

## ARTICLE V. DETAILED USE REGULATIONS

### Section 500. Purpose.

The purpose of this Article is to specify the detailed regulations, including bulk, layout, setbacks and lot area, which apply to specific land uses. Standards over and above those imposed by other sections of this Ordinance are necessary for certain land uses which, although permitted as of right in certain districts, have characteristics that might have negative impacts on nearby uses without these additional regulations. This Article also specifies the regulations applicable to temporary and accessory uses, and it details the off-street parking and loading requirements of permitted land uses.

**Section 501. Standards Applicable to Certain Uses.** In addition to compliance with other regulations imposed by this Ordinance, the following standards are required of the specific uses enumerated below.

**501.01. Renovation, Adaptive Reuse, and Preservation of Structures.** Because there may be value to the community in the renovation, reuse and preservation of structures, and because these actions serve the public interest, renovation, reuse, and preservation of structures are encouraged in all zoning districts.

- A. In addition to a site plan required pursuant to Section 802, each proposed renovation, reuse or preservation of an existing structure shall include a floor plan showing the internal use of the structure.
- B. It is anticipated that the renovation, reuse, and preservation of existing structures will involve difficulties with maximum densities in some zoning districts, bufferyard requirements and off-street parking. Where these conditions occur, the Planning Director may impose such standards as fencing, screening, and planting as he/she deems appropriate to buffer existing adjacent properties. The Planning Director shall, in the case of higher densities and off-street parking, make such recommendations to the Planning Commission as he/she deems reasonable in supporting the concepts of renovation, reuse, and preservation of structures in the City of Auburn.

**501.02. Voluntary Dedication of Property for a Public Purpose.** No existing lot shall be reduced in area or dimension below the minimum requirements applicable to such lot under the provisions of this Ordinance, except that when a lot is reduced in dimension or total area by 20 percent or less by the voluntary dedication by the owner and acceptance of a portion of such lot by the City for a public use, the lot shall be considered to contain the dimensions and area it contained prior to such dedication. However, for purposes of measuring compliance with setback requirements of this Code, the dimensions and area of such lot as it exists after the voluntary dedication shall apply.

### 501.03. Limitations on Animals.

- A. No person shall keep or maintain in connection with any residential dwelling unit more than three (3) dogs aged six (6) months or older, except in the Rural (R) District.
- B. The keeping or maintaining of horses, mules, cattle, sheep, goats, hogs, fowl or any other such animal shall be prohibited within the stock district. The stock district shall be established by the governing body and shown on a map on file in the Planning Department.

Inside and outside of the stock district, the keeping of chickens is allowed, provided:

1. the minimum lot size of the property is 10,000 square feet
2. the principal use of the property is a single-family dwelling
3. the number of chickens does not exceed:

- a. four (4) on lots 10,000 square feet to 19,999 square feet
  - b. six (6) on lots 20,000 square feet or greater
- 4. the chickens are kept in an enclosure or fenced area such as a henhouse, chicken coop, chicken tractor, etc. at all times
- 5. the chicken enclosure or fenced area is a minimum of six (6) square feet per chicken
- 6. the chickens are not kept in any location on the property other than in the backyard (the rear yard of the principal structure)
- 7. the covered enclosure or fenced area is a minimum of 10 feet to any property line of an adjacent property and 30 feet from neighboring dwellings, church, school, or place of business
- 8. the enclosures are kept in a clean, dry, odor-free, neat, and sanitary condition at all times
- 9. the chicken owner takes necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites

Roosters and the slaughtering of chickens are strictly prohibited inside of the stock district. It shall be unlawful to engage in the breeding of chickens or the production of fertilizer for commercial purposes.

It is unlawful for the owner of any chicken to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure; and noise of a loud and persistent and habitual nature.

Prior to construction of the chicken enclosure, a site plan shall be reviewed and approved pursuant to Section 804.

Outside the established stock district, mules, cattle, sheep, goats, hogs, fowl or any other such animal may only be maintained on lots of three (3) acres or more in the Rural (R) District. Horses may be maintained only outside of the established stock district on lots of two (2) acres or more with a limit of one (1) horse per acre.

- C. No person shall breed or maintain any wild animal or reptile that, in the opinion of the Environmental Services Director, poses a threat to human safety in Auburn. Excluded from this restriction are zoos, pet shops, animal shelters, medical or scientific facilities, or other locations where the showing or maintenance of such animals is a permitted use under the provisions of this Ordinance.

**501.04. Moving of Buildings.** No structure shall be moved from one development site to another unless such structure shall, at the new location, comply with all applicable provisions of this Ordinance.

**501.05. Broadcast/TV/Radio Tower Use Regulations.**

- A. **General Regulations and Requirements.** All requirements for site plan approval, as set out in Article VIII, shall be met at the time of application for site of new broadcast towers.
- B. **Safety/Structural Design of Towers.** All broadcast towers must comply with requirements as set out in the latest edition of the EIA-222 code "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," as amended, published by the

Electronic Industries Association and all other applicable structural safety standards, building and technical codes having jurisdiction, so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other acts of God.

C. **Security.** A chain link fence shall be installed around the perimeter of the compound, with a minimum height of eight (8) feet as measured to the top of the fence (or barbed wire, if applicable). Such fence is to be located on the perimeter of the compound unless otherwise approved as part of the site plan submitted with the application of site plan approval. Guy anchors may be fenced separately from the main compound. Climbing pegs shall be removed from the lower 20 feet of all broadcast towers.

D. **Lighting Restrictions.** There shall be no lighting on any tower except when required by the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC). In cases where the FAA or FCC does require a tower to be lighted, any such lighting shall be the minimum necessary to comply with federal regulations. Written documentation of any FAA or FCC directives to light a tower differently than provided herein must be submitted with the site plan application.

Any security lighting used at the facility shall be of low intensity, shall not be directed or reflected away from the site, and must not illuminate any portion of the site higher than ten (10) feet.

E. **Maintenance.** The owner of a broadcast tower shall be responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by this Section, and by any other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by the City of Auburn or its authorized representatives, in perpetuity for as long as said tower remains on a site.

F. **Landscaping.** Broadcast towers constructed in conjunction with a principal structure (i.e. radio/TV station) shall comply with all bufferyard and landscape requirements as set out in Article IV. Towers constructed as stand-alone facilities shall, in addition to the bufferyard and landscape requirements set out in Article IV, provide the following general landscaping directly outside the required fencing:

1. A row of evergreen trees a minimum of eight (8) feet tall when planted, placed a minimum of 15 feet and a maximum of 20 feet apart.
2. A continuous hedge of evergreen shrubs at least 30 inches high at planting placed in front of the tree line.
3. All plant material shall be xeriscape tolerant.
4. Preservation of the natural vegetation surrounding the fenced area may be substituted for the bufferyard and landscape requirements if it screens the compound from the view of adjacent development and rights-of-way. The Planning Director shall make determination of appropriate screening.

G. **Abandoned Facilities.** Any broadcast facility that ceases to be used for its original communications purpose shall be removed at the owner's expense. The owner of the facility shall provide the Planning Director with a copy of the notice to the FCC of the intent to cease operations, and shall have 120 days from the date of such ceasing to remove the obsolete tower and all accessory structures and to restore the site to its natural condition.

In the case of multiple providers sharing use of a single tower, notice will still be required from each provider as to their cessation of operations, and such provider will be required

to remove its facilities within the one hundred and twenty (120) day period prescribed above. At such time as all providers sharing use of a tower cease operation of their facilities located thereon, the owner of the tower shall complete the removal and restoration process as set forth herein.

**H. Area and Dimensional Requirements.** The following area and dimensional regulations shall apply to all facilities covered by this Section:

1. *Minimum Lot Area:* Determined by setback requirement.
2. *Minimum Setbacks:* Each tower shall be set back from all property lines a distance equal to 50 percent of its height (when site is a leased portion of a larger parcel, setbacks shall be measured from the property lines, not the leased site).

Maintenance/equipment buildings must meet the setback requirements as specified for the zoning district in which they are to be constructed.

3. All buildings, structures, facilities and accessories associated with the proposed tower are to be wholly contained within the required security fence. Guy anchors may be fenced separately from the main compound.
4. *Bufferyard Requirements:* See Article IV, Section 420.08.

**I. Height and Location Restrictions.** In regard to the height and siting of all broadcast facilities and their associated structures the following regulations shall be observed:

1. No broadcast tower site boundary shall be located closer than 200 feet to any residence.
2. No tower shall be located less than a distance equal to its height, as measured from the base of the tower, from any Neighborhood Conservation (NC) zoning boundary. Any new towers so located shall further be restricted to a monopole or self-supporting design.
3. No tower shall exceed a height of 300 feet.
4. Where such facility is constructed in conjunction with a principal structure it shall be sited behind the front plane of said structure. Property located in the Rural District (R) shall be exempt from this provision.

**501.06. Telecommunications Towers.**

**A. Application and Justification.** All requirements for site plan approval, as set out in Article VIII, "Development Approval Process", shall be met at the time of application for siting of new telecommunications towers. In addition to meeting the general requirements for site plan approval, the following information shall be provided when applying for approval of a communication tower:

1. A current U.S.G.S. quadrangle map (1:234,000), or equivalent, showing the proposed site location and at least a two (2)-mile radius around the site;
2. A scaled elevation diagram of the facility, showing the type, height, finish, lighting, site improvements and other such details as necessary to convey an image of the facility at the proposed location;

3. A study prepared by a radio frequency specialist that includes a mapped coverage analysis of the proposed facility and its relationship to the next nearest adjacent cell(s) and an inventory and evaluation of existing towers, alternative sites and available structural facilities (e.g. buildings, billboards, water towers, or other structures that could be used for support in lieu of a new tower) considered within a two (2)-mile radius of the proposed location.
4. An inventory of all the provider's existing telecommunications towers and communications antenna sites in Lee County (including those located in municipalities within Lee County). This inventory must include:
  - a) The location, parcel identification number, and ownership of the telecommunications tower.
  - b) Name of co-locators.
  - c) Height of tower.
  - d) Type of tower or nature of other structure where antenna is located.
  - e) Name of Wireless Communication Service Provider co-location coordinator.
  - f) Copy of Wireless Communication Service Provider's FCC license.

In the event such inventory has already been provided, each successive application must include an update such that said inventory will be completely current and accurate.

5. Written documentation justifying the need for a new telecommunications tower site to be located on the proposed site. This documentation must address, at a minimum, how the proposed tower is justified in relation to the following points:
  - a) A list, description and map of the potential co-location, nonresidential use or alternative location sites that are located within the geographic service area of the proposed site;
  - b) Documentation that requests for co-location have been made at least 30 days prior to the filing of application for site plan approval.
  - c) A detailed explanation of why each such site was not technologically, legally or economically feasible, or why such efforts were otherwise unsuccessful;
  - d) An analysis of how and why the proposed site is essential to meet service demands for the geographic service area and the countywide network;
6. Certification that the proposed telecommunications tower is structurally and technically designed and capable, and will be so constructed, to meet the co-location requirements set forth in this Section. Immediately upon completion of construction, as-built certifications of same shall be submitted as well.

**B. Co-location Requirements.** All towers constructed subsequent to the adoption of this Section, and their associated compounds, shall be designed and built to accommodate additional wireless communication service providers based on the height of the tower as follows:

1. Towers 80 to 159 feet in height shall accommodate a minimum of two (2) providers.
2. Towers 160 to 209 feet in height shall accommodate a minimum of three (3) providers.
3. Towers of 210 to 300 feet in height shall accommodate a minimum of four (4) providers.

Carriers wishing to co-locate on an existing tower may receive administrative approval of their request.

- C. **Maximum Utilization of Existing Sites.** No new telecommunications tower shall be constructed if space is structurally, technically, and economically available for the proposed telecommunications antenna(s) and related facilities on an existing tower; or on an alternative site (e.g. building or other structure), where such alternative location would cover the required service area without creating undue signal interference.
- D. **Safety/Structural Design of Towers.** All telecommunication towers must comply with requirements as set out in the latest edition of the TIA-222 code (*revised July 20, 2005*) "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," as amended, published by the Electronic Industries Association, and all other applicable structural safety standards, building and technical codes having jurisdiction, so as not to endanger the health and safety of residents, employees or travelers in the event of structural failure of the tower due to extreme weather conditions or other Acts of God.
- E. **Security.** A chain link steel fence shall be installed around the perimeter of the compound, with a minimum height of eight (8) feet as measured to the top of the fence (or barbed wire, if applicable). Such fence is to be located on the perimeter of the compound unless otherwise approved as part of the site plan submitted with the application for site plan approval. (Guy anchors may be fenced separately from the main compound). Climbing pegs shall be removed from the lower 20 feet of all communication towers.
- F. **Lighting Restrictions.** There shall be no lighting on any tower except when required by the FAA or FCC. In cases where the FAA or FCC does require a tower to be lighted, any such lighting shall be the minimum necessary to comply with federal regulations. Written documentation of any FAA or FCC directives to light a tower differently than provided herein must be submitted with the site plan application.

Any security lighting used at the facility shall be of low intensity shall not be directed or reflected away from the site, and must not illuminate any portion of the site higher than ten (10) feet.

- G. **Maintenance.** The owner of a telecommunications tower shall be responsible for maintaining the structural integrity, safety, appearance, screening, buffers, security and other installations required by this Section, and by any other applicable codes, ordinances, regulations, statutes or conditions of approval imposed by the City of Auburn or its authorized representatives, in perpetuity for as long as said tower remains on a site.
- H. **Landscaping.** In addition to the required bufferyards as determined by standards set out in Article IV, Section 420.08, the following general landscaping shall be provided directly outside the required fencing:
1. A row of evergreen trees a minimum of eight (8) feet tall when planted, placed a minimum of 15 feet and a maximum of 20 feet apart.

2. A continuous hedge of evergreen shrubs at least 30 inches high at planting placed in front of the tree line.
3. All plant materials shall be xeriscape tolerant.
4. Preservation of the natural vegetation surrounding the fenced area may be substituted for the bufferyard and landscape requirements if it screens the compound from the view of adjacent development and rights-of-way. The Planning Director shall make determination of appropriate screening.

- I. Abandoned Facilities.** Any wireless telecommunications facility that ceases to be used for its original communications purpose shall be removed at the owner's expense. The owner of the facility shall provide the Planning Director with a copy of the notice to the FCC of the intent to cease operations, and shall have 120 days from the date of such ceasing to remove the obsolete tower and all accessory structures and to restore the site to its natural condition.

In the case of multiple providers sharing use of a single tower, notice will still be required from each provider as to their cessation of operations, and such provider will be required to remove its facilities within the 120-day period prescribed above. At such time as all providers sharing use of a tower cease operation of their facilities located thereon, the owner of the tower shall complete the removal and restoration process as set forth herein.

- J. Area and Dimensional Requirements.** The following area and dimensional regulations shall apply to all facilities covered by this Section:

1. *Minimum Lot Area:* Determined by setback requirement.
2. *Minimum Setbacks:* Each tower shall be set back from all property lines a distance equal to 50 percent of its height (when site is a leased portion of a larger parcel, setbacks shall be measured from the property lines, not the leased site).

Maintenance/Equipment buildings must meet the setback requirements as specified for the zoning district in which they are to be constructed.

3. All buildings, structures, facilities and accessories associated with the proposed tower are to be wholly contained within the required security fence. Guy anchors may be fenced separately from the main compound.
4. *Bufferyard Requirements:* See Article IV, Sections 420.08.

- K. Height and Location Restrictions.** In regard to the height and siting of all telecommunications facilities and their associated structures, the following regulations shall be observed:

1. No telecommunications tower site boundary shall be located closer than 200 feet to any residence.
2. No tower shall be located less than a distance equal to its height, as measured from the base of the tower, from any Neighborhood Conservation (NC) zoning boundary. Any new tower so located shall further be restricted to a monopole or self-supporting design.
3. No tower shall exceed a height of 300 feet.

4. Where such facility is constructed in conjunction with a principal structure it shall be sited behind the front plane of said structure. This provision shall not apply in the Rural (R) District.

**L. Pre-Existing Towers.** Any telecommunications tower or telecommunications antenna for which a permit has been properly issued shall hereafter be considered a non-conforming use subject to the provisions of Article VII of this Ordinance. The purpose and intent of this Section is to minimize the proliferation of new towers and promote the co-location of new antennas onto existing towers. Any communications antenna locating on a pre-existing properly permitted telecommunications tower subsequent to adoption of this Section shall be exempt from the restrictions of Article IV of this Ordinance when the provisions below are met:

1. If structural strengthening is necessary to accommodate co-location, the tower type shall remain the same as previously permitted.
2. There will be no increase in the total height or type of lighting of the facility, including the tower, antennas and all other associated facilities.
3. All setback and buffer requirements applicable to the existing tower, at the time its permit was issued will continue to be applicable to such tower.

The Planning Department shall permit such facilities through administrative review and approval.

**M. Exemptions.** The following wireless communications facilities shall be exempt from the requirements of this Section:

1. Amateur radio antennas and receive-only antennas not more than 60 feet in height, and satellite earth station antennas two (2) meters or less in diameter, shall be exempt as provided for in the Federal Telecommunications Act of 1996 when no supportive tower is to be constructed.
2. Accessory facilities used exclusively for dispatch communications by public emergency agencies or government agencies.
3. Accessory facilities used exclusively for dispatch communications by private entities, or for internal communications by public utilities, provided such facilities do not exceed a total of 60 feet in height whether mounted to a structure or ground mounted.

The Planning Director shall make determination of exemption of any such facilities exceeding the foregoing dimensions.

**Section 502. Residential Use Regulations.** This Section specifies the minimum lot dimensions and other requirements for each type of residential unit permitted by this Ordinance, except in the Neighborhood Conservation District (NC).

The following structures shall be allowed to project into or be constructed in any minimum required yard as follows: awnings and canopies, roof overhangs and balconies not to exceed three (3) feet; bay windows, not to exceed two (2) feet; clotheslines; driveways and their curbs, fences, walls, and hedges may be constructed in minimum yard areas, provided that their installation does not violate any other provision of this Ordinance. Uncovered decks of no more than 30 inches in height may extend to within five (5) feet of the property line. Nothing contained in this Section shall be construed to allow encroachment of any feature into a required bufferyard.

When a lot size exceeds the minimum permitted area, all other standards applicable to the minimum lot area shall nevertheless apply. The figures specified in the tables of this Section are expressed in terms of square feet, feet, or a ratio, whichever applies.

**502.01. Conventional subdivisions.** A conventional subdivision consists of single-family dwellings on individual lots and requires no public or community open space.

A conventional subdivision is characterized by division of the entire subject parcel into lots. Table 5-1, Lot Area, Setbacks and Maximum Impervious Surface and Parking Requirements for Conventional Subdivisions, specifies the minimum standards for conventional single-family subdivision lots of various sizes. Table 5-2 provides development standards for conventional subdivisions in the Neighborhood Conservation (NC) District.

**Table 5-1: Lot Area, Setbacks, Maximum Impervious Surface, and Parking Requirements for Conventional Subdivisions**  
(except NC districts: See Table 5-2)

| Minimum Lot Area (sq. ft.) | Minimum Lot Width | Maximum ISR  | Street | Minimum Yards (feet) |                     |            | Rear | Off-Street Parking |
|----------------------------|-------------------|--|--------|----------------------|---------------------|------------|------|--------------------|
|                            |                   |  |        | One Side             | Side Yard On-Street | Total Side |      |                    |
| 40,000 and Greater         | 70                | 0.24 for first 39,999 sq. ft. + 0.20 for area greater than 39,999 sq. ft.                      | 25     | 15                   | 25                  | 30         | 40   | 2                  |
| 30,000 - 39,999            | 70                | 0.26 for first 29,999 sq. ft. + 0.24 for area greater than 29,999 sq. ft. up to 39,999 sq. ft. | 25     | 12                   | 25                  | 25         | 35   | 2                  |
| 20,000 - 29,999            | 70                | 0.35 for first 19,999 sq. ft. + 0.26 for area greater than 19,999 sq. ft. up to 29,999 sq. ft. | 25     | 10                   | 25                  | 20         | 30   | 2                  |
| 10,000 - 19,999            | 70                | 0.35   | 25     | 6                    | 20                  | 15         | 20   | 2                  |
| less than 10,000           | 60                | 0.35   | 25     | 6                    | 20                  | 15         | 20   | 2                  |

*Notes:*

1. For lots fronting on a curve, see the City of Auburn Subdivision Regulations, Article IV, Section (E)(2)
2. See Section 517 for minimum standards for flag lots.

