



Agenda
Athens Planning Commission
Wednesday, March 4, 2026 at 12:00PM

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Establish Quorum

Disposition of Minutes

- Approval of minutes from the February 18, 2026, meeting.

Cases

Communications

- Residential Care Facilities and Recovery Housing-Draft Language with Law Director's Review

Reports

Opportunity for Citizens to Speak About Items Not Covered on the 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 February 18, 2026, 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, Vice Chair-Present
- John Kotowski, Chair-Present
- Steve Patterson, Mayor-Present
- Andy Stone, Service-Safety Director-Present
- Ally Rapp Lee-Present

Staff Present:

- David Riggs-Code Enforcement Director
 - Meghan Jenning-City Planner
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2. Approval of the minutes from the February 4, 2026, meeting.

Ms. Knisely mentioned two corrections: the address name should be Elmwood, and the word “Recover” on page 12 should be changed to “Recovery.”

Motion: Mr. Stone moved to approve the minutes as amended.

Second: Ms. Rapp Lee seconded.

Vote: Motion passed 5-0

3. Cases

No cases were presented.

4. Communications

Residential Care Facility and Recovery Housing - Draft Language

Overview and Discussion

- Ms. Rapp Lee recused herself
- Mr. Riggs explained that he incorporated the Commission's prior recommendations into draft amendments to Title 23 and Title 29, with comments outlining the proposed changes and key decision points included in the meeting packet.
- He then listed the changes made to:
 - R1 Zone: Requires a 1,000-foot separation for Residential Care Facilities (5 or fewer residents) and limits Recovery Housing to three unrelated individuals per unit, with a rental permit, inspections, and a use permit required.
 - R3 Zone: Residential Care Facilities (6–16 residents) permitted per the Ohio Department of Behavioral Health, with 1,000-foot separation from similar facilities; Recovery Housing (4 or more residents) requires a state permit, Certificate of Occupancy from the Ohio Department of Commerce and Ohio department of Behavioral Health, and adherence to density limits (1,000-foot separation from similar facility), and is a conditional use.
 - Business Districts: Not permitted in B1; permitted in B2 and B3 under the same density and occupancy standards as R3.
- Mr. Stone asked whether facilities located in B-2 or B-3 districts would be permitted to utilize the first floor, or if such use would be prohibited.
- Mr. Riggs responded that, under the current code structure, both facilities would be permitted to use the first floor.
- Mr. Riggs further stated they could allow residential care facilities housing six to sixteen residents to be permitted on the first floor within a business zoning district and allow recovery housing to be limited to the second floor and above.
- Mr. Patterson noted potential ADA concerns if residential care facilities were not permitted to operate on the first floor.
- Mr. Riggs stated he would revise the draft language in Section 23.04.05(A)(9) to clarify that housing for four or more unrelated residents shall be permitted on the second floor and above, subject to a valid rental permit and periodic rental inspections.
- Mr. Stone commented that the revised language should be similar in structure to Section 23.04.05(A)(1).
- Mr. Riggs stated that staff reviewed parking requirements for both residential care facilities and recovery housing residents. Definitions for both uses were added to Title 23. He noted that the definition of residential care facility mirrors the Ohio Revised Code and Department of Behavioral Health language, while the recovery housing definition was slightly modified but maintains the intent of the state definition.
- Mr. Riggs explained that parking requirements were reviewed in the off-street parking table. Recovery housing would require one parking space per bed; however, if located within 1,500 feet of public transportation, the requirement may be reduced by half, resulting in one space per two beds. Residential care facilities would require one parking space per 3,000 square feet of floor area, consistent with other institutional uses, and this requirement could also be reduced by half if located within 1,500 feet of public transportation.

- Mr. Riggs further stated that recovery housing residents were added to Title 29 under rental dwellings, short-term rentals, and housing permits. Recovery housing would be treated similarly to other rental properties within the City, requiring a rental permit, application, and periodic inspections.
- Mr. Kotowski asked if recovery housing would allow three unrelated individuals in certain districts, with four or more permitted in business districts.
- Mr. Riggs clarified that facilities housing four or more unrelated individuals would be treated similarly to rooming houses, requiring an occupancy permit and compliance with additional safety requirements. In R-3 districts, such uses would be conditionally permitted and subject to Board of Zoning Appeals approval.
- Mr. Kotowski asked whether state law permits up to five unrelated individuals in such facilities and how that aligns with the proposed regulations.
- Mr. Riggs explained that staff previously considered separating the regulations into subsections but determined it would be more consistent to treat recovery housing similarly to other rental types to strengthen enforcement and maintain uniformity.
- Mr. Stone stated that the Commission reviewed Ohio Revised Code Sections 5119.34 (residential care facilities) and 5119.39 (recovery housing). He explained that state preemption applies to residential care facilities in certain zoning districts but does not apply to recovery housing. Therefore, the City may impose reasonable conditions on recovery housing, provided they are consistent with how other residential uses are regulated. He noted that recovery housing in R-1 districts would be treated similarly to other rentals, permitting three or fewer unrelated individuals without additional restriction.
- Ms. Knisely asked whether the Commission needed to address a comment regarding the definition of “personal services,” noting a potential inconsistency with the Ohio Revised Code.
- Ms. Jennings explained that she had included the ORC definition in her notes for consideration but had not specifically identified the City’s definition as an issue requiring revision.
- Mr. Stone introduced the topic of density restrictions for residential care facilities and recovery houses, explaining the proposed minimum separation of 1,000 feet between uses and referencing prior approaches for other uses, like tobacco and cannabis sales. He noted that overly restrictive limits could create enforcement challenges or be seen as discriminatory, and emphasized finding a reasonable balance for the limited number of such houses in the City.
- Mr. Kotowski asked how 1,000 feet translates to city blocks.
- Mr. Riggs and Mr. Stone explained that typical lot frontages are about 40 feet (previously 60 feet), making 1,000 feet roughly two to two-and-a-half city blocks.
- Mr. Kotowski stated he was generally comfortable with the 1,000-foot distance and asked other Commissioners for their opinions.
- Ms. Knisely expressed agreement and noted she was also comfortable with the proposed distance, as it aligns with other standards.

