



AGENDA
ATHENS PLANNING COMMISSION
WEDNESDAY, DECEMBER 17, 2025 AT 12:00 PM

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

[IGNORE_INDENT]

Establish Quorum

Disposition of Minutes:

- Consideration and approval of the minutes from the October 1, 2025, meeting.

Cases

Case 25-08 / Neighborhood Corridor Overlay Zone (NCOZ) — Proposed Language

Communications

Reports

Opportunity for citizens to speak about items not covered on agenda

Announcements & Other Business:

Adjournment

The City of Athens supports the Americans with Disabilities Act. Requests for reasonable accommodation may be made with the ADA Coordinator in the City Building or by calling 592-3367.

Athens City Planning Commission

A regular meeting of the Athens City Planning Commission was held in the City Council Chambers, third floor of City Hall, on October 1, 2025, at 12:00 PM

1. Call to Order

Chair John Kotowski called the meeting to order at 12:00 PM 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-Absent
- Andy Stone, Service-Safety Director-Present
- Ally Rapp Lee-Present

Staff Present:

- David Riggs- Code Enforcement Director
 - Lance Allison- Assistant Code Enforcement Director
 - Meghan Jennings-City Planner
-

2. Disposition of September 17, 2025, Minutes

Motion: Mr. Stone moved to approve the minutes.

Second: Ms. Rapp Lee seconded.

Vote: Motion passed unanimously.

3. Cases

Case 25-06: Columbus Road / Lancaster Street / Columbia Avenue Neighborhood Hub Rezoning

Overview

- Ms. Jennings presented the staff report with two maps:
 - July 16, 2025, first revised rezoning map
 - October 1, 2025, most recent revised map (after second neighborhood input)
- Key revisions:

- Fire station retained as B2
- Central hub changed to B1 (instead of B2)
- Dairy Queen property retained as B1
- Columbia Avenue east of Lancaster changed from R3 → R2
- No further rezoning north along Columbus Road

Public Input

- Written correspondence opposed extending B1 and suggested an alternative R1/R2 layout.
- Request made to delay vote for additional neighborhood discussion.
- Request made for consistent zoning of contiguous parcels; preference expressed for R2.
- Other participants supported further discussion regarding B1 vs. R2, while agreeing on most other proposed areas.

Commission Discussion

- Balancing conformity of existing uses with neighborhood concerns
- Risks of leaving properties nonconforming
- Possible compromise by changing B1 areas to R2
- Urgency of advancing case to City Council before membership changes
- Clarification on differences between R1 and R2 (lot size and duplex eligibility)
- Zoning history of former Job & Family Services building (Capstone)
- Nonconforming uses and limits on improvements
- Residential uses permitted in B1 zones

Motion & Vote

- Motion: Ms. Knisely motioned to approve the October 1, 2025, proposal with the following modifications:
 1. Change two parcels west of Columbus Road to R2
 2. Change southeast side of Lancaster Street from B1 → R2, except the existing corner B1 parcel
- Second: Mr. Stone seconded.
- Vote: Motion carried, 3-0 (1 abstention)

Case 25-07: Title 41 Application / Hugh White Honda

Overview

- The property was posted in accordance with code requirements.
- The development group is addressing comments from Fire and Utilities.
- Annexation of a triangular parcel is still pending.

- Approval could be considered contingent on annexation and resolution of staff comments.

Commission Discussion

- Lot combinations and splitting for future development.
- Allowance of multiple primary structures in B3 zoning.
- Clarification on lot lines and zoning boundaries.

Public Input

- Dustin Todd, Archall Architects, spoke on behalf of the applicant.
 - Confirmed plan to consolidate and split parcels into two lots, each with one structure.
 - Reported that soil exploration revealed unstable conditions; soil will be added in fall/winter to allow settlement before spring construction.
 - Noted annexation is scheduled for City Council review beginning Monday.
 - Requested allowance to begin soil placement ahead of annexation; clarified utility connections would not be made prior to annexation.
 - Confirmed tree preservation plan approved through Shade Tree Commission would not be impacted.
 - Confirmed project is aligned with updated flood maps, with improvements to site elevation.
 - Commissioners asked clarifying questions regarding soil work, tree protection, and floodplain issues.

