

**Athens City Planning Commission
Minutes of Regular Meeting
Thursday, October 7, 2021 12:00 p.m.**

The regular meeting of the Athens City Planning Commission was held in City Council Chambers, third floor of City Hall, on October 7, 2021.

Attendees: Scott Sands/Sands Decker, DeeAnn Gehlauf/Marietta Memorial, Trent DeBruin/ASEC Architects, Kurt Montle/Montle, LLC, Robert Delach, Alan Swank, Joan Kraynanski, Chris Fahl

1. Call to Order

Steve Patterson called the regular meeting of the Planning Commission to order at 12:05 p.m. and administered the oath to those in attendance wishing to speak before the commission. Quorum was established with five members present.

PLANNING COMMISSION MEMBERS:

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

STAFF:

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

2. Disposition of Minutes

John Kotowski moved to accept the July 1, 2021 minutes. Nancy Bain seconded. Motion passed 3:0 (two abstained).

John Kotowski moved to accept the July 15, 2021 minutes. Nancy Bain seconded. Motion passed 3:0 (two abstained).

John Kotowski moved to accept the August 5, 2021 minutes. Austin Phillips seconded. Motion passed 4:0 (one abstained).

John Kotowski moved to accept the September 2, 2021 minutes. Nancy Bain seconded. Motion passed 5:0.

John Kotowski moved to accept the September 20, 2021 minutes. Nancy Bain seconded. Motion passed 3:0 (two abstained).

3. Cases

Case #21-04	Title 41	Marietta Memorial Free Standing Emergency Department 206 Columbus Road
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David Riggs

- Received revised plans yesterday. Staff comments on the revisions were distributed to the commissioners before the meeting.
- He has requested a photometric plan, an updated landscaping plan, and additional information on the BMP's.

Andy Stone

- He met with the engineering firm on site to ensure that they were aware of the current storm situation.
- Additional items need to be added to the plans, but the alignment is sufficient. They have captured all the existing conditions, however, they need to remove "as per city GIS".
- If these concerns and all other staff concerns are addressed, he recommends the Planning Commission approve with the condition that the designer make the requested changes.

David Riggs

- They are meeting with the Shade Tree Commission on the 14th and will have updated landscaping plans at that time.

Steve Patterson

- Parking requirement is 49 and they are providing 80. 5 ADA spaces are required and they are providing 9.

John Kotowski

- Asked if driveway alignments with the road been looked at.
 - David R – yes, the east entrance will be for emergency access only which will align with what is going across the road better.
- Asked if this is in compliance with flood plain regulations.
- Paul L – still working through this. Mr. Sands is in communication with the district office in Chicago. If the Planning Commission votes to approve with conditions, one of the conditions has to be that federal approval has been obtained from FEMA regarding flood plain regulations. (Per David R., this is included in the notes.) (Per Andy S., going through this process with this project will close a long standing open deviation with the flood maps.)

Scott Sands/Sands Decker

- Here to answer any questions. Has had a good experience working with the city staff.

John Kotowski

- This will be a wonderful addition to the community on Columbus Road.

Steve Patterson

- Will bring 60+ jobs into the city, and much needed emergency services.

Andy Stone moved to approve Case #21-04 with the conditions as presented by Code, EPW, and the City Planner be completed prior to construction. John Kotowski seconded. All present voted aye. Motion passed 5:0.

Case #21-03 City Council Resolution R-10-21: Request to consider amending Athens City Code Title 23, Zoning Code, Off-Street Parking, and Table B, Off-Street Parking Requirements

Steve Patterson

- The Planning Commission has held several meetings, including a public hearing, regarding this case.
- Based on today's vote by the Planning Commission, a recommendation will be submitted to City Council. City Council will have more opportunities for engagement with the public.

Andrew Stone

- The commissioners, city planner, and code enforcement director reviewed the resolution and produced a mark-up incorporating all concerns and taking into consideration all the written and verbal testimony from citizens. Ultimately the Planning Commission feels that their recommended changes to the legislation initially provided by City Council meets the goal of reducing onerous parking requirements, returning some land that is currently devoted to parking to better use, and at the same time protecting our neighborhoods, particularly the R-1 zones.
- SSD Stone proceeded to review line by line, a marked up version of R-10-21 with the suggested changes from the Planning Commission. (Refer to the attached mark-up for specific details on the line by line changes. A clean easier to read version of the resolution is also attached.)

Comments/Questions after SSD's Review:

John Kotowski

- 23.08.07, re: an existing property owner who may want to make adjustments and would need to conduct parking study – do they hire a consultant to do this or can they use their own data that they have compiled over the years?
 - Andy Stone – he interprets it as the property owner can use their own data.
- On the last page, re bulk controls, one parking space for each 250 sq. ft. area, is this net area?
 - David Riggs – Occupy able space, so not including restrooms, storage, mechanical rooms, etc. so that number will be reduced from the gross square footage.