- Mr. Kotowski stated that the 1,000-foot separation distance is a good starting point and asked that the Law Director review the amendments, including the distance requirement, before forwarding to Council.
- Mr. Kotowski raised a concern about shared driveways after receiving a letter from a resident at 53 Madison, noting potential access issues if recovery housing facilities are in residential districts with common driveways; also asked whether residents have personal vehicles or use vans. He also asked whether recovery housing and residential care facilities have full-time staff and whether they are required to.
- Mr. Stone explained that state law requires certification for recovery houses and licensing for care facilities, with staff likely present depending on the level of care; noted parking is within the City’s regulatory authority for rentals.
- Mr. Patterson noted shared drives exist but are not common.
- Mr. Stone explained that shared drives are typically governed by deed arrangements between parcels, requiring owners to coordinate access.
- Mr. Riggs suggested shared driveway issues be addressed separately under Title 21 minor subdivision regulations, not within these zoning amendments.
- Mr. Stone added that lot splits trigger review of shared driveway arrangements.
- Mr. Kotowski invited representatives from Nex Level to comment before opening the discussion to others.

Representatives from Nex Level

- Ms. Joy Jones (Owner of Nex Level Behavioral Health) explained the mission of her program, stating she was unaware of registration requirements, has since complied, and is willing to meet all City requirements. She described the couples-based recovery model and emphasized a “good neighbor policy.”
- Ms. Sophia Hancock (Director of Housing) stated she oversees two houses in the community, visits daily, addresses issues as they arise, and emphasized the program’s supportive services and structure.
- Residents (Casey and Nate) shared personal testimony about their recovery journey, stated the program has positively changed their lives, and described efforts to contribute to the community.

Public Comments

- Mr. Jack Stauffer (Elmwood) expressed concerns regarding R-1 zoning impacts, lot sizes, house spacing, shared driveways, density, supervision requirements, background checks, parking, distance from bars/dispensaries, and suggested making the use conditional rather

than permitted. He urged stronger separation distances and protections for existing residents.

- Mr. Alan Swank (City Council, 4th Ward) provided perspective on the 1,000-foot distance, asked about the definition of unrelated persons, questioned language allowing facilities to be “actively pursuing” state certification, and encouraged balancing protections for permanent residents with support for individuals in recovery.
- Ann Ruben (88 Maplewood Dr.) stated there are many shared driveways on the east side of Athens and asked why recovery housing is listed as a primary use rather than an accessory use like long-term rentals. She also asked whether certification is required, what evidence of local need was considered, whether the Comprehensive Plan addressed this issue, and whether the Affordable Housing Commission was consulted.
- Mr. Riggs explained recovery housing is listed as a primary use because accessory uses require a primary use; said the State treats recovery housing differently than long-term rentals due to additional regulations; confirmed certification is required under state law.
- Mr. Kotowski stated the Commission is responding to a growing presence of recovery homes and trying to balance regulations with community needs; said they are working to protect permanent residents while incorporating recovery housing appropriately.
- Mr. Patterson emphasized the broader issue of limited housing stock and the need to preserve owner-occupied housing in R-1 neighborhoods.
- Mr. Stauffer asked for clarification about state certification timelines and whether facilities can operate during the 18-month certification period.
- Mr. Riggs & Mr. Stone explained state law (ORC 5119.391 & 5119.392): recovery homes must register within 30 days of operating and have 18 months to obtain certification; operators must already be certified service providers.
- Ms. Jones (Owner of Nex Level Behavioral Health) stated they are certified providers through OhioMHAS, houses are now registered, and joint accreditation is pending; explained staffing model (peer support, senior residents), acknowledged paperwork delays, addressed background check concerns, and asked the Commission to allow them to remain and serve the community.
- Mr. Rob Delach (124 Morris Ave.) encouraged the Commission and city administration not to over-restrict locations for recovery housing or similar facilities. He cited past examples, like tobacco/vape/cannabis regulations, where adding restrictions (e.g., near churches) made certain areas unusable for businesses. He recommended a reasonable, balanced approach.

Motion: Mr. Kotowski made a motion to forward the communication Residential Care Facility and Recovery Housing - Draft Language to the Law Director for review before it becomes a case and the Commission votes on it.

Second: Mr. Patterson seconded the motion.

Vote: Motion passed 4-0

5. Reports

No reports were presented.

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

Ms. Knisely raised the topic of data centers and asked the Commission to explore potential regulations proactively, noting state legislation and the importance of community oversight.

Mr. Patterson highlighted prior discussions from the US Conference of Mayors and the National League of Cities about data center impacts (energy, water, community negotiation, possible moratoriums or bans) and recommended initiating conversations at the local level.

8. Adjournment

Chapter 23.04. Permitted Uses.

23.04.01. R-1 Residential Zone (One-Family).

The following regulations shall apply in all R-1 Zones:

(A) Principal permitted uses:

- (1) Residential—One-family or one "housekeeping" unit detached dwellings.
- (2) Institutional and cultural—Churches and other places of worship and Sunday school buildings located not less than 20 feet from any other lot in any R-Zone, schools and colleges for academic instruction, located not less than 40 feet from any other lot, public libraries, public museums, public art galleries and similar public cultural uses, located not less than 20 feet from any other lot in any R-Zone cemeteries.
- (3) Recreational—Public parks, playgrounds, recreational and community center buildings and grounds and golf courses, country clubs, tennis courts and similar recreational uses, all of a noncommercial nature; provided that any principal building used thereon shall be located not less than 40 feet from any other lot in any R-Zone.
- (4) Essential services—(See Chapter 23.10.)
- (5) Planned Unit Development (PUD) (See Title 21).
- (6) ~~RESIDENTIAL CARE FACILITY - HOUSING ONE TO FIVE UNRELATED RESIDENTS.~~

~~(a) LICENSED AND INSPECTED PURSUANT TO R.C. 5119.34.~~

~~(b) DENSITY SHALL BE AT LEAST 1000-FEET FROM ANY OTHER RESIDENTIAL CARE FACILITY. Residential health care facilities—Residential care facilities for the developmentally disabled, provided that such facilities comply with all federal, state and local laws and regulations.~~

