacceptable.

Commented [8]: I would be open to a path that would then lead to a higher appeal process with the planning commission.

Commented [9]: Not super happy to lose this, but it is clunky wording. This would mean a parking lot could increase in size without limit and not need additional tree coverage.

(B) Required trees. In all business ~~and manufacturing~~ districts, except the downtown business district, an eight-[foot] wide landscape strip shall be required **ALONG THE REAR PROPERTY LINE**~~adjacent to the street right-of-way, except where driveways or other openings may be required.~~ This eight-foot wide strip shall be landscaped open space ~~free of any wall, fence, embankment and/or walkway.~~ **AND INCLUDE** At least one large or two medium deciduous trees ~~for each 30 feet shall be planted in the landscape strip.~~ Unless utility requirements will only allow small trees to be planted, three small trees shall be planted for each large shade tree required. Trees planted for this requirement may also be used to meet the requirements of Section 37.01.05. ~~To meet this requirement, the trees may be placed in the city right-of-way with the consent of the office of code enforcement.~~

(C) MANUFACTURING DEVELOPMENTS ARE EXEMPT FROM THESE LANDSCAPING REQUIREMENTS.

(D) ALL LANDSCAPE PLANS SHALL BE SUBMITTED TO BE REVIEWED BY THE PLANNING COMMISSION AND APPROVED BY THE SHADE TREE COMMISSION.

Commented [10]: Why would we reduce required planting vs sq. footage and then not allow these required trees to cover for that?

37.02.02. Tree bank.

(A) If the specific application of the landscape requirements will seriously limit functions of the site, the shade tree commission shall have authority to permit consolidation of these landscape requirements into the city tree bank.

(1) Landscape off-site mitigation fees will be a dedicated fund.

(B) City tree bank monies can be used for:

(1) Planting native species in public parks and rights-of-ways.

(2) Other plantings and maintenance of trees in the city.

(3) Purchase of forested/conservation land or conservation easements.

(C) City service-safety director or his/her designee shall have final determination of use of the tree bank monies.

Commented [11]: Absolutely not willing to let STC be bypassed in approval of the tree bank.

41.04. Procedure for approval.

(A) A preliminary review meeting will be held with the service-safety director, or their designee, to discuss the general plan outline and identify any issues.

(B) File five print copies and one electronic copy of the site plan and related documents, along with the application fee, as determined by Athens City Council, with the service-safety director. File one print copy at the Athens Community Center. When approvals are required, such as shade tree commission, wellhead protection, and special flood hazard area, such approvals shall be obtained by the appropriate board/commission, as determined by the service-safety director.

(C) The service-safety director, or their designee, shall determine if an application for site plan approval is complete. If all information required to accompany the site plan is not provided, the service-safety director shall promptly notify the applicant that the application is not complete, and of the additional items that must be submitted. On the date the service-safety director has determined that the application is complete, they shall affix a check list indicating completion along with a listing of any other considerations given for that particular site, the application shall then be stamped as completed and officially filed on such date.

(D) Following the determination that the application is complete, the service-safety director shall forward copies of the application to the other city departments as deemed necessary. The service-safety director and any other city officials shall review the plans for compliance with all minimum requirements of the zoning code and city regulations. Within 15 business days from the date that an application has been stamped complete and accepted for filing, other city officials shall each file a written report with the service-safety director containing findings from their review.

(E) Within 15 business days from the date that the reports in Paragraph 41.04(D) are filed with the service-safety director, the planning commission shall review the application for site plan approval and shall either approve the site plan based upon a determination that the proposed plan is in compliance with all minimum requirements, or shall approve the site plan, subject to conditions, modifications, and restrictions that will ensure that the proposed plan is in compliance with all minimum requirements.

(F) Within ten days after its decision, the commission shall issue a written decision and shall send a copy of such decision to the applicant. If the commission has denied the site plan, the commission shall set forth in the decision the reasons for the denial.

(G) Appeals from a final order, adjudication, or decision of the planning commission may be to the Court of Common Please of Athens County pursuant to Ohio Revised Code Chapters 2505 and 2506.

PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL FOR THE ACCESSORY USE OF CONESTOGA HUTS AT 7 N CONGRESS

The Gathering Place, located at 7 N Congress is zoned R-3. The organization wishes to place temporary shelters called Conestoga huts to assist unhoused Athens residents. This is not an allowable accessory use for this property as the zoning regulations do not allow the use of temporary shelters in this zone.

The Planning Commission has reviewed the use request and is recommending to City Council that they approve an accessory use of Conestoga huts at 7 N Congress in a B-3 zone with an annual use renewal provision.

23.04.03. R-3 Residential Zone (Multi-Family).

(A) Principal permitted uses:

(1) General—Any principal use permitted and as regulated in the R-1 and R-2 zones.

(2) Residential—Multi-family dwellings for any number of families or housekeeping units, provided all of the requirements of the zoning code are complied with.

(3) Apartment hotels—Apartment hotels, lodging houses, boarding houses for any number of guests, but not primarily for transients, including incidental accessory services, such as a restaurant or dining room and newsstands, when conducted and entered from within the building; provided there is no exterior display or advertising, except as provided for in this title.

(4) Owner-occupied or owner-managed "bed and breakfast" establishments.

(5) Tourist home a single family house or duplex dwelling that is rented as a whole house for short term rent with no more than five unrelated guests or one family for no more than 30 consecutive days. A short term rental permit is required.

(6) (Parking area (see Chapter 23.08).

(B) Permitted accessory uses:

(1) Any accessory use or structure permitted and as regulated in the R-2 Zone, and any accessory use or structure customarily incident or accessory to a principal permitted use or conditionally permitted use in the R-3 Zone.

(2) **TEMPORARY HOUSING SHELTERS – HOUSING STRUCTURES OF A TEMPORARY NATURE THAT ARE NOT AFFIXED TO THE PROPERTY AND THAT DO NOT CONTAIN KITCHEN OR BATHROOM FACILITIES. ONE SINK AND ONE TOILET MUST BE AVAILABLE FOR USE WITHIN 200-FEET FOR EVERY THREE TEMPORARY HOUSING SHELTER UNITS. PRIOR APPROVAL OF THE SAFETY SERVICE DIRECTOR MUST BE OBTAINED BEFORE THE APPROVAL OF THIS USE. TEMPORARY HOUSING SHELTER USE MUST BE REAPPROVED EVERY YEAR. TEMPORARY HOUSING SHELTER ACCESSORY USE SHALL ONLY BE ALLOWED IN A R-3 RESIDENTIAL AND A B-3 GENERAL BUSINESS ZONES.**

(C) Conditionally permitted uses:

(1) General—Any conditionally permitted use as regulated in R-2 zone.

(2) Residential health care facilities—Residential care facilities for person(s) with disabilities, provided that such facilities comply with all federal, state and local laws and regulations.

(3) Clinics—An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologist, or social workers and where patients are not usually lodged overnight.

(4) Clubs—Private clubs, lodges and meeting places for other similar organizations, not including those that are ordinarily conducted as a gainful business, provided all building in which such organizations or activities are housed shall be located at least 200 feet from any lot in any R-1 zone.

(5) Funeral homes and mortuaries.

(6) Any convenience business or service establishment supplying commodities or performing services primarily for residents of the neighborhood, subject to the following general conditions:

(a) Business in enclosed buildings—All business, services or processing shall be conducted wholly within a completely enclosed building.

(b) Residential uses—Any use permitted and as regulated in the residential zone adjoining the B-1 Zone; and if there are adjoining two or more different categories of residence zones, the regulations of the least restrictive residence zone shall prevail.

(7) Fraternity and sorority chapter houses—and customary accessory uses.

(Ord. No. 0-17-16, § I, 10-17-2016; Ord. No. 0-6-16, § I, 2-15-2016; Ord. No. 0-133-16, § I, 11-7-2016; Ord. No. 0-145-21, § II, 12-13-2021)

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 subsections (A)(9) and (10) below. Outdoor dining shall be permitted.