*Width at road frontage shall be measured along a straight line connecting the foremost points of side lot lines*

**Table 5-2: Lot Area, Setback, Bulk Regulations and Parking Requirements: Neighborhood Conservation District**

| Zone <sup>1</sup> | Min. Lot Area | Min. Lot Width <sup>2</sup> | Setbacks |       |            |           |                     | ISR <sup>3</sup> | Height | Off-Street Parking |
|-------------------|---------------|-----------------------------|----------|-------|------------|-----------|---------------------|------------------|--------|--------------------|
|                   |               |                             | Front    | Rear  | Total Side | Min. Side | Side Yard On Street |                  |        |                    |
| NC-150            | 150,000 sf    | 125 ft                      | 45 ft    | 50 ft | 40 ft      | 18 ft     | 25 ft               | .15              | 35'    | 2                  |
| NC-100            | 100,000 sf    | 125 ft                      | 45 ft    | 50 ft | 40 ft      | 18 ft     | 25 ft               | .15              | 35'    | 2                  |
| NC-90             | 90,000 sf     | 125 ft                      | 45 ft    | 50 ft | 40 ft      | 18 ft     | 25 ft               | .15              | 35'    | 2                  |
| NC-84             | 84,000 sf     | 125 ft                      | 45 ft    | 50 ft | 40 ft      | 18 ft     | 25 ft               | .15              | 35'    | 2                  |
| NC-54             | 54,000 sf     | 125 ft                      | 45 ft    | 50 ft | 35 ft      | 16 ft     | 25 ft               | .15              | 35'    | 2                  |
| NC-50             | 50,000 sf     | 125 ft                      | 45 ft    | 50 ft | 35 ft      | 16 ft     | 25 ft               | .20              | 35'    | 2                  |
| NC-48             | 48,000 sf     | 125 ft                      | 45 ft    | 50 ft | 35 ft      | 16 ft     | 25 ft               | .20              | 35'    | 2                  |
| NC-40             | 40,000 sf     | 120 ft                      | 42 ft    | 50 ft | 35 ft      | 15 ft     | 25 ft               | .22              | 35'    | 2                  |
| NC-39             | 39,000 sf     | 115 ft                      | 40 ft    | 50 ft | 35 ft      | 15 ft     | 25 ft               | .24              | 35'    | 2                  |
| NC-35             | 35,000 sf     | 115 ft                      | 40 ft    | 50 ft | 35 ft      | 15 ft     | 25 ft               | .24              | 35'    | 2                  |
| NC-32             | 32,000 sf     | 115 ft                      | 40 ft    | 50 ft | 35 ft      | 15 ft     | 25 ft               | .24              | 35'    | 2                  |
| NC-26             | 26,000 sf     | 115 ft                      | 40 ft    | 45 ft | 35 ft      | 15 ft     | 25 ft               | .26              | 35'    | 2                  |
| NC-20             | 20,000 sf     | 110 ft                      | 40 ft    | 45 ft | 35 ft      | 15 ft     | 25 ft               | .28              | 35'    | 2                  |
| NC-18             | 18,000 sf     | 100 ft                      | 35 ft    | 42 ft | 30 ft      | 14 ft     | 25 ft               | .32              | 35'    | 2                  |
| NC-15             | 15,000 sf     | 90 ft                       | 35 ft    | 42 ft | 30 ft      | 14 ft     | 25 ft               | .32              | 35'    | 2                  |
| NC-14             | 14,000 sf     | 80 ft                       | 35 ft    | 40 ft | 30 ft      | 14 ft     | 25 ft               | .36              | 35'    | 2                  |
| NC-12             | 12,000 sf     | 75 ft                       | 30 ft    | 35 ft | 25 ft      | 12 ft     | 25 ft               | .36              | 35'    | 2                  |
| NC-11             | 11,000 sf     | 75 ft                       | 30 ft    | 35 ft | 25 ft      | 12 ft     | 20 ft               | .36              | 35'    | 2                  |
| NC-10             | 10,000 sf     | 65 ft                       | 30 ft    | 30 ft | 25 ft      | 12 ft     | 20 ft               | .38              | 35'    | 2                  |
| NC-9              | 9,000 sf      | 65 ft                       | 25 ft    | 30 ft | 25 ft      | 12 ft     | 20 ft               | .38              | 35'    | 2                  |
| NC-8              | 8,000 sf      | 60 ft                       | 25 ft    | 30 ft | 25 ft      | 12 ft     | 20 ft               | .40              | 35'    | 2                  |
| NC-6              | 6,000 sf      | 60 ft                       | 25 ft    | 30 ft | 22 ft      | 10 ft     | 20 ft               | .43              | 35'    | 2                  |
| NC-5              | 5,000 sf      | 55 ft                       | 20 ft    | 25 ft | 20 ft      | 8 ft      | 20 ft               | .50              | 35'    | 2                  |
| NC-4              | 4,000 sf      | 55 ft                       | 20 ft    | 25 ft | 20 ft      | 8 ft      | 20 ft               | .50              | 35'    | 2                  |

<sup>1</sup>This column indicates the regulations applicable to the Neighborhood Conservation (NC) District, which has different standards according to the minimum lot size of the particular district. The minimum lot size of a Neighborhood Conservation (NC) District varies and is a function of the character of that district as of the date of enactment of this Ordinance. The subscript following the "NC" in each row of this table designates the minimum lot size in thousands of square feet (as the district is designated on the official zoning map). Thus, the minimum lot area in a district designated NC-80 is 80,000 square feet.

<sup>2</sup>For lots fronting on a curve, see the City of Auburn Subdivision Regulations, Article IV, Section (E)(2). Width at road frontage shall be measured along a straight line connecting the foremost points of the side lot lines.

<sup>3</sup>Maximum impervious surface ratio.

See Section 517 for minimum standards for flag lots.

**502.02. Performance Residential Developments.** The purpose of a performance residential development is to provide innovative development types that make efficient use of land and public facilities, and/or to protect natural features addressed in Sections 412-417.

Performance residential developments may contain one or more of the housing types that are specified in this subsection subject to the overall density standards established in Table 4-2. For purposes of calculating density, the development site shall include all platted lots, together with road, drainage facilities, utility sites and any other common property within the perimeter of the subdivision plat, regardless of whether or not such facilities will ultimately be dedicated to the City. Such developments shall contain the minimum amount of open space specified in Table 4-2. Prior to approving the final plat, the Planning Director shall verify that all parcels or tracts not intended for use as residential lots are clearly delineated on the plat as to size and dimension. The purpose, ownership, and responsibility for maintenance for each parcel or tract shall be noted on the plat.

Unless specifically accepted by the City Council, the City of Auburn shall not be responsible for maintenance and/or repair of any common facility or properties.

Performance residential developments shall be self-contained in terms of meeting the requirements of this Ordinance. In addition to other relevant requirements, site plans and subdivision plats shall designate and establish maintenance responsibility for all required recreation, resource protection, and other open space and common properties within the development site. Where a performance residential development is to be built in stages or will contain a mixture of land uses, a Master Development Plan shall be required.

General requirements for the various performance development types are summarized below:

| Housing Type                    | S/D Plat Required | Floor Plan Required | Bldg. Envelope on Plat | Site Plan Required | Units per Lot | Units per Structure | Platted Open Space |
|---------------------------------|-------------------|---------------------|------------------------|--------------------|---------------|---------------------|--------------------|
| SF Detached                     | X                 | X                   |                        |                    | 1             | 1                   | X                  |
| Zero Lot-Line                   | X                 | X                   | X                      |                    | 1             | 1                   | X                  |
| Town House                      | X                 | X                   | X                      |                    | 1             | 3-10                | X**                |
| Twin House                      | X                 | X                   | X                      |                    | 1             | 2                   | X                  |
| Duplex Subdivision              | X                 | X                   |                        |                    | 2             | 2                   | X                  |
| Cottage (fee simple ownership)  | X                 |                     |                        |                    | 1             | 1                   | X                  |
| Cottage (condominium)           |                   |                     | X                      | X                  | 4+            | 1                   | X                  |
| Multiple Unit Development       |                   | X                   |                        | X                  | 3+            | *                   |                    |
| Private Dormitory               |                   | X                   |                        | X                  | 2+            | ***                 |                    |
| Academic Detached Dwelling Unit |                   | X                   |                        |                    | 1             | ****                | X                  |
| Manufactured Home Park          |                   |                     |                        | X                  | 25+           | 1                   |                    |
| Manufactured Home Subdivision   | X                 |                     | X                      |                    | 1             | 1                   |                    |
| Manufactured Home Subdivision   | X                 |                     | X                      |                    | 1             | 1                   |                    |

\* See Section 502.02. (G).

\*\* No open space is required for town houses in the Urban Core (UC) or Urban Neighborhood (UN-E, UN-W, and UN-S) districts.

\*\*\* See Section 502.02. (H).

\*\*\*\* See Section 502.02(I).

The following subsections specify the standards and requirements for each dwelling type in detail.

- A. Single-family detached house.** This development type consists of a subdivision containing freestanding single-family dwelling units on individual lots.

Single family detached units in a performance subdivision shall not take access from an arterial road. In addition to the bufferyard standards of Sections 420 through 428, single family detached subdivisions shall meet the following development criteria:

|                                   |            |
|-----------------------------------|------------|
| Minimum Lot Area                  | 5,000 s.f. |
| Maximum I.S.R. on individual lots | .50        |
| Maximum F.A.R.                    | .35        |
| Minimum Yards:                    |            |
| <i>Front</i>                      | 20 ft.     |
| <i>Side</i>                       | 5 ft.*     |
| <i>Side on Street</i>             | 15 ft.     |
| <i>Rear</i>                       | 20 ft.     |
| Minimum Lot Width                 | 50 ft.     |
| Off-Street Parking Spaces         | 2          |

\*or width of any easement along side lot line, whichever is greater

Sufficient open space shall be provided to protect any of the resource types specified in Sections 412-417.

Note: Manufactured Home Subdivisions developed under performance residential standards shall be subject to the same criteria as that set out above for single-family detached house development.

- B. Zero Lot Line.** Under this development concept, each residential lot contains a dwelling unit placed along one side lot line in order to maximize usable open area within the lot. All zero lot line subdivision plats shall show driveways, walkways, patio slabs, and building envelopes for all structures. No windows, doors, air conditioning units or other openings or projections of any kind shall be permitted where the structure meets the side lot line. However, a window may face the zero side yard if it is recessed at least five (5) feet from the property line.

For each unit constructed along a side lot line, an easement of five (5) feet in width shall be created on the adjoining property. The purpose of this easement is to permit maintenance and repair of the portion of the structure bordering the zero side yard. All maintenance easements shall be shown on the final plat, along with an indication of the lot to which each easement is assigned. No fence, patio, deck, or structure of any kind shall be placed within a maintenance easement.

Zero lot-line units shall not take access from an arterial road.

In addition to the bufferyard requirements of Sections 420 through 428, zero lot-line subdivisions shall also meet the following development criteria:

|  |            |
|--|------------|
| Minimum Lot Area                           | 4,500 s.f. |
| Maximum I.S.R. on individual lots          | .55        |
| Maximum F.A.R.                             | .35        |
| Minimum Yards:                             |            |
| <i>Front/Side Street</i>                   | 20 ft.     |
| <i>Side opposite zero-setback lot line</i> | 15 ft.     |
| <i>Rear</i>                                | 20 ft.     |
| Minimum Lot Width                          | 45ft.      |
| Off-Street Parking Spaces                  | 2          |

C. **Town House.** This development type consists of a subdivision, platted according to the requirements of the Subdivision Regulations, which is designed for town house dwelling units as defined in Article II. Each town house unit shares a common wall with another such unit on one or both sides, has individual entrances (not used by other units) in the front and rear, and is placed on its own lot within the subdivision. All town house structures shall contain three (3) or more dwelling units. Such units may have multiple stories or combinations of one- and two-story sections; however, in no case shall one unit be above or behind another. Front, side and/or rear yards may be enclosed by a masonry wall not exceeding six (6) feet in height provided that such walls do not prevent a clear view of intersecting streets.

In addition to meeting all other requirements of the Subdivision Regulations, plats for town house development shall show driveways, walkways, patio slabs, and building envelopes for all structures. No more than ten (10) town house units shall be permitted in any structure.

Town house lot shall not take direct access from an arterial road.

In addition to the bufferyard requirements of Sections 420 through 428, town house subdivision shall also meet the following development criteria:

|                                   |               |
|-----------------------------------|---------------|
| Minimum Lot Area                  | 1800 s. f.    |
| Maximum I.S.R. on individual lots | .75           |
| Maximum F.A.R.                    | 1.5           |
| Minimum Yards:                    |               |
| <i>Front/Side Street</i>          | 10 ft.        |
| <i>Side (end units)</i>           | 10 ft.*       |
| <i>Rear</i>                       | 15 ft.        |
| Minimum Lot Width                 | 18 ft.        |
| Off-Street Parking Spaces         | 1 per bedroom |

\*or width of any easement along side lot line, whichever is greater

**D. Twin House.** This development type consists of a subdivision, platted according to the requirements of the Subdivision Regulations, which is designed for twin house dwelling units as defined in Article II. Each twin house unit shares a common wall with another such unit on one side, has individual entrances (not used by other units) in the front and rear, and is placed on its own lot within the subdivision. Twin house structures shall consist of two (2) dwelling units. Such units may have multiple stories or combinations of one- and two-story sections; however, in no case shall one unit be above or behind another. Front, side and/or rear yards may be enclosed by a masonry wall not exceeding six (6) feet in height provided that such walls do not prevent a clear view of intersecting streets.

In addition to meeting all other requirements of the Subdivision Regulations, plats for twin house development shall show driveways, walkways, patio slabs, and building envelopes for all structures.

Twin house lots shall not take access from an arterial road.

In addition to the bufferyard requirements of Sections 420 through 428, twin house subdivision shall also meet the following development criteria:

|                                   |               |
|-----------------------------------|---------------|
| Minimum Lot Area                  | 3,500 s.f.    |
| Maximum I.S.R. on individual lots | .45           |
| Maximum F.A.R.                    | .30           |
| Minimum Yards:                    |               |
| <i>Front/Side Street</i>          | 25 ft.        |
| <i>Side</i>                       | 10 ft.        |
| <i>Rear</i>                       | 20 ft.        |
| Minimum Lot Width                 | 25 ft.        |
| Off-Street Parking Spaces         | 1 per bedroom |

Sufficient open space shall be provided to protect any of the resource types specified in Sections 412-417.

- E. Duplex Development.** This development type consists of two-unit structures in which dwelling units may be constructed side-by-side, one above another, or one behind another. The development site shall be platted as a subdivision containing one (1) duplex structure per lot. In no case shall any duplex lot or development site be subdivided so as to create separate lots for dwelling units within a duplex structure. While ownership of the dwelling units may be separated on a condominium basis, the land on which the structure is built shall remain undivided common property.

Duplex lots shall not take access from an arterial road.

In addition to meeting the bufferyard requirements of Sections 420 through 428, duplex developments shall be designed according to the following standards:

|                                   |               |
|-----------------------------------|---------------|
| Minimum Lot Area                  | 7,000 s.f.    |
| Maximum I.S.R. on individual lots | .45           |
| Maximum F.A.R.                    | .30           |
| Minimum Yards:                    |               |
| <i>Front/Side Street</i>          | 25 ft.        |
| <i>Side</i>                       | 10 ft.        |
| <i>Rear</i>                       | 20 ft.        |
| Minimum Lot Width                 | 75 ft.        |
| Off-Street Parking Spaces         | 1 per bedroom |

Sufficient open space shall be provided to protect any of the resource types specified in Sections 412-417.

**F. Cottage Housing Development (CHD).** This development type consists of small, detached units within a single-family neighborhood designed for smaller household sizes (e.g., retirees, single-person households, young professionals) while providing usable open space and supporting the goal of efficient use of infill lands as recommended by the City’s Comprehensive Plan, *CompPlan 2030*.

Cottage housing developments shall contain clusters consisting of a minimum of four (4) dwelling units and a maximum of twelve (12) dwelling units.

Cottage housing developments may be platted allowing one unit per lot or, alternatively, may be allowed on a single lot with unit ownership permitted on a condominium basis.

Cottage housing developments shall not take direct access from an arterial road. In addition to the bufferyard requirements of Section 420 through 428, cottage housing developments shall also meet the following development criteria:

**Fee-Simple Ownership**

|                                   |            |
|-----------------------------------|------------|
| Minimum Lot Area                  | 3,500 s.f. |
| Maximum I.S.R. on individual lots | .50        |
| Maximum F.A.R.                    | .40        |
| Minimum Yards:                    |            |
| <i>Front</i>                      | 10 ft.     |
| <i>Side</i>                       | 5 ft.*     |
| <i>Side on Street</i>             | 10 ft.     |
| <i>Rear</i>                       | 10 ft.     |
| Minimum Lot Width                 | 40 ft.     |
| Off-Street Parking Spaces         | 2**        |

\* or width of any easement along side lot line, whichever is greater

\*\* parking spaces may either be clustered together on the development site or provided individually at the rear of each dwelling

**Condominium Ownership**

|                                    |             |
|------------------------------------|-------------|
| Minimum Lot Area                   | 20,000 s.f. |
| Maximum I.S.R. on development site | .50         |
| Maximum F.A.R.                     | .40         |
| Minimum spacing between buildings  | 10 ft.      |
| Minimum lot width                  | 70 ft.      |
| Off-Street Parking Spaces          | 2*          |

\* parking spaces may either be clustered together on the development site or provided individually at the rear of each dwelling

**G. Multiple Unit Development.** This development type consists of two (2) unattached or any arrangement of three (3) or more dwelling units on an undivided lot.

All multiple unit developments will be subject to the special development standards noted in Section 408.02(C).

All multiple unit developments shall be subject to site plan approval pursuant to Section 802. Separate ownership of the units is permitted on a condominium basis; however, in no case shall the development site be platted or otherwise divided for the purpose of assigning specific lots or parcels to particular dwelling units.

No existing single-family house or lot in a conventional residential subdivision in CDD shall be used for multi-unit development unless expressly approved under Section 803.

In addition to the bufferyard requirements of Sections 420 through 428, multiple unit developments shall meet the following development criteria:

|                                   |   |
|-----------------------------------|---|
| Minimum Lot Area                  | 10,000 s.f.   |
| Maximum I.S.R. on individual lots | See Table 4-4 *   |
| Maximum F.A.R.                    | .85 **  |
| Minimum spacing between buildings | 15 ft.  |
| Minimum Lot Width                 | 70 ft.  |
| Off-Street Parking Spaces         | 1 per bedroom plus one visitor parking space per ten bedrooms within the project. |

Multiple unit development must meet the standards outlined in Section 514, Bicycle Parking

\* ISR for UC, CEOD, and UN Districts see sections listed below.

\*\* This maximum applies to all zoning districts where Multiple-Unit Developments is allowed except for the UC, CEOD, and UN Districts. For FAR in the UC, CEOD, and UN districts see below.

See Section 506.03, Section 507, and Section 508, for special development standards for the Urban Core (UC) and College Edge Overlay District (CEOD).

See Section 506.04 and Section 509 for special development standards for the Urban Neighborhood (UN-E, UN-W, and UN-S) districts.

**H. Private Dormitory Development.** This development type consists of two (2) attached or unattached or any arrangement of three (3) or more dwelling units on a divided or undivided lot. In addition, is shall consist of a building or buildings not operated by an academic institution containing rooms forming one or more habitable units which are used or intended to be used by residents of academic institutions. The typical unit configuration is a suite with common space for living and cooking and private bedrooms, each with a dedicated bathroom. Most properties offer furnished units that rent by the bed with parental guarantees. Utilities are typically included with the lease rate and lease terms are most commonly for one (1) academic year.

Private dormitory developments are allowed either by right or conditionally only in the Urban Neighborhood districts (UN-E, UN-W, and UN-S).