(7) ~~RECOVERY HOUSING RESIDENCE - HOUSING FOUR UNRELATED RESIDENTS.~~

~~(a) REQUIRES A VALID RENTAL PERMIT AND PERIODIC RENTAL INSPECTIONS.~~

~~(b) REQUIRES PROOF OF REGISTRATION OF THE RESIDENCE WITH THE STATE OF OHIO DEPARTMENT OF BEHAVIORAL HEALTH.~~

~~(c) DENSITY SHALL BE AT LEAST 1000-FEET FROM ANY OTHER RECOVERY HOUSING RESIDENCE.~~

(B) Permitted accessory uses: Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted or conditionally permitted uses may be established; erected or constructed; provided, that such accessory uses shall not involve the conduct of any business, trade or industry, unless otherwise authorized herein, or any private way or walk giving access to such activity, or any sign other than authorized herein and not including the board of animals or the keeping of fowl or farm animals except in a building at least 100 feet distant from every lot line. Accessory uses may include the following:

- (1) Summer houses—Summer houses and living quarters of persons employed on the premises, without kitchen facilities and not rented or otherwise used as a separate dwelling.
- (2) Parking facilities—Garages, carports or other parking spaces for the exclusive use of residents of the premises.
- (3) Swimming pools—Swimming pools, exclusively for the use of the residents.

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- (4) Professional offices and home occupations. Provided that not more than one-half of the floor area of the dwelling is devoted to such accessory use, that not more than one person who is not a resident on the premises is employed at the home; that no such use shall require exterior structural, alterations or involve construction features not customary in dwellings, and that the entrance to such office or home occupations shall be from within the dwelling.
 - (5) Long-term rentals—The keeping of not more than two renters by a resident owner or the keeping of not more than three adult renters plus related children by a nonresident owner for periods of greater than 30 days. House-keeping units may not keep long-term renters. Long-term rentals must be annually permitted per provisions in Title 29 of this Code.
 - (6) Short-term rentals the keeping of not more than two renters by a resident owner for periods of less than 30 days. Housekeeping units may not keep short term renters. Short term rentals must be annually permitted per provisions in Title 29 of this Code.
 - (7) Trailers—Parking of a trailer in any R-zone shall be prohibited, except that one trailer may be stored as an accessory to a principal use, provided that no living quarters shall be maintained or any business conducted in connection therein while such trailer is parked or stored.
 - (8) Other customary accessory uses and buildings, provided such uses are incidental to the principal use and do not include any activity commonly conducted as business, unless otherwise authorized herein.
 - (9) On premises sales (yard sales, garage sales, porch sales) may be conducted up to three times per year, not exceeding three consecutive days per sale.
 - (10) Gardening, domestic animals—Gardening, the raising of vegetables, fruits or flowers and the keeping of domestic animals exclusively for the use of personal enjoyment of residents of the premises and not for commercial purposes.
- (C) Conditionally permitted uses: The following uses shall be permitted only if expressly authorized by the board of zoning appeals (hereinafter referred to as BZA) in accordance with provisions of this Code:
- (1) Recreational—Private and noncommercial recreation areas and facilities not listed above including club swimming pools, provided that no such swimming pool shall be located nearer than 100 feet from any other lot in any R-zone.
 - (2) Utility stations—Static transformer stations, booster stations, and other utility stations, when operating requirements necessitate locating in an R-1 zone in order to serve the neighborhood; provided there is no yard or garage for service or storage and provided further, that the premises upon which such utility station is erected and maintained shall be appropriately landscaped and screened so as to be in harmony with the general appearance of the neighborhood.
 - (3) Short-term rentals nonresident owner short term rentals - the keeping of not more than three adult renters plus related children by a nonresident owner for periods of less than 30 days on R-1 lots that abut an R-2, R-3, or any B-zone or that the principal home fronts on East State Street, Carpenter Street, Lancaster Street, or Columbus Road.

(Ord. No. 0-10-10, §§ I, II, 2-1-1010; Ord. No. 0-06-16, § I, 2-15-2016; Ord. No. 0-17-16, § I, 10-17-2016; Ord. No. 0-104-20, § II, 10-19-2020; Ord. No. 0-145-21, § I, 12-13-2021)

23.04.02. R-2 Residential Zone (One Family/Two Family).

- (A) Principal permitted uses:
- (1) General—Any principal use permitted and as regulated in the R-1 Zone, except as hereinafter specified.
 - (2) Residential—Two-family dwellings.

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- (B) Permitted accessory uses: Accessory uses or structures permitted and as regulated in the R-1 Zone.
- (C) Conditionally permitted uses:
 - (1) General—Any conditionally permitted use as regulated in the R-1 Zone, except Section 23.04.01(C)(3).
 - (2) Institutional—Philanthropic or eleemosynary institutions.

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: 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.
 - (C) Conditionally permitted uses:
 - (1) General—Any conditionally permitted use as regulated in R-2 zone.
 - (2) **RESIDENTIAL CARE FACILITY - HOUSING SIX TO SIXTEEN UNRELATED RESIDENTS.**
 - (a) LICENSED AND INSPECTED PURSUANT TO R.C. 5119.34.**
 - (b) DENSITY SHALL BE AT LEAST 1000-FEET FROM ANY OTHER RESIDENTIAL CARE FACILITY.**
 - (3) **RECOVERY HOUSING RESIDENCE - HOUSING FIVE OR MORE UNRELATED RESIDENTS.**
 - (a) REQUIRES A VALID RENTAL PERMIT AND PERIODIC RENTAL INSPECTIONS.**
 - (b) REQUIRES PROOF OF REGISTRATION OF THE RESIDENCE WITH THE STATE OF OHIO DEPARTMENT OF BEHAVIORAL HEALTH.**
 - (c) REQUIRES PROOF OF CERTIFICATE OF OCCUPANCY FROM THE OHIO DEPARTMENT OF COMMERCE BUILDING DEPARTMENT.**
 - (d) DENSITY SHALL BE AT LEAST 1000-FEET FROM ANY OTHER RECOVERY HOUSING RESIDENCE.**
- ~~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.~~
- ~~(4) 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.~~

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- (54) 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.
 - (65) Funeral homes and mortuaries.
 - (76) 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.
 - (87) 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)

