

CITY OF AUBURN ZONING ORDINANCE

AN ORDINANCE in pursuance of the authority granted by Title 11, Chapter 52, Articles 1 through 4 inclusive, of the 1975 Code of Alabama, to provide the establishment of districts within the corporate limits of the City of Auburn, Alabama; to regulate within such districts the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards and other open spaces, the density of population and the use of buildings, structures, and land; to repeal all existing Zoning Ordinances and to provide methods of administration of this Ordinance and penalties for the violation thereof.

THE PUBLIC WELFARE REQUIRING IT, be it ordained by the City Council of the City of Auburn, as follows:

ARTICLE I. TITLE, PURPOSE AND JURISDICTION.

Section 100. Title.

This Ordinance shall be known as and may be referred to as the “Auburn Zoning Ordinance,” and includes maps of the City that depict the boundaries of zoning districts.

Section 101. Legislative Intent.

In enacting the Zoning Ordinance, special notice has been taken of the fact that the goals of citizens and landowners of Auburn often conflict or compete. In the light of this situation, the first consideration has been to devise technical solutions, which minimize or eliminate conflicts.

This Ordinance has been designed to protect and accommodate both competing interests. This has inevitably, and properly, led to some form of compromise. In arriving at these compromises, every possible consideration has been given to the public interest, individual property rights, and externalities. While compromise implies mutual concessions or losses, it also implies – and this Ordinance has been designed to provide – mutual gains and benefits. It is the goal of this Ordinance that both the burdens and the benefits it implies are rationally and fairly distributed among the citizens and property owners of Auburn.

Every effort has been made to make uses a matter of right subject to performance criteria capable of nondiscretionary, objective administrative evaluations, thus reducing the number of times that rezoning decisions need be made. This greatly increases the potential uses or choices available to individual property owners. The rezoning decisions that conventional zoning ordinances frequently necessitate appear to reduce the certainty of protection to neighbors and to increase the potential for adverse impacts to Auburn. This Ordinance contains performance criteria intended to insure that neighbors are protected from adverse impacts. The Ordinance also contains performance criteria to protect the community’s general welfare. Zoning districts are few in number, and each has a clearly different purpose. Distinctions among zoning districts are based upon the City’s Comprehensive Plan. The districts are sized to be adequate to handle Auburn’s long-term needs and must be regularly updated as time passes. Where performance criteria severely limit the use of properties, the Ordinance has gone to considerable extremes to provide the landowners with a range of choices, flexibility, and options for development.

Section 102. Purpose.

The purpose of this Ordinance is the promotion of the health, safety, and general welfare of the present and future inhabitants of Auburn by:

- 102.01.** Giving effect to the policies and proposals set forth in the City's Comprehensive Plan.
- 102.02.** Providing methods to preserve and maintain a healthful environment for the benefit of present and future generations by providing standards to control the amount of open space and impervious surfaces within a development; to control the intensity of development in areas of sensitive natural resources or natural features in order to reduce or eliminate adverse environmental impacts.
- 102.03.** Controlling and regulating the growth of Auburn, concentrating development in areas where adequate sewerage facilities, roads, and schools can be provided, and limiting development in areas where these facilities are not and should not be provided.
- 102.04.** Regulating and restricting the location and use of buildings, structures, and land for trade, industry, residences, and other uses.
- 102.05.** Providing standards for all types of dwelling units so that all the people may have access to decent, sound, and sanitary housing in accordance with the goals of the Federal Housing Act of 1949, among which is the provision of adequate zoning to meet a fair share of the region's housing needs.
- 102.06.** Lessening the danger of congestion of traffic on the roads and highways, limiting excessive numbers of intersections, driveways, and other friction points, minimizing other hazards, and insuring the continued usefulness of all elements of the existing highway system for their planned function.
- 102.07.** Securing safety from fire, panic, flood, and other dangers.
- 102.08.** Providing adequate privacy, light, and air.
- 102.09.** Securing economy in local governmental expenditures.
- 102.10.** Conserving property values throughout Auburn.
- 102.11.** Protecting landowners from adverse impacts of adjoining developments.
- 102.12.** Dividing the incorporated area of Auburn into districts according to the use of land and buildings, the intensity of such uses (including bulk and height), and surrounding open space.

Each purpose listed above serves to balance the interest of the general public of Auburn and those of individual property owners.

Section 103. Jurisdiction.

This Ordinance shall apply to all areas within the corporate limits of the City of Auburn, Alabama. No building or land shall hereafter be used, and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, except as herein provided.

Section 104. Interpretation and Purpose

In their interpretation and application the provisions of this Ordinance shall be considered the minimum requirements to promote and preserve the public health, safety, morals, convenience, order, prosperity and general welfare of the community. Where other ordinances or regulations impose greater restrictions than

those specified in this Ordinance, compliance with such other ordinances and regulations shall be mandatory.

Application of the provisions of this Ordinance shall not lower the restrictions of plats, deeds, or private contracts if such are greater than the provisions of this Ordinance.

The provisions of this Ordinance are not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or private agreement; provided, however, that where the provisions of this Ordinance are more restrictive or impose higher standards the provisions of this Ordinance shall apply.

Section 105. Severability

If any section, clause, or provision of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance which is not in and of itself invalid or unconstitutional.

Section 106. Effective Date

This Ordinance shall become effective upon its adoption, approval, and publication as required by law, and shall be codified in the Code of Auburn, Alabama; and upon such date all zoning ordinances heretofore adopted shall be and are hereby repealed.