Austin Phillips

- Re 23.08.07, is this an either/or situation? If they do a parking study, do they need to demonstrate that they don't need it?
 - Andy Stone – #2 relates to the fact that if the code changes and reduces the amount of parking then they would have to demonstrate that you don't need it, so it is an "and" situation.

Alan Swank/40 Townsend

- Showed slides of Watt, Maplewood, and Lloyd yesterday. Pictures were taken during the school pick-up line at East Elementary. The pictures illustrated issues with the neighborhood and how the resolution without amendments would compound existing issues. He noted that because the verbiage about being 1,500 ft. from a transit line was pulled, this is no longer a concern of his.
- The school pick-up line still poses a problem to emergency vehicle traffic. He suggested that a committee be formed to address this and other traffic/parking issues.
- He thanked the Planning Commissioners for engaging the public.

Joan Kraynanski/56 Mound

- Requested copy of the mark-up.
- Shared concerns that she continues to have:
 - Re: the 1000 ft. issue. Her neighborhood has this problem at 200 ft. 3rd person in the house always parks on the street.
 - Re: 1500 ft. from transit stop in R-1's. Her neighborhood is surrounded by R-3's.
 - Re: allowing landlords to do their own parking studies, slippery slope.

John Kotowski moved to approve Case #21-03 and recommend to City Council that R-10-21 be accepted with the changes as suggested in the attached mark-up. Nancy Bain seconded.

Steve Patterson

- If voted in the affirmative, City Council will take up and offer further opportunities for comment.
 - Alan Swank asked if City Council could amend it further if they chose, to which Steve Patterson commented that they can amend and could even disregard some/all the commission's recommended changes.

John Kotowski's motion was put to a vote. All present voted aye. Motion passed 5:0. Written recommendation will be submitted to City Council by tomorrow October 8, 2021.

4. **Communications**

**Title 41 280 E. State St.
Addition and Renovation
Montle, LLC**

Trent DeBruin/BSWC Architects

- Addition and renovation of an existing building (LCR building) at 280 E. State St. The front office will remain the same. Will remove roof off the rear office area, add a second floor, add apartments.
- Been working with private utility companies on the electric service. Working with the city on city utilities.
- Adequate parking.
- Adding apartment on the first floor as well. Handicap accessibility on first floor.
- May look into adding a bus stop at this location.

David Riggs

- They got a variance for the first floor residential in a B zone, and a setback variance as well from the BZA.
- This is coming to the Planning Commission as a Title 41 review because a variance is required – there is a 5100 sq. ft. change which exceeds the limit by 100 sq. ft.

**Title 41 Kershaw Greene Apartments
Phase III & Phase IV
SR 682**

David Riggs commented that WODA was unable to attend today's meeting, and suggested it be moved to the next Planning Commission meeting.

- Phase I and II are in progress.
- Phase III/54 units, Phase IV/30 units.
- Steve P.: WODA requesting a speed limit change on 682 that has to go through ODOT.
- SSD Stone: He and city staff had a preliminary meeting with the designer and developer. Now that there will be four different complexes they have to make a connection to the cities bike/ped infrastructure system. When the time comes the commission should condition approval with them meeting this requirement. WODA will be requested to submit a plan for this connection based on best practices. Even with the geometry of roadway, ODOT will look at the warrant to drop the speed limit and it currently does not meet the warrant.
- They are draining the pond (currently receives some storm water drainage from University Estates) and relocating water lines in conjunction with this.
- Buildings are about 60 feet from the road.

5. Report from City Planner and Director of Code Enforcement

Paul Logue

- Working on an ADA Transition Plan, which is a federal requirement for any city that has more than 50 public employees, to have. He has reached out to the Commission on Disabilities for input/guidance, inventorying city buildings, etc.
- Census review work ongoing.

David Riggs

- No Report.

6. Opportunity for Citizens to Speak

- Rob Delach thanked Service-Safety Director Stone for requesting WODA to include connectivity from the apartment complexes to the cities bike/ped infrastructure system.

7. Announcements & Other Business

- Next meeting October 21, 2021.

8. Adjournment

- Austin Phillips made a motion to adjourn, seconded by Steve Patterson. The meeting was adjourned at 1:15 p.m.

R-10-21

Introduced by Chris Fahl, Chair
Planning & Development Committee

A RESOLUTION REQUESTING THE ATHENS CITY PLANNING COMMISSION
CONSIDER AMENDING THE ZONING CODE OFF-STREET PARKING AND
LOADING/UNLOADING REGULATIONS.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY
OF ATHENS, OHIO;

SECTION I: Athens City Council requests consideration by the Planning
Commission to amend Title 23, Zoning Code, Chapter 23.08, Off-Street Parking and
Loading/Unloading Regulations, and Chapter 23.10, Definitions, Table B, Off-Street
Parking Requirements, to read as attached hereto and incorporated herein by
reference.