Motion & Vote

- Motion: Mr. Stone motioned to approve the Title 41, contingent upon:
 1. Annexation proceeding in the regular order.
 2. Compliance with all staff comments.
 3. Proceeding with development as a two-lot configuration as presented.
- Second: Ms. Knisely seconded.
- Vote: Motion passed unanimously.

4. Communications

No communications presented.

5. Reports

Meghan Jennings-City Planner

Ms. Jennings reported that she has been working with Council Members Michael McCary and Alan Swank to initiate the advisory commission for the comprehensive plan update. Nominations for the commission will be presented to City Council soon, and the process is now underway.

Lance Allison-Assistant Code Enforcement Director

Nothing to report.

6. Opportunity for Citizens to Speak About Items Not Listed on the Agenda

No additional comments were offered on items not listed on the agenda.

7. Announcements & Other Business

Avenelle Crossing Development

Mr. Allison reported that an initial meeting was held with the Avenelle Crossing Development team, and follow-up questions have been submitted, with responses still pending. The review will determine whether required utility easements classify the project as a major subdivision, which would need board approval. The proposed Low-Income Housing Tax Credit (LIHTC) development is located off U.S. Route 50 and State Route 32 near Hooper Road, with access from Avenelle Drive.

Shade Tree Code Changes Update

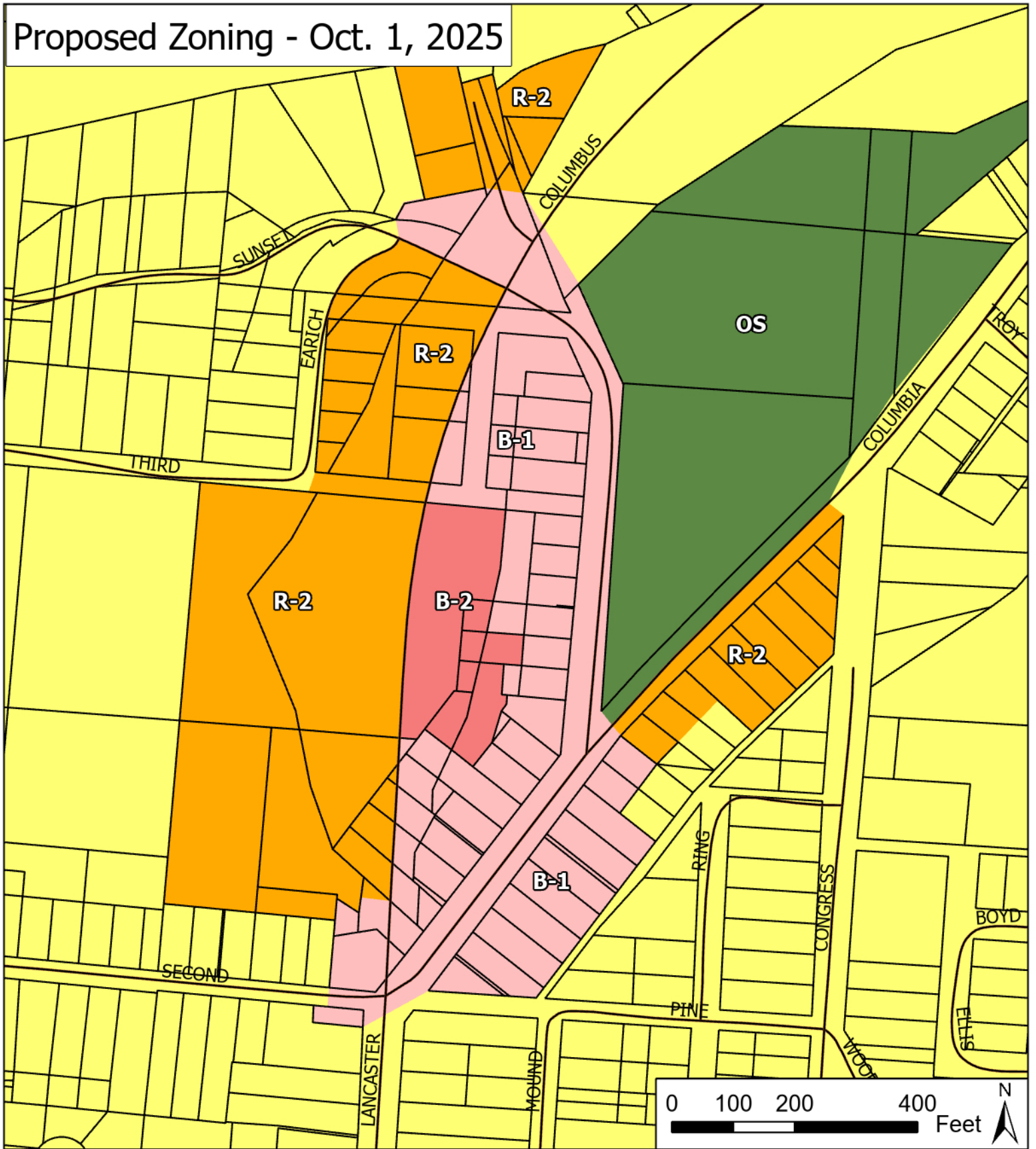
A previously tabled motion regarding updates to the Shade Tree Commission code is being addressed through ongoing meetings. The Code Office and Safety Service Director recommended transferring the commission's regulatory authority to the Planning Commission, with the Shade Tree Commission serving in an advisory role.