All private dormitory developments will be subject to the special development standards noted in Section 408.02(C).

All private dormitory developments shall be subject to site plan approval pursuant to Section 802. Separate ownership of the units is permitted on a condominium basis; however, in no case shall the development site be platted or otherwise divided for the purpose of assigning specific lots or parcels to particular dwelling units.

Lounge uses shall be prohibited as in a mixed-use Private Dormitory Development.

In addition to the bufferyard requirements of Sections 420 through 428, multiple unit developments shall meet the following development criteria:

|                                   |   |
|-----------------------------------|---|
| Minimum Lot Area                  | 10,000 s.f.   |
| Maximum I.S.R. on individual lots | See Section 509   |
| Maximum F.A.R.                    | See Section 509   |
| Minimum spacing between buildings | 15 ft.  |
| Minimum Lot Width                 | 70 ft.  |
| Off-Street Parking Spaces         | 1 per bedroom plus one visitor parking space per ten bedrooms within the project. |

Private dormitory development must meet the standards outlined in Section 514, Bicycle Parking

See Section 506.04 and Section 509 for special development standards for the Urban Neighborhood (UN-E, UN-W, and UN-S) districts.

- I. Academic Detached Dwelling Unit (ADDU).** This development type consists of freestanding structures on individual lots, and intended to be used by no more than five (5) residents of academic institutions. The typical unit configuration includes common space for living and cooking and private bedrooms, each with a dedicated bathroom. The typical unit is distinguished from a single family detached dwelling unit (SFDDU) in one or more ways including, but not limited to: 1) it may not have a master bedroom/master bath; 2) bedrooms are typically smaller in floor area than they are in a SFDDU; 3) common spaces are typically smaller than those found in a SFDDU.

ADDUs shall not take access from an arterial road. In addition to the bufferyard standards of Sections 420 through 428, ADDUs shall meet the following development criteria:

|                                   |                 |
|-----------------------------------|-----------------|
| Minimum Lot Area                  | 5,000 s.f.      |
| Maximum I.S.R. on individual lots | .50             |
| Maximum F.A.R.                    | .45             |
| Minimum Yards:                    |                 |
| <i>Front</i>                      | 20 ft.          |
| <i>Side</i>                       | 5 ft.*          |
| <i>Side on Street</i>             | 15 ft.          |
| <i>Rear</i>                       | 20 ft.          |
| Minimum Lot Width                 | 50 ft.          |
| Off-Street Parking Spaces         | 1.1 per bedroom |

\* or width of any easement along the side lot line, whichever is greater.

Sufficient open space shall be provided to protect any of the resource types specified in Sections 412-417.

- J. Manufactured Home Park.** This housing type consists of manufactured home units installed on an undivided development site through site plan approval under Section 802. In no case shall a manufactured home park be separated into lots in fee simple ownership. All manufactured home sites shall be shown on a site plan. Recreational vehicles shall be permitted within designated storage areas only and shall not be used for residential purposes.

All manufactured home parks shall be developed according to the following standards:

|  |  |
|--|--|
| Minimum size for development site                        | 10 acres   |
| Minimum number of manufactured home sites                | 25   |
| Minimum size for manufactured home site                  | 4,500 s.f.   |
| Minimum width for manufactured home site                 | 45 feet  |
| Maximum I.S.R. for entire park                           | .35  |
| Maximum I.S. R. on a manufactured home site <sup>1</sup> | .60  |
| Off-Street Parking Spaces                                | 2 per manufactured home, plus 1 per 200 s.f. of gross floor area of permanent habitable structures |
| Maximum building height (conventional structures)        | 35 feet  |

<sup>1</sup>For purposes of site plan review, it shall be assumed that impervious surfaces cover 60 percent of each designated manufactured home site unless the site plan specifies a lesser amount.

**1. Landscaping and Yards:**

- a) All manufactured home parks shall be landscaped with five (5) canopy trees, five (5) understory trees, and 25 shrubs per 300 linear feet of buffer area or 10 dwelling units and separated from all other land uses by a twenty (20) foot wide residential buffer pursuant to Section 422.03.
- b) Manufactured homes and structures shall be placed at least 20 feet from the pavement edge of private park roads.
- c) Manufactured homes and freestanding structures serving as common facilities shall be at least 30 feet apart. No carport or other attached structure may be installed on a manufactured home less than 20 feet from another manufactured home or attached structure. This distance shall be measured between the closest points of the units or structures.
- d) Storage sheds or other freestanding accessory structures shall be prohibited in required bufferyards and open space areas. Any such structure shall be at least ten (10) feet from any other structure.

**2. Allowable accessory uses:**

- a) Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of a development.
- b) No more than one (1) dwelling unit of conventional construction, at least 600 s.f. in size, for the use of a resident manager.

- c) Storage area for boats, recreational vehicles, and other types of vehicles that exceed 30 feet in length. The storage area shall be for the use of park residents only, and shall be fenced and landscaped. Storage of these units shall be prohibited on individual manufactured home sites or on park roads.

3. *Other regulations:*

- a) Ownership. Manufactured home parks may not be platted or otherwise divided by fee simple ownership; however, the sale of interests or memberships on a condominium basis is permitted. All facilities, including roads, shall be privately owned or owned in common by residents of the park, and shall not occupy parcels of land which are deeded separately from the common facilities within any manufactured home park.
- b) Access and Internal Circulation. Internal park roads and driveways shall be paved, and shall be owned and maintained by the developer or property owner of the park. For each manufactured home site, two (2) paved off-street parking spaces of ten (10) feet by 20 feet each shall be provided. No individual manufactured home site shall have direct access to a public right-of-way.
- c) Site Plan. No structures or facilities shall be installed or constructed until a site plan meeting the requirements of Section 802 of this Ordinance has been submitted to and approved by the City of Auburn. All improvements, regardless of timing or project phasing, shall be substantially consistent with the approved site plan. Where an existing manufactured home park has no site plan, such a plan shall be prepared and submitted to the City prior to the addition, improvement, rearrangement or replacement of park facilities or manufactured homes.
- d) Occupancy. No manufactured home shall be installed, stored, or otherwise located within a manufactured home park development site, nor shall residential utility service be authorized, until the park has received a Certificate of Occupancy from the Codes Enforcement Division.

**Section 503 Building Setbacks.**

- A. **Minimum Setbacks.** To calculate the minimum building setback required to ensure adequate light, air, and privacy to abutting properties, multiply the height of the proposed building by the Angle of Light Exposure Factor for the zoning district as shown below:

| District | Angle of Light Exposure Factor |
|----------|--------------------------------|
| DDH      | 1.0                            |
| NRD      | 0.75                           |
| MDRD     | 0.5                            |
| RDD      | 1.0                            |
| LLRD     | 1.0                            |
| R        | 1.0                            |
| LDD      | 1.0                            |
| CDD      | 1.0                            |
| SCCD     | 1.0                            |
| ICD      | 1.0                            |

The product of this calculation is the distance the building must be set back from the property line. If, based on this calculation, the setback required is greater than the minimum width of the required bufferyard, the setback according to the angle of light exposure factor must be used. Also, note that the setback required by this calculation may further restrict the setback requirements of Section 502.02 for performance housing types. In all cases the most restrictive setback requirement must be used. This section shall not apply to conventional subdivisions in any district.

- B. Exceptions.** The following structures shall be allowed to project into or be constructed in any minimum required yard as follows: awnings and canopies, roof overhangs and balconies not to exceed three (3) feet; bay windows, not to exceed two (2) feet; clotheslines; driveways and their curbs, fences, walls, and hedges may be constructed in minimum yard areas, provided that their installation does not violate any other provision of this Ordinance. Uncovered decks of no more than 30 inches in height may extend to within five (5) feet of the property line. Nothing contained in this Section shall be construed to allow encroachment of any feature into a required bufferyard.
- C. Maximum Setbacks.** Where lots have double frontage, the maximum setback shall apply to the frontage upon any designated corridor (Section 429). For corner properties, the maximum setback shall be measured from the property line of both rights-of-way. This setback shall not be imposed upon frontage with public alleys or easements. Recessed portions of any proposed structure, designed for outdoor seating, dining or events shall be allowed under the requirements of this section following the review and approval of the Planning Commission. Such recesses shall be clearly illustrated on the site plan.

**D. Building Setback and Height Requirements for the Industrial District.**

| Zoning District | Setbacks (ft) |      |            |                           |                     | Building Height     |
|-----------------|---------------|------|------------|---------------------------|---------------------|---------------------|
|                 | Front         | Rear | Total Side | Minimum Side <sup>1</sup> | Side Yard On Street | Maximum Height Feet |
| I               | 10            | 25   | 30         | 15 <sup>1</sup>           | 10                  | 75                  |

<sup>1</sup>INDUSTRIAL DISTRICT: Where a four (4)-hour firewall is used, no side yard is required. Otherwise, the side wall of the principal structure shall be set back at least 15 feet from the side property line or 25 feet from any adjacent structure, whichever is greater, provided that the distance shall be increased by three (3) feet for each story of each structure in excess of two stories.

**E. Building Setback and Height for the Urban Core (UC), College Edge Overlay District (CEOD), and Urban Neighborhood (UN-E, UN-W, and UN-S) Districts.**

For building setbacks in the Urban Core (UC) district see Section 507.

For building setbacks in the College Edge Overlay District (CEOD) see Section 508.

For building setbacks in the Urban Neighborhood (UN-E, UN-W, and UN-S) districts see Section 509.

**Section 504. Planned Developments.** A planned development is intended to encourage flexibility in siting, mixtures of housing types and land uses, open space, and the preservation of significant natural features. The goal is a development in which buildings, land use, transportation facilities, utility systems and open spaces are integrated through an overall design. A planned development shall be permitted in a Planned Development District (PDD) overlay district and a Planned Unit Development (PUD) zoning district.

**504.01. Planned Development District (PDD).** The PDD overlay district is an additional zoning requirement placed on a geographic area already zoned. The PDD designation can be requested and considered only for properties already zoned as DDH, MDRD, CDD, LDD, NRD, RDD, CRD, SCCD, & ICD.

Property receiving a PDD designation shall be subject to the provisions of both the base zoning district and the PDD. The base zone, which is the underlying zone, shall regulate the lot area, setback, bulk regulations, parking, the maximum FAR and ISR, maximum gross density and the minimum open space ratio for performance residential uses; and the minimum site area and lot width for nonresidential uses. The PDD overlay zone shall regulate the permitted and conditional uses allowed; the mixed-use development components; and the maximum percentage of allowable dwelling units in a mixed commercial/residential development.

Where provisions of the PDD and the zoning districts are in conflict, the provisions of the PDD shall govern.

**A. Minimum Size and Ownership.** A planned development shall consist of a minimum of ten (10) acres. At the time of the application for PDD zoning, the entire tract of land for which rezoning is requested shall be under unified control of a single individual, partnership or corporation.

**B. Uses Permitted on Approval.** All conditional uses set forth on Table 4-1 for PDD are allowed if approved by City Council. Mixed-use developments are allowed within the Planned Development District (PDD) and according to the following requirements:

1. The maximum gross density, minimum open space ratio and maximum density factor for all planned developments shall be the same as the base district from which the site was rezoned. The allowable figures for the Limited Development District (LDD) shall serve as the minimum standard in all cases.
2. A mixed-use development in the Planned Development District may consist of: 1) any commercial uses permitted in this district as set forth in Sections 402 and 408 of this Ordinance, and 2) one or more dwelling units on the same development as the commercial uses.

A Master Development Plan shall be required in connection with any request for PDD zoning.

**C. Connection between uses and adjoining development.** Connection between mixed use and residential areas is required in order to provide cohesiveness in the overall development site. Cohesiveness shall be provided through connectedness of land uses, streets, utilities, pedestrian and bicycle paths, greenways, and signage. The design of any planned development or mixed-use development should reflect effort by the developer to plan land uses so as to blend harmoniously not only within the development site, but with adjacent land uses to ensure compatibility, cohesiveness, and connectivity.

**D. Changes to zoning ordinance.** No amendments to this zoning ordinance relative to planned development shall be effective to any PDD approval issued prior to such amendment, it being intended that the PDD shall continue to be developed in accordance with the zoning ordinance in effect at the time of such prior approval. (*Amendments dated 5/02/06 pursuant to Ordinance Number 2389*)

**E. Development Incentives.** Development incentives shall be provided to developers of qualified planned development upon the written request. Incentive is the granting by the approving authority of additional development capacity in exchange for a public benefit or amenity. Providing incentives is not just beneficial for the developer, but to adjacent development, and the public. The need for incentives will vary for different planned developments. Therefore, the allocation of incentives shall be determined on a case-by-case basis. Incentives may include any of the following:

| <b>Incentive</b>  |
|---|
| <i>Density Bonus: 10% increase in base zone density.</i>  |
| <i>Density Bonus: 20% increase in base zone density*</i>  |
| <i>Floor Area Ratio: An increase in the floor area ratio (FAR) for individual performance single-family residential lots not to exceed 20% above the allowable FAR.</i> |

|   |
|---|
| <p><i>Reduced Setbacks:</i> Reduction in front and side setback requirements for single-family residential uses as long as the minimum front yard setback is at least ten (10) feet and no porch encroaches into this 10-foot front setback. The side yards shall not be less than five feet.</p> <p>The request for setback incentives shall not result in encroachment of any structures into a required landscaped bufferyard, stream buffer or other environmentally sensitive areas.</p>   |
| <p><i>Reduction in Minimum Lot Width:</i> A reduction up to 20% in the minimum lot width for single-family detached and zero lot line residential lots. No reduction shall be allowed for lots located in a cul-de-sac or along the curvature of a street.</p>  |
| <p><i>Master Signage Plan Approval:</i> To expedite the sign permitting process, a Master Sign Plan can be submitted depicting all proposed signage, in accordance with Section 606, for the planned development. Flexibility may be granted by the Planning Director in the number, size, location, and height of the signs. Once approved, no signs shall be erected on the site, except as shown on the approved Master Signage Plan. A Master Development Plan may be amended by filing a new plan.</p>   |
| <p><i>Accelerated Preliminary Plat Approval Process:</i> To expedite the approval process, preliminary plats for residential developments shall be approved administratively by staff. This incentive shall be contingent upon findings by the staff that the preliminary plats are consistent with the approved Master Development Plan.</p> <p>A public hearing for the preliminary plat will be held in conjunction with the public hearing for the PDD/Master Development Plan approval process. In this case, the Master Development Plan will be referred to as the Preliminary Master Development Plan. A Preliminary Master Development Plan shall be required to contain more detailed information relative to the lot size and lot width of each residential lot.</p> |
| <p><i>Increase in ISR:</i> An increase in the impervious surface ratio (ISR) for residential uses not to exceed 20% above the allowable ISR. This incentive is not applicable to developments in the Lake Ogletree/Martin-Marietta watersheds and any areas zoned for conservation subdivisions.</p>  |

\*The exchange for this incentive is predetermined. See asterisk\* under Exchange.

| <b>Exchange</b>  |
|--|
| <p><i>Open Space Improvements:</i> Improvements to greenway/open space such as pedestrian paths, bike trails, and street lighting along pedestrian paths and bike trails. Improvements must be approved by the Planning Director and the Parks and Recreation Director.</p>  |
| <p><i>*Housing for the Elderly and/or Low and Moderate Income:</i> Provision of housing qualifying as elderly housing or low- and moderate-income families in accordance with federal guidelines (See Economic Development).</p>   |
| <p><i>Vegetated Buffer Along the Perimeter:</i> A 20-foot wide undisturbed natural or landscaped buffer along the perimeter of the development site. An undisturbed natural buffer/open space is an unimproved area that has retained its natural character of trees, shrubs and ground covering. A landscaped buffer must meet the standards for residential buffer landscaping requirements as cited in Section 422.03 of this Ordinance.</p>  |
| <p><i>Increased Open Space:</i> A 25% increase in open space beyond the minimum required open space for the development site (<i>required acreage of open space X 25%</i>). The additional open space shall be comprised of undisturbed natural open space. Vegetated buffers along the perimeter cannot count toward the increased open space requirement. In addition, stream buffers, utility easements and other easements required by the City of Auburn shall not count as open space under this incentive. Moreover, this exchange can be offered twice for two incentives. For example, a developer can offer a 50% increase over the minimum required open space for his development site in exchange for two incentives of his choice.</p> |
| <p><i>Park and Recreation Areas:</i> A minimum of five acres of useable park space to be developed and maintained primarily for both active and passive recreational pursuits, including but not limited to tot-lots, playgrounds,</p>   |

neighborhood parks, and play fields. These five acres can be dispersed throughout the development site, as long as the total acreage of park and recreational areas is equivalent to five acres.

Improvements shall not be permitted in the increased open space cited above but shall be permitted on the land allocated to meet the minimum open space requirement under the base zone designation. Proposed improvements must be approved by the Planning Director and Parks and Recreation Director. This exchange cannot be offered in conjunction with the open space improvement unless approved by the Director of Parks and Recreation. The parks and recreation areas must be owned and maintained by the developer and/or a homeowners' association.

*Parking in the Rear for Multi-Family:* Parking for multi-family development shall be located in the rear of the buildings.

*Parking in the Rear for Commercial/Office Use:* Parking for commercial and office developments shall be located in the rear of the buildings.

*Limited Access:* Access to single-family attached and detached dwellings shall be provided from alleys and/or shared driveways.

*Low Density Along the Edge:* Lower density residential development along the perimeter of the development site or adjacent to existing single-family residential development on adjoining properties. For the purpose of this exchange, lower density residential is defined as a minimum lot area of 10,000 square feet.

*Dedicated Open Space:* Land allocated and dedicated to the City for future parks and public greenways in accordance with the City's greenway/future park plan. The land must be dedicated after the PDD rezoning is approved by the City Council and prior to the first preliminary plat submission.

No request for an incentive shall be accepted unless an exchange is offered. An exchange is a public benefit or amenity provided by an applicant or developer for additional development capacity. The developer shall have the option of choosing from the list the exchange to offer for the incentive.

A planned development shall be allowed only two development incentives. The entire area shown on a Master Development Plan shall constitute a planned development site for the purpose of allocating incentives and exchanges.

Requests for incentives and the reasons therefore shall be set forth by the applicant in the application for PDD approval. The applicant shall explain in his request how each incentive would benefit, and not be detrimental, to the public interest. The benefits derived from the exchange may not necessarily impact the development itself.

No incentives may be allowed when the proposed modification would result in:

- (1) Traffic volume exceeding the anticipated capacity of the proposed major street network in the vicinity of the planned development.
- (2) An undue burden on community facilities, such as schools, fire and police protection, utilities, and other such facilities.
- (3) Detrimental impact on surrounding land uses.
- (4) Incompatibility with the goals of the Land Use Plan.
- (5) Negative impact on the local watersheds.

Staff will review each request for incentive as requested and address the above findings in the staff report. The burden of proof that these criteria are not being violated shall rest with the applicant and not the staff.

Development incentives, if granted, shall supersede the applicable regulations of the base and PDD zoning districts of the planned development.

All incentives requested and exchanges offered relative to density bonuses, minimum lot width, open space, perimeter buffer, parking and low density must be reflected on the proposed Master Development Plan as presented to the Planning Commission or City Council for approval. Incentives shall become a component of the Master Development Plan and shall be binding upon all future development on the site. Incentives shall be subject to requirements pursuant to Sections 504.01.C and 504.01.D.

**504.02. Planned Unit Development (PUD).** A planned unit development (PUD) is intended to encourage development not limited by the strict application of this Zoning Ordinance. The purpose is to encourage the development in which buildings, land use, transportation facilities, utility systems, and open spaces are integrated through an overall design that benefits the community.

An approved planned unit development plan shall receive the Planned Unit Development (PUD) District designation and shall be subject only to the provisions as approved by the City Council. An approved PUD will serve as the conditional use approval for a development. No waivers or variances shall be needed as a means of accommodating a PUD. A PUD will also be required to undergo the normal development review team (DRT) review process. Such PUD Districts shall be unique to a specific application and approval process identified in this section. An approved PUD will be an update to the Comprehensive Plan and Future Land Use Plan. PUDs will not be allowed in any Neighborhood Conservation or Rural zoning districts.