SECTION II: The Athens City Planning Commission is requested to consider
this amended language at its next meeting and transmit its recommendation to
Athens City Council within 60 days, unless a public hearing is required. If the
Commission determines that a public hearing is appropriate, then this period may be
extended to 90 days, pursuant to ACC 23.09.07.

SECTION III: The Clerk of Council is hereby directed to forward a certified
copy of this resolution to the Athens City Planning Commission.

SECTION IV: This Resolution shall be in full force and effect at the earliest
moment permitted by law upon its passage and approval by the Mayor.

ATTEST:

Clerk of Council

President of Council

APPROVED:

Mayor

Notes:

1. All ~~strike throughs~~ not highlighted are recommended deletions by City Council
2. All CAPS highlighted yellow are recommended additions by City Council
3. All ~~strike throughs~~ highlighted in green are recommended deletions by Planning commission
4. All CAPS highlighted in green are recommended additions by Planning Commission
5. All ~~CAPS strike throughs~~ highlighted in aqua are recommended additions by City Council that were recommended deletions by the Planning Commission

Chapter 23.08. - Off-Street Parking and Loading/Unloading Regulations

23.08.01. - Off-street parking.

Any requirements for off-street parking shall be in accordance with the following regulations:

(A)

Each off-street parking space shall have an area of not less ~~MORE~~ ~~LESS~~ than ~~180~~ ~~150~~ square feet exclusive of access drives or aisles and each parking space shall have a minimum width of nine feet. There shall be adequate provision for ingress and egress to all parking spaces as determined by the zoning administrator. For one and two family dwelling units within an R-1, ~~or~~ R-2, ~~OR~~ R-3 zone, the required number of off-street parking places as established in the zoning code may be provided within access drives or driveways. All access drives or driveways shall not be less than ten feet wide. No access drive or driveway shall be located in any residential zone to provide access to uses other than those permitted in such zones. For residential uses in R-1, R-2, and R-3 districts driveways shall not exceed 20 feet in width at the street, or 20 percent of lot width, whichever is greater, and shall not be located between the right-of-way line and the front of a structure except in front of an attached garage, carport, or parking area.

(B)

Exclusive of hard surface driveways where parking is permitted as referenced in Athens City Code [7.05.01](#)(A), off-street parking areas or parking structures for residential structures shall not be located between the required setback line and right-of-way line. On corner lots, exclusive of hard surface driveways, no off-street parking areas or parking structures for residential structures shall be located between the side street right-of-way line and the required front yard setback line for structures on the side street.

(C)

The number of off-street parking spaces required is set forth in these regulations. (See Table B Chapter 23.11) In the case of changes or additions to any existing structure or its use including requests for increased occupancy in residential uses, parking shall be required to meet the requirements for all uses of the premises. In the case of any use or combination of uses not specifically mentioned herein, the zoning administrator shall determine the number of required parking spaces based on similar or comparable use.

(D)

All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory, except that such parking may be provided within a radius of 250 **1000** feet. The determination of distance will be the shortest from lot line to lot line. The property shall be in the same ownership as the use to which it is accessory and shall be subject to deed restrictions filed with the city, binding the owner and heirs, successors and assigns to maintain the required number of spaces available throughout the life of such use.

(E)

The number of required off-street parking spaces for a church, synagogue or house of worship may be satisfied in part or in whole **BY A JOINT USE PARKING AGREEMENT(S) AS PER 23.08.04.** ~~if there exists within 500 feet of the church, synagogue or house of worship, public or private parking lots containing a sufficient number of off-street parking spaces to satisfy the requirements of Table B [Chapter 23.10](#). The church, synagogue or house of worship must provide the difference if the number of parking spaces in the private or public lots is below the number required by Table B [Chapter 23.10](#). Any spaces provided in public or private lots must be shown to be available for worshipers on the day or days of greatest use.~~

(F)

Within the **B-4 B2-D** downtown business zone, the off-street parking requirement for principal permitted business uses not including residential uses may be eliminated if there exists improved public parking, **OR A JOINT USE PARKING AGREEMENT(S) AS PER 23.08.04,** to satisfy the requirements of Table B, Chapter 23.11.

(G)

Exclusive of portions of hard surface driveways where parking is permitted as referenced in accordance with Athens City Code [7.05.01](#) (A), no person shall park a motor vehicle or motorcycle between the required setback line and right-of-way line in front of any residential structure. On corner lots, exclusive of hard surface driveways, no person shall park a motor vehicle or motorcycle between the side street right-of-way line and the required front yard setback line for residential structures on the side street.