23.04.04. 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.
 - (b) Production for sale at retail: All products on the premises whether primary or incidental shall be sold at retail primarily on the premises where produced.
 - (c) Use must be nonobjectionable: Processes and equipment employed in goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste.
 - (2) Offices—Business and professional.
 - (3) Restaurants, not including drive-in or drive-through restaurants.
 - (4) Residential uses—Any use permitted and as regulated in the residential district 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.
- (B) Conditionally permitted uses:
 - (1) Accessory uses and structures as permitted and regulated in the R-3 zone and any other accessory uses and structures customarily accessory and incidental to any of the foregoing permitted B-1 uses.
 - (2) Licensed cigarette, vapor product, or other tobacco product retail dealers. Establishments shall be at least 500 feet from a church, school, public library, public playground, public park, or any other licensed cigarette, vapor product, and other tobacco product retail dealer.
 - (3) Any other retail business or service establishment determined by the board to be of the same general character as the above permitted uses, not including those which first permitted or are not permitted in the B-2 zone.

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(Ord. No. 0-17-16, § I, 10-17-2016; Ord. No. 0-133-16, § I, 11-7-2016; Ord. NO. 0-145-21, § III, 12-13-2021; Ord. No. 0-17-23, § I, 5-15-2023; Ord. No. 0-65-24, § I, 8-19-2024)

23.04.05. B-2 Business District.

(A) Principal permitted uses. Any convenience business or general business or services establishment, subject to the following general conditions:

- (1) Residential uses are permitted only on the second story and above.
- (2) Automotive services and service stations shall be at least 50 feet from any R-Zone and shall have no openings adjoining the R-Zone, other than stationary windows and fire escapes.
- (3) Other uses: Any other retail business or service establishment or use, which determined by the BZA to be of the same general character as the above permitted uses, but not including any use first permitted or not permitted in the B-3 Zone.
- (4) "Bed and breakfast" establishments.
- (5) Hotels and motels.
- (6) Licensed cigarette, vapor product, or other tobacco product retail dealers. Establishments shall be at least 500 feet from a church, school, public library, public playground, public park, or any other licensed cigarette, vapor product, and other tobacco product retail dealer.
- (7) Cannabis establishments. No more than two establishments are allowed within the B-2 Business District and they shall be at least 500 feet from a church, school, public library, public playground, public park, or any other cannabis establishment.

(8) RESIDENTIAL CARE FACILITY - HOUSING SIX TO SIXTEEN UNRELATED RESIDENTS.

(a) LICENSED AND INSPECTED PURSUANT TO R.C. 5119.34.

(b) DENSITY SHALL BE AT LEAST 1000-FEET FROM ANY OTHER RESIDENTIAL CARE FACILITY.

(9) RECOVERY HOUSING RESIDENCE - HOUSING FIVE OR MORE UNRELATED RESIDENTS.

(a) REQUIRES A VALID RENTAL PERMIT AND PERIODIC RENTAL INSPECTIONS.

(b) REQUIRES PROOF OF REGISTRATION OF THE RESIDENCE WITH THE STATE OF OHIO DEPARTMENT OF BEHAVIORAL HEALTH,

(c) REQUIRES PROOF OF CERTIFICATE OF OCCUPANCY FROM THE OHIO DEPARTMENT OF COMMERCE BUILDING DEPARTMENT.

(d) DENSITY SHALL BE AT LEAST 1000-FEET FROM ANY OTHER RECOVERY HOUSING RESIDENCE.

(B) Permitted accessory uses: Accessory uses and structures as permitted and as regulated in the R-3 Zone and such other accessory uses and structures, not otherwise prohibited, customarily accessory and incidental to any of the foregoing permitted uses.

(Ord. No. 0-17-16, § I, 10-17-2016; Ord. No. 0-133-16, § I, 11-7-2016; Ord. No. 0-65-24, § II, 8-19-2024)

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Chapter 23.10. Definitions

23.10.01. Definition.

Interpretation of terms or words: For the purposes of this title, certain terms or words used herein shall be interpreted as follows:

- (A) The words "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (B) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (C) The words "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- (D) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- (E) The words "lot" includes the words "plot" or "parcel."
- (F) Definitions for specific words not defined herein—An American English dictionary or the approved applicable building code will be used as guidance to the board.

Accessory building: A building, the use of which is incidental to that of the main building(s) on the premises, and which is not intended to be used as a dwelling.

Accessory use: A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.

"Adult arcade" any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

"Adult bookstore" or "adult video store" a commercial establishment which as one of its principal business purposes offers for sale or rent for any form of consideration any one or more of the following:

- (1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or specified anatomical areas;" or
- (2) Instruments, devices, or paraphernalia, other than medical or contraceptive devices, which are designed for use in connection with "specified sexual activities."

"Adult cabaret" a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity; or
- (2) Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

- (3) Films, motion picture, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult motion picture theater" a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

"Adult theater" a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or live performances which are characterized by the exposure of "specified sexual activities" or specified anatomical areas."

Alterations, structural: See Structurally altered.

Automobile repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, and steam cleaning of vehicles.

"Automobile service station or filling station." A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

"Automobile wrecking." The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

"Basement." A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground. (See Story)

"Bed and breakfast." A dwelling unit with no more than four guest rooms, providing lodging with or without breakfast to paying transient guests, with a maximum stay of no more than 30 days. A short-term rental permit is required.

"Bicycle parking." A rack to which the frame and at least one wheel can be secured with a user-provided u-lock or padlock and cable. The City of Athens shall maintain a list of appropriate bicycle parking racks to assist developers.

"Building, principal." A building in which is conducted the main or principal use of the lot on which said building is situated.

"Bulk controls." Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including coverage, setbacks, height, floor area ration, and yard requirements.

"Business, wholesale." Business establishment that generally sell commodities in large quantities or by the price to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

"Campground." An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

"Cemetery." Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with, and within the boundaries of, such cemetery.

"Child." Any person 17 years of age or younger.