**A. Community Benefits.** Applications are subject to evaluation of the following key community benefits, including but not limited to:

1. Public amenities provided to enhance the overall quality of life and promote well-being including, but not limited to:
  - a. Trees and landscaping, community facilities, public art, bicycle parking, and enhanced stormwater management features, etc.
  - b. High quality open space that is activated and accessible to residents and the broader community where appropriate.
2. Adaptive reuse, mixed-use, preservation, and infill development/redevelopment.
3. Natural resource preservation in accordance with this Ordinance, and other natural site features that significantly contribute to the development's character and design.
4. Unique architecture and variability that provide enhanced aesthetics complementary to surrounding developments.
5. Diversity in housing types not limited to types listed in Section 502.
6. Vehicular, Pedestrian, Trial, and Biking Connectivity

**B. Site Design.** For the value of community benefits offered in PUD applications, the city may grant specific development standards to individual PUDs. The following are development standards that may be considered:

1. **Minimum Development Area.** There is no minimum lot area for a PUD.
2. **Land Uses.** All land uses may qualify for a PUD. Land uses shall be shown on the PUD application to provide an orderly relation and function to other uses within the PUD, as well as to existing land uses adjacent to the PUD. Permitted land uses shall be determined at the time the PUD is approved by the City Council.
3. **General Design.** A planned development is intended to encourage flexibility in siting, mixtures of housing types and land uses, open space, and the preservation of significant natural features.

The goal is a development in which buildings, land use, transportation facilities, utility systems and open spaces are integrated through an overall design.

- a. Building Height (**not to exceed 75 ft**)
- b. Setbacks
- c. Lot Width
- d. Off-street Parking
- e. Floor Area Ratio (FAR)
- f. Impervious Surface Ratio (ISR)

4. **Density and Scale.** The density and scale of a proposed PUD shall be documented in the PUD application and shall meet the intent and goals stated in this section. Compliance with incentives and final density shall be determined at the time the PUD is approved by the City Council.

#### **504.03. Planned Unit Development (PUD) Application Process.**

**A. Pre-Application Meeting.** The applicant and/or his or her representatives are required to confer with the City's development staff prior to the submission of a PUD application. The purpose of the meeting is to discuss the PUD requirements and the applicant's intentions for the application. Additionally, the applicant will receive guidance concerning the PUD process at that time.

**B. PUD Review Committee.** After an application is submitted, the PUD Review Committee will meet to review the application. The meeting will be open to the public but will not serve as a public hearing. The Committee will be made up of the following members:

1. Mayor or Mayor's Appointee
2. Development Services Executive Director
3. Planning Director or appropriate designee
4. City Engineer or appropriate designee
5. Water Resource Management Director or appropriate designee
6. Representatives from other relevant departments, if necessary
7. Planning Commission Chair or appropriate designee

The PUD Review Committee will review the application based on the criteria in Section F.1. The Committee can request additional information to assist in determining their recommendation.

Based on the findings of their review, the PUD Review Committee may forward the application to the next step or require the applicant to make revisions and resubmit the application. If the PUD Review Committee recommends the application does not move forward, a statement will be issued to the applicant within 30 days of the Committee's review detailing their basis for the recommendation. An applicant making revisions at the direction of the Review Committee is a part of the process. Review Committee directed revisions are not the same as reasons for denial. Communication from the Review Committee will make a distinction and clearly define its communications with applicants.

#### **C. Staff Work Session**

1. City staff will meet in a work session facilitated by the Planning Director or their designee to discuss the PUD application and the PUD Review Committee's recommendations.
2. Staff may request additional information from the applicant
3. City staff will write a staff report that summarizes the PUD Review Committee recommendation and the staff recommendation, including how the application meets or does not meet the review criteria in Section F.1.
4. Applicant will take feedback from Committee and staff work session to draft a Master Development Plan to present to Planning Commission and City Council.

#### **D. Planning Commission**

1. The Planning Commission will review the PUD application in a work session on an as-needed basis.
2. The Planning Commission will conduct a public hearing on the proposed PUD application for approval. The Planning Commission will consider the review criteria in Section F.1 and make a recommendation to the City Council.
3. Duties and Procedures outlined in Section 903 and 906 shall be followed.

#### **E. City Council**

1. The City Council will review the PUD application in a work session on an as-needed basis, including the PUD Review Committee's recommendation, staff report, and Planning Commission recommendation.
2. The City Council will conduct a public hearing on the proposed PUD application. The City Council will consider the review criteria in Section F.1 and make a final decision on the application.
3. Duties and Procedures outlined in Section 906 shall be followed.

#### **F. Review Criteria**

1. Each PUD's request for relief from the prevailing zoning district will be measured by the community benefits, Section 504.02 A, provided by the PUD.

#### **G. Resubmission**

1. A denied PUD application cannot be resubmitted for 18 months.

**504.04. Changes or Modifications to an Approved PUD.** Once approved, the Master Development Plan shall become a binding condition of development on the site, and subsequent stages or phases of the development shall be consistent with it. Approval of such plan shall bind the applicant, owner and mortgagee or any subsequent ownership interest, if any, with respect to the contents of such plan.

If the Planning Director finds that any stage or phase plan deviates from the approved Master Development Plan, he/she will use this section to determine if the deviation is minor or major. Staff shall review minor deviations while major deviations shall be presented to, reviewed, and approved by both Planning Commission and City Council by an amendment to the original Master Development Plan.

**A. Minor Deviations.** Minor deviations are those that implement only slight alterations to the approved conditions made necessary by actual field conditions at the time of development, and that do not alter the impact of the development on nearby properties, nor the intent or integrity of the conditions as originally imposed. Any of the following shall constitute a minor deviation:

1. An increase of less than 5% in the total number of dwelling units.
2. An increase in required front setback that is 15 feet or less.
3. An increase of required side setback that is 2 feet or less.
4. An increase of rear setback that is 10 feet or less.
5. An increase between buildings on the same lot that is 10 feet or less.
6. An increase in public amenity space

**B. Major Deviations.** Major deviations are those not considered minor deviations and that are larger changes to the site plan, uses, or scale of the approved conditions. Any of the following shall constitute a major deviation:

1. An increase or reduction in land area of the development.
2. An increase of 5% or more in the total number of dwelling units.
3. Single-family attached, duplex, multi-family or zero lot-line development in place of approved single family detached housing.

4. Provision of less than the required percentage of recreation, resource protection, or open space land.
5. Any significant addition, removal or rearrangement of land uses or streets.
6. Any increase in the height of any building or structure
7. Any change to conditions, except minor changes, as defined in this section, imposed by the city council when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

**Section 505. Master Development Plan.** A Master Development Plan is a conceptual drawing that provides for the coordinated development of a specific area. A Master Development Plan shall be required if one or more of the following is proposed:

- A. When any development site is to be developed in stages or phases, no plat or phase plan for any fraction of the site shall be accepted for review which has more than the maximum gross density or less than the minimum required open space pursuant to Table 4-2, unless a Master Development Plan is submitted (See Section 802.09)
- B. When a request is made for Planned Development District (PDD) zoning.
- C. For any development containing a mixture of residential and non-residential land uses over five (5) acres in size or containing more than ten (10) dwelling units.
- D. For any rezoning request relative to the village concept and activity centers.
- E. For any development site comprising five acres or more in the Urban Neighborhood (UN), Medium Density Residential District (MDRD), Neighborhood Redevelopment District (NRD), and Corridor Redevelopment (CRD) districts.

Master Development Plans required for developments described in Subsections (A), (C), and (E) above shall be submitted with the site plan, preliminary plat, or conditional use request. The Master Development Plan shall depict the entire project. Such plan shall be subject to review by the Planning Commission and shall not be referred to the City Council unless a conditional use approval is requested. A written report shall be required unless all or parts of the report are waived by the Planning Director (See Section 505.01).

The applicant shall submit a master development plan map, drawn at a scale of either 50, 100, or 200 feet to one inch, or at a scale approved by the Planning Director and including the following information:

1. Title of the development, parcel number(s), name of the developer and registered land surveyor or engineer, date of the plan, a north arrow and scale.
2. A vicinity map showing the general location of the property, development and any incorporated city boundaries within 3 miles of the development.
3. Outer boundary lines or perimeter of the overall development site.
4. Proposed sizes of the various types of lots or parcels to be developed (acreage or square footage).
5. The type, number and approximate locations of all dwelling units.
6. All streams, stream buffers, wetlands, and flood hazard zones.
7. All streets, including: existing major thoroughfares serving, traversing, abutting, or otherwise affecting or affected by the proposed plan area; proposed local, collector and arterial streets; points of ingress and egress; and existing easements and rights-of-way within the plan area.

8. If more than one zoning district is proposed, boundaries of the different zoning districts.
9. General location of utilities, easements, drainage facilities and other service facilities.
10. Overall gross density for the development site, as well as, density for each individual stage or phase.
11. Location and approximate acreage of all resource protection, recreation, greenways, open space lands, pedestrian circulation systems, bike trails, public facilities such as schools, and other common properties.
12. Required bufferyards.
13. Name or numbering of phases.

**505.01. Written Report to Accompany the Master Development Plan.** The master development plan map shall be accompanied by a written report, to be adopted as a part of the master development plan that includes the following information:

1. Methods of screening and buffering, where incompatible land use configurations necessitate protection for the proposed development or surrounding development.
2. Provisions for creation, use and maintenance of open space and recreation areas.
3. Significant natural topographical, natural features of the subject property and preservation of natural features of the land.
4. General provisions for pedestrian and bicycle circulation throughout the development.
5. A statement specifying how roads, waste disposal, water supply, fire protection, and utilities will be provided, with approximate timing and location, including closest sewer and community waterlines and capacity to serve this development.
6. A report or narrative assessing adequacy of water supply to serve the proposed development.
7. A statement specifying how amenities are to be provided (sidewalks, greenways, open space, parks, recreational facilities, streetlights, landscaping) including approximate timing and location.
8. A statement of the projected population and anticipated impact of the development upon existing utilities and community facilities and services including, but not limited to, water, electricity, sewer and solid waste disposal, schools and parks, police and fire protection.
9. Projected trip generation for the entire project at completion. If projected trip generation is of sufficient magnitude to significantly increase traffic, thereby reducing the level of service on one or more abutting or surrounding streets, or where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface; or the road is near, at, or over capacity, a traffic impact study is necessary. Refer to Section 435 of the City of Auburn Zoning Ordinance for the contents of the transportation impact report.
10. A statement on the type of commercial development proposed, including total square footage, setback, building coverage and height, impervious surfaces and off-street parking.
11. A development schedule including projected build-out date (see Section 505.02).

12. A valid legal description of the property of the total proposed site.
13. Design standards, if required.
14. Any other information the Planning Director or Planning Commission determines to be relevant to evaluate the character and impact of the proposed planned development.

Certain informational requirements contained in this subsection may be waived upon a determination by the Planning Director that they are not applicable or necessary to the proposed application.

Upon approval, the written report shall become a component of the Master Development Plan and shall be binding upon all future development on the site.

#### **505.02. Phasing and Staging the Master Development Plan.**

Nothing within this Section precludes an applicant from delineating the development site into geographic areas called phases. Each phase of a development shall be able to exist as an independent stable unit. The phases shall be indicated by a numeric system or subdivision names. The phasing of a development site shall in no way indicate the stages of development.

Staging is the timing and geographical sequence of development. The applicant may elect to develop the site in successive stages in a manner consistent with the Master Development Plan. The Planning Commission may require that the development be done in stages if public utilities are not adequate to service the entire development initially.

The staging of a planned development shall consist of a development schedule indicating the approximate date when construction of the various phases can be expected to begin and be completed. This schedule shall show a steady progression toward completion of the project. If the planned development is expected to be constructed in stages or according to phases during a period extending beyond a single construction season (18 months), a development schedule shall be submitted with the Master Development Plan indicating:

- (A) The approximate date when construction of the project can be expected to begin;
- (B) The order and timing in which the phases of the project will be built and the estimated time of completion of each phase;
- (C) The land area, density, the approximate location of common open space and facilities, and public improvements that will be required at each stage.
- (D) The Planning Commission may require a planting schedule for landscaping and bufferyards, which assures that these amenities are provided at substantially the same rate as residential dwelling units.

The development schedule is a required component of the Master Development Plan that is not binding upon the applicant but shall be used for informational purposes.

The Planning Commission may waive a development schedule upon submission of written justification by the applicant.

#### **505.03. Process for PDD and Master Development Plan Approval.**

*Pre-Application Conference.* The applicant and/or his or her representatives are required to confer with the City's development staff prior to the submission of a PDD application, a mixed-use development plan or a development plan involving stages of development. Representatives from the Planning Department, Water Resource Management, and Engineering Services Departments shall attend. The purpose of the conference

is to exchange information and receive guidance concerning the process for approval and the provision of the PDD zone.

*Submission of the Application.* An application for approval for a development site requiring a Master Development Plan shall include: the application, the Master Development Plan (Section 505), the written report (Section 505.01), staging of development schedule (Section 505.02) and required fees.

*Planning Division Review and Recommendation:* After the receipt of the application and all pertinent attachments, the Planning Department shall prepare a staff report to the planning commission containing their findings:

- A. As to the suitability of the site for the planned development zoning proposed and the relation of the proposed development to the surrounding areas as it relates to existing and probable future development;
- B. As to the suitability of proposed streets to adequately carry anticipated traffic, and whether increased densities will generate traffic in such an amount as to overload the street network outside the development site.
- C. As to access to utilities and proposed utility services that will be adequate for the population densities proposed.
- D. As to proper justification for the development proposed, including commercial, and its consistency with the Land Use Plan and adopted development policy of the City of Auburn.
- E. As to the impact the proposed development would have on local natural resources in the general area.
- F. As to whether the applicant submitted the application and all relevant materials and adequately addressed all the information required in the written report. The applicant's written report shall be submitted as part of the Planning Department's staff report.
- G. As to the proposed development compliance with this Ordinance, the Land Use Plan and other plans, maps, and ordinance adopted by the City to guide its growth and development.

Based upon such findings, the Planning Department shall recommend to the planning commission approval, approval with conditions, or disapproval of the Master Development Plan and the rezoning, if the application is a request for a PDD.

*Action by the Planning Commission.* Following the receipt of the Planning Department staff report, the Planning Commission shall hold a public hearing and review staff's report along with the Master Development Plan. The Planning Commission shall recommend to the city council either approval of the Master Development Plan as proposed, approval subject to conditions and modifications, or denial with reasons therefor.

*City Council Review and Approval.* After receipt of the recommendation from the Planning Commission, the City Council shall hold a public hearing and render a decision on any Master Development Plan and any request for rezoning, if the application is a request for a PDD. The City Council shall approve, approve with conditions set forth by the Planning Commission, approve with conditions or modifications imposed by City Council, or deny the Master Development Plan.

**505.04. Reapplication if Denied.** If a request for Master Development Plan approval is denied, the matter cannot be reopened or be the subject of a new request for at least one year unless the conditions have changed significantly from the first time it was heard. A request for re-hearing less than one year from the date of the initial hearing must include evidence that the conditions pertinent to the case have changed significantly. If

after reviewing the request, the Planning Commission is convinced that there has been significant change, then a new application shall be filed.

**505.05. Conditional Use Approval and the Plan.** Approval of the Master Development Plan shall constitute conditional use approval for performance residential uses as set forth in the Master Development Plan and in accordance with the PDD zoning district on Table 4-1. Nonresidential uses in a planned or mixed-use development are subject to a separate conditional use approval process by the Planning Commission and City Council prior to an application for a zoning certificate.

**505.06. Density and Open Space Standards for Individual Stages.** A Master Development Plan shall be reviewed and approved by the Planning Commission prior to or simultaneously with any regular site plan or subdivision plat submitted. Upon approval of the Master Development Plan, the developer may submit and the Planning Commission may approve subdivision plats or site plans for individual phases or stages.

Where any development site is to be developed in stages, no plat or phase plan for any fraction of the site shall be accepted for review which has more than the maximum gross density or less than the minimum required open space as shown in this section.

No individual stage shall exceed the following density or fail to meet the minimum open space percentage:

| Zoning District | Maximum Density* (Units/Acre) | Minimum Open Space (Percent) |
|-----------------|-------------------------------|------------------------------|
| CDD             | 14                            | 15                           |
| LDD             | 7.5                           | 20                           |
| DDH             | 8                             | 15                           |
| MDRD            | 16                            | 10                           |
| NRD             | 12                            | 15                           |
| RDD             | 24                            | 10                           |
| CRD-U           | 20                            | 10                           |
| CRD-S           | 14                            | 15                           |
| CRD-W           | 14                            | 10                           |
| CRD-E           | 16                            | 10                           |

*\*Refer to Tables 4-1, 5-1, 5-2 and Section 502.02 for density requirements for other zoning districts not listed*

When submitting a plat for individual stages or phases of development, the applicant must submit a boundary survey for that stage of the development.

**505.07. Changes or Modification to the Plan.** Once approved, the Master Development Plan shall become a binding condition of development on the site, and subsequent stages or phases of the development shall be substantially consistent with it. Approval of such plan shall bind the applicant, owner and mortgagee or any subsequent ownership interest, if any, with respect to the contents of such plan.

If the Planning Director finds that any stage or phase plan substantially deviates from the approved Master Development Plan, a new master plan shall be required for Planning Commission review prior to approval of further site plans or subdivision plats within the development.

Any of the following changes shall constitute a “substantial deviation:”

- A. An increase or reduction in land area of the development.
- B. An increase in the total number of dwelling units.
- C. Provision of less than the required percentage of recreation, resource protection, or open space land.
- D. Proposal of single family attached, duplex, multi-family or zero lot-line development in place of approved single family detached housing.
- E. Any significant addition, removal or rearrangement of land uses or streets.

**505.08. Termination of Approved Plan.** Implementation of the Master Development Plan must commence within the 24 months following approval. Commencement of a Plan shall mean the recording of a final plat covering at least a portion of the development site. Recognizing that conditions may change during extended periods of time to such an extent that approved plans for a planned development may not be in the public interest, failure to actively pursue an authorized planned development shall automatically reverse the rezoning and the property shall revert to its prior zoning designation, and the Master Development Plan will no longer be valid. In cases where the PDD approval was accompanied by a base zone rezoning (i.e., from Rural to any eligible PDD base zone, for example), the base zone shall also revert to its prior zoning designation.

**Section 506. Mixed-Used Developments.**

**506.01. Purpose.** Developments, other than those within a Planned Development District (PDD), which include more than one use on the same site, and in which the uses fall into two or more different use categories, shall be treated as mixed-use developments; and are required to meet the standards of this Section in addition to any other regulations imposed by this Ordinance.

**506.02. Treatment of Mixed Developments.** All uses proposed within a mixed-use development must be permitted under Table 4-1 in the district in which the development is to be located. Uses shown in Table 4-1 as conditional must be approved under the provisions of Section 803.

For review purposes, a separate development site for each land use category shall be delineated within a mixed-use development wherever possible. For shopping centers and any other case in which the different land uses occupy a single structure, the most restrictive requirements relating to any of the individual uses will be applied to the entire site.

**506.03. Residential Uses in the Urban Core District.** Residential uses are allowed in the Urban Core District only in accordance with the restrictions listed below.

- A. A mixed-use facility in the Urban Core District may consist of:
  - 1. Any commercial, retail, office, or institutional use permitted in this District as set forth in Table 4-1 of this Ordinance; and
  - 2. One dwelling unit within the same structure as the commercial use in the case of a townhouse development; or.
  - 3. Three or more dwelling units within the same structure as the commercial use in the case of multiple unit development.
- B. Each living unit shall have a minimum floor area of 400 square feet.

- C. As many dwelling units may be constructed in a mixed commercial/residential facility as would be permitted if the floor area ratio for the Urban Core District (Table 4-3) were applied to the entire mixed commercial/residential facility.
- D. No off-street parking will be required for nonresidential uses in the Urban Core District (Section 513.02).
- E. Prior to construction of new structures or expansion of existing structures, a site plan shall be reviewed and approved pursuant to Article VIII.

**506.04. Mixed Uses in the Urban Neighborhood District (UN-E, UN-W and UN-S).** Mixed uses are allowed in the Urban Neighborhood District only in accordance with the restrictions listed below.