23.08.02. - Violations.

(A)

The penalty for violation of [Chapter 23.08](#) shall be a fine as determined by ordinance.

(B)

The service-safety director shall supply code enforcement officers, police officers and parking enforcement officers with citation tags, for the purpose of giving notice to persons violating any provisions of [Section 23.08.01](#). The notice may be given by delivering such tag to the violator, or by affixing it to the vehicle in violation. The citation tags shall direct the violator to appear and to present such tag at a designated office of the city on or before a date and hour specified thereon.

23.08.03. - Off-street loading/unloading.

In any zone, in connection with every building, or building group or part thereof hereafter erected, which are used for manufacturing or commercial uses or distribution by vehicles of material or merchandise where required there shall be provided and maintained, on the same zone lot with such building, off-street loading/unloading berth in accordance with the requirement of Table C [Chapter 23.10](#) Each loading/unloading space shall be not less than ten feet in width, 40 feet in length, and have a minimum clearance of 14 feet, and may occupy all or any part of any required yard.

23.08.04. - ~~Joint facilities for parking or loading/unloading~~ **23.08.04 JOINT USE PARKING AND LOADING/UNLOADING.**

~~Off-street parking and loading/unloading facilities for separate uses may be provided jointly if the total number of spaces so provided is not less than the sum of the separate requirements for each use and provided that all regulations governing the location of accessory spaces in relation to the use served are adhered to. Further, no accessory space or portion thereof shall serve as a~~

~~required space for more than one use unless otherwise approved by the BZA in accordance with the purposes and procedures set forth herein.~~

JOINT USE OF REQUIRED PARKING SPACES MAY OCCUR WHERE TWO OR MORE USES ON THE SAME OR SEPARATE SITES ARE ABLE TO SHARE THE SAME PARKING SPACES BECAUSE THEIR PARKING DEMANDS OCCUR AT DIFFERENT TIMES. JOINT USE OF REQUIRED PARKING SPACES IS ALLOWED ONLY IF THE USES AND HOUSING TYPES TO WHICH THE PARKING IS ACCESSORY ARE ALLOWED IN THE ZONE WHERE THE PARKING IS LOCATED. JOINT USE OF REQUIRED PARKING SPACES IS ALLOWED IF THE FOLLOWING DOCUMENTATION IS SUBMITTED IN WRITING TO CODE ENFORCEMENT AS PART OF A BUILDING OR ZONING PERMIT APPLICATION OR TITLE 41 REVIEW:

A. THE NAMES AND ADDRESSES OF THE USES AND OF THE OWNERS OR TENANTS THAT ARE SHARING THE PARKING;

B. THE LOCATION AND NUMBER OF PARKING SPACES THAT ARE BEING SHARED;

C. AN ANALYSIS SHOWING THAT THE PEAK PARKING TIMES OF THE USES OCCUR AT DIFFERENT TIMES AND THAT THE PARKING AREA WILL BE LARGE ENOUGH FOR THE ANTICIPATED DEMANDS OF BOTH USES; AND

D. A LEGAL INSTRUMENT SUCH AS AN EASEMENT, DEED RESTRICTION, OR LEASE THAT GUARANTEES ACCESS TO THE PARKING FOR BOTH USES.

23.08.05. - Development and maintenance of parking areas and structures and loading/unloading.

Every parking area for four or more cars, any structure used as a parking garage, or any loading area, or the portion of any access drive or driveway on the city right-of-way shall be developed and maintained in accordance with the following requirements. Plans for such areas shall be reviewed, approved or modified by the service-safety director or designated agent to insure compliance with these regulations.

(A)

Off-street parking areas or structures and off-street loading areas shall be effectively screened The screening shall be on the sides which adjoin, abut, are

adjacent to, or face premises situated in any residential zone or institutional building. Landscaping plan is required and must be submitted to the Athens City Tree Commission for review, and recommendation forwarded to the service-safety director for approval.

(B)

Except for access drives or driveways within R-1 and R-2 Zones, no off-street loading/unloading area or parking area or part thereof shall be closer than ten feet to any dwelling, school, hospital, or institution for human care located on an adjoining or adjacent lot.

(C)

Any off-street parking area or off-street loading/unloading area for four or more cars shall be **IN ACCORDANCE WITH ACC TITLE 27**. ~~paved with asphalt, brick, or concrete to create a hard and durable surface.~~ Parking areas for three cars or fewer shall be covered by stone or other suitable material approved by the zoning administrator. Crushed stone and gravel surfaces are prohibited for parking areas for four or more cars and all paved areas shall be marked so as to provide for the orderly and safe loading/unloading, parking and storage of automobiles or trucks.

(D)

Any lighting used to illuminate any off-street parking or loading/unloading area shall be so arranged as to reflect the light away from adjoining premises.