The goal is to streamline processes while maintaining urban forester input. The proposed amendments, affecting Titles 9, 21, 33, 37, and 41 of the city code, are expected to go before City Council in October.

8. Adjournment

- Meeting adjourned at 12:56PM

Proposed Zoning - Oct. 1, 2025



Proposed Zone Changes

Proposed zone change for properties along N. Lancaster Street, Second Street, Columbia Avenue, and Columbus Road.

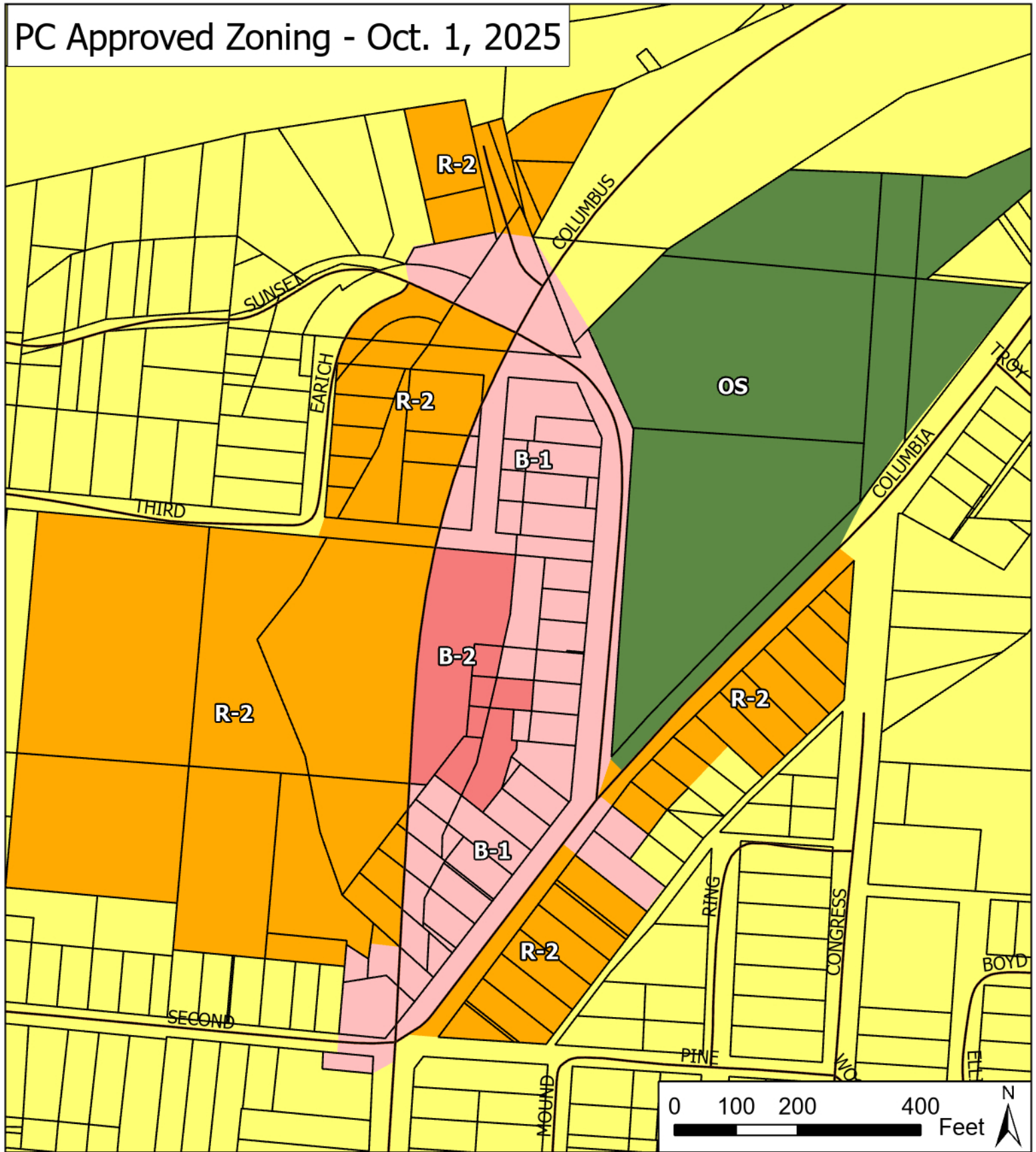
Map created by Athens City Planner. Data recent as of 9/29/2025.