- A. A mixed-use facility in the Urban Neighborhood District may consist of:
  - 1. Any commercial, retail, office, or institutional use permitted in this District as set forth in Table 4-1 of this Ordinance; and
  - 2. One dwelling unit within the same structure as the commercial use in the case of a townhouse development; or.
  - 3. Three or more dwelling units within the same structure as the commercial use in the case of multiple unit development.
- B. Each living unit shall have a minimum floor area of 400 square feet.
- C. As many dwelling units may be constructed in a mixed commercial/residential facility as would be permitted if the floor area ratio for the Urban Neighborhood District (Section 509) were applied to the entire mixed commercial/residential facility.
- D. Off-street parking will be required for residential and nonresidential uses in the Urban Neighborhood District (Section 513.01 and 513.02).
- E. Prior to construction of new structures or expansion of existing structures, a site plan shall be reviewed and approved pursuant to Article VIII.

**Section 507. Urban Core (UC) District.**

**507.01. Conflict with other Sections.** Where this is conflict between these Urban Core (UC) District provisions and other sections of the Zoning Ordinance, regulations for the Urban Core (UC) District shall govern.

**507.02. Urban Core (UC) District Development and Design Standards.** Table 5-3 prescribes development and design standards applicable to the Urban Core (UC) District.

**Table 5-3**

| <b>Development and design standard requirements within the Urban Core (UC) District</b> |  |
|---|--|
| Setback   | All structures shall be set back no further than 10 feet from any designated corridor (see Section 429) or primary street frontage.  |
| Structure Height  | Structure height shall not exceed 75 feet measured from grade to the top of the roof structure. For lots where the grade slopes, height shall be measured from the highest point on grade. (An additional 4 to 6 feet of height for a decorative cornice or parapet is allowed.) |

|                           |   |
|---------------------------|---|
| Story Height              | <p>The minimum ground story height for nonresidential uses shall be 18 feet. The minimum ground story height for ground story residential shall be 15 feet. Buildings which include both nonresidential and residential uses at the ground story shall arrange the exterior façade so as to give the appearance of a consistent floor line at 18 feet between the ground and second stories.</p> <p>The minimum upper story height shall be 10.5 feet.</p>  |
| Floor to Area Ratio (FAR) | 8.5   |
| Building Mass             | <p>The maximum street-facing building length is 240 feet. Buildings on corner lots shall locate at the corner of the highest street classification.</p> <p>Connections made from one building mass to another beyond the maximum building length are limited to hallways, breezeways, and overhead walkways not to exceed 25 feet in combined width per story. The minimum separation between buildings where connections are provided is 15 feet. Such connections shall be setback no less than 30 feet from the property line. Enclosed connections shall be permitted only at the second story and above and shall be fenestrated at 80% to provide transparency through the connecting structure.</p> <p>Articulation in Structure Height: For buildings 100 feet or more in length, the street-facing roof line must have a variation in height. On a corner lot, the variation in height must be located at the corner of the building that addresses both street fronts. Parapets and other prominent architectural details visible from the street which rise above the roofline may account for the required articulation in structure height.</p> <p>Articulation in Building Façade: Buildings 100 feet or more in length must use changes in the depth of plane to create variations in the building face along the street frontage.</p> <p>Forecourts: A portion of the building, not to exceed thirty percent (30%) of the street frontage but not less than ten (10) feet in width, may be used as a recessed area along the front plane for additional entrances and amenity space. Vehicular access shall be prohibited in this space. A maximum of one forecourt is permitted per structure.</p> |
| Functional Entrances      | <p>Ground story uses along the street frontage, including ground story residential, shall provide a functional entrance no greater than seventy-five (75) feet apart. On corner lots, a primary entrance shall be located at the corner. Pedestrian alleyways and passages may satisfy this requirement. The Planning Director may waive this requirement.</p>  |
| Façade Composition        | <p>The maximum length of individual façade compositions along a required building line, generally running parallel to the street frontage, shall be 100 feet. Each façade composition shall be distinct by means of material changes, fenestration, and/or configuration of architectural elements.</p>   |
| Fenestration              | <p><b>In all areas:</b></p> <p>The maximum bulkhead height of the ground story is four (4) feet above the grade level. Spandrel areas shall be no larger than six (6) feet in height for all ground story fenestration.</p> <p>Colored or mirrored glass is not permitted.</p>  |

|   |   |
|---|---|
| Fenestration (cont.)                        | <p><b>North of East Thach Avenue:</b></p> <p>The percentage of openings for glass fenestration of nonresidential uses at street level (ground-story) visible from the street is required to be a minimum of 50% of the total facade area measured from floor to floor.</p> <p>The percentage of openings for glass fenestration at the second story visible from the street is required to be a minimum of 30% of the total facade area measured from floor to floor.</p> <p>The percentage of openings for glass fenestration at the third story and above visible from the street is required to be a minimum of 20% of the total facade area measured from floor to floor.</p> <p><b>South of East Thach Avenue:</b></p> <p>The percentage of openings for glass fenestration of nonresidential uses at street level (ground story) visible from the street is required to be a minimum of 40% of the total facade area measured from floor to floor.</p> <p>The percentage of openings for glass fenestration at the second story visible from the street is required to be a minimum of 30% of the total facade area measured from floor to floor.</p> <p>The percentage of openings for glass fenestration at the third story and above visible from the street is required to be a minimum of 20% of the total facade area measured from floor to floor.</p> |
| Cladding Materials                          | <p>Building materials shall consist of stone, masonry, ceramic tile, terracotta tile, wood (not composite), precast concrete and traditional “hard coat” stucco or brick with accents of stucco, limestone, or wood.</p> <p>Visible sloped roofing shall be slate, asphalt shingles, copper, or pre-finished kynar paint coated metal. (See Urban Core Development Guidelines.)</p>   |
| Concealed Equipment and Prohibited Products | <p>The following shall be located or screened so as not to be visible from any public street: air conditioning compressors, window and wall air conditioners, dumpsters, electrical and other utility meters, irrigation and pool pumps, permanent barbecues, satellite antennae, utility appurtenances, mechanical rooftop equipment or ventilation apparatus.</p>   |
| Mixed Use Provisions                        | <p>Buildings 100 feet or greater must contain an active use at the ground story for no less than 70% of the length of any street frontage. No more than 50% of ground story street frontage shall be used as private amenity space for exclusive use by residents of the building. The Planning Director may reduce the minimum frontage of active use space required to accommodate for unique circumstances. Such reductions shall not exceed ten (10) feet.</p> <p>Corner lots shall locate any nonresidential uses at the intersection of the highest street classification. Garage entrances, mechanical rooms, blank walls, and areas inaccessible to the general public are prohibited on building corners.</p> <p>Garages, blank walls, service entries, or mechanical rooms shall not exceed 30% of the ground story street frontage.</p> <p>In addition to the requirements for conditional use approval in Section 803, applications for conditional use approval within the UC shall submit building elevations and covenants for the proposed development.</p>   |

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| Residential Use Provisions | <p>Ground story residential units shall be designed as independent living units with a primary entrance that takes access from the public right of way or nearest sidewalk. No more than four individual units may share said entryway. Units on the 3<sup>rd</sup> story and above shall take separate access interior to the building.</p> <p>Minimum unit width: 18 feet<br/> Maximum unit width: 50 feet<br/> Minimum front setback: 5 feet<br/> Minimum fenestration: 30%</p> <p>Ground story residential uses are prohibited on the following streets:</p> <ol style="list-style-type: none"> <li>1. North College Street between East/West Magnolia Avenue and the railroad right-of-way between East/West Glenn Avenue and Mitcham Avenue</li> <li>2. South College Street between East/West Magnolia Avenue and East Thach Avenue</li> <li>3. West Glenn Avenue between Wright Street and North College Street</li> <li>4. East Glenn Avenue between North College Street and North Gay Street</li> <li>5. West Magnolia Avenue between Wright Street and North/South College Street</li> <li>6. East Magnolia Avenue between North/South College Street and North/South Gay Street</li> </ol> <p>Additionally, no more than 30% of ground story street frontage shall be used for residential uses in the UC zoning district on the following streets*</p> <ol style="list-style-type: none"> <li>1. Other than noted above, all streets north of East/West Thach Avenue.</li> <li>2. South College Street south of East Thatch Avenue.</li> <li>3. South Gay Street south of East Thatch Avenue.</li> </ol> <p><i>* The Planning Director may waive this limitation</i></p> |
| Parking Requirement        | <p>Residential uses in the UC shall provide one (1) parking space per bedroom. Required parking shall be provided either:</p> <ol style="list-style-type: none"> <li>a) On Site;</li> <li>b) Within one thousand (1,000 feet) of the development site through an arrangement with the property owner or lessee (a long-term lease, recorded easement, etc.) acceptable to the Planning Director that will be filed with the Planning Department and verified annually; or</li> <li>c) By payment into a City parking fund in a standard amount established by the City Council, should the City Council choose to establish such a fund.</li> </ol> <p>Hotel and condotel uses shall be subject to parking requirements as set forth in Section 513.02(B).</p> <p>No off-street parking will be required for nonresidential uses in the Urban Core (UC) District; however, no more than 50% of the gross surface area of any property within the Urban Core (UC) shall be utilized for vehicular drives or parking spaces. This limitation shall not apply to parking garages or parking otherwise incorporated into habitable building structures.</p>  |
| Parking Lot Screening      | <p>Surface parking must be screened with a structure. In cases where the parking cannot be screened by a structure of the permitted use as determined by the</p>   |

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| <p>Parking Lot Screening (cont.)</p>       | <p>Planning Director, parking adjacent to any street ROW must be separated with a planted buffer at least ten (10) feet wide.</p> <p>The planting requirement shall be 1 canopy tree and 6 shrubs for every twenty-five (25) feet of ROW frontage. The planting requirements and buffer width may vary due to site conditions at the discretion of the Planning Director.</p> <p>Ground story parking in a structure shall be setback no less than 15 feet from the property line and shall be screened using an appropriate façade composition or use. Where upper stories of structured parking are located at the perimeter of a building, they must be screened so that cars are not visible from adjacent streets. Sloped ramps must not be discernable along the perimeter of the parking structure. Architectural and/or vegetative screens must be used to articulate the façade, hide parked vehicles and shield lighting.</p> <p>Surface parking adjacent to any street ROW shall also be screened with a Type 1, Option A fence (see Figure 4-2) with support piers that meet the Cladding Materials and Exterior Wall Palette requirements of this section.</p> |
| <p>Streetscape and Public Improvements</p> | <p>For streetscape or other public improvements see Section 5 of the Engineering Design and Construction Manual and any adopted streetscape plans for streets that the development is adjacent to.</p>  |
| <p>Signage</p>                             | <p>See Section 605.04. (A.), Building Signs in the Urban Core, College Edge Overlay District, and Urban Neighborhood Districts.</p>   |
| <p>Balconies</p>                           | <p>A license agreement shall be required for any balcony projection into the right-of-way. The license agreement must be approved prior to construction release or issuance of a building permit. Application for any balcony encroachment must be made to both the Planning Director and the City Engineer for review, and the format of the license shall be determined and approved by the City Attorney. Official approval of such agreement shall be by resolution of the City Council.</p> <p>Buildings with balconies must have covenants that prohibit leaving unsightly debris, clothing, banners or other materials visible from public view. Enforcement of covenants shall be the responsibility of the Homeowners' or Condominium Association.</p>   |
| <p>Awnings and Canopies</p>                | <p>Sloped or flat awnings and canopies are allowed. Awnings fabricated of canvas or metal are allowed. Awnings may be placed above and extend the width of any door or window, or extend up to 85% of the width of the building façade along the street line, whichever is greater; and must be supported from the building façade with suspension rods.</p> <p>Support structures for awnings or canopies cannot extend from the sidewalk.</p> <p>Awnings slopes may be flat to 45 degrees maximum and may not exceed 5 feet in vertical height.</p>   |
| <p>Waivers</p>                             | <p>Applicants should meet early on with Planning staff and refer to the Downtown Design Guidelines for additional information and recommendations. These standards shall be met in addition to all other standards of this Ordinance, unless specifically exempted. Any proposed deviation from these standards shall be requested in the form of a waiver and shall be reviewed and approved by the Planning Commission. In considering any request for a waiver of these standards, the Planning Commission may request that the proposed deviation be reviewed and evaluated by the Downtown Design and Review Committee.</p>  |

For Development approval process see Section 802. Pre-application conference is encouraged.

**Section 508. College Edge Overlay District (CEOD).**

**508.01. Conflict with other Sections.** Where there is conflict between these College Edge Overlay District (CEOD) provisions and other sections of the Zoning Ordinance, these district regulations shall govern.

**508.02. College Edge Overlay District (CEOD) Development and Design Standards.** Table 5-4 prescribes development and design standards applicable to the College Edge Overlay District (CEOD). All provisions of the Urban Core (UC) District as stated in Table 5-3 shall apply in the College Edge Overlay District (CEOD), except where specifically detailed below, in which these regulations shall govern.

**Table 5-4**

| <b>Development and design standard requirements within the College Edge Overlay District (CEOD)</b> |  |
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| Setback   | All structures shall be located on the property line at the College/Magnolia right-of-way.   |
| Parking Requirement   | Residential uses in the CEOD configured as studio or one-bedroom units shall provide one (1) parking space per residential unit. Residential uses in the CEOD with two (2) or more bedrooms per unit shall provide one and one-half (1.5) parking spaces per residential unit. Required parking shall be provided either: <ul style="list-style-type: none"> <li>a. On Site;</li> <li>b. Within one thousand (1,000 feet) of the development site through an arrangement with the property owner or lessee (a long-term lease, recorded easement, etc.) acceptable to the Planning Director that will be filed with the Planning Department and verified annually; or</li> <li>c. By payment into a City parking fund in a standard amount established by the City Council, should the City Council choose to establish such a fund.</li> </ul> Hotel and condotel uses shall be subject to parking requirements as set forth in Section 513.02(B) |

For Development approval process see Section 802. Pre-application conference is encouraged.

**Section 509. Urban Neighborhood District (UN).** The Urban Neighborhood Zoning District is divided into three (3) sub-districts; the Urban Neighborhood East (UN-E), the Urban Neighborhood West (UN-W) and the Urban Neighborhood South (UN-S). Tables 5-5 through 5-7 provide the development standards for the UN districts.

**509.01. Conflict with other Sections.** Where there is conflict between these Urban Neighborhood District (UN-E, UN-W, and UN-S) provisions and other sections of the Zoning Ordinance, these district regulations shall govern.

**509.02 Urban Neighborhood East (UN-E) District Development and Design Standards.** Table 5-5 prescribes development and design standards applicable to the Urban Neighborhood East (UN-E) District. Single-family detached, zero lot-line, twin house, duplex, cottage housing development, and ADDU uses are exempt from these standards.

**Table 5-5**

| <b>Development and design standard requirements within the Urban Neighborhood East District (UN-E)</b> |   |
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| Density  | 85 bedrooms per acre for Mixed Use, Multiple Unit Development, Town House, and Private Dormitory use. |

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| Density (cont.)                | See Section 502.02 for all other performance residential use standards.  |
| Setbacks                       | <p>Front: 15 feet*<br/> Side: 15 feet*<br/> Rear: 15 feet / 20 feet if building abuts a single-family district*</p> <p>*For buildings with three (3) or fewer stories; however, if the building is located across the street from or adjacent to a single-family district, an additional ½ feet of setback shall be required for each one (1) foot of building height over 30 feet.</p>  |
| Structure Height               | <p>Structure height shall not exceed 45 feet. * An additional four (4) to six (6) feet of height for a decorative cornice or parapet wall is allowed.</p> <p>If a parcel is across the street from or adjacent to a single-family residential zoning district, the maximum structure height shall be 35 feet.</p> <p><i>(See definition Structure, Height Section 203)</i></p>   |
| Story Height                   | <p><b>West of South or North Ross Street:</b></p> <p>The minimum ground story height for nonresidential uses shall be 18 feet. The minimum ground story height for ground story residential shall be 15 feet. The minimum upper story height shall be 10.5 feet. Buildings which include both nonresidential and residential uses at the ground story shall arrange the exterior façade so as to give the appearance of a consistent floor line at 18 feet between the ground and second stories.</p> <p><b>East of South or North Ross Street:</b></p> <p>The minimum ground story height for nonresidential and residential uses shall be 15 feet. The minimum upper story height shall be 10.5 feet.</p>  |
| Floor to Area Ratio (FAR)      | 1.5 for Mixed Use, Multiple Unit Development and Private Dormitory use. See Section 502.02 for all other performance residential use standards. For non-residential uses see Table 4-3.  |
| Impervious Surface Ratio (ISR) | 0.75 for Mixed Use, Multiple Unit Development and Private Dormitory use. See Section 502.02 for all other performance residential use standards. For non-residential uses see Table 4-3  |
| Building Mass                  | <p>The maximum street-facing building length is 240 feet. Buildings on corner lots shall locate at the corner of the highest street classification.</p> <p>Connections made from one building mass to another beyond the maximum building length are limited to hallways, breezeways, and overhead walkways not to exceed 25 feet in combined width per story. The minimum separation between buildings where connections are provided is 15 feet. Such connections shall be setback no less than 30 feet from the property line. Enclosed connections shall be permitted only at the second story and above and shall be fenestrated at 80% to provide transparency through the connecting structure.</p> <p>Articulation in Structure Height: For buildings 100 feet or more in length, the street-facing roof line must have a variation in height. On a corner lot, the variation in height must be located at the corner of the building that addresses both street fronts. Parapets and other prominent architectural details visible from the street which rise above the roofline may account for the required articulation in structure height.</p> |

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| Building Mass (cont.) | <p>Articulation in Building Façade: Buildings 100 feet or more in length must use changes in the depth of plane to create variations in the building face along the street frontage.</p> <p>Forecourts: A portion of the building, not to exceed thirty percent (30%) of the street frontage but not less than ten (10) feet in width, may be used as a recessed area along the front plane for additional entrances and amenity space. Vehicular access shall be prohibited in this space. A maximum of one forecourt is permitted per structure.</p>   |
| Functional Entrances  | <p><b>West of South or North Ross Street only:</b></p> <p>Ground story uses along the street frontage, including ground story residential, shall provide a functional entrance no greater than seventy-five (75) feet apart. On corner lots, a primary entrance shall be located at the corner. Pedestrian alleyways and passages may satisfy this requirement. The Planning Director may waive this requirement.</p>  |
| Façade Composition    | <p>The maximum length of individual façade compositions along a required building line, generally running parallel to the street frontage, shall be 100 feet. Each façade composition shall be distinct by means of material changes, fenestration, and/or configuration of architectural elements.</p>  |
| Fenestration          | <p><b>In all areas:</b></p> <p>The maximum bulkhead height of the ground story is four (4) feet above the grade level. Spandrel areas shall be no larger than six (6) feet in height for all ground story fenestration.</p> <p>Colored or mirrored glass is not permitted.</p> <p><b>West of South or North Ross Street:</b></p> <p>The percentage of openings for glass fenestration of nonresidential uses at street level (ground-story) visible from the street is required to be a minimum of 40% of the total facade area measured from floor to floor.</p> <p>The percentage of openings for glass fenestration at the second story visible from the street is required to be a minimum of 30% of the total facade area measured from floor to floor.</p> <p>The percentage of openings for glass fenestration at the third story and above visible from the street is required to be a minimum of 20% of the total façade area measured from floor to floor.</p> <p><b>East of South or North Ross Street:</b></p> <p>The percentage of openings for glass fenestration of nonresidential uses at street level (ground story) visible from the street is required to be a minimum of 30% of the total façade area measured from floor to floor.</p> <p>The percentage of openings for glass fenestration at the second story visible from the street is required to be a minimum of 20% of the total façade area measured from floor to floor.</p> <p>The percentage of openings for glass fenestration at the third story and above visible from the street is required to be a minimum of 20% of the total façade area measured from floor to floor.</p> |
| Cladding Materials    | <p>Building materials shall consist of stone, masonry, ceramic tile, terracotta tile, wood (not composite), precast concrete and traditional “hard coat” stucco or</p>   |