(E)

Off-street parking facilities for multi-family structures containing four or more families shall be adequately lighted **AND IN COMPLIANCE WITH ACC 23.03.25**.

(F)

Any off-street parking area and off-street loading/unloading area shall be graded and drained so as to dispose of all surface water ~~without detriment to surrounding uses~~ **IN ACCORDANCE WITH ACC TITLE 27**.

~~(G)~~

~~Parking shall be permitted on the roof of structure, provided a four-foot wall is constructed around the perimeter of the roof.~~

(G)

PARKING SHALL BE PERMITTED ON THE ROOF OF A STRUCTURE, PROVIDED A FOUR-FOOT WALL IS CONSTRUCTED AROUND THE PERIMETER OF THE ROOF AND STRUCTURAL PLANS ARE PROVIDED BY A DESIGN PROFESSIONAL.

23.08.06. EXCEPTIONS.

THE NUMBER OF REQUIRED PARKING SPACES MAY BE REDUCED FROM THE MINIMUM REQUIRED NUMBER OF PARKING SPACES IN TABLE B AS FOLLOWS:

1. EXCEPTION FOR SITES CLOSE TO TRANSIT. THE MINIMUM NUMBER OF REQUIRED PARKING SPACES MAY BE REDUCED TO ZERO WHEN THE FOLLOWING IS MET:

A. THE SITE IS LOCATED 1500 FEET OR LESS FROM A PUBLIC TRANSIT SERVICE.

21. EXCEPTIONS FOR NON TRANSIT SITES. THE MINIMUM REQUIRED VEHICLE PARKING SPACES MAY BE REDUCED UP TO 50 75% FOR THE FOLLOWING:

a. LOW INCOME HOUSING TAX CREDIT PROJECTS.

b. ~~SUBSTITUTING~~REPLACING ONE (1) VEHICLE PARKING SPACE FOR EVERY FOUR (4) BICYCLE PARKING SPACES ABOVE THE MINIMUM REQUIRED, AS PER TABLE D. THIS EXCEPTION MAY ACCOUNT FOR UP TO 25% OF THE MAXIMUM PARKING SPACE REDUCTION ALLOWED.

c. DESIGNATED DOWNTOWN REDEVELOPMENT DISTRICTS, SPECIAL IMPROVEMENT DISTRICTS, OPPORTUNITY ZONES OR INNOVATION ZONES.

d. OWNER OCCUPIED DUPLEX, INFILL, OR RENTAL CONVERSION. RENTAL CONVERSION MUST HAVE HAD A VALID RENTAL PERMIT FOR 3 OF THE LAST 5 YEARS.

e. ~~PLANNED UNIT DEVELOPMENTS~~ DEVELOPMENT SITES IN R-3, B-2, B2-D, B-3, and M ZONES THAT ARE WITHIN 1500 FEET OF AN EXISTING PUBLIC TRANSIT SERVICE STOP

- f. B2D UPTOWN BUSINESS ZONE WITH ONE AND TWO BEDROOM HOUSING UNITS.
- g. RESIDENTIAL TAX INCREMENTAL FINANCING PROJECTS
- h. DEVELOPMENTS WITH AT LEAST 50% UNIVERSAL DESIGN UNITS.
- i. HOUSING WITH NET ZERO OR LEED CERTIFICATION.

23.08.07 ALLOWABLE USES OF EXCESS PARKING SPACES.

AUTOMOBILE PARKING SPACES THAT WERE REQUIRED BY CODE AT THE TIME OF CONSTRUCTION MAY BE CONVERTED TO OTHER USES PROVIDED THAT:

1. THE PROPERTY OWNER CONDUCTS A PARKING STUDY, APPROVED BY THE CODE ENFORCEMENT OFFICE SERVICE SAFETY DIRECTOR, DEMONSTRATING THAT CURRENT PARKING DEMAND RENDERS THE SPACES UNNECESSARY, AND;
2. THE MUNICIPALITY HAS REDUCED THE MINIMUM PARKING REQUIREMENT SINCE THE BUILDING WAS PERMITTED SUCH THAT THE SPACES TO BE CONVERTED WOULD NO LONGER BE REQUIRED.