Legend

- Road
- Parcel

Zoning

- | | |
|--|---|
| B-1 | M |
| B-2 | OS |
| B-2D | R-1 |
| B-3 | R-2 |
| EI | R-3 |



Proposed Zone Changes

Proposed zone change for properties along N. Lancaster Street, Second Street, Columbia Avenue, and Columbus Road.

Map created by Athens City Planner. Data recent as of 10/1/2025.

Legend

- Road
- Parcel

Zoning

- | | |
|--|---|
| B-1 | M |
| B-2 | OS |
| B-2D | R-1 |
| B-3 | R-2 |
| EI | R-3 |

Chapter 23.04. Permitted Uses.

23.04.11. OL Overlay Zones.

A zone superimposed over base zones (underlying zones) which imposes special restrictions or specific requirements for development based on conservation of resources or specific development objectives, including but not limited to:

- (A) **OL-FDP Title 25. Flood Damage Prevention.** Establishes development guidelines for areas included in the "flood boundary and floodway map" (U.S. Department of Housing and Urban Development, Federal Insurance Administration [most recent edition]).
- (B) **OL-FDP Title 27. Land Development.** Establishes development guidelines for slope stability, water erosion, storm water run-off and sediment pollution that would affect adjoining properties or water resources.
- (C) **OL-WHP Title 39. Wellhead Protection Area.** Establishes development and protection standards for area included in the Wellhead Protection buffer.

~~(D) Additional overlay zones may be added by amendments to the zoning code or by separate title in the Athens City Code.~~

(D) OL-NCOZ. NEIGHBORHOOD CORRIDOR OVERLAY ZONE (NCOZ) ESTABLISHES DEVELOPMENT STANDARDS TO ENABLE NEIGHBORHOOD CORRIDORS TO BECOME PEDESTRIAN AND MULTI-MODAL ORIENTED, AS WELL AS ENHANCE ECONOMIC DEVELOPMENT BY CREATING MORE SPACES FOR SMALL, LOCAL BUSINESSES.

(1) DEFINITIONS

- (a) **BICYCLE PARKING MEANS A PARKING AREA THAT IS DESIGNATED AND DESIGNED PRIMARILY FOR THE PARKING OF BICYCLES.**
- (b) **BUILDING FAÇADE MEANS THE EXTERIOR FACE OR WALL OF A BUILDING, INCLUDING ALL ARCHITECTURAL ELEMENTS, MATERIALS, AND FINISHES, THAT ARE EXPOSED TO PUBLIC VIEW.**
- (c) **OUTDOOR DINING MEANS THE USE OF TABLES, CHAIRS, BENCHES, OR SIMILAR FURNISHINGS LOCATED OUTSIDE THE PERMANENT PORTION OF A FOOD AND/OR DRINK ESTABLISHMENT THAT IS SITUATED EITHER ON PRIVATE PROPERTY OR WITHIN THE PUBLIC RIGHT-OF-WAY WHEN DULY AUTHORIZED PER ACC 9.12.18, MATERIALS ON STREET OR SIDEWALK, FOR THE PURPOSE OF SERVING FOOD AND/OR BEVERAGES TO PATRONS.**
- (d) **VEHICULAR PARKING MEANS A PARKING AREA THAT IS DESIGNATED AND DESIGNED PRIMARILY FOR THE PARKING OF AUTOMOBILES.**
- (e) **VEHICULAR USE AREA MEANS ANY OPEN AREA OUTSIDE OF A STREET OR ALLEY RIGHT-OF-WAY USED FOR MOTOR VEHICLE PARKING, STACKING, LOADING, UNLOADING, MANEUVERING, OR CIRCULATION.**

