

Site Plans and Land Development

Change 8, April 15, 2003

SECTION

14-401. Definitions.

14-402. Exceptions.

14-403. Approved site plan required to erect buildings.

14-404. Approved site plan required to enlarge buildings.

14-405. Approved site plan required to disturb land.

14-406. Development according to site plan.

14-407. Permits not to be issued without approved site plans.

14-408. Site plan submission.

14-409. Site plan.

14-410. Requirements, regulations, and restrictions.

14-411. Appeals.

14-401. Definitions. For the purposes of this chapter the following words and phrases shall have the meanings assigned below, except in those instances where the context clearly indicates a different meaning.

(1) "Building." Any structure built for the support, shelter, housing, or enclosure of persons, animals, or property of any kind.

(2) "Commission." The planning commission of the City of Athens, Tennessee.

(3) "City." The City of Athens, Tennessee.

(4) "Dwelling." A building or portion thereof which is designed or used exclusively for residential purposes.

(5) "Dwelling unit." A group of one or more rooms designed for or intended for occupancy by a single family.

(6) "Flood plain." That area of a stream bed or its adjoining land subject to recurrent overflow or inundation in time of flood.

(7) "Row dwelling." One of a series of three or more attached dwelling units under a common roof with a common exterior wall and separated from one another by continuous vertical party walls without openings from basement to roof.

(8) "Single family dwelling." A detached building designed for or intended to be occupied by one family.

(9) "Site plan." A plan delineating the overall scheme of development of a tract of land, including but not limited to grading, engineering design,

construction details, and survey data for existing and proposed improvements; size, height, shape and location of buildings; location and design of parking areas, pedestrian and vehicular circulation on site, and circulation for emergency apparatus.

(10) "Structure." Anything which is built or constructed. An assembly of materials or any piece of work artificially built up or composed of parts joined together in some definite manner.

(11) "Two family dwelling." A building designed for, or intended to be occupied by not over two families living independently of each other. This shall include both duplex (one dwelling unit above another) and semi-detached (two dwelling units having a common vertical party wall). (1972 Code, § 11-201, as renumbered by Ord. #894, April 2002)

14-402. Exceptions. The provisions of this chapter shall not apply to:

(1) Single family dwellings, two family dwellings, accessory buildings thereto, or to the land on which they are situated or proposed.

(2) Additions to buildings where the total gross floor area of the proposed addition does not exceed one third of the total gross floor area of the existing building or 1,000 square feet, which ever is smaller.

(3) New buildings where the total gross floor area does not exceed 1,000 square feet; provided there is no alteration of the drainage flow of the land or grading exceeding a cut or fill of one foot, the site is not in the flood plain, and the site is not in excess of 10,000 square feet.

(4) Improvements for off-street parking purposes when appurtenant only to existing buildings and where access will be provided by existing driveways, provided such improvement does not provide more than five additional parking spaces.

(5) Grading of open areas, either by excavation or fill, for the sole purpose of bringing the land to a grade compatible with the surrounding area, provided the city engineer finds on an inspection of the site that such grading will have no adverse effect on the land of surrounding property owners, will not encroach on or impair existing drainage channels or flood plains, and will not cause problems of erosion, ponding, and/or silting on adjoining properties. (1972 Code, § 11-202, as renumbered by Ord. #894, April 2002)

14-403. Approved site plan required to erect buildings. Except as hereinbefore provided in § 14-402, it shall be unlawful for any person to construct or erect any building or structure on any land within the city until a site plan has been submitted and approved in accordance with the provisions of this chapter. (1972 Code, § 11-203, as renumbered by Ord. #894, April 2002)

14-404. Approved site plan required to enlarge buildings. Except as

hereinabove provided in § 14-402, it shall be unlawful for any person to alter any building or structure on any land within the City of Athens, Tennessee, in such a manner as to increase the floor area or change the land area covered by the building or structure until a site plan has been submitted and approved in accordance with the provisions of this chapter. (1972 Code, § 11-204, as renumbered by Ord. #894, April 2002)

Change 8, April 15, 2003 14-12

14-405. Approved site plan required to disturb land. Except as hereinbefore provided in § 14-402, it shall be unlawful for any person to: Alter the grade of any land in such a manner as to change the contours in excess of two feet within ten feet of adjacent land, or in excess of three feet elsewhere; construct any streets, alleys, sidewalks, curbs, or gutters; build any retaining walls; construct any off-street parking facility; construct any drain or sewer or change or divert the flow of storm water or natural water courses until a site plan has been submitted and approved in accordance with this chapter. (1972 Code, § 11-205, as renumbered by Ord. #894, April 2002)

14-406. Development according to site plan. It shall be unlawful for any person to construct, erect, or alter any building or structure or to develop, change, or improve land for which an approved site plan is required by this chapter, except in accordance with the approval final site plan. (1972 Code, § 11-206, as renumbered by Ord. #894, April 2002)

14-407. Permits not be issued without approved site plans. No permit shall be issued to erect or alter any building or structure or alter the grade of any land that is subject to this chapter until a site plan has been submitted and approved in accordance with the provisions of this chapter. (1972 Code, § 11-207, as renumbered by Ord. #894, April 2002)

14-408. Site plan submission. The owner or developer shall submit three copies (or as many as may be required by the city engineer) of his proposed site plan to the city engineer five days prior to his intended date of site alterations. The city engineer shall consider the site plan in light of the provisions of this chapter and approve or disapprove same as required. The plan shall then be returned to the owner or his agent with the date of such approval or disapproval noted thereon over the signature of the city engineer. (1972 Code, § 11-208, as renumbered by Ord. #894, April 2002)

