

ORDINANCE NO. 1090

AN ORDINANCE OF THE CITY OF ATHENS, TENNESSEE, PROVIDING THAT THE ATHENS MUNICIPAL CODE, TITLE 14, CHAPTER 2, SECTION 3.04.11.B USES PERMITTED, BE AMENDED TO ADD LANGUAGE TO ALLOW VEHICLE SALES, RENTAL, AND SERVICE IN THE LIGHT INDUSTRIAL DISTRICT; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, the City of Athens already allows vehicle repairs in the Light Industrial District;

WHEREAS, sale of vehicles is a logical complimentary use with service and repair and is already allowed in other lesser intensive business districts in the Zoning Ordinance and;

WHEREAS, the Athens Municipal-Regional Planning Commission met in open public meeting on July 6, 2020 and recommended the following changes to the zoning code as described herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATHENS, TENNESSEE:

SECTION 1. That the Section 3.04.11.B be amended to include the following:

17. *Establishments for the sale, service or rental of passenger, travel, and recreation vehicles.*

SECTION 2. That all Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to implement this ordinance.

SECTION 3. In the event that any part of this ordinance is invalidated by a court of competent jurisdiction, all other parts shall remain in full force and effect unless otherwise lawfully repealed or amended.

SECTION 4. This ordinance shall take effect immediately upon passage on second reading, the public necessity requiring it.

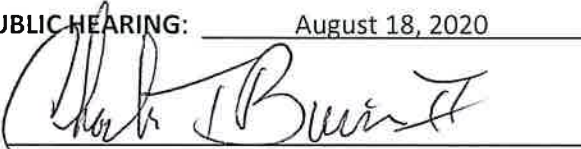
PASSED ON FIRST READING: July 21, 2020

PASSED ON SECOND READING: August 18, 2020

DATE OF PUBLIC HEARING: August 18, 2020



C. SETH SUMNER, City Manager



CHARLES T. BURRIS, II, Mayor

APPROVED AS TO FORM:


H. CHRIS TREW, City Attorney

3. Discussion and Recommendation of Zoning Ordinance Amendment to add *“Establishments for the sale, service or rental of passenger, travel, and recreation vehicles”* to the Section 3.04.11.B Permitted Use under the I-1 Light Industrial District

Mr. Casteel said this came up in a discussion the Chairman about adding Auto Sales in Light Industrial Zones (I-1). He did not see a reason to see that they should not be there, they already allow lesser commercial uses in that zone and it will help prevent future rezoning’s.

Chairman Hamilton said an additional discussion needs to be had on this whether it is a “Permitted Use” or a “Use on Review.” Use on Review would result in it going to the Board of Zoning Appeals.

Mr. Casteel said it will be OK under permitted use. He is trying to make it where people who want to develop these properties will not have as many hoops to jump over as they do have.

Chairman Hamilton asked what the size limitation was for I-1. He does not want to have a 5-acre car lot.

Mr. Casteel said he did not think they would have anything rezoned Industrial just for a car lot; they would move a car lot into an existing industrial zone.

Mr. McConkey said where sewer is available is two acres, where it is not available it is five.

Chairman Hamilton asked about the property Mr. Fernandez is proposing for a car lot.

Mrs. Witt-McMahan said she did not know how she felt about a car lot being permitted in an I-1 zone.

The Commission looked over the Zoning for I-1 and I-2.

Mr. Curtis said they are kind of already there with tire work in the ordinance.

Mrs. Witt-McMahan said if it is already being done, then why are they having the conversation.

Chairman Hamilton said currently in the I-1 and I-2 zones car lots are not permitted, and the request is to change the zoning ordinance to allow car lots, but they already allow

the repair of cars in that zone. If they are going to allow the repair of cars. They allow the sale of cars repossessed by car repair.

Mrs. Hardaway asked if a car repossessed and they wanted to sell it, is it illegal.

Mr. Casteel said yes, in order to sell cars, they need to get letter from his office saying it was zoned for that particular use.

Chairman Hamilton asked where car sales are legal at now.

Mr. Casteel said B-1, B-2, and B-3, all commercial.

MOTION: To allow car lots a permitted use in I-1, Light Industrial District.

MADE: Janice Hardaway

SECOND: Jordan Curtis

VOTE: Unanimous

MOTION PASSED