

Code change summary

This document contains a summary of significant changes in the proposed, amended text of the Athens Township Zoning Resolution from the text originally approved by the voters in November 2020. The need for most of these changes came from problems using the present code for zoning issues over the past year.

We use the abbreviation CV here to denote the Current Version of the Zoning Code, as approved in November 2020.

1. An effort was undertaken to make the document more **user-friendly**. Related rules from scattered sections of the code were grouped together into a single section. Several new sections were added to the code for this purpose. Duplicates of the same rule were eliminated. Sections that contained multiple rules were broken apart into separately numbered rules.
2. There was some ambiguity and uncertainty in the CV definition of **setbacks**. The Zoning District contains many narrow lots where the side of the building faces the street. We decided to let the definitions of {front, rear, side} yards retain their common meanings in relation to the building. The setback rules were rewritten using the new terms {front, rear, side} setback area that refer to sections of the lot in relation to the street.

3. Residential Use Zones

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|---------|--|
| 2.02(f) | specified in terms of Front Setback instead of Front Yard; same for Rear and Side yards; setbacks referenced to Table 2; deleted rules on corner lots; removed 40 ft side yard exception; 25% parking area rule moved to 2.02(g) |
| 2.02(g) | added new section on R1 parking; new rule (1) specifies minimum number of parking spaces required in R1; rule (2) is from CV 2.02(f)(1)(d); rule (3) is from CV 2.02(f)(1)(e) |
| 2.03(a) | clarified: only one principal building per lot permitted in R2 Use Zones |
| 2.03(f) | back-reference to R1 deleted; added reference to Sec. 6.12 & 6.13; parking rule moved to 2.03(g) |
| 2.03(g) | added new section on R2 parking; requires off-street parking places; required parking on driveway or paved area; specify maximum area for parking in front setback area |
| 2.04(f) | reorganized to include new rule (2) for the case when multiple buildings are on a lot; new rule (2)(c) gives the minimum required separation between principal buildings; specifies maximum lot coverage for all |

buildings on the lot; back-reference to R1 deleted; added reference to Sec. 6.12 & 6.13

2.04(g) added new section on R3 parking; require off-street parking places; required parking on driveway or paved area; specify maximum area for parking in front setback area

4. Business Use Zones

3.02(g) added new section on B1 yard regulations; new rule (2) covers the case where residential housing is located in a B1 Use Zone; rule (3) is from CV Table 2, footnote 4

3.02(h) added new section on B1 parking; require off-street parking places; rule 1 from CV 3.02(e)(3); new rule (2) is for residential use parking

3.03(g) added new section on B2 yard regulations; new rule (2) covers the case where residential housing is located in a B2 Use Zone; rule (3) is from CV Table 2, footnote 4

3.03(h) added new section on B2 parking; require off-street parking places; new rule (2) for residential use parking

5. Other Use Zones

4.06 LLR yard regs reorganized; rule (2) requiring 25 ft. setback from R zones is from CV Table 2, footnote 4

5.06 OS yard regs; removed back-reference to R1 regs

6. General district regulations

6.04(3) deleted setback requirement in CV that is covered in 6.05; removed the phrase “not more than one”, which conflicted with two RVs allowed in 6.05(5) [6.05(2)(e) in CV].

6.04(a) Accessory Buildings; this section was reorganized, simplified, and corrected; CV 6.04(a)(1) was broken up into multiple rules; the limit on the structure size not requiring a zoning certificate was reduced to 50 sq. ft.; new rule (4) clarifies measuring footprint of a building

6.04(d) Mobile Vehicle use; modified text; set 1 year time limit to agree with 6.07(3)

6.04(e) Fences; this section was reorganized; references to “decorative purposes” removed; a 6 ft height limit was established for side & rear yards; added rule on replacing existing fences; deleted rule on fences in right-of-way