Change 8, April 15, 2003 14-13

14-409. Site plan. (1) The site plan shall show the following:

- (a) Name of development or address.
- (b) Name and address of owner of record and the applicant.
- (c) Present zoning of the site and abutting property.
- (d) Date, scale, and north point with reference to source of meridian.
- (e) Courses and distances of center lines of all streets and all property lines.
- (f) All building restricting lines, highway setback lines, easements, covenants, reservations, and rights-of-way.
- (g) The total land area.
- (h) Topography of existing ground and paved areas and elevations of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating two foot or five foot contours as required by the city engineer and by spot elevations where necessary to indicate flat areas, as based on U.S.C. and G.S. datum.
- (i) Two spaces for the signed approval of the commission.

(2) The site plan shall show the location of the following when existing:

- (a) Sidewalks, streets, alleys, easements, and utilities.
- (b) Buildings and structures.
- (c) Public sewer systems.
- (d) Slopes, terraces, and retainings walls.
- (e) Driveways, entrances, exits, parking areas, and sidewalks.
- (f) Water mains and fire hydrants.
- (g) Trees and shrubs.
- (h) Recreational areas and swimming pools.
- (i) Natural and artificial water courses.

(j) Limits of flood plains.

(3) The site plan shall show the location, dimensions, size, and height of the following when proposed:

- (a) Sidewalks, streets, alleys, easements, and utilities.
- (b) Buildings and structures.
- (c) Public sewer systems.
- (d) Slopes, terraces, and retaining walls.
- (e) Driveways, entrances, exits, parking areas, and sidewalks.
- (f) Water mains and fire hydrants.
- (g) Trees and shrubs.
- (h) Recreational areas.
- (i) Distances between buildings.
- (j) Estimates of the following.
 - (i) Number of dwelling units.

- (ii) Number of parking spaces.
- (iii) Number of loading spaces.
- (iv) Square feet of floor space.
- (v) Number of commercial or industrial tenants and employees.
- (vi) Plans for collecting storm water and methods of treatment of natural and artificial water courses including a delineation of limits of flood plains if any.
- (vii) Proposed grading, surface drainage, terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures. Proposed topography of site shall be shown by two or five foot contours as required by the city engineer.

Change 8, April 15, 2003 14-14

- (4) The site plan shall include an adequate "erosion control plan" which meets the specifications of the soil conservation district. (1972 Code, § 11-209, as renumbered by Ord. #894, April 2002) 14-410. Requirements, regulations, and restrictions. (1) Any building or structure erected or altered shall comply with the provisions of the municipal code as amended and any applicable laws of the State of Tennessee.
- (2) Any work or development on the site, including but not limited to the following, shall comply with the provisions of the municipal code as amended and any applicable laws of the State of Tennessee: The grading of land; the installation of utilities; the construction of curbs, gutters and sidewalks; the construction of streets, alleys, and retaining walls; the construction of drains and sewers; the construction of off-street parking; the construction or erection of any improvement on the site.
- (3) Any public or structure shall be reasonably accessible to fire, police, emergency, and service vehicles. When deemed necessary for access by the fire chief or city engineer, emergency vehicle easements shall be provided. The access for fire, police, and emergency vehicles shall be unobstructed at all times.
- (4) The width, grade, location, alignment, and arrangement of streets, sidewalks, and alleys shall conform to the master plan and/or subdivision regulations of the city as near as is reasonably practicable.
- (5) Off-street parking facilities shall have a reasonable slope and be accessible, safe, and properly drained.
- (6) Streets, sidewalks, and alleys shall, insofar as reasonably practicable, provide access and good traffic circulation to and from adjacent lands, existing streets, alleys, and sidewalks and proposed or planned streets, alleys, and sidewalks. Where deemed necessary by the planning commission,

commercial property fronting on major or secondary thoroughfares (also known as arterials or collectors) shall be required to provide a frontage access road of no less than 27 feet in width with permanent or temporary access to the public thoroughfare to be provided at a location deemed desirable by the planning commission.

(7) Adequate water mains and fire hydrants shall be provided in accessible places in accordance with good fire fighting and fire prevention practice acceptable to the chief of the fire department.

(8) Adequate provision shall be made for the collection and disposition of all on site and off site storm water and natural surface water. Natural drainageways shall be used when it is reasonably practicable to do so, and improvements shall be made to said ways in accordance with good engineering practice when, in the opinion of the city engineer, good engineering practice indicates the need for improvements.

(9) Adequate provision shall be made for the collection and disposition of all on and off site sanitary sewage.

(10) Adequate provision shall be made to control flooding.

(11) The obstruction of natural water courses shall be avoided.

(12) Adequate provision shall be made to control the slippage, shifting, erosion, accretion, and subsidence of soil.

(13) Adequate provision shall be made to control the slipping and shifting of buildings and structures.

(14) Adequate provision shall be made to protect other lands, structures, persons, and property. (1972 Code, § 11-210, as renumbered by Ord. #894, April 2002)

Change 8, April 15, 2003 14-15

14-411. Appeals. If an applicant determines that his site plan has been unjustly disapproved or that the city engineer has made requests for conformity to standards other than those set forth in this chapter, he may appeal the decision of the city engineer to the city council. (1972 Code, § 11-211, as renumbered by Ord. #894, April 2002)