"Club." A building or portion thereof or premises owned or operated by a person for a social literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

"Comprehensive city plan." A plan or any portion thereof, adopted by the commission and the legislative authority of the City of Athens showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

"Computerized sweepstakes device." Any computer, machine, game, or apparatus which, upon the insertion of a coin, token, access number, magnetic card or similar object, or upon the payment of anything of value, wherein a product or service is provided, and may be operated by the public generally for use as a contest of skill, entertainment, or amusement, whether or not registering a score, and which is not gambling under state or local laws. Machines designated for use by the state lottery commission are not computerized sweepstakes devices for purposes of this chapter.

"Conditionally permitted use." A use permitted within a zone other than a principally permitted use, requiring a conditional use permit and approval of the BZA.

"Conditional use permit." A permit issued by the zoning administrator upon approval by the BZA to allow a use other than a principally permitted use to be established within the zone.

"Condominium." A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, undivided basis by all of the owners.

"Converted dwelling unit." Any dwelling unit which has had a change in nature or use to any of the following: Two family, multi-family, apartment, boarding house, rooming house, lodging house, or rented property (for which a rental permit is required under Section 29.03.01).

"Corner lot." (See Lot types)

"Cul-de-sac." (See Thoroughfare)

"Domestic animals." Those animals commonly accepted as domesticated household pets. Domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, rats, mice, chinchillas, ferrets, domesticated rabbits, fish, arthropods, nonpoisonous or nonvenomous reptiles or amphibians.

"Drive-in or drive-through establishment." Any retail or service establishment that provides a designated place where persons can drive their vehicles in such proximity to the establishment that they can or are permitted to conduct the major portion of their business with the establishment without having to exit their vehicles.

"Drive-in or drive-through restaurant." A restaurant that is also a drive-in or drive-through establishment.

"Driveway." An improved surface connecting a public road to a parking area.

"Dwelling." Any building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

"Dwelling, multi-family." A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and shared walls.

"Dwelling, rooming house (boarding house, lodging house, dormitory, fraternity and sorority chapter houses)." A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for six or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

"Dwelling, single-family." A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

"Dwelling, two family." A building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall, except for a common stairwell exterior to both dwelling unit.

"Easement." Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property. A grant of one or more of the property rights by the property owner to and/or for specific use by the public, a corporation, or another person or entity.

"Essential services." Services and utilities needed for the health, safety, and general welfare of the community, such as underground, surface, or overhead electrical, gas, telephone, steam, water, sewerage, traffic control devices and other utilities and the equipment and appurtenances necessary for such systems to furnish and adequate level of service for the area in which it is located.

"Family." One or more persons related by blood, marriage, or adoption.

"Fence." An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

"Garage, private." A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

- (1) Not more than one space is rented for parking to person not resident on the premises;
- (2) No more than one commercial vehicle per dwelling unit is parked or stored;
- (3) The commercial vehicle permitted does not exceed two ton capacity.

"Garage, public." A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

"Guest." A person who rents one or more guest rooms in a short-term rental on a temporary basis, for no more than 30 consecutive days.

"Guest room." A room offered to the public for a fee that contains, at a minimum, provisions for sleeping in accordance with Chapter 29.17 of this Code.

"Historic district." A district or zone designated by a local authority or state or federal government within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including color, proportion, form, and architectural detail or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical, or architectural motives or purposes.

"Home occupation." Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

"Hotel." Any building or portion thereof containing five or more guest rooms or suites where no provision for cooking is made, in any individual guest room or suite.

"Housekeeping unit." One, two, or three persons at least one of whom is not related by blood, marriage, or adoption and who share a common kitchen and living spaces.

"Junk." Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

"Junk buildings, junk shops, junk yards." Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

"Kennel." Any lot or premises on which five or more domesticated animals more than five months of age are housed, groomed, bred, boarded, trained, or sold for profit and which offers provisions for medical treatment.

"Lessee." A person who holds real or personal property under a lease.

"Lessor." A person who conveys property by lease.

"Loading/unloading zone, off-street." Space logically and conveniently located for bulk-pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street

parking spaces are filled. Required off-street loading/unloading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading/unloading spaces shall be located totally outside of any street or alley right-of-way.

"Lot." For the purposes of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street or on an approved private street, and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

"Lot coverage." The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

"Lot frontage." The front of a lot shall be construed to be the portion nearest the street which is used for emergency vehicles. For purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and the yards shall be provided as indicated under "yards" in this section.

"Lot measurements." A lot shall be measured as follows:

- (1) Depth: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (2) Width: The distance between straight lines connecting the front and rear lot lines at each side of the lot, measure at the building setback line.

"Lot, minimum area of." The area of a lot is computed, exclusive of any portion of the right-of-way of any public or private street.

"Lot of record." A lot which is part of a subdivision recorded in the office of the county recorder, or a lot of parcel described by metes and bounds, the description of which has been so recorded. (See Chapter 23.01.05 - Lot of record)

"Lot types." Terminology used in this title with reference to corner lots, interior lots and through lots is as follows:

- (1) Corner lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meets at an interior angle of less than 135°.
- (2) Interior lot: A lot with only one frontage on a street.
- (3) Through lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as a double frontage lot.

"Lumen." A unit of luminous flux equal to the light emitted in a unit solid angle by a uniform point source of one candle intensity.

"Maintenance and storage facilities." Land, building, and structures devoted primarily to the maintenance and storage of construction equipment and material.

"Major thoroughfare plan." The portion of the city comprehensive plan adopted by the city commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

"Manufactured home park." Any lot upon which two or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

"Manufacturing, extractive." Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resources.

"Manufacturing, heavy": manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the zone boundary.

"Manufacturing, light": manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

"Mobile home." Any nonself-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of 30 feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

"Mobile Home Park." Any site or tract of land under single ownership upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

"Motel or motor hotel." An establishment providing sleeping accommodations with a majority of all room having direct access to the outside without the necessity of passing through the main lobby of the building.

"Nonconforming use." A building, structure or premises legally existing and/or used at the time of adoption of the zoning code, or any amendment thereto, and which does not conform with the use regulations of the zone in which located. Any such building, structure or premises conforming in respect to use but not in respect to height, area, yards or courts, or distance requirements from more restricted zones or uses, shall not be considered a nonconforming use.

"Nonconformities." Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of the zoning code or its amendments which do not conform to the regulations of the zone in which they are situated, and are, therefore, incompatible.