Chapter 23.10. Definitions

Table B – Off-Street Parking Requirements

Uses	Minimum Required Off-Street Parking Spaces
Automobile or machinery sales and service garage	One for each 800 sq. Fft. Floor area
Banks, businesses, and professional offices PROVIDING ON-SITE CUSTOMER SERVICES	One for each 300 400 sq. Fft. Floor area

BANKS, BUSINESSES, AND PROFESSIONAL OFFICES NOT PROVIDING ON-SITE CUSTOMER SERVICE	ONE SPACE FOR EACH 800 SQ. FT.
Bowling alleys	Four 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. Fft. ft. of floor area used for assembly or dancing, except church assembly rooms in conjunction with auditorium
Dwellings (owner-occupied single family)	Two for each dwelling unit plus one for each additional renter
Dwellings (all other dwelling units including units which have been newly constructed or newly converted)	One for each permitted occupant, a minimum of two per dwelling unit
DWELLINGS, ACCESSORY	1 SPACE PER UNIT
DWELLINGS, MIXED USE	1 SPACE PER DWELLING UNIT/OCCUPANT, PLUS REQUIRED SPACES FOR THE COMMERCIAL USE(S)
DWELLINGS, DUPLEX, TOWN HOMES, AND MULTI-FAMILY	1 BEDROOM DWELLING UNIT—1 SPACE PER UNIT; 2 OR MORE BEDROOM DWELLING UNITS—1 SPACE PER OCCUPANT*
DWELLINGS, OWNER OCCUPIED SINGLE FAMILY	2 SPACES, NO MAXIMUM
DWELLINGS, NON OWNER OCCUPIED SINGLE FAMILY	ONE SPACE PER OCCUPANT

DWELLINGS, TOWNHOUSE	1-BEDROOM DWELLING UNIT—1 SPACE PER UNIT; 2 OR MORE BEDROOM DWELLING UNITS—1 SPACE PER OCCUPANT
DWELLINGS, TWO-FAMILY	1 SPACE PER DWELLING UNIT
Funeral homes, mortuaries	Four for each parlor or one for each 50 sq. Fft. Floor area
Furniture and appliance stores, household equipment, stores, hardware stores, or furniture repair shops	One for each 400 sq. Fft. 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. Fft. Floor area, whichever is greater
Medical, or dental, OR VETERINARY clinics	One for each 200 400 sq. Fft. Floor area
Motels, bed and breakfast	One for each living or sleeping space
	ONE FOR EACH SIX BEDS (A) IF LESS THAN 4,000 SQ.FT. IN GROSS FLOOR AREA, ONE SPACE PER 250 SQ.FT. OF GROSS FLOOR AREA; (B) IF OVER 4,000 SQ.FT. IN GROSS FLOOR AREA, 20 SPACES PLUS ONE ADDITIONAL SPACE PER 200 SQ.FT. IN EXCESS OF 4,000 SQ.FT.
Restaurants, night clubs, or similar facilities	ONE FOR EACH 250 SQ FT FLOOR AREA
Retail stores, shops, etc. EXCEPT AS SPECIFIED, CONVENIENCE STORES, DEPARTMENT STORES, DRUG STORES, AND GROCERY STORES	One for each 200 250 sq. ft. floor area Net floor area less than 10,000 sq. ft. — One for each 200 sq. ft. Net floor area less than 10,000 — 99,999 sq. ft. — One for each 250 sq. ft. Net floor area less than 100,000 — 399,999 sq. ft. — One for each 300 sq. ft. Net floor area less than 400,000 or more sq. ft. — One for each 350 sq. ft.
PERSONAL SERVICES FACILITIES	One space per 300 SQ. FT. square feet
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

10/7/2021

Note: All language that is in YELLOW HIGHLIGHT are the changes as they would appear in Athens City Code if the changes for discussion were recommended for approval without additional modifications. These highlighted sections combine city council recommendations and modifications to the council recommendation as well.

Chapter 23.08. - Off-Street Parking and Loading/Unloading Regulations

23.08.01. - Off-street parking.

Any requirements for off-street parking shall be in accordance with the following regulations:

(A)

Each off-street parking space shall have an area of not **LESS** than **150** square feet exclusive of access drives or aisles and each parking space shall have a minimum width of nine feet. There shall be adequate provision for ingress and egress to all parking spaces as determined by the zoning administrator. For one and two family dwelling units within an R-1, R-2, **OR R-3** zone, the required number of off-street parking places as established in the zoning code may be provided within access drives or driveways. All access drives or driveways shall not be less than ten feet wide. No access drive or driveway shall be located in any residential zone to provide access to uses other than those permitted in such zones. For residential uses in R-1, R-2, and R-3 districts driveways shall not exceed 20 feet in width at the street, or 20 percent of lot width, whichever is greater, and shall not be located between the right-of-way line and the front of a structure except in front of an attached garage, carport, or parking area.

(B)

Exclusive of hard surface driveways where parking is permitted as referenced in Athens City Code [7.05.01](#)(A), off-street parking areas or parking structures for residential structures shall not be located between the required setback line and

right-of-way line. On corner lots, exclusive of hard surface driveways, no off-street parking areas or parking structures for residential structures shall be located between the side street right-of-way line and the required front yard setback line for structures on the side street.