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| Cladding Materials<br>(cont.)               | <p>brick with accents of stucco, limestone, or wood. If synthetic materials are used, they must simulate natural materials and are limited to architectural trim and cornices.</p> <p>Visible sloped roofing shall be slate, asphalt shingles, copper, or pre-finished kynar paint coated metal. (See Urban Core Development Guidelines.)</p>  |
| Concealed Equipment and Prohibited Products | <p>The following shall be located or screened so as not to be visible from any public street: air conditioning compressors, window and wall air conditioners, dumpsters, electrical and other utility meters, irrigation and pool pumps, permanent barbecues, satellite antennae, utility appurtenances, mechanical rooftop equipment or ventilation apparatus.</p>  |
| Mixed Use Provisions                        | <p><b>In all areas:</b></p> <p>Corner lots shall locate any nonresidential uses at the intersection of the highest street classification. Garage entrances, mechanical rooms, blank walls, and areas inaccessible to the general public are prohibited on building corners.</p> <p>Garages, blank walls, service entries, or mechanical rooms shall not exceed 30% of the ground story street frontage.</p> <p><b>West of South or North Ross Street:</b></p> <p>Buildings 100 feet or greater must contain an active use at the ground story for no less than 70% of the length of any street frontage. No more than 50% of ground story street frontage shall be used as private amenity space for exclusive use by residents of the building. The Planning Director may reduce the minimum frontage of active use space required to accommodate for unique circumstances. Such reductions shall not exceed ten (10) feet.</p> <p><b>East of South or North Ross Street:</b></p> <p>Buildings 100 feet or longer must contain an active use at the ground story for no less than 70% of the length of any street frontage. The Planning Director may reduce the minimum frontage of active use space required to accommodate for unique circumstances. Such reductions shall not exceed ten (10) feet.</p> |
| Residential Use Provisions                  | <p>Ground story residential units shall be designed as independent living units with a primary entrance that takes access from the public right of way or nearest sidewalk. No more than four individual units may share said entryway. Units on the 3<sup>rd</sup> story and above shall take separate access interior to the building.</p> <p>Minimum unit width: 18 feet<br/> Maximum unit width: 50 feet<br/> Minimum front setback: 5 feet<br/> Minimum fenestration: 30%</p> <p><i>(See Section 502.02(A.) for fee-simple Single-family detached)</i></p>  |
| Open Space Requirements                     | <p>0.15 open space shall be required for Performance Residential Developments on parcels greater than one (1) acre.</p> <p>On parcels less than one (1) acre, no separate platted open space lots shall be required, however the required 0.15 open space shall be calculated and subtracted from the developable parcel. The remainder of this calculation will be the basis for determining the total of units allowed. The open space calculation shall be divided equally among and attached to each lot. This</p>   |

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| Open Space Requirements (cont.)     | <p>minimum open space shall be designated on the subdivision plat and shall not be used for the placement of any structures, parking, or bufferyard.</p> <p><i>Example: For a single-family performance residential, the minimum lot size is 5,000 s.f.</i></p> $22,000 \text{ s.f.} \times 0.15 = 3300$ $22,000 - 3300 = 18,700$ $18,700 \div 5,000 = 3.74 \text{ lots.}$ <p><i>The maximum number of lots allowed would be 3. The minimum amount of open to be added to each lot would be 1,100 s.f.</i></p>   |
| Parking Requirement                 | <p>See Section 513 for parking requirement.</p> <p>A maximum of 20 percent of required parking spaces may be provided off-site at a public parking facility through a lease arrangement with the City of Auburn. Development approval is subject to availability of the needed number of spaces at a City-owned parking facility.</p>  |
| Parking Lot Screening               | <p><b>In all areas:</b></p> <p>The planting requirement shall be 1 canopy tree and 6 shrubs for every twenty-five (25) feet of ROW frontage. The planting requirements and buffer width may vary due to site conditions at the discretion of the Planning Director.</p> <p>Surface parking adjacent to any street ROW shall also be screened with a Type 1, Option A fence (see Figure 4-2) with support piers that are clad with stone, brick, stucco or architecturally decorative concrete block.</p> <p><b>West of South or North Ross Street:</b></p> <p>Grade level parking (surface or structured) must be screened with a structure. In cases where the parking cannot be screened by a structure of the permitted use as determined by the Planning Director, parking adjacent to any street ROW must be separated with a planted buffer at least ten (10) feet wide.</p> <p><b>East of South or North Ross Street:</b></p> <p>Grade level parking (surface or structured) must be located behind the front building facades. Grade level structured parking located at the perimeter of a structure must be screened so that cars are not visible from adjacent streets. Screening must use approved cladding material or vegetation to hide parked vehicles and shield lighting. Sloped ramps must not be discernable along the perimeter of the parking structure. In cases where the parking cannot be screened by a structure of the permitted use as determined by the Planning Director, parking adjacent to any street ROW must be separated with a planted buffer at least five (5) feet wide.</p> |
| Streetscape and Public Improvements | <p>For streetscape or other public improvements see Section 5 of the Engineering Design and Construction Manual and any adopted streetscape plans for streets that the development is adjacent to.</p>   |
| Signage                             | <p>See Section 605.04. (A.), Building Signs in the Urban Core, College Edge Overlay District, and Urban Neighborhood Districts.</p>  |
| Balconies                           | <p>A license agreement shall be required for any balcony projection into the right-of-way. The license agreement must be approved prior to construction release or issuance of a building permit. Application for any balcony encroachment must be made to both the Planning Director and the City Engineer for review, and the format of the license shall be determined and approved by the City Attorney. Official approval of such agreement shall be by resolution of the</p>   |

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| Balconies (cont.)    | City Council. Buildings with balconies must have covenants that prohibit leaving unsightly debris, clothing, banners or other materials visible from public view. Enforcement of covenants shall be the responsibility of the Homeowners' or Condominium Association.   |
| Awnings and Canopies | Sloped or flat awnings and canopies are allowed. Awnings fabricated of canvas or metal are allowed. Awnings may be placed above and extend the width of any door or window, or extend up to 85% of the width of the building façade along the street line, whichever is greater; and must be supported from the building façade with suspension rods.<br><br>Support structures for awnings or canopies cannot extend from the sidewalk.<br><br>Awnings slopes may be flat to 45 degrees maximum and may not exceed 5 feet in vertical height.  |
| Waivers              | Applicants should meet early on with Planning staff and refer to the Downtown Design Guidelines for additional information and recommendations. These standards shall be met in addition to all other standards of this Ordinance, unless specifically exempted. Any proposed deviation from these standards shall be requested in the form of a waiver and shall be reviewed and approved by the Planning Commission. In considering any request for a waiver of these standards, the Planning Commission may request that the proposed deviation be reviewed and evaluated by the Downtown Design and Review Committee. |

For Development approval process see Section 802. Pre-application conference is encouraged.

**509.03 Urban Neighborhood West (UN-W) District Development and Design Standards.** Table 5-6 prescribes development and design standards applicable to the Urban Neighborhood West (UN-W) District. Single-family detached, zero lot-line, twin house, duplex, cottage housing development, and ADDU uses are exempt from these standards.

**Table 5-6**

| <b>Development and design standard requirements within the Urban Neighborhood West District (UN-W)</b> |   |
|--|---|
| Density  | 170 bedrooms per acre for Mixed Use, Multiple Unit Development, Town House, and Private Dormitory use.<br><br>See Section 502.02 for all other performance residential use standards.   |
| Setbacks   | <b>East of North Donahue Drive:</b><br><br>Front: All structures shall be set back no further than 10 feet from any designated corridor (see Section 429) or primary street frontage.<br>Side: 0 – 10 feet *<br>Rear: 0 – 10 feet *<br><br><b>West of North Donahue Drive:</b><br><br>Front: 15 feet<br>Side: 15 feet<br>Rear: 15 feet<br><br>* Setbacks may be greater if surface parking is used. |

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| Structure Height               | <p><b>East of North Donahue Drive:</b></p> <p>Structure height shall not exceed 75 feet. An additional four (4) to six (6) feet of height for a decorative cornice or parapet wall is allowed.</p> <p><b>West of North Donahue Drive:</b></p> <p>Structure height shall not exceed 50 feet. An additional four (4) to six (6) feet of height for a decorative cornice or parapet wall is allowed.</p> <p><i>(See definition Structure, Height Section 203)</i></p>  |
| Story Height                   | <p><b>East of North Donahue Drive:</b></p> <p>The minimum ground story height for nonresidential uses shall be 18 feet. The minimum ground story height for ground story residential shall be 15 feet. The minimum upper story height shall be 10.5 feet. Buildings which include both nonresidential and residential uses at the ground story shall arrange the exterior façade so as to give the appearance of a consistent floor line at 18 feet between the ground and second stories.</p> <p><b>West of North Donahue Drive:</b></p> <p>The minimum ground story height for nonresidential and residential uses shall be 15 feet. The minimum upper story height shall be 10.5 feet.</p>   |
| Floor to Area Ratio (FAR)      | <p><b>East of North Donahue Drive:</b></p> <p>8.5 for Mixed Use, Multiple Unit Development and Private Dormitory use. See Section 502.02 for all other performance residential use standards.</p> <p><b>West of North Donahue Drive:</b></p> <p>5 for Mixed Use, Multiple Unit Development and Private Dormitory use. See Section 502.02 for all other performance residential use standards.</p> <p>For non-residential uses see Table 4-3</p>   |
| Impervious Surface Ratio (ISR) | <p><b>East of North Donahue Drive:</b></p> <p>1.0 for Mixed Use, Multiple Unit Development and Private Dormitory use. See Section 502.02 for all other performance residential use standards.</p> <p><b>West of North Donahue Drive:</b></p> <p>0.75 for Mixed Use, Multiple Unit Development and Private Dormitory use. See Section 502.02 for all other performance residential use standards. For non-residential uses see Table 4-3</p>   |
| Building Mass                  | <p>The maximum street-facing building length is 240 feet. Buildings on corner lots shall locate at the corner of the highest street classification.</p> <p>Connections made from one building mass to another beyond the maximum building length are limited to hallways, breezeways, and overhead walkways not to exceed 25 feet in combined width per story. The minimum separation between buildings where connections are provided is 15 feet. Such connections shall be setback no less than 30 feet from the property line. Enclosed connections shall be permitted only at the second story and above and shall be fenestrated at 80% to provide transparency through the connecting structure.</p> <p>Articulation in Structure Height: For buildings 100 feet or more in length, the street-facing roof line must have a variation in height. On a corner lot, the</p> |

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| Building Mass (cont.) | <p>variation in height must be located at the corner of the building that addresses both street fronts. Parapets and other prominent architectural details visible from the street which rise above the roofline may account for the required articulation in structure height.</p> <p>Articulation in Building Façade: Buildings 100 feet or more in length must use changes in the depth of plane to create variations in the building face along the street frontage.</p> <p>Forecourts: A portion of the building, not to exceed thirty percent (30%) of the street frontage but not less than ten (10) feet in width, may be used as a recessed area along the front plane for additional entrances and amenity space. Vehicular access shall be prohibited in this space. A maximum of one forecourt is permitted per structure.</p>   |
| Functional Entrances  | <p><b>East of North Donahue Drive only:</b></p> <p>Ground story uses along the street frontage, including ground story residential, shall provide a functional entrance no greater than seventy-five (75) feet apart. On corner lots, a primary entrance shall be located at the corner. Pedestrian alleyways and passages may satisfy this requirement. The Planning Director may waive this requirement.</p>   |
| Façade Composition    | <p>The maximum length of individual façade compositions along a required building line, generally running parallel to the street frontage, shall be 100 feet. Each façade composition shall be distinct by means of material changes, fenestration, and/or configuration of architectural elements.</p>  |
| Fenestration          | <p><b>In all areas:</b></p> <p>The maximum bulkhead height of the ground story is four (4) feet above the grade level. Spandrel areas shall be no larger than six (6) feet in height for all ground story fenestration.</p> <p>Colored or mirrored glass is not permitted.</p> <p><b>East of North Donahue Drive:</b></p> <p>The percentage of openings for glass fenestration of nonresidential uses at street level (ground-story) visible from the street is required to be a minimum of 40% of the total facade area measured from floor to floor.</p> <p>The percentage of openings for glass fenestration at the second story visible from the street is required to be a minimum of 30% of the total facade area measured from floor to floor.</p> <p>The percentage of openings for glass fenestration at the third story and above visible from the street is required to be a minimum of 20% of the total façade area measured from floor to floor.</p> <p><b>West of North Donahue Drive:</b></p> <p>The percentage of openings for glass fenestration of nonresidential uses at street level (ground story) visible from the street is required to be a minimum of 30% of the total façade area measured from floor to floor.</p> <p>The percentage of openings for glass fenestration at the second story visible from the street is required to be a minimum of 20% of the total façade area measured from floor to floor.</p> |

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| Fenestration (cont.)                        | The percentage of openings for glass fenestration at the third story and above visible from the street is required to be a minimum of 20% of the total façade area measured from floor to floor.   |
| Cladding Materials                          | <p>Building materials shall consist of stone, masonry, ceramic tile, terracotta tile, wood (not composite), precast concrete and traditional “hard coat” stucco or brick with accents of stucco, limestone, or wood. If synthetic materials are used, they must simulate natural materials and are limited to architectural trim and cornices.</p> <p>Visible sloped roofing shall be slate, asphalt shingles, copper, or pre-finished kynar paint coated metal. (See Urban Core Development Guidelines.)</p>  |
| Concealed Equipment and Prohibited Products | The following shall be located or screened so as not to be visible from any public street: air conditioning compressors, window and wall air conditioners, dumpsters, electrical and other utility meters, irrigation and pool pumps, permanent barbecues, satellite antennae, utility appurtenances, mechanical rooftop equipment or ventilation apparatus.   |
| Mixed Use Provisions                        | <p><b>In all areas:</b></p> <p>Corner lots shall locate any nonresidential uses at the intersection of the highest street classification. Garage entrances, mechanical rooms, blank walls, and areas inaccessible to the general public are prohibited on building corners.</p> <p>Garages, blank walls, service entries, or mechanical rooms shall not exceed 30% of the ground story street frontage.</p> <p><b>East of North Donahue Drive:</b></p> <p>Buildings 100 feet or greater must contain an active use at the ground story for no less than 70% of the length of any street frontage. No more than 50% of ground story street frontage shall be used as private amenity space for exclusive use by residents of the building. The Planning Director may reduce the minimum frontage of active use space required to accommodate for unique circumstances. Such reductions shall not exceed ten (10) feet.</p> <p><b>West of North Donahue Drive:</b></p> <p>Buildings 100 feet or longer must contain an active use at the ground story for no less than 70% of the length of any street frontage. The Planning Director may reduce the minimum frontage of active use space required to accommodate for unique circumstances. Such reductions shall not exceed ten (10) feet.</p> |
| Residential Use Provisions                  | <p>Ground story residential units shall be designed as independent living units with a primary entrance that takes access from the public right of way or nearest sidewalk. No more than four individual units may share said entryway. Units on the 3<sup>rd</sup> story and above shall take separate access interior to the building.</p> <p>Minimum unit width: 18 feet<br/> Maximum unit width: 50 feet<br/> Minimum front setback: 5 feet<br/> Minimum fenestration: 30%</p> <p><i>(See Section 502.02(A.) for fee-simple Single-family detached)</i></p>  |

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| <p>Open Space Requirements*</p> | <p><b>East of North Donahue Drive:</b></p> <p>No open space is required for performance residential uses.</p> <p><b>West of North Donahue Drive:</b></p> <p>0.15 open space shall be required for Performance Residential Developments on parcels greater than one (1) acre. On parcels less than one (1) acre, no separate platted open space lots shall be required, however the required 0.15 open space shall be calculated and subtracted from the developable parcel. The remainder of this calculation will be the basis for determining the total of units allowed. The open space calculation shall be divided equally among and attached to each lot. This minimum open space shall be designated on the subdivision plat and shall not be used for the placement of any structures, parking, or bufferyard.</p> <p><i>Example: For a single-family performance residential, the minimum lot size is 5,000 s.f.</i></p> $22,000 \text{ s.f.} \times 0.15 = 3300$ $22,000 - 3300 = 18,700$ $18,700 \div 5,000 = 3.74 \text{ lots.}$ <p><i>The maximum number of lots allowed would be 3. The minimum amount of open to be added to each lot would be 1,100 s.f.</i></p> <p><i>*(See Section 417 for all open space requirements.)</i></p>   |
| <p>Parking Requirement</p>      | <p>See Section 513 for parking requirement.</p> <p>A maximum of 20 percent of required parking spaces may be provided off-site at a public parking facility through a lease arrangement with the City of Auburn. Development approval is subject to availability of the needed number of spaces at a City-owned parking facility.</p>  |
| <p>Parking Lot Screening</p>    | <p><b>In all areas:</b></p> <p>The planting requirement shall be 1 canopy tree and 6 shrubs for every twenty-five (25) feet of ROW frontage. The planting requirements and buffer width may vary due to site conditions at the discretion of the Planning Director.</p> <p>Surface parking adjacent to any street ROW shall also be screened with a Type 1, Option A fence (see Figure 4-2) with support piers that are clad with stone, brick, stucco or architecturally decorative concrete block.</p> <p><b>East of North Donahue Drive:</b></p> <p>Grade level parking (surface or structured) must be screened with a structure. In cases where the parking cannot be screened by a structure of the permitted use as determined by the Planning Director, parking adjacent to any street ROW must be separated with a planted buffer at least ten (10) feet wide.</p> <p><b>West of North Donahue Drive:</b></p> <p>Grade level parking (surface or structured) must be located behind the front building facades. Grade level structured parking located at the perimeter of a structure must be screened so that cars are not visible from adjacent streets. Screening must use approved cladding material or vegetation to hide parked vehicles and shield lighting. Sloped ramps must not be discernable along the perimeter of the parking structure.</p> |

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| Parking Lot Screening (cont.)       | In cases where the parking cannot be screened by a structure of the permitted use as determined by the Planning Director, parking adjacent to any street ROW must be separated with a planted buffer at least five (5) feet wide.   |
| Streetscape and Public Improvements | For streetscape or other public improvements see Section 5 of the Engineering Design and Construction Manual and any adopted streetscape plans for streets that the development is adjacent to.   |
| Signage                             | See Section 605.04. (A.), Building Signs in the Urban Core, College Edge Overlay District, and Urban Neighborhood Districts.  |
| Balconies                           | A license agreement shall be required for any balcony projection into the right-of-way. The license agreement must be approved prior to construction release or issuance of a building permit. Application for any balcony encroachment must be made to both the Planning Director and the City Engineer for review, and the format of the license shall be determined and approved by the City Attorney. Official approval of such agreement shall be by resolution of the City Council. Buildings with balconies must have covenants that prohibit leaving unsightly debris, clothing, banners or other materials visible from public view. Enforcement of covenants shall be the responsibility of the Homeowners' or Condominium Association. |
| Awnings and Canopies                | Sloped or flat awnings and canopies are allowed. Awnings fabricated of canvas or metal are allowed. Awnings may be placed above and extend the width of any door or window, or extend up to 85% of the width of the building façade along the street line, whichever is greater; and must be supported from the building façade with suspension rods.<br><br>Support structures for awnings or canopies cannot extend from the sidewalk.<br><br>Awnings slopes may be flat to 45 degrees maximum and may not exceed 5 feet in vertical height.  |
| Waivers                             | Applicants should meet early on with Planning staff and refer to the Downtown Design Guidelines for additional information and recommendations. These standards shall be met in addition to all other standards of this Ordinance, unless specifically exempted. Any proposed deviation from these standards shall be requested in the form of a waiver and shall be reviewed and approved by the Planning Commission. In considering any request for a waiver of these standards, the Planning Commission may request that the proposed deviation be reviewed and evaluated by the Downtown Design and Review Committee.   |

For Development approval process see Section 802. Pre-application conference is encouraged.

**509.04 Urban Neighborhood South (UN-S) District Development and Design Standards.** Table 5-7 prescribes development and design standards applicable to the Urban Neighborhood South (UN-S) District. Single-family detached, zero lot-line, twin house, duplex, cottage housing development, and ADDU uses are exempt from these standards.