"Nude model studio" any place where a person who appears in a state of nudity or displays specified anatomical areas is provided solely to be sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

"Nudity" or a "state of nudity:"

- (1) The appearance of human bare buttocks, anus, genitals, or areola of the female breast; or
- (2) State of dress which fails to cover opaquely a human buttocks, anus, or genitals, or areola of the female breast.

"Nursery, nursing home." A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

"Nursery, plant materials." Land, building structure, combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

"Open spaces." An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts and any

other recreational facilities that the commission deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.

"Operator." Any person who provides one or more guest rooms for transient guests for periods of less than 30 consecutive days to the general public for compensation.

"Overlay zone." A zone that encompasses one or more underlying zones and that imposes additional requirements above those required by the underlying zone.

"Parking area." Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles and bicycles including parking lots, garages, and legally designated area of public interests.

"Parking area, private." A parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

"Parking area, public." A parking area available to the public, with or without payment of fee.

"Parking space, off-street." For the purpose of the zoning code, an off-street parking space shall consist of any area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

"Parking structure." A building or structure consisting of more than one level and used to store motor vehicles.

"Performance bond or surety bond." An agreement by a subdivider or developer with the city for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

"Personal services." Establishments primarily engaged in providing services involving the care of a person or their personal goods or apparel.

"Planned unit development." An area of land in which a variety of housing types and/or commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision such as building design principles, and landscaping plans.

"Professional activities." The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

"Public park" means public land which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian bicycle paths, open space, wilderness areas, or similar public land within the city which is under the control, operation or management of the city, county, or state.

"Public service facility." The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned or by a municipal or other governmental agency, including the furnishing of electrical gas, rail transport, communication, public water and sewage services.

"Public uses." Public parks, schools, colleges, universities, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

"Quasi-public use." Churches, Sunday schools, parochial schools, private colleges/universities, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or nonprofit nature.

"RECOVERY HOUSING RESIDENCE." A RESIDENCE FOR INDIVIDUALS RECOVERING FROM ALCOHOL USE DISORDER OR DRUG ADDICTION THAT PROVIDES AN ALCOHOL-FREE AND DRUG-FREE LIVING ENVIRONMENT, PEER SUPPORT, ASSISTANCE WITH OBTAINING ALCOHOL AND DRUG ADDICTION SERVICES, AND OTHER RECOVERY ASSISTANCE FOR ALCOHOL USE DISORDER AND DRUG ADDICTION.

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"Recreation facilities." A place designed and equipped for the conduct of sports and leisure-time activities.

"Remodel." To construct an addition or alter the design or layout of a building or make substantial repairs or alterations so that a change or modification of the entrance facilities toilet facilities, or vertical access facilities is achieved.

"Remodeling or minor alteration." Any change, addition, substantial repair or improvement to the design or layout of an existing structure including, but not limited to modifications of egress or emergency escape facilities, plumbing facilities where a licensed contractor is required in accordance with the building code, electrical or plumbing facilities where a licensed contractor is required in accordance with the building code or where the value of improvements requires notification of the Athens County Auditor in accordance with Section 5713.17 of Ohio Revised Code.

"Research facility." An establishment or other facility for carrying on investigation in the natural, physical, or social sciences, which may include engineering and product development.

"RESIDENTIAL CARE FACILITY." A FACILITY THAT PROVIDES ACCOMMODATIONS, SUPERVISION, PERSONAL CARE SERVICES, AND MENTAL HEALTH SERVICES FOR INDIVIDUALS, OR FOR INDIVIDUALS WHO ARE DEPENDENT ON THE SERVICES OF OTHERS BY REASON OF AGE OR PHYSICAL OR MENTAL IMPAIRMENT.

"Restaurants." An establishment where food and drink are prepared and sold for human consumption on or off the premises.

"Roadside stand." A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

"Right-of-way." A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped area, viaducts, and bridges.

"Satellite earth station antenna." A parabolic or dish-shaped antenna or any other apparatus or device that is designed for the purpose of receiving radio waves.

"School" means any public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, and special education schools.

"Setback line." A line established by the zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code. (See Yard)

"Sewers, central or group." An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

"Sewers, on-site." A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

"Sexually oriented business" an adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater or adult theater. Sexually oriented business does not include a nude model studio.

"Short-term rental." A dwelling unit offered for rent in part, or in its entirety, for less than 30 consecutive days per occupant.

"Sidewalk" A paved, surfaced, or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

"Sign." Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, and object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

- (1) "Sign, on-premises." Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- (2) "Sign, off-premises." Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is offered.
- (3) "Sign, illuminated." Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
- (4) "Sign, lighting device." Any light; string of lights, or group of lights located or arranged so as to cast illumination on a sign.
- (5) "Sign, projecting." Any sign which projects from the exterior of a building.

"Solar energy system." An energy system that consists of one or more solar collection devices, solar energy related "balance of system" equipment, and other associated infrastructure with the primary intention of generating electricity, storing electricity, or otherwise converting solar energy to a different form of energy. Solar energy systems may generate energy in excess of the energy requirements of a property if it is to be sold back to a public utility in accordance with the law.

"Special district." A zoning district created to meet the needs of an area experiencing unusual problems, or one that is designed to meet special needs.

"Specified anatomical areas" human genitals.

"Specified sexual activities" any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- (3) Masturbation, actual or simulated.

"Story." That part of a building between the surface of a floor and the ceiling immediately above. (See Basement)

"Structurally altered." Any change in the supporting members of a building such as bearing walls, columns, beams, girders, or in the dimension or configurations of the roof or exterior walls.

"Structure." Any thing constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures included buildings, mobile homes, walls, fences, and billboards.

"Subdivision." The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

"Sweepstakes/internet café." Any premises upon which any computerized sweepstakes device is located for the use or entertainment of the public, whether or not such premises have other purposes of any nature whatsoever.

"Swimming pool." A pool, pond, lake, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager, designed for human use.

(1) "Private." Exclusively used without paying any additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; and accessory use.

(2) "Community." Operated with a charge for admission.