(C)

The number of off-street parking spaces required is set forth in these regulations. (See Table B Chapter 23.11) In the case of changes or additions to any existing structure or its use including requests for increased occupancy in residential uses, parking shall be required to meet the requirements for all uses of the premises. In the case of any use or combination of uses not specifically mentioned herein, the zoning administrator shall determine the number of required parking spaces based on similar or comparable use.

(D)

All permitted and required accessory off-street parking spaces, open or enclosed, shall be located on the same lot as the use to which such spaces are accessory, except that such parking may be provided within a radius of 1000 feet. The determination of distance will be the shortest from lot line to lot line. The property shall be in the same ownership as the use to which it is accessory and shall be subject to deed restrictions filed with the city, binding the owner and heirs, successors and assigns to maintain the required number of spaces available throughout the life of such use.

(E)

The number of required off-street parking spaces for a church, synagogue or house of worship may be satisfied in part or in whole **BY A JOINT USE PARKING AGREEMENT(S) AS PER 23.08.04.**

(F)

Within the B2-D downtown business zone, the off-street parking requirement for principal permitted business uses not including residential uses may be eliminated if there exists improved public parking to satisfy the requirements of Table B, Chapter 23.11.

(G)

Exclusive of portions of hard surface driveways where parking is permitted as referenced in accordance with Athens City Code [7.05.01](#) (A), no person shall park a motor vehicle or motorcycle between the required setback line and right-of-way line in front of any residential structure. On corner lots, exclusive of hard surface driveways, no person shall park a motor vehicle or motorcycle between the side

street right-of-way line and the required front yard setback line for residential structures on the side street.

23.08.02. - Violations.

(A)

The penalty for violation of [Chapter 23.08](#) shall be a fine as determined by ordinance.

(B)

The service-safety director shall supply code enforcement officers, police officers and parking enforcement officers with citation tags, for the purpose of giving notice to persons violating any provisions of [Section 23.08.01](#). The notice may be given by delivering such tag to the violator, or by affixing it to the vehicle in violation. The citation tags shall direct the violator to appear and to present such tag at a designated office of the city on or before a date and hour specified thereon.

23.08.03. - Off-street loading/unloading.

In any zone, in connection with every building, or building group or part thereof hereafter erected, which are used for manufacturing or commercial uses or distribution by vehicles of material or merchandise where required there shall be provided and maintained, on the same zone lot with such building, off-street loading/unloading berth in accordance with the requirement of Table C [Chapter 23.10](#) Each loading/unloading space shall be not less than ten feet in width, 40 feet in length, and have a minimum clearance of 14 feet, and may occupy all or any part of any required yard.

23.08.04 JOINT USE PARKING AND LOADING/UNLOADING.

JOINT USE OF REQUIRED PARKING SPACES MAY OCCUR WHERE TWO OR MORE USES ON THE SAME OR SEPARATE SITES ARE ABLE TO SHARE THE SAME PARKING SPACES BECAUSE THEIR PARKING DEMANDS OCCUR AT DIFFERENT TIMES. JOINT USE OF REQUIRED PARKING SPACES IS ALLOWED ONLY IF THE USES AND HOUSING TYPES TO WHICH THE PARKING IS ACCESSORY ARE ALLOWED IN THE ZONE WHERE THE PARKING IS LOCATED. JOINT USE OF REQUIRED PARKING SPACES IS ALLOWED IF THE FOLLOWING DOCUMENTATION IS SUBMITTED IN WRITING TO CODE ENFORCEMENT AS PART OF A BUILDING OR ZONING PERMIT APPLICATION OR TITLE 41 REVIEW:

A. THE NAMES AND ADDRESSES OF THE USES AND OF THE OWNERS OR TENANTS THAT ARE SHARING THE PARKING;

B. THE LOCATION AND NUMBER OF PARKING SPACES THAT ARE BEING SHARED;

C. AN ANALYSIS SHOWING THAT THE PEAK PARKING TIMES OF THE USES OCCUR AT DIFFERENT TIMES AND THAT THE PARKING AREA WILL BE LARGE ENOUGH FOR THE ANTICIPATED DEMANDS OF BOTH USES; AND

D. A LEGAL INSTRUMENT SUCH AS AN EASEMENT, DEED RESTRICTION, OR LEASE THAT GUARANTEES ACCESS TO THE PARKING FOR BOTH USES.

23.08.05. - Development and maintenance of parking areas and structures and loading/unloading.

Every parking area for four or more cars, any structure used as a parking garage, or any loading area, or the portion of any access drive or driveway on the city right-of-way shall be developed and maintained in accordance with the following requirements. Plans for such areas shall be reviewed, approved or modified by the service-safety director or designated agent to insure compliance with these regulations.