(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) Restaurants and drive-in or drive-through restaurants, provided that for any drive-in or drive-through restaurants, the speaker box or location where the business interaction with the persons in their vehicle takes place shall be at least 200 feet from any R-1 or R-2 zone.

(4) Drive-in or drive-through establishments, provided that the speaker box or location where the business interaction with the persons in their vehicle takes place shall be at least 200 feet from any R-1 or R-2 zone.

(5) Hospitals—Any hospital for human care, provided that buildings which are used for the treatment of contagious diseases and substance abuse, shall be at least 200 feet from any lot in any R-Zone. Minimum lot area: Two acres, 200 feet frontage, front yard depth 25 feet; side yard widths 290 feet, rear yard depths 50 feet; hospitals for contagious diseases and substance abuse; five acres, 400 feet frontage.

(6) Animal hospitals and any enclosures or buildings in which the animals are kept—At least 200 feet from any R-Zone and at least 100 feet from any B-Zone.

(7) Commercial recreation—At least 200 feet from any R-Zone.

(8) Building and related trades and printing and related trade—At least 100 feet from any R-1 or R-2 Zone.

(9) Bottling works—At least 100 feet from any R-Zone.

(10) Miscellaneous trades and businesses—At least 50 feet from any R-Zone.

(11) Contractors' yards and related establishments—Building material yards, not including concrete mixing, contractors' equipment storage yard or plant and rental of equipment commonly used by contractors; trucking or motor freight stations or terminals; retail lumber yards, including incidental millwork; storage and sale of grain, livestock feed or fuel; carting, express or hauling establishments, including storage of vehicles; provided such uses are conducted either:

(a) Wholly within a completely enclosed building, except for storage of vehicles which building shall be at least 100 feet from any R-Zone, unless such building has no openings other than stationary windows and required fire exits within such distance, but at least 50 feet of any R-Zone in any case; or

(b) When conducted within an area completely enclosed on all sides with a solid wall or solid fence not less than six feet high, but at least 200 feet of any R-Zone; provided further that all storage yards related to the uses in this paragraph shall be enclosed.

(12) Agricultural—Nurseries, greenhouses and general farming, not including commercial animal farms or kennels provided any lot or tract in such use shall be not less than five acres in area and provided that

any greenhouse heating plant or any building in which farm animals are kept shall be not less than 200 feet from every lot line.

(13) Sexually oriented business uses:

(a) A sexually oriented business shall not be operated or located on any parcel within 1,000 feet of:

(1) Any building which is used primarily for religious worship and related religious activities;

(2) A public or private school as defined in Chapter 23.10 of the zoning code;

(3) A boundary of any residential zoning district;

(4) A public park as defined in Chapter 23.10 of the zoning code;

(5) Any public library; or

(6) Any other sexually oriented business.

(b) No such business shall be located on any parcel or operated within 500 feet of any landmark or historic district.

(c) Such businesses shall only be located in a B-3, planned unit development, or M zone.

(d) No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.

(e) All building openings, entries, windows, etc. For adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.

(f) No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.

(g) For the purposes of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or school, or to the nearest boundary of an affected public park, or residential district.

(h) For the purposes of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which each business is located.

(i) No person shall establish, operate or cause the establishment or operation of any sexually oriented business in violation of the provisions of this section. Nothing in this section shall be construed to prohibit or limit the display, sale or rental of descriptive, printed, film or video material, or any live performance which, taken as a whole, contains serious literary, artistic, political, medical educational or scientific value.

(j) Any sexually oriented business lawfully operating on the effective date of Section 23.04.07(13) of this code that is in violation shall be deemed a nonconforming use. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a church, public or private school, residential district, public park, or library within 1,000 feet, or a landmark or historic district within 500 feet, of the sexually oriented business. When a nonconforming sexually oriented business use of a structure, building, or premises is

voluntarily discontinued or abandoned for more than six months, the structure, building, or premises shall not thereafter be used except in conformity with the regulations of the zoning district in which it is located.