- (2) **SPECIFIC LOCATIONS APPLICABLE TO THE NEIGHBORHOOD CORRIDOR OVERLAY ZONE (NCOZ). THE SPECIFIC BOUNDARIES OF ESTABLISHED NCOZS ARE SHOWN ON THE ZONING MAP OF THE CITY.**
- (3) **PARCELS AFFECTED. FOR ANY PARCEL THAT IS WITHIN AN NCOZ, THE REQUIREMENTS OF THIS SECTION SHALL TAKE PRECEDENCE SHOULD THERE BE A CONFLICT BETWEEN THESE REQUIREMENTS AND THE REQUIREMENTS OF THE UNDERLYING ZONING DISTRICT.**
- (4) **PERMITTED AND PROHIBITED USES. THE LAND USES THAT ARE PERMITTED WITHIN THE OVERLAY DISTRICT ARE THE SAME AS IN THE BASE ZONING DISTRICT LAYER EXCEPT FOR THE FOLLOWING:**
 - (a) **MIXED-USE BUILDINGS ARE ENCOURAGED.**
 - (b) **THE FOLLOWING LAND USES ARE PROHIBITED REGARDLESS OF WHETHER THEY ARE PERMITTED IN AN UNDERLYING ZONING DISTRICT:**
 - (1) **RESIDENTIAL UNITS ON THE FIRST FLOOR OF MULTI-FLOOR BUILDINGS;**
 - (2) **DRIVE-THROUGH;**
 - (3) **CAR WASH;**
 - (4) **JUNK OR WRECKING YARD;**
 - (5) **PRINTING AND RELATED TRADE;**
 - (6) **CONCRETE MIXING;**
 - (7) **BLACKSMITH;**
 - (8) **WELDING;**
 - (9) **OTHER METAL WORKING SHOP;**
 - (10) **NOISE-PRODUCING MACHINE-OPERATED TOOL OR MACHINE SHOP;**
 - (11) **FOUNDRY;**
 - (12) **CASTING LIGHTWEIGHT NONFERROUS METALS;**
 - (13) **ELECTRIC FOUNDRY;**
 - (14) **BAG, CARPET, AND RAG CLEANING;**
 - (15) **FLAMMABLE LIQUIDS, UNDERGROUND STORAGE ONLY; AND**
 - (16) **SELF-STORAGE, MINI-WAREHOUSE.**
- (5) **BULK CONTROLS. THE REQUIREMENTS OF ACC TITLE 23 TABLE A, *SCHEDULE OF BULK CONTROLS* SHALL APPLY IN COMPLIANCE WITH THE UNDERLYING ZONING DISTRICT.**
- (6) **BUILDING ORIENTATION. BUILDINGS SHALL BE ORIENTED WITH THEIR FRONT DOOR AND FAÇADE FACING A PUBLIC RIGHT-OF-WAY, EXCLUDING ALLEYS. FOR CORNER LOTS (WHERE THERE ARE TWO PUBLIC RIGHTS-OF-WAY), THE FRONT FAÇADE OF THE BUILDING MAY FACE EITHER RIGHT-OF-WAY.**

(7) VEHICULAR USE AREA, VEHICULAR PARKING, AND BICYCLE PARKING.

(a) *APPLICABILITY.* THE REGULATIONS OF THIS SUBSECTION SHALL APPLY TO OFF-STREET PARKING REQUIREMENTS (SEE ACC TITLE 23, TABLE B. *OFF-STREET PARKING SPACES*) AND NOT ON-STREET PARKING.

(b) *VEHICULAR USE AREA.* VEHICULAR USE AREAS SHALL NOT BE PERMITTED BETWEEN THE PRIMARY BUILDING FRONTAGE AND THE PUBLIC RIGHT-OF-WAY.

(c) *VEHICULAR PARKING.*

(1) FOR EXISTING BUILDINGS. THE REQUIREMENTS OF ACC TITLE 23 TABLE B, *OFF-STREET PARKING SPACES*, SHALL NOT APPLY TO ANY NEW LAND USE THAT IS REQUESTING TO OCCUPY AN EXISTING BUILDING.