(A)

Off-street parking areas or structures and off-street loading areas shall be effectively screened. The screening shall be on the sides which adjoin, abut, are adjacent to, or face premises situated in any residential zone or institutional building. Landscaping plan is required and must be submitted to the Athens City Tree Commission for review, and recommendation forwarded to the service-safety director for approval.

(B)

Except for access drives or driveways within R-1 and R-2 Zones, no off-street loading/unloading area or parking area or part thereof shall be closer than ten feet to any dwelling, school, hospital, or institution for human care located on an adjoining or adjacent lot.

(C)

Any off-street parking area or off-street loading/unloading area for four or more cars shall be **IN ACCORDANCE WITH ACC TITLE 27**. Parking areas for three cars or fewer shall be covered by stone or other suitable material approved by the zoning administrator. Crushed stone and gravel surfaces are prohibited for parking areas for four or more cars and all paved areas shall be marked so as to provide for the orderly and safe loading/unloading, parking and storage of automobiles or trucks.

(D)

Any lighting used to illuminate any off-street parking or loading/unloading area shall be so arranged as to reflect the light away from adjoining premises.

(E)

Off-street parking facilities for multi-family structures containing four or more families shall be adequately lighted **AND IN COMPLIANCE WITH ACC 23.03.25.**

(F)

Any off-street parking area and off-street loading/unloading area shall be graded and drained so as to dispose of all surface water **IN ACCORDANCE WITH ACC TITLE 27.**

(G)

PARKING SHALL BE PERMITTED ON THE ROOF OF A STRUCTURE, PROVIDED A FOUR-FOOT WALL IS CONSTRUCTED AROUND THE PERIMETER OF THE ROOF AND STRUCTURAL PLANS ARE PROVIDED BY A DESIGN PROFESSIONAL.

23.08.06. EXCEPTIONS.

THE NUMBER OF REQUIRED PARKING SPACES MAY BE REDUCED FROM THE MINIMUM REQUIRED NUMBER OF PARKING SPACES IN TABLE B AS FOLLOWS:

1. THE MINIMUM REQUIRED VEHICLE PARKING SPACES MAY BE REDUCED UP TO 50 % FOR THE FOLLOWING:

a. LOW INCOME HOUSING TAX CREDIT PROJECTS.

b. REPLACING ONE (1) VEHICLE PARKING SPACE FOR EVERY FOUR (4) BICYCLE PARKING SPACES ABOVE THE MINIMUM REQUIRED, AS PER TABLE D. THIS EXCEPTION MAY ACCOUNT FOR UP TO 25% OF THE MAXIMUM PARKING SPACE REDUCTION ALLOWED.

- c. DESIGNATED DOWNTOWN REDEVELOPMENT DISTRICTS, SPECIAL IMPROVEMENT DISTRICTS, OPPORTUNITY ZONES OR INNOVATION ZONES.
- d. OWNER OCCUPIED DUPLEX, INFILL, OR RENTAL CONVERSION. RENTAL CONVERSION MUST HAVE HAD A VALID RENTAL PERMIT FOR 3 OF THE LAST 5 YEARS.
- e. DEVELOPMENT SITES IN R-3, B-2, B2-D, B-3, and M ZONES THAT ARE WITHIN 1500 FEET OF AN EXISTING PUBLIC TRANSIT SERVICE STOP
- f. B2D UPTOWN BUSINESS ZONE WITH ONE AND TWO BEDROOM HOUSING UNITS.
- g. RESIDENTIAL TAX INCREMENTAL FINANCING PROJECTS
- h. DEVELOPMENTS WITH AT LEAST 50% UNIVERSAL DESIGN UNITS.
- i. HOUSING WITH NET ZERO OR LEED CERTIFICATION.

23.08.07 ALLOWABLE USES OF EXCESS PARKING SPACES.

AUTOMOBILE PARKING SPACES THAT WERE REQUIRED BY CODE AT THE TIME OF CONSTRUCTION MAY BE CONVERTED TO OTHER USES PROVIDED THAT:

- 1. THE PROPERTY OWNER CONDUCTS A PARKING STUDY, APPROVED BY THE SERVICE SAFETY DIRECTOR, DEMONSTRATING THAT CURRENT PARKING DEMAND RENDERS THE SPACES UNNECESSARY, AND;**
- 2. THE MUNICIPALITY HAS REDUCED THE MINIMUM PARKING REQUIREMENT SINCE THE BUILDING WAS PERMITTED SUCH THAT THE SPACES TO BE CONVERTED WOULD NO LONGER BE REQUIRED.**

Chapter 23.10. Definitions

Table B – Off-Street Parking Requirements

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	1 BEDROOM DWELLING UNITS—1 SPACE PER UNIT; 2 OR MORE BEDROOM DWELLING UNITS—1 SPACE PER OCCUPANT
DWELLINGS, OWNER OCCUPIED SINGLE FAMILY	2 SPACES, 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
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