- 6.05 RVs; deleted duplicate 45-day rule, which is in 6.04(d)(2)
- 6.06(a) Government; this section was rewritten to comply with the court decision in *Brownfield vs. Ohio*; includes a legal opinion from the Athens County Prosecutor Office on exempt status of county 9-1-1 center
- 6.06(b) added section on “G districts” to correspond with the zoning map
- 6.10 Parking; rule (5) in CV moved to 2.02(g), 2.03(g) and 2.04(g); added new rule (6) requiring parking on improved surfaces; deleted rule on parking in the right-of-way
- 6.11 Number of Buildings; this section was reorganized and corrected; new rule (4) sets limits for B1 and B2 zones; removed reference to Table 2 for multi-building R3 lots
- 6.12 Setback regulations; this section was reorganized to eliminate mixing topics with 6.13; added case of residential use in B1 and B2 zones; moved corner lot rules to new sec. 6.14; new figure 1 illustrates setback distances for wide and narrow lots
- 6.13 Coverage regulations; this section was reorganized to eliminate mixing topics with 6.12; added case of residential use in B1 and B2 zones; included rule (3) from CV definition of Lot Coverage; moved parking rule to sec. 6.10; new figure 2 illustrates setback areas for wide and narrow lots
- 6.14 CV section on Frontage on public streets was deleted as inappropriate for The Plains; renamed as a new section on Corner Lots; setback rules for corner lots consolidated here, including rule in CV sec. 6.16; added new figure 3 that removed a potential conflict between CV figure on page 33 with CV rule 6.12(2)(b)
- 6.15 Through Lots; setback rules for through lots consolidated here; applies front setbacks to part of yard along the street with the postal address; this is illustrated in the new figure 4
- 6.16 CV section on corner lots was renamed as a new section on Trash; added new trash rules
- 6.18 Lots of Record; construction on existing lots generalized to apply to cases other than residential housing; side yard exception in CV 6.18(2) was eliminated
- CV 6.19 CV section on Types of Lots was eliminated; the CV lot figure was deleted and replaced by new figures 1-4

7. Changes in other articles

- 7 Rules for Non-conforming Use were separated from rules for Non-conforming Buildings
- 7.01 in rule (4), the time for discontinued use was changed from 6 to 12 months; rule (5) is new
- 7.02 new rule (2) on replacing nonconforming buildings; rule (5) is new
- 9.02 BZA powers; added rule (4) on similar uses; added rule (5) from ORC 519.14
- 10 Zoning Certificate; new rule (2) clarifies that just because something is permitted doesn't mean that no certificate is needed; new rule (7) deals with the penalty for failure to obtain a Zoning Certificate

8. Appendix 1

A number of problems were found with the definitions. Some useful terms were not defined, while others were contradictory or not precise enough. In addition, a number of orphan definitions were deleted since they were not cited in the text.

added definitions Dumpster, (closed) Fence, Improved Surface, Mini-storage facility, Multi-Family, Nonconforming Building, Parties of Interest, Principal Building, (front) Setback, (rear) Setback, (side) Setback, (front) Setback Area, (rear) Setback Area, (side) Setback Area, Trailer, Trash Handling Area

modified definitions Accessory Building, (front of) Building, (rear of) Building, Duplex, Dwelling Unit, Garage, Government Property and Facilities, Lot Coverage, Nonconforming Use, Permanent Foundation, Yard

9. Appendix 2

Flowchart 2e, which summarizes the procedure for amending the zoning map or text, was redrawn to correct some errors and ambiguities in the original version.

10. Appendix 3

Table 1 added preamble to explain purpose and use of this table; deleted footnotes 1 & 2

added entries Residential section: Home Occupation now PP in B1 & B2
Business section: Car wash, Food truck, Mini-storage facility

Public section: Post Office

modified entry Public section: Schools now refer to non-public schools only

deleted entries Business section: duplicate Bed & Breakfast

Public section: Government Offices

Table 2 tried to simplify as much as possible; added preamble to clarify what this table is used for; added references to other types of setbacks; removed all footnote qualifications; defined setbacks exclusively in terms of property lines and right of ways and not alleys; 3rd column of CV table eliminated

Changed table entries Minimum lot areas: R1 to 5000 ft², R2-1 family to 5000, R2-2 family to 7500, R2-3 family to 10000

Minimum lot frontage: LLR to 50 ft

Maximum lot coverage: R2-1 family to 35%, R2-2 family to 40, R3 to 50, B1 to 40, B2 to 50, LLR to 10

Minimum front setback: 25 ft for all Use Zones

Minimum side setback: R1 to 10 ft, all R2 to 10

Minimum rear setback: R1 to 20 ft, all R2 to 20, R3 to 30