"Thoroughfare, street, or road." Any vehicular way that:

- (1) Is an existing state, county, or municipal roadway;
- (2) Is shown upon a plat approved pursuant to law;
- (3) Is approved by other official action;
- (4) Is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; includes the land between the street lines, whether improved or unimproved.

"Through lot." (See Lot types)

"Total lot coverage." The ratio of enclosed ground floor area of all buildings on a lot plus the ratio of area covered with gravel, stone, shell, impermeable decking, a paver, permeable pavement or any manufactured material on a lot to the horizontally projected area of the lot expressed as a percentage.

Lot coverage does not include:

- (1) A fence that is less than one foot in width that has not been constructed with a footer;
- (2) A wood mulch pathway;
- (3) Landscaping.

"Tourist home." A single family house that is rented as a whole unit 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.

"Trailer." A structure standing on wheels, towed or hauled by another vehicle, and used for short-term occupancy, carrying of materials, goods or objects, or as temporary office. "Use." The purpose or activity for which land or buildings are arranged, designed, or for which lands or buildings are occupied or maintained.

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"Variance." Permission to depart from the literal requirements of a zoning ordinance.

"Veterinary animal hospital or clinic." A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

"Walkway." A public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

"Yard." An open unoccupied space on the same lot with a building extending along the entire length of street or rear or interior lot line.

"Yard, front." A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

"Yard, rear." A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

"Yard, side." A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

"Zoning administrator." The zoning administrator is the person designated by the mayor to administer and enforce zoning regulations and related ordinances. This person may also be known as the zoning inspector.

"Zoning map." The map or maps that are a part of the zoning ordinance and delineate the boundaries of zone districts.

"Zoning permit." A document signed by a zoning officer, as required in the zoning ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of the municipal zoning ordinance or authorized variance therefrom.

Uses	Minimum Required Off-Street Parking Spaces
Automobile or machinery sales and service garage	One for each 800 sq. ft. floor area
Banks, businesses, and professional offices providing on-site customer services	One for each 400 sq. ft. floor area
Banks, businesses, and professional offices not providing on-site customer service	One space for each 800 sq. ft.
Bowling alleys	Three for each alley
Churches and schools	One for each eight seats in an auditorium or one for each 17 classroom seats; whichever is greater
Dance halls and assembly halls without fixed seats	One for each 100 sq. ft. of floor area used for assembly or dancing, except church assembly rooms in conjunction with auditorium
Dwellings, duplex, town homes, and multi-family	One bedroom dwelling units—One space per unit; Two or more bedroom dwelling units—One space per occupant
Dwellings, owner-occupied single family, short-term rental	Two spaces per dwelling, plus one space for each rented bedroom, no maximum
Dwellings, non-owner occupied single family	One space per occupant
Funeral homes, mortuaries	Four for each parlor or one for each 50 sq. ft. floor area
Furniture and appliance stores, household equipment, stores, hardware stores, or furniture repair shops	One for each 400 sq. ft. floor area
Hospitals	One for each two beds
Hotels	One for each two bedrooms
Manufacturing plants, research or testing laboratories, or bottling plants	One for each two employees in the maximum working shift, or for each 1,200 sq. ft. floor area, whichever is greater
Medical, dental, or veterinary clinics	One for each 400 sq. ft. floor area
Motels, bed and breakfast	One for each living or sleeping space

Uses	Minimum Required Off-Street Parking Spaces
RECOVERY HOUSING RESIDENCE	ONE SPACE PER BED
RESIDENTIAL CARE FACILITY	ONE SPACE PER 300 SQ. FT. FLOOR AREA
Restaurants, night clubs, or similar facilities	One for each 250 sq. ft. floor area
Retail stores, except as specified, convenience stores, department stores, drug stores, and grocery stores	One for each 250 sq. ft. floor area
Personal services facilities	One space per 300 sq. ft.
Sanitariums, convalescent homes, children's homes	One for each six beds
Sports arenas, auditoriums, theaters, assembly halls other than schools or churches	One for each six seats
Sweepstakes/internet cafés	One for each computerized device
Wholesale establishments	One for every three employees on maximum shift or for each 3,000 sq. ft. of floor area, whichever is greater

Table B—Off-Street Parking Requirements

Chapter 29.03. - Rental Dwelling, Short Term Rental, RECOVERY HOUSING RESIDENCE, and Housing Permit

29.03.01. - Rental permit required.

All residential property within the city owned for rental purposes or occupied by a rent paying party other than the owner shall require a rental dwelling, short term rental, **RECOVERY HOUSING RESIDENCE**, or rooming house permit from the office of code enforcement. Traditional motels and hotels are excluded from the necessity of obtaining a rental dwelling, short term rental, or rooming house permit. Nontraditional (long-term) rentals in hotels and motels are not excluded.

29.03.02. - Application.

To obtain a rental dwelling, short term rental, **RECOVERY HOUSING RESIDENCE**, or rooming house permit, the owner of a rental dwelling, short term rental, or rooming house, as defined in this code, shall apply to the code enforcement office of the city. A rental dwelling, short term rental, or rooming house permit shall be issued by the director of code enforcement if, upon inspection of the rental dwelling, short term rental, or rooming house, it is determined that the rental dwelling, short term rental, or rooming house meets the requirements of this Code. Such an inspection shall be made within 30 days after said application has been made. Upon application for a permit, the owner of a rental dwelling, short term rental, or rooming house may rent or lease the premises at their own risk, subject to the subsequent approval of the permit by the director of code enforcement. The director of code enforcement shall deny the issuance of a permanent permit to any owner or operator whose structure does not, within 30 days, comply with this code. Any permit granted or issued under the terms of this code to an owner or operator may be suspended or revoked at any time by the director of code enforcement upon satisfactory proof of violation of any provision pursuant to this code or which could have been grounds for failure to issue an original permit. Any person who feels aggrieved by such denial may pursue the remedies as outlined in Chapter 29.07 of this Code (housing appeals board). If a permit is suspended or revoked after a hearing as provided in Chapter 29.07, said permit shall be surrendered to the code enforcement office within five days of notification of such suspension or revocation.

29.03.03. - Zoning certification required.

Any person applying for a rental dwelling, short term rental, **RECOVERY HOUSING RESIDENCE**, or rooming house permit shall include zoning compliance verification.