**Table 5-7**

| <b>Development and design standard requirements within the Urban Neighborhood South District (UN-S)</b> |   |
|---|---|
| Density   | 85 bedrooms per acre for Mixed Use, Multiple Unit Development, Town House, and Private Dormitory use. |

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| Density (cont.)                | See Section 502.02 for all other performance residential use standards.  |
| Setbacks                       | <p>Front: 20 feet *</p> <p>Side: 15 feet *</p> <p>Rear: 20 feet *</p> <p>* For buildings with three (3) or fewer stories; however, if the building is located across the street or adjacent to a single-family district, an additional ½ feet of setback shall be required for each one (1) foot of building height over 30 feet.</p>  |
| Structure Height               | <p>Structure height shall not exceed 45 feet. * An additional four (4) to six (6) feet of height for a decorative cornice or parapet wall is be allowed.</p> <p>If a parcel is across the street from or adjacent to a single-family residential zoning district, the maximum structure height shall be 35 feet.</p> <p><i>(See definition Structure, Height Section 203)</i></p>  |
| Story Height                   | The minimum ground story height for nonresidential and residential uses shall be 15 feet. The minimum upper story height shall be 10.5 feet.   |
| Floor to Area Ratio (FAR)      | <p>1.5 for Mixed Use, Multiple Unit Development and Private Dormitory use.</p> <p>See Section 502.02 for all other performance residential use standards.</p> <p>For non-residential uses see Table 4-3</p>  |
| Impervious Surface Ratio (ISR) | <p>0.75 for Mixed Use, Multiple Unit Development and Private Dormitory use.</p> <p>See Section 502.02 for all other performance residential use standards.</p> <p>For non-residential uses see Table 4-3</p>   |
| Building Mass                  | <p>The maximum street-facing building length is 240 feet. Buildings on corner lots shall locate at the corner of the highest street classification.</p> <p>Connections made from one building mass to another beyond the maximum building length are limited to hallways, breezeways, and overhead walkways not to exceed 25 feet in combined width per story. The minimum separation between buildings where connections are provided is 15 feet. Such connections shall be setback no less than 30 feet from the property line. Enclosed connections shall be permitted only at the second story and above and shall be fenestrated at 80% to provide transparency through the connecting structure.</p> <p>Articulation in Structure Height: For buildings 100 feet or more in length, the street-facing roof line must have a variation in height. On a corner lot, the variation in height must be located at the corner of the building that addresses both street fronts. Parapets and other prominent architectural details visible from the street which rise above the roofline may account for the required articulation in structure height.</p> <p>Articulation in Building Façade: Buildings 100 feet or more in length must use changes in the depth of plane to create variations in the building face along the street frontage.</p> <p>Forecourts: A portion of the building, not to exceed thirty percent (30%) of the street frontage but not less than ten (10) feet in width, may be used as a recessed area along the front plane for additional entrances and amenity space.</p> |

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| Building Mass (cont.)                       | Vehicular access shall be prohibited in this space. A maximum of one forecourt is permitted per structure.   |
| Façade Composition                          | The maximum length of individual façade compositions along a required building line, generally running parallel to the street frontage, shall be 100 feet. Each façade composition shall be distinct by means of material changes, fenestration, and/or configuration of architectural elements.   |
| Fenestration                                | <p>The percentage of openings for glass fenestration of nonresidential uses at street level (ground story) visible from the street is required to be a minimum of 30% of the total façade area measured from floor to floor.</p> <p>The percentage of openings for glass fenestration at the second story visible from the street is required to be a minimum of 20% of the total façade area measured from floor to floor.</p> <p>The percentage of openings for glass fenestration at the third story and above visible from the street is required to be a minimum of 20% of the total façade area measured from floor to floor.</p> <p>The maximum bulkhead height of the ground story is four (4) feet above the grade level. Spandrel areas shall be no larger than six (6) feet in height for all ground story fenestration.</p> <p>Colored or mirrored glass is not permitted.</p> |
| Cladding Materials                          | <p>Building materials shall consist of stone, masonry, ceramic tile, terracotta tile, wood (not composite), precast concrete and traditional “hard coat” stucco or brick with accents of stucco, limestone, or wood. If synthetic materials are used, they must simulate natural materials and are limited to architectural trim and cornices.</p> <p>Visible sloped roofing shall be slate, asphalt shingles, copper, or pre-finished kynar paint coated metal. (See Urban Core Development Guidelines.)</p>  |
| Concealed Equipment and Prohibited Products | The following shall be located or screened so as not to be visible from any public street: air conditioning compressors, window and wall air conditioners, dumpsters, electrical and other utility meters, irrigation and pool pumps, permanent barbecues, satellite antennae, utility appurtenances, mechanical rooftop equipment or ventilation apparatus.   |
| Mixed Use Provisions                        | <p>Buildings 100 feet or greater must contain an active use at the ground story for no less than 70% of the length of any street frontage. The Planning Director may reduce the minimum frontage of active use space required to accommodate for unique circumstances. Such reductions shall not exceed ten (10) feet.</p> <p>Corner lots shall locate any nonresidential uses at the intersection of the highest street classification. Garage entrances, mechanical rooms, blank walls, and areas inaccessible to the general public are prohibited on building corners.</p> <p>Garages, blank walls, service entries, or mechanical rooms shall not exceed 30% of the ground story street frontage.</p>   |
| Residential Use Provisions                  | Ground story residential units shall be designed as independent living units with a primary entrance that takes access from the public right of way or nearest sidewalk. No more than four individual units may share said entryway. Units on the 3 <sup>rd</sup> story and above shall take separate access interior to the building.   |

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| Residential Use Provisions (cont.)  | <p>Minimum unit width: 18 feet<br/> Maximum unit width: 50 feet<br/> Minimum front setback: 5 feet<br/> Minimum fenestration: 30%</p> <p><i>(See Section 502.02(A.) for fee-simple Single-family detached)</i></p>   |
| Open Space Requirements*            | <p>0.15 open space shall be required for Performance Residential Developments on parcels greater than one (1) acre.</p> <p>On parcels less than one (1) acre, no separate platted open space lots shall be required, however the required 0.15 open space shall be calculated and subtracted from the parcel. The remainder of this calculation will be the basis for determining the total of units allowed. The open space calculation shall be divided equally among and attached to each lot. This minimum open space shall be designated on the subdivision plat and shall not be used for the placement of any structures, parking, or bufferyard.</p> <p><i>Example: For a single-family performance residential, the minimum lot size is 5,000 s.f.</i></p> $22,000 \text{ s.f.} \times 0.15 = 3300$ $22,000 - 3300 = 18,700$ $18,700 \div 5,000 = 3.74 \text{ lots.}$ <p><i>The maximum number of lots allowed would be 3. The minimum amount of open to be added to each lot would be 1,100 s.f.</i></p>   |
| Parking Requirement                 | <p>See Section 513 for parking requirement.</p> <p>A maximum of 20 percent of required parking spaces may be provided off-site at a public parking facility through a lease arrangement with the City of Auburn. Development approval is subject to availability of the needed number of spaces at a City-owned parking facility.</p>  |
| Parking Lot Screening               | <p>Grade level parking (surface or structured) must be located behind the front building facades. Grade level structured parking located at the perimeter of a structure must be screened so that cars are not visible from adjacent streets. Screening must use approved cladding material or vegetation to hide parked vehicles and shield lighting. Sloped ramps must not be discernable along the perimeter of the parking structure. In cases where the parking cannot be screened by a structure of the permitted use as determined by the Planning Director, parking adjacent to any street ROW must be separated with a planted buffer at least five (5) feet wide.</p> <p>The planting requirement shall be 1 canopy tree and 6 shrubs for every twenty-five (25) feet of ROW frontage. The planting requirements and buffer width may vary due to site conditions at the discretion of the Planning Director.</p> <p>Surface parking adjacent to any street ROW shall also be screened with a Type 1, Option A fence (see Figure 4-2) with support piers that are clad with stone, brick, stucco or architecturally decorative concrete block.</p> |
| Streetscape and Public Improvements | <p>For streetscape or other public improvements see Section 5 of the Engineering Design and Construction Manual and any adopted streetscape plans for streets that the development is adjacent to.</p>   |
| Signage                             | <p>See Section 605.04. (A.), Building Signs in the Urban Core, College Edge Overlay District, and Urban Neighborhood Districts.</p>  |

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| Balconies            | A license agreement shall be required for any balcony projection into the right-of-way. The license agreement must be approved prior to construction release or issuance of a building permit. Application for any balcony encroachment must be made to both the Planning Director and the City Engineer for review, and the format of the license shall be determined and approved by the City Attorney. Official approval of such agreement shall be by resolution of the City Council. Buildings with balconies must have covenants that prohibit leaving unsightly debris, clothing, banners or other materials visible from public view. Enforcement of covenants shall be the responsibility of the Homeowners' or Condominium Association. |
| Awnings and Canopies | Sloped or flat awnings and canopies are allowed. Awnings fabricated of canvas or metal are allowed. Awnings may be placed above and extend the width of any door or window, or extend up to 85% of the width of the building façade along the street line, whichever is greater; and must be supported from the building façade with suspension rods.<br><br>Support structures for awnings or canopies cannot extend from the sidewalk.<br><br>Awnings slopes may be flat to 45 degrees maximum and may not exceed 5 feet in vertical height.  |
| Waivers              | Applicants should meet early on with Planning staff and refer to the Downtown Design Guidelines for additional information and recommendations. These standards shall be met in addition to all other standards of this Ordinance, unless specifically exempted. Any proposed deviation from these standards shall be requested in the form of a waiver and shall be reviewed and approved by the Planning Commission. In considering any request for a waiver of these standards, the Planning Commission may request that the proposed deviation be reviewed and evaluated by the Downtown Design and Review Committee.   |

For Development approval process see Section 802. Pre-application conference is encouraged.

**Section 510. Corridor Redevelopment District (CRD).**

**510.01 Conflict with other Sections.** Where there is conflict between these Corridor Redevelopment District (CRD) provisions and other sections of the Zoning Ordinance, these district regulations shall govern.

**510.02. Corridor Redevelopment District (CRD) Development and Design Standards.** Table 5-8 prescribes development and design standards applicable to the Corridor Redevelopment District (CRD-U, CRD-E, CRD-S, and CRD-W).

**Table 5-8**

| <b>Development and design standard requirements within the Corridor Redevelopment District (CRD-U, CRD-E, CRD-S, CRD-W)</b> |   |
|---|---|
| Density   | See Table 4-2: Performance Standards for Residential Uses by District   |
| Height  | Building height shall not exceed 35 feet<br><br>Maximum building height for a mixed-use with upper floor residential in the CRD-U west of Ross Street along the frontage of Opelika Road and Gay Street and in the CRD-W along the frontage of Bragg Avenue may be 45 feet. |

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| Setbacks                                 | <p>Non-residential Uses, Mixed-use, Cottage Housing Development (condominium ownership), and Multiple Unit Development</p> <p><b>CRD-U and CRD-E</b></p> <p>Front: 5 feet<br/> Minimum Side: 10 feet<sup>1</sup><br/> Total Side: 20 feet<sup>1</sup><br/> Side Yard On Street: 10 feet<br/> Rear: 15 feet</p> <p><b>CRD-S and CRD-W</b></p> <p>Front: 20 feet<br/> Minimum Side: 10 feet<sup>1</sup><br/> Total Side: 20 feet<sup>1</sup><br/> Side Yard On Street: 15 feet<br/> Rear: 20 feet</p> <p><sup>1</sup>Where a fireproof party wall is used, no side yard is required. Otherwise, the sidewall of the principal structure shall be set back at least ten (10) feet from the side property line or 15 feet from any adjacent building, whichever is greater.</p> <p>See Section 502.02 for all other performance residential use standards.</p>  |
| Mixed Use and Residential Use Provisions | <p><b>CRD-U:</b> Only townhouses and multiple unit development may front Opelika Road. Other residential uses may front on side or back streets, or may be allowed on Opelika Road if setback a minimum of 100 feet and screened by a non-residential building.</p> <p><b>CRD-E:</b> Residential uses are permitted on the first floor of buildings and building along Glenn Avenue and Harper Avenue shall front on the street.</p> <p><b>CRD-S:</b> No residential uses may front on Opelika Road. Residential uses may front on side of back streets.</p> <p>In the CRD-U and CRD-S districts, residential uses are permitted on the first floor provided they are behind the façade of retail, office, commercial, or institutional uses.</p> <p><b>CRD-W:</b></p> <p><b><i>East of North Donahue Drive:</i></b> Only townhouses, cottage housing development, and multiple unit development may front Bragg Avenue and North Donahue Drive.</p> <p><b><i>West of North Donahue Drive:</i></b> All residential uses may front on North Donahue Drive and Martin Luther King Drive but must take access from side or back streets.</p> |
| Floor Area Ratio (FAR)                   | <p>See Section 502.02 for performance residential use standards.</p> <p>See Table 4-3 for non-residential uses.</p>   |
| Impervious Surface Ratio (ISR)           | <p>See Section 502.02 for all other performance residential use standards.</p> <p>See Table 4-3 for non-residential uses.</p>   |

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| Open Space Requirements | See Table 4-2 for minimum open space requirements.   |
| Parking Requirement     | See Section 502.02 for performance residential use standards.<br>See Section 513 for parking requirement for non-residential uses.<br>In <b>CRD-E</b> , parking shall be behind the facade of all buildings and screening shall be provided for all parking areas. Corner lots shall take access from the street with the lowest street classification.  |
| Cross Access            | Cross access points should be provided connecting parking lots or other access ways. Cross access should be located at the rear of the property. If cross-access is provided from the adjoining property, the access shall be continued through the property. If a neighborhood or corridor plan for the area exists, cross access points should be provided where indicated in the plan if feasible. The Planning Director and City Engineer may grant relief from this requirement if topographical issues or structures prevent the connection from being made.   |
| Pedestrian Connectivity | All developed sites shall provide at least one continuous, on-site intra-parcel pedestrian way of at least five feet (5'-0") in width to connect sidewalks adjoining rights-of-way to the main entrance(s) of that property's building(s), in compliance with the Americans with Disabilities Act (ADA). The Planning Director and City Engineer may grant relief from this requirement if topographical issues or structures prevent the connection from being made.  |
| Parking Lot Screening   | Parking for non-residential and mixed-use developments must be located behind the front building facades.<br><br>Parking adjacent to any street ROW shall be screened with a Type 1, Option A fence (see Figure 4-2) with support piers that are clad with stone, brick, stucco or architecturally decorative concrete block and landscaped with 1 canopy tree and 6 shrubs for every twenty-five (25) feet of ROW frontage between the fence and street. The planting requirements and buffer width may vary due to site conditions at the discretion of the Planning Director.<br><br>It is also the desire of the Renew Opelika Road Corridor Plan and the Northwest Auburn Neighborhood Plan that residential use parking be located behind building facades. To achieve this, an increase in the impervious surface ratio (ISR), not to exceed 20% will be allowed. |
| Landscaping             | Sites must meet the general landscaping requirements in Section 422 unless specifically excluded in this section.<br><br>Bufferyards:<br><br>Street-trees – Where a street tree master plan has been implemented for a particular street which the development site fronts; the plantings from the street tree master plan will supersede the street frontage requirements for that particular frontage. If the Planning Director determines that the requirements of the street tree master plan cannot be met, the general landscaping requirements of Section 422 must be met.<br><br>Side and rear bufferyards may be reduced or waived by the Planning Director if the adjoining uses are similar in nature or if the buildings are built in a continuous urban form that would be interrupted by a greenspace.   |

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| Landscaping (cont.)                         | Decks, porches, balconies and pedestrian areas, including plazas, street arcades, courtyards, and outdoor cafes may extend into bufferyards. In no case shall the encroachment exceed 60 percent of the length of the property line of the particular bufferyard.   |
| Building Facade                             | <p>The development shall have primary entrances that face and open directly on to publicly accessible streets or public open spaces. Buildings may use an alternative entrance provided that there is outdoor dining or integrated display area between the building and public street.</p> <p>If the building is located on a corner lot, the building may face the corner. Development Sites with multiple buildings must only have the façade of the principal building facing the primary street. Additional buildings may face internal drives or secondary streets.</p>   |
| Cladding Materials                          | Sites must meet requirements of Section 429 Corridor Overlay Standards. The Planning Commission may allow greater amounts of architectural metal provided it is approved by Planning Commission. Corrugated metal or sheet metal may only be used as accent or to clad areas not visible from any designated corridor.  |
| Concealed Equipment and Prohibited Products | The following shall be located or screened so as not to be visible from any public street: air conditioning compressors, window and wall air conditioners, dumpsters, electrical and other utility meters, irrigation and pool pumps, permanent barbeques, satellite antennae, utility appurtenances, mechanical rooftop equipment or ventilation apparatus.  |
| Signage                                     | <p><b>CRD-U, CRD-E, CRD-S and CRD-W west of North Donahue Drive:</b><br/>See Section 605, Permitted Signs</p> <p><b>CRD-W east of North Donahue Drive:</b></p> <p>Building signs and sandwich board signs as defined in Article VI are the only signs that are allowed in the CRD-W east of North Donahue Drive. Signs may be attached to any building façade. In a multi-tenant building, the building owner is responsible for distributing the sign allowance among the tenants.</p> <p>Electronic reader boards are prohibited in the CRD-W district east of North Donahue Drive.</p> <p>Single story building - Building facades that face a public street or that have the main entrance may have one (1) square foot of sign area for each (1) linear foot of building or space width, or sixteen (16) square feet, whichever is greater, but no more than fifty (50) square feet. Other building facades may have one-half (0.5) square foot of sign area for each (1) linear foot of building width, but no more than fifty (50) square feet.</p> <p>Multi-story building - Building facades that face a public street or that have the main entrance may have two (2) square feet of sign area for each (1) linear foot of building or space width or thirty-two (32) square feet, whichever is greater, but no more than seventy-five (75) square feet. Other building facades may have one-half (0.5) square foot of sign area for each (1) linear foot of building width, but no more than seventy-five (75) square feet.</p> <p>Blade signs are encouraged and a blade sign not exceeding six (6) square feet can be provided in addition to building mounted signage on any façade</p> |

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| <p>Signage (cont.)</p>      | <p>that has a sidewalk or entrance. A blade mounted sign is defined as an ornamental rod extending perpendicular from the building with a hanging sign suspended from it at a 90-degree angle from building face and street ROW. Blade signs are to be placed a minimum of nine (9) feet above sidewalk level to the bottom of the blade sign. Text and graphics on either or both ends of an awning that are oriented perpendicular to the building face for pedestrian view and are no more than six (6) square feet may be provided in lieu of a blade sign.</p> <p>All building signs must be mounted between the first and second floor line, or between the second and third floor line or near the top of the wall. The Planning Director, or appropriate designee, may approve an alternate location for a sign in cases where these locations conflict with or may cause damage to architectural ornamentation of a building. In any case, building signs may not be mounted higher than the building. Signage area for the primary sign is computed by measuring the number of square feet in the smallest rectangle, within all letters, logos, symbols or other elements of the sign can be enclosed.</p> <p>A sandwich board sign is a sign of A-frame construction designed for placement on the sidewalk in front of the place of business being advertised, and is generally two (2) sided. Sandwich board signs that meet all of the following criteria may be placed and displayed on a public sidewalk:</p> <ul style="list-style-type: none"> <li>a. A height of no more than four (4) feet;</li> <li>b. Maximum area of any side is eight (8) square feet;</li> <li>c. No illumination;</li> <li>d. Placed in front of the building or leased space during business hours respective to the use in the building or leased space;</li> <li>e. Maintains a clearance on the sidewalk of at least five (5) feet; and,</li> <li>f. Maintains a distance of at least twenty (20) feet from any other sandwich board sign.</li> </ul> <p>Where adjacent buildings are narrow and sign placements on either side make it impossible for a building owner or tenant to meet the sandwich board spacing requirement, the Planning Director, or appropriate designee, may approve an alternative location that maximizes distance between adjacent signs.</p> |
| <p>Awnings and Canopies</p> | <p>Sloped or flat awnings and canopies are allowed. Awnings fabricated of canvas or metal are allowed. Awnings may be placed above and extend the width of any door or window, or extend up to 75% of the width of the building façade along the street line, whichever is greater; and must be supported from the building façade with suspension rods.</p> <p>Support structures for awnings or canopies cannot extend from the sidewalk.</p> <p>Awnings slopes may be flat to 45 degrees maximum and may not exceed 5 feet in vertical height.</p>  |

**Section 511. Accessory Uses.**

**511.01. Authorization.** Except as otherwise expressly provided or limited by this Ordinance, accessory structures and uses are permitted in any zoning district in connection with any principal use lawfully existing or permitted within such district. Any question of whether a particular use is permitted as an accessory use

by the provision of this Section shall be determined by the Planning Director pursuant to his or her authority to interpret the provisions of this Ordinance.