(2) FOR NEW BUILDINGS.

(i) *LOCATION OF PARKING.* THE LOCATION OF ALL PARKING ON NEW BUILDING SITES SHALL BE IN THE BACK OF THE PROPERTY AND NOT IN THE FRONT OR SIDE OF THE BUILDING.

(ii) *REQUIRED NUMBER OF SPACES.* THE NUMBER OF PARKING SPACES REQUIRED PER ACC TABLE B, *OFF-STREET PARKING SPACES*, SHALL BE REDUCED BY ONE-HALF (1/2).

(3) PROXIMITY TO A BUS STOP.

(i) *DISTANCE.* THE NUMBER OF PARKING SPACES REQUIRED PER ACC 23.04.11(D)(7)(C)(2)(ii), *REQUIRED NUMBER OF SPACES*, MAY RECEIVE A 25% REDUCTION IF A BUS STOP IS LOCATED WITHIN 500 FEET OF THE PROPERTY.

(ii) *INFRASTRUCTURE.* AN ADDITIONAL 25% REDUCTION OF PARKING REQUIRED PER ACC 23.04.11(D)(7)(C)(3)(i), *DISTANCE*, MAY BE APPLIED IF A BUS STOP LOCATED WITHIN 500 FEET OF THE PROPERTY IS UPGRADED TO A BUS SHELTER BY THE PROPERTY OWNER, DEVELOPER, AND/OR BUSINESS OWNER.

(d) *BICYCLE PARKING.*

(1) *LOCATION OF BICYCLE PARKING.* BICYCLE PARKING SHALL BE LOCATED IN AN AREA WHICH PRIORITIZES PUBLIC VISIBILITY AND SHALL BE WITHIN 50 FEET OF THE MAIN BUILDING ENTRANCE.

(2) *REQUIRED NUMBER OF SPACES.* THE REQUIREMENTS OF ACC TITLE 23 TABLE D, *OFF-STREET BICYCLE PARKING REQUIREMENTS* SHALL APPLY.

(8) SIDEWALKS.

(a) *SIDEWALKS SHALL BE REQUIRED ALONG ALL ROAD FRONTAGES.*

(b) *SIDEWALKS SHALL BE A MINIMUM OF EIGHT (8) FEET WIDE AND SHALL BE IN COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA).*

- (c) **WHENEVER A BUILDING IS IMPROVED TO THE EXTENT OF EQUAL TO OR MORE THAN 25 PERCENT (25%) OF THE COUNTY AUDITOR'S TRUE VALUE, SIDEWALKS ARE REQUIRED TO BE BROUGHT UP TO STANDARDS AS LISTED IN ACC 23.04.11(D)(8)(B).**
- (d) **SEASONAL CARE. SNOW AND ICE REMOVAL SHALL BE MANAGED IN COMPLIANCE WITH ACC 9.12.19, REMOVAL OF ICE AND SNOW.**
- (9) **STREET TREES.**
 - (a) **GENERALLY. THE INSTALLATION OF STREET TREES IS ENCOURAGED.**
 - (b) **INSTALLATION AND MAINTENANCE. ALL STREET TREES SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH ACC 37.01.04, INSTALLATION AND MAINTENANCE.**
- (10) **SIGNAGE. SIGNAGE REQUIREMENTS ARE AS FOLLOWS:**
 - (a) **PROJECTING SIGNS ARE ENCOURAGED.**
 - (b) **NEW POLE SIGNS ARE PROHIBITED.**
- (11) **OUTDOOR LIGHTING. OUTDOOR LIGHTING SHALL BE PROVIDED IN COMPLIANCE WITH ACC 23.03.25, OUTDOOR LIGHTING, AND SHALL BE REQUIRED IN THE FOLLOWING LOCATIONS:**
 - (a) **PRIMARY ENTRANCES FOR PEDESTRIAN ACCESS;**
 - (b) **OUTDOOR DINING AREAS; AND/OR**
 - (c) **PUBLIC SPACES.**
- (12) **BUILDING FAÇADE.**
 - (a) **SPACING. BLANK WALLS EXCEEDING 20 FEET IN LENGTH ARE PROHIBITED. DOORS, WINDOWS, OR ARCHITECTURAL FEATURES MUST BE UTILIZED TO BREAK UP LONG FAÇADES.**
 - (b) **ENTRANCE. A PRIMARY ENTRANCE FOR PEDESTRIAN ACCESS INTO EACH BUILDING SHALL BE PROVIDED ALONG THE PRIMARY BUILDING FRONTAGE OR ITS OFFSETS. THIS ENTRANCE SHALL BE ADA COMPLIANT.**
 - (1) **A ONE-STORY PROJECTION SHALL BE PROVIDED AND SHALL INCLUDE AT LEAST ONE (1) OF THE FOLLOWING:**
 - (i) **A RECESSED ENTRY, A MINIMUM OF THREE (3) FEET IN DEPTH AND FOUR (4) FEET IN WIDTH; OR**
 - (ii) **A CANOPY OVER THE PRIMARY ENTRANCE, A MINIMUM OF THREE (3) FEET IN DEPTH AND WIDTH; OR**
 - (iii) **A PORCH, A MINIMUM OF TWELVE (12) INCHES HIGH, FOUR (4) FEET IN DEPTH AND WIDTH.**
 - (c) **WINDOWS.**

- (1) ORIENTATION AND PLACEMENT.**
 - (i) PRIMARY BUILDING FRONTAGE. WINDOWS MUST BE LOCATED ALONG THE PRIMARY BUILDING FRONTAGE AND ORIENTED TOWARD PEDESTRIAN CORRIDORS.**
 - (ii) CORNER LOTS. BUILDINGS LOCATED AT INTERSECTIONS SHALL PROVIDE WINDOWS ON BOTH STREET-FACING FAÇADES.**
- (2) TRANSPARENCY.**
 - (i) GROUND FLOOR. GROUND-FLOOR FAÇADES FACING A PEDESTRIAN CORRIDOR SHALL CONTAIN WINDOWS COVERING AT LEAST SIXTY PERCENT (60%) OF THE WALL AREA BETWEEN 2 FEET AND 10 FEET ABOVE GRADE.**
 - (A) FLUTED GLASS, OR GLASS WITH NO GREATER THAN 50% TRANSPARENCY, MAY BE UTILIZED UP TO FOUR (4) FEET ABOVE GRADE.**
 - (B) REFLECTIVE, TINTED, OR OPAQUE GLASS THAT OBSTRUCTS VIEWS INTO AND OUT OF BUILDINGS IS PROHIBITED ON THE GROUND LEVEL.**
 - (ii) UPPER FLOORS. WINDOWS SHALL COVER AT LEAST THIRTY PERCENT (30%) OF THE WALL AREA ON UPPER FLOORS FACING A PUBLIC RIGHT-OF-WAY.**
- (3) DESIGN STANDARDS.**
 - (i) SILL HEIGHT. GROUND-FLOOR WINDOW SILLS SHALL BE NO HIGHER THAN THREE AND ONE-HALF (3 ½) FEET ABOVE THE SIDEWALK GRADE.**
 - (ii) VERTICAL ALIGNMENT. WINDOWS ON UPPER STORIES SHALL BE VERTICALLY ALIGNED WITH ARCHITECTURAL FEATURES ON LOWER STORIES.**
- (13) OUTDOOR DINING. ALL BUSINESSES THAT PROVIDE SERVICES FOR FOOD AND/OR DRINKS SHALL BE PERMITTED TO HAVE OUTDOOR DINING. THE GENERAL REQUIREMENTS FOR OUTDOOR DINING SHALL BE AS FOLLOWS:**
 - (a) LOCATION WITHIN PUBLIC RIGHT-OF-WAY. ALL OUTDOOR DINING AREAS LOCATED WITHIN THE PUBLIC RIGHT OF WAY SHALL BE INSTALLED IN COMPLIANCE WITH ACC 9.12.18, MATERIALS ON STREET OR SIDEWALK.**
 - (b) PROXIMITY TO BUSINESS. OUTDOOR DINING SHALL BE IMMEDIATELY ADJACENT TO THE PRINCIPAL BUILDING THEY SERVE.**
 - (c) CLEAR PEDESTRIAN PATH. AN UNOBSTRUCTED SIDEWALK WITH A MINIMUM WIDTH OF FOUR (4) FEET MUST BE MAINTAINED.**
 - (d) ENCLOSED EATING AREA. ENCLOSED EATING AREAS MAY BE ALLOWED VIA THE UTILIZATION OF A PHYSICAL BARRIER NO GREATER THAN FOUR (4) FEET IN HEIGHT.**

- (e) **FURNITURE STANDARDS. TABLES, CHAIRS, AND UMBRELLAS MUST BE CONSTRUCTED OF DURABLE, WEATHER-RESISTANT MATERIALS AND MAINTAINED IN GOOD REPAIR.**
- (f) **CLEANLINESS. OPERATORS MUST KEEP OUTDOOR DINING AREAS FREE OF LITTER, DEBRIS, AND FOOD WASTE, WITH TRASH RECEPTACLES PROVIDED ON-SITE.**
- (14) **OPEN SPACE. BUILDINGS GREATER THAN 10,000 SQUARE FEET SHALL PROVIDE OPEN SPACE GREATER THAN OR EQUAL TO TEN PERCENT (10%) OF THEIR TOTAL BUILDING SQUARE FOOTAGE. THIS OPEN SPACE REQUIREMENT SHALL COMPLY WITH THE FOLLOWING:**
 - (a) **REQUIRED AMENITIES. PROVIDE A MINIMUM OF THREE (3) OF THE FOLLOWING AMENITIES:**
 - (1) **PEDESTRIAN PATHS. PEDESTRIAN PATHS THAT ARE PAVED OR THAT UTILIZE ALTERNATIVE MATERIALS WHICH INCLUDE BUT ARE NOT LIMITED TO PERVIOUS ASPHALT, PERVIOUS CONCRETE, INTERLOCKING PAVERS, AND BRICKS. GRAVEL OR BARE SOIL ARE PROHIBITED.**
 - (2) **FURNITURE. ONE BENCH, TABLE, OR EQUIVALENT SEATING ARRANGEMENT PER 400 SQUARE FEET OF REQUIRED OPEN SPACE PROVIDED THAT SAID REQUIRED FURNITURE IS CONSTRUCTED OF DURABLE, WEATHER-RESISTANT MATERIALS AND MAINTAINED IN GOOD REPAIR.**
 - (3) **ART SUCH AS MURALS, STATUES, AND/OR OTHER INSTALLATIONS PROVIDED THAT THE ART IS:**
 - (i) **PERMANENTLY AFFIXED TO THE PROPERTY AND CONSTRUCTED WITH DURABLE WEATHER-RESISTANT MATERIALS;**
 - (ii) **LOCATED IN AREAS VISIBLE AND ACCESSIBLE TO THE PUBLIC, SUCH AS PLAZAS, COURTYARDS, BUILDING FAÇADES, OR ENTRYWAYS (INTERIOR ART NOT VISIBLE TO THE PUBLIC SHALL NOT SATISFY THIS STANDARD); AND**
 - (iii) **AN INVESTMENT OF NOT LESS THAN ONE (1) PERCENT OF CONSTRUCTION COSTS, OR A MINIMUM OF 50 SQUARE FEET OF SURFACE AREA.**
 - (4) **SHADED AREA. A SHADED AREA OF A MINIMUM OF 50 SQUARE FEET PROVIDED THAT NATURAL MATERIALS, SUCH AS TREES, AND/OR SHADE CANOPIES ARE UTILIZED.**
 - (5) **OUTDOOR DINING. OUTDOOR DINING PROVIDED THAT COMPLIANCE WITH 23.04.11(D)(13), *OUTDOOR DINING*, IS MAINTAINED.**
 - (6) **LANDSCAPING. LANDSCAPING IN PLANTER BOXES OR PLANTING BEDS THAT ARE INSTALLED, AND MAINTAINED, IN ACCORDANCE WITH ACC 37.01.04, *INSTALLATION AND MAINTENANCE*.**
 - (b) **MAINTENANCE.**

- (1) UPKEEP. ALL OPEN SPACE AREAS MUST BE MAINTAINED IN A CLEAN, NEAT, AND ORDERLY CONDITION, FREE OF WEEDS, DEAD PLANT MATERIAL, AND LITTER. TRASH AND RECYCLING RECEPTACLES SHALL BE PROVIDED.**
- (2) REPLACEMENT. DAMAGED REQUIRED AMENITIES MUST BE REPLACED.**
- (3) SEASONAL CARE. SNOW REMOVAL AND LEAF CLEANUP MUST BE MANAGED SO AS NOT TO DAMAGE LANDSCAPING OR OBSTRUCT PEDESTRIAN PATHS.**