(14) Sweepstakes/internet café business uses:

(a) A sweepstakes/internet café business shall not be operated or located on any parcel within 1,000 feet of:

(1) Any building which is used primarily for religious worship and related religious activities;

(2) A public or private school as defined in Chapter 23.10 of the zoning code;

(3) A boundary of any residential zoning district;

(4) A public park as defined in Chapter 23.10;

(5) Any public library; or

(6) Any other sweepstakes/internet café business.

(b) No such business shall be located on any parcel or operated within 500 feet of any landmark or historic district.

(c) Such businesses shall only be located in a B-3, Planned Unit Development, or M Zone.

(d) For the purposes of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sweepstakes/internet café business is conducted, to the nearest property line of the premises of a church or school, or to the nearest boundary of an affected public park, or residential district.

(e) For the purposes of this section, the distance between any two sweepstakes/internet café businesses shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which each business is located.

(f) Any sweepstakes/internet café business lawfully operating on the effective date of Section 23.04.07(13) of this code that is in violation shall be deemed a nonconforming use. An internet café/sweepstakes business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a church, public or private school, residential district, public park, or library within 1,000 feet, or a landmark or historic district within 500 feet, of the internet café/sweepstakes business. When a nonconforming sweepstakes/internet café business use of a structure, building, or premises is voluntarily discontinued or abandoned for more than six months except in conformity with the regulations of the zoning district in which it is located.

(15) Other uses—Any other use which is determined by the BZA to be of the same general character as the above permitted uses, but not including any use which is first permitted in the M-Zone, or which is prohibited in the M-Zone.

(B) Permitted accessory uses:

(1) Accessory uses and structures as permitted and as regulated in the B-1 Zone and such other accessory uses and structures not otherwise prohibited, customarily accessory and incidental to any of the foregoing permitted B-2 uses.

(2) TEMPORARY HOUSING SHELTERS – HOUSING STRUCTURES OF A TEMPORARY NATURE THAT ARE NOT AFFIXED TO THE PROPERTY AND THAT DO NOT CONTAIN KITCHEN OR BATHROOM FACILITIES. ONE SINK AND ONE TOILET MUST BE AVAILABLE FOR USE WITHIN 200-FEET FOR EVERY THREE

TEMPORARY HOUSING SHELTER UNITS. PRIOR APPROVAL OF THE SAFETY SERVICE DIRECTOR MUST BE OBTAINED BEFORE THE APPROVAL OF THIS USE. TEMPORARY HOUSING SHELTER USE MUST BE REAPPROVED EVERY YEAR. TEMPORARY HOUSING SHELTER ACCESSORY USE SHALL ONLY BE ALLOWED IN A R-3 RESIDENTIAL AND A B-3 GENERAL BUSINESS ZONES.

(C) Conditionally permitted uses:

(1) Trailer parks—Parks or camps for the accommodation of trailers, provided such uses are established in accordance with and under the provisions of this title and the following conditions are complied with:

(a) No vehicular entrance to or exit from any trailer park shall be within 200 feet along streets from any school, public playground, church, hospital, library, or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.

(b) The sanitary regulations prescribed by the county board of health or other authority having jurisdiction, the regulations of the city building code and as may otherwise be required by law—shall be complied with.

(c) Trailer parks shall comply with all area parking and yard requirements prescribed for such uses in the zone in which located.

(d) The buildings, cabins and trailers in any campground or trailer park, together with any nonaccessory buildings already on the lot, shall not occupy in the aggregate more than 25 percent of the area of the lot.

(e) Any enlargement or extension to any existing campground, or trailer park, shall require application for a zoning permit, as if it were a new establishment.

(f) No enlargements or extensions to any trailer park or a campground shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

(Ord. No. 0-137-09, § I, 12-7-2009; Ord. No. 0-56-11, § I, 6-13-2011; Ord. No. 0-17-23, § I, 5-15-2023)