29.03.05. - Authorized agent.

No rental dwelling, short term rental, **RECOVERY HOUSING RESIDENCE**, or rooming house permit shall be issued or received unless the applicant designates, in addition to himself, an agent for the receipt of process pursuant to this Code. Said agent must be designated in writing on the application for said permit. Such agent must reside within the county.

29.03.06. - Notice of change of ownership.

Any person selling or otherwise relinquishing ownership or control of a rental dwelling, short term rental, **RECOVERY HOUSING RESIDENCE**, or rooming house for which a rental dwelling, short term rental, or rooming house permit has been issued shall notify the code enforcement office of said change in ownership within five days of the effective date of the transfer. Such notice shall be in writing and shall include:

(A)The name and address of the new owner;(B) The name and address of the previous owner; and (C) The agent for the new owner as required under the provisions of Section 23.03.05 herein.

29.03.07. - Expirations and renewals.

Every rental dwelling, short term rental, **RECOVERY HOUSING RESIDENCE**, and rooming house permit shall be renewed annually on January 2. A flat fee, established by ordinance, will be assessed for each dwelling/rooming house permit fee unpaid on March 1.

29.03.08.1. - City of Athens Occupancy Permit and Compliance Form.

Effective, January 1, 2018, it is the responsibility of the owner to place the City of Athens Occupancy Permit and Compliance Form on the back of the main entrance door of each rental unit, or on the wall next to the entrance door.

For all rentals, the names, addresses, and telephone numbers of both the property owner and the agent, along with the address of the rental property, must be provided with the payment of the rental fee.

(A)This information will be placed on the City of Athens Occupancy Permit and Compliance Form by the code enforcement office, along with the maximum permitted occupancy and expiration date.(B)The office of code enforcement will provide one copy of the form for each rental unit. A fee of \$5.00 will be charged for additional or replacement copies.

29.03.08.2. – DEPARTMENT OF BEHAVIORAL HEALTH CERTIFICATION FOR RECOVERY HOUSING RESIDENCES.

A Recovery Housing Residence must provide proof of certification of the residence with the State of Ohio Department of Behavioral Health (“DBH”). If the residence is not currently certified, the organization or person operating the residence must show proof that it is actively pursuing certification through DBH. The organization or person has 18 months as defined in R.C. § 5119.392 to obtain certification through DBH and provide the certification to Code Enforcement. Failure to obtain certification in 18 months prohibits the Recovery Housing Residence from operating.

29.03.09. - Display of occupancy permit and compliance form.

It shall be the responsibility of the owner or agent of a rental dwelling, short term rental, **RECOVERY HOUSING RESIDENCE**, or rooming house to post the City of Athens Occupancy Permit and Compliance Form. This posted form is part of the rental inspection requirements. Failure to post said form is a minor misdemeanor punishable by a fine of up to \$150.00.

29.03.10. - Suspension and reinstatement.

(A)At the end of the time allowed for correction of violations cited, the code inspector, lacking sufficient documentary evidence of compliance, shall reinspect the rental dwelling, short term rental, **RECOVERY HOUSING RESIDENCE**, or rooming house. If they determine that such conditions have not been corrected, they may issue an order suspending the operating permit.

Any person whose permit to operate a rental dwelling, short term rental, **RECOVERY HOUSING RESIDENCE**, or rooming house has been suspended shall be entitled to a reconsideration of the order by the housing appeals board in the manner herein provided. If no request for reconsideration or appeals reaches the housing appeals board within 14 days following receipt of an order of suspension, the permit shall be revoked, except that prior to revocation any person whose permit has been suspended may request reinspection, upon a showing that the violation or violations cited in the notice have been corrected.

(B)When the owner or agent has been ordered by the code inspector to correct violations that may exist in a dwelling, as noted in the procedure in Section 29.02.03, the inspector shall reinspect the property to verify compliance with the original order. If additional inspections are required, due to noncompliance, a fee to be established by ordinance shall be assessed to the owner for each additional inspection. A reinstatement fee shall be established by ordinance.

Planning Commission Proposed Changes to Title 23 and Title 29

From Lisa Eliason <leliason@ci.athens.oh.us>
Date Tue 3/3/2026 12:01 PM
To Andy Stone <astone@ci.athens.oh.us>
Cc Monica Flowers <mflowers@ci.athens.oh.us>

 1 attachment (311 KB)

03.03.26 FINAL Title 23 and 29 revisions.pdf;

You asked, on behalf of the Athens City Planning Commission, for me to review the legality of proposed changes to the Athens City Zoning Code (Title 23) and the Athens City Housing Code (Title 29) to regulate Residential Care Facilities and Recovery Housing Residences. The Planning Commission wishes to recommend regulations for these entities that comply with federal law, specifically the Fair Housing Act and Amendments, 42 U.S.C. § 3604 ("FHA") and the Americans with Disabilities Act, 42 U.S.C. § 12132 ("ADA"). Specifically, the Planning Commission wishes to impose a density requirement for these residences. Pursuant to R.C. 4112.01, individuals recovering from drug and alcohol addiction are disabled under Ohio law.

I reviewed your proposed changes, state and federal statutes, and case law. Based upon that review, I made some suggestions in the document attached to this email. I believe my suggestions bring the proposed changes into compliance with the FHA and ADA.

Residential Care Facilities are governed by R.C. 5119.34 as to the number of residents in an R-1 Residential Zone and Multi-Family Zone. R.C. 5119.341(D) recognizes a "political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities..."

Based upon my review of the law, I recommend that Recovery Housing Residences in an R-1 Residential Zone house four unrelated residents. The Athens City Code currently permits three unrelated individuals to live in a "housekeeping" unit in an R-1 Residential Zone. The City cannot apply the 1,000-foot density requirement to Recovery Housing Residences of up to three unrelated residents because it would be treating disabled individuals differently than nondisabled individuals. There is no 1,000-foot density requirement imposed upon nondisabled individuals in an R-1 Residential Zones. As a result, to impose a 1,000-foot density requirement, Recovery Housing Residences must be granted a benefit that other housekeeping units are not, namely, the ability to house more than three unrelated residents.

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