**511.02. Zoning certificate required.** No accessory use or structure shall be established or constructed unless a zoning certificate evidencing the compliance of such use or structure with the provisions of this Section and other applicable provision of this Ordinance shall have first been issued in accordance with Section 804.

**511.03. Use limitations.** In addition to complying with all other regulations, no accessory use shall be permitted unless it strictly complies with the following restrictions:

- A. The principal use or structure, together with any accessory use or structure, shall not jointly exceed the land use intensity class criteria in any given use class.
- B. No accessory structure or use shall be constructed or established on any lot prior to the time of the substantial completion of the principal structure. This shall not apply to agriculture-related structures in the Rural (R) District.
- C. No accessory structure or use on any lot shall cause any impervious surface ratio or exterior storage area to exceed the maximum permitted on the site by this Ordinance.
- D. In the case of all nonresidential uses: accessory structures shall maintain the same minimum front, side, and rear yard as is required for the principal structure.
- E. No accessory structure shall be closer than ten (10) feet to a principal structure or closer than five (5) feet to any other accessory structure, unless it is attached to such principal or other structure by means of fully enclosed living area.
- F. Accessory structures and uses shall comply with all applicable area, bulk, and yard regulations.
- G. Accessory structures relating to residential uses shall be placed no less than ten (10) feet to the rear of the front building line. Accessory structures on lots of three (3) acres or more in the Rural (R) District shall be setback a minimum of 100 feet from the front property line.
- H. No accessory structure shall be placed within a required bufferyard or located closer than five (5) feet to a property line where no bufferyard is required.
- I. On corner lots, no accessory structure shall be located within the required setback for a side yard adjacent to a street.
- J. On any one (1) residential lot, the total accessory floor area of all structures shall be limited to 50 percent of the floor area of the principal structure. This shall include open carports, gazebos and greenhouses, but no swimming pools. Lots of three (3) acres or larger in the Rural (R) district shall be exempt from this limitation.

The accessory uses and structures specifically mentioned below are subject to the following additional requirements:

**511.04. Detailed Accessory Use Regulations: Home Occupations.**

- A. **Purpose.** It is the purpose of this Section to provide residents of the City of Auburn a wide range of opportunities in the use of their residences in profitable activities. However, the character of the City's residential areas must also be preserved. Therefore, these regulations shall ensure that such activities remain limited in scope so as not to interfere with the principal use of any residential neighborhood or development.

**B. General Regulations.** All home occupations shall meet the following criteria:

1. The home occupation must be clearly secondary and incidental to the use of the dwelling unit as a residence. With the exception of homestays, no more than 25 percent of the total floor area of the dwelling shall be used for the home occupation, to a maximum of 500 square feet. For the purposes of this Section, "total floor area" shall include all heated and ventilated areas within the dwelling. Garages, carports, outside storage rooms, and porches shall be excluded.

At the Planning Director's option, a floor plan of the residence may be required, indicating the specific location(s) and extent of the business activity.

2. The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its residential character or from the character of the neighborhood.
3. The home occupation shall be operated in the existing dwelling unit, which shall not be enlarged to accommodate the business activity.
4. No new accessory structure shall be built, nor shall any existing accessory structure be used, for the purpose of operating the home occupation.
5. There shall be no visible evidence that the dwelling is being used to operate a home occupation. Signs shall not be permitted. No more than two (2) company or commercial vehicles shall be parked at the premises at any time.
6. A maximum of one (1) person not residing in the dwelling may engage in the operation of the home occupation.
7. No merchandise shall be distributed to customers on the premises.
8. No advertising material shall indicate the business hours, address and/or physical location of the business.
9. There shall be no outside display or storage of materials, goods, supplies, or equipment used in the home occupation on the premises.
10. With the exception of homestays, off-street parking shall be provided on the premises, as required by Section 513. Parking in connection with homestays may use available on-street parking areas, only when off-street parking cannot be accommodated.
11. The operation of a home occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation inline voltage, or hazards to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises.
12. The operation of a home occupation shall not involve the sale of any dangerous or deadly weapons such as knives, firearms, or air guns.
13. The on-site repair of vehicles shall be prohibited as a home occupation.

In addition to the provisions (1-13) above, the following regulations shall apply only to homestays:

- a) Homestays may only be established as a home occupation business in the following zoning districts: Comprehensive Development District (CDD), Corridor Redevelopment District-Urban, -Suburban, -East and -West (CRD-U, CRD-S, CRD-E, CRD-W\*), Medium Density Residential District (MDRD), Neighborhood Redevelopment District (NRD\*), Redevelopment District (RDD), Rural District (R), Urban Core (UC)/College Edge Overlay District (CEOD), and Urban Neighborhood-West, -East, and -South (UN-W, UN-E, UN-S). *\*East of North Donahue Drive*
- b) The homestay may operate no more than ninety (90) days per licensing year when the owner is not present.
- c) No food shall be prepared for or served to guests of the homestay by the owner or the owner's agent(s) or contractor(s).
- d) Each home occupation for a homestay will be valid from January 1 (or such other date during a calendar on which such home occupation for a homestay is issued) through December 31 of the calendar year in which the home occupation for a homestay is issued. During this period of validity, the owner of the homestay must occupy the dwelling as his or her residence for more than 180 days.
- e) A home occupation for a homestay may be revoked by the Planning Director (i) in the event that two (2) or more substantiated complaints are received by the City within a calendar year, or (ii) for failure to maintain compliance with any of the regulations set forth within this section. A property owner whose home occupation for a homestay has been revoked pursuant to this paragraph shall not be eligible to receive any new home occupation for a homestay for the remaining portion of the calendar year in which the home occupation for a homestay is revoked and for the entire succeeding year.
- f) Homestays may only be used for lodging (eating and sleeping); private and/or commercial events and activities are prohibited. Only the registered/contracted Homestay guests may utilize the Homestay.

**C. Application Procedures.** Any applicant for a home occupation zoning certificate shall pay a fee as established in Article IX and submit an application form, together with any required attachments, to the Planning Director. The Planning Director shall have three (3) business days to approve or deny the application, or inform the applicant that more information is needed to reach a decision.

Each applicant for home occupation approval shall submit a deed to the property on which the proposed business will be conducted. If the applicant does not own the property, he/she shall obtain from the owner a signed and notarized letter of authorization to apply for home occupation approval.

No more than one (1) home occupation shall be approved in any residential dwelling unit. A fraternity, sorority, or boarding house shall constitute a single dwelling unit.

If an applicant fails to provide required documentation, or provides insufficient information, to determine compliance with this Section, the application shall be denied.

**D. Other Provisions.**

- 1. Home-based businesses offering child or adult day- or nighttime-care services to more than two (2) persons shall not be considered home occupations under this Section, but shall be regulated under Section 511.05. These businesses, if

previously approved as home occupations, may continue operating as such until the expiration of the current business license.

2. Yard or garage sales shall be exempt from these regulations under the following conditions:
  - a) Sales shall last no longer than two (2) consecutive days;
  - b) Sales are held no more than two (2) times per year, with an intervening time period of at least 30 days;
  - c) The property on which the sale is conducted shall be owned by one of the participants;
  - d) No goods purchased for resale may be offered for sale;
  - e) No consignment goods may be offered for sale;
  - f) All directional or advertising signs shall be removed immediately upon completion of the sale.
3. The Planning Director, or his/her designee, shall be permitted upon reasonable request to enter and inspect the premises of an approved home occupation at any time to verify compliance with these regulations.
4. Any existing home occupation not in compliance with these regulations may continue operating as a nonconforming home occupation under the following conditions:
  - a) The home occupation was approved prior to the effective date of these regulations;
  - b) The home occupation is in compliance with all regulations in effect at the time of its approval;
  - c) The business activity has continued since the effective date of these regulations without ceasing for a period in excess of 30 days;
  - d) The home occupation holds a valid business license issued by the City of Auburn Finance Dept.;
  - e) The home occupation has operated in a lawful manner at all times prior to adoption of these regulations;
  - f) All signs shall be removed immediately;
  - g) Limitation on company vehicles shall become effective immediately upon adoption of this Ordinance.

**511.05. Detailed Accessory Use Regulations: Family Child Care Home.** It is the intent of this Subsection to regulate the operation of family care homes so that the average neighbor, under normal circumstances, will not be aware of their existence.

Any resident of a dwelling unit in the City of Auburn providing family childcare shall apply for and receive a zoning certificate from the Planning Director subject to the following regulations:

- A. The child care activity shall be licensed to and operated by a resident of the dwelling unit in which it is located.
- B. The child care activity must be clearly incidental to the use of the structure as a residence.
- C. Child care services shall be provided to a maximum of six (6) non-resident children at any one time.
- D. The appearance of the dwelling unit, structure, and/or premises shall not be altered, nor the child care activity within the structure conducted, in any manner which would cause the premises to differ from its residential character or from the character of the neighborhood.
- E. The family child care home shall be operated in the existing dwelling unit. No new or existing accessory structure shall be built or used for the purpose of the child care activity.
- F. No sign shall be permitted in connections with the family childcare home.
- G. The total number of persons engaged in the operation of the family childcare home shall not exceed four (4). Up to two (2) persons other than those residing in the dwelling may engage in the operation of the business, provided that there is sufficient off-street parking space to accommodate the vehicles of such non-resident employees.
- H. Off-street parking space shall be provided on the premises, as required by Section 513, or as otherwise necessary.
- I. The operation of a family child care home shall not create any nuisance such as excessive traffic, on-street parking, or noise to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the child care premises.
- J. The family child care home shall at all times possess an appropriate license issued by the State of Alabama. A copy of such license shall be furnished to the Planning Director upon request. Revocation or expiration of the state license shall automatically void any zoning certificate issued by the City.

**511.06. Detailed Accessory Use Regulations: Private Swimming Pools and Recreational/Athletic Courts Accessory to a Residential Use.**

- A. Swimming pools and recreational/athletic courts shall be subject to the same side and rear setback requirements applicable to other accessory structures and shall not be located within public utility or drainage easements. Swimming pools shall be exempt from the minimum separation distance between accessory structures and primary structures.
- B. No swimming pool or recreational/athletic court permitted under this Section shall be operated as a business or a private club.
- C. Lighting for pools and courts shall be located and installed so that no direct light is visible from adjoining properties.

**511.07. Detailed Accessory Use Regulations:**

**A. Antennas.**

1. Antennas shall be an accessory use only, and shall not be the principal use of any property.
2. Residential TV antennae shall not exceed 30 feet in height; all other antennae shall not extend above 60 feet in height, unless otherwise specified by this Ordinance.
3. Antennae shall not be located forward of the front building line or within a required side street setback area.
4. Antennae not mounted on or affixed to a principal structure shall be set back from all property lines a distance equal to its height.
5. No more than two (2) antennas shall be permitted for each lot or development site.

**B. Satellite Dish Antennas.**

1. Satellite dish antennas exceeding two (2) feet in diameter shall be considered structures and shall be installed in accordance with all applicable provisions of this Ordinance, the Standard Building Code, and any other relevant regulations. No satellite dish antenna shall exceed 12 feet in diameter and 18 feet in height, as measured from the ground to the highest projection of the antenna or supporting structure.
2. No satellite dish antenna shall be placed forward of the rear plane of the principal structure, and shall be set back from all property lines a distance at least equal to its height. On a corner lot, it shall meet required side street setbacks for principal structures. Setbacks shall be measured from the outermost projection of the antenna or supporting structure.
3. Where the satellite dish antenna is not mounted on a building, the supporting structure holding the antenna shall not elevate the lower edge of the antenna dish more than 18 inches above the elevation of the eaves of the roof of the principal structure. Where mounted on a building, the combined height of the building and the satellite dish antenna shall not exceed the maximum permitted building height.
4. The following regulations shall also apply to satellite dish antennas:

*Single-Family Residential Uses*

- a) A satellite dish antenna shall be permitted only as an accessory use to a single family detached dwelling unit.
- b) Roof-mounted satellite dish antennas shall be prohibited, except for multi-family structures.
- c) No more than one satellite dish antenna shall be placed on any one lot or parcel.

5. *Multi-Family Residential Uses*

- d) One satellite dish will be allowed per building (completely separated from one another) in multi-family residential developments.

Non-Residential Uses

- e) A satellite dish antenna shall be allowed either as an accessory use or, if permitted in the district, a principal use. However, in cases where the dish is an accessory use it shall not be installed prior to the construction of the principal structure.
- f) No more than two satellite dish antennas shall be placed on any one development site.

**C. Solar Energy Systems.**

1. Solar Energy Systems shall not be the principal use of any property not zoned Industrial (I).
2. The following regulations shall also apply to solar energy systems:

*Single Family and Multi-Family Residential Uses*

- a) Ground mounted solar panels shall not exceed 17 square feet in size.
- b) No more than one ground mounted solar energy system shall be placed on any one lot or parcel.
- c) Ground mounted solar energy systems shall not be located forward of the front building line or within a required setback/bufferyard area.
- d) Ground mounted solar energy systems shall not exceed a height equal to the distance from property lines OR height of any structures on property.
- e) Roof mounted solar energy systems shall not be placed on a roof pitched towards a public street.

*Non-Residential Uses*

- a) Roof mounted solar energy systems shall not exceed a height greater than 2 feet above visible roof line.
- b) Ground mounted solar energy systems shall not be permitted in non-residential uses.

**511.08. Detailed Accessory Use Regulations: Subdivision Amenities.** It is the intent of this Section to allow the provision of recreational amenities within a subdivision as uses, which are secondary and incidental to the principal residential use. Such features are intended to be low in intensity, have minimal impacts on neighboring properties, and serve only residents of the subdivision in which it is located or other developments that are directly adjacent. Amenities approved under this Section may not be subject to the parking requirements of Section 513.02, nor shall they generally require conditional use approval by the Planning Commission.

Upon submission of a scaled drawing showing all proposed improvements, the Planning Director shall approve subdivision amenities if they meet the requirements listed below. Those not meeting the provisions of this Section shall be evaluated as principal uses and shall be subject to all applicable regulations, including Table 4-1, Table 4-3, landscaping and parking.

- A.** Amenities that may be approved under this Section include swimming pools, playgrounds, parks, and courts or fields for particular sports such as tennis, shuffleboard, softball, basketball, and volleyball. Specifically excluded are golf courses, golf driving ranges, and miniature golf.
- B.** All amenities shall be located on lots or parcels whose recreational purpose is clearly identified on the recorded subdivision plat. Where an amenity is proposed on an existing

lot, which is not designated for recreational purposes, it shall be processed by the Planning Department as a conditional use under Section 803.

- C. Structures shall be limited to one (1) per parcel, shall be set back 25 feet from all lot lines and shall not exceed 500 square feet in size. Any recreational parcel containing a structure shall have frontage on a public road within the development.
- D. If required for the overall development, bufferyards and landscaping shall be prorated for the amenity site.
- E. Off-street parking shall be provided for any employees. Vehicles and/or equipment used by employees shall be stored in an enclosed structure.
- F. Amenities that occupy required open space within a performance subdivision shall be limited to those uses that are allowed under Section 417.01.

### **Section 512. Temporary Uses.**

**512.01. Authorization.** Temporary uses are permitted only as expressly provided in this Section. No temporary use shall be established unless a zoning certificate evidencing the compliance of such use with the provisions of this Section and other applicable provisions of this Ordinance shall have first been issued, as provided in Article VIII.

**512.02. General Regulations.** A carnival or circus, religious tent meeting, and events of public interest shall be subject to the following, unless otherwise provided for in this Section:

- A. Notarized, written authorization from property owner with deed to property attached.

- B. Documentation from the Lee County Health Department must be provided that adequate arrangements for temporary sanitary facilities have been made.
- C. No permanent or temporary lighting shall be installed without an electrical permit and inspection.
- D. All uses shall be confined to the dates specified in the permit.
- E. Hours of operation shall be confined to those specified in the permit.
- F. The site shall be cleared of all debris at the end of the special event and cleared of all temporary structures within seven (7) days after the closing event.
- G. Public parking for the exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to these areas and to prevent patrons from unlawful parking.
- H. Traffic control arrangements required by the Auburn Public Safety Department, Police Division in the vicinity at major intersections shall be the responsibility of the applicant.
- I. Property owners shall be responsible for restitution and/or repair of any damage resulting to any public right-of-way or property as a result of the event.
- J. Serving of alcoholic beverages shall not be permitted without a permit from the Auburn City Council.

**512.03. Use Limitations.**

- A. The principal use or structure, together with any temporary uses or structures, shall not jointly exceed the land use intensity class criteria specified in Section 419, or any standard contained in Article IV.
- B. No signs in connection with a temporary use shall be permitted except as specified in Section 512.04.

**512.04. Particular Temporary Uses Permitted.** The following are temporary uses, which are subject to the specified regulations and standards, in addition to the other requirements specified in this Ordinance.

- A. **Carnival or circus.**
  - 1. Permitted only in Comprehensive Development (CDD), Corridor Redevelopment (CRD), South College Corridor District (SCCD), and Interstate Commercial District (ICD) districts.
  - 2. Maximum length of permit shall be 15 days.
  - 3. No structure or equipment shall be permitted within 500 feet of any residential property line.
  - 4. Permitted sign shall have a maximum size of 32 sq. ft.
- B. **Christmas tree sales.**
  - 1. Permitted only in Comprehensive Development (CDD), Corridor Redevelopment (CRD), Redevelopment (RDD), Rural (R), Interstate Commercial District (ICD), and South College Corridor District (SCCD) districts.

2. Maximum length of permit for display and open-lot sales shall be 45 days.
3. Permitted sign shall have a maximum size of 32 sq. ft.

**C. Contractor's office and construction equipment sheds.**

1. Permitted in any district where use is incidental to a construction project. Office or shed shall not contain sleeping or cooking accommodations.
2. Maximum length of permit shall be one (1) year.
3. Office or shed shall be removed upon completion of construction project.
4. Signs shall be permitted only in accordance with Article VI.

**D. Events of public interest.**

1. Permitted only in Comprehensive Development (CDD), Corridor Redevelopment (CRD), Redevelopment (RDD), Urban Neighborhood (UN-E, UN-W, and UN-S), Urban Core (UC), Rural (R), South College Corridor District (SCCD), and Interstate Commercial District (ICD) districts.
2. Events may include but are not limited to outdoor concerts, auctions and athletic events and associated concessions and activities.
3. Permitted sign shall have a maximum size of 32 sq. ft.

**E. Model home.**

1. Permitted in any district for any new subdivision approved in accordance with Auburn Subdivision Regulations.
2. A model home may be used as a temporary sales office, but cannot be the sole office of the real estate agency and/or home builder.
3. The model home must be removed or revert to single-family residential use when 90% of the lots are developed or after the model home has been in existence for five (5) years, whichever comes first.
4. Signs shall be permitted only in accordance with Article VI.

**F. Real estate sales office.**

1. Permitted in any district for any new subdivision approved in accordance with Auburn Subdivision Regulations. The office may not contain sleeping accommodations.
2. A temporary sales office cannot be the sole office of the real estate agency and/or home builder. The real estate sales office maximum length of permit shall be five (5) years or when 90% of the lots within the subdivision are developed. The office shall also be removed at this time.
3. Signs shall be permitted only in accordance with Article VI.

**G. Religious tent meeting.**

1. Permitted only in Comprehensive Development (CDD), Corridor Redevelopment (CRD), Redevelopment (RDD), Rural (R), South College Corridor District (SCCD), and Interstate Commercial District (ICD) districts.
2. Maximum length of permit shall be 15 days.
3. Permitted sign shall have a maximum size of 32 sq. ft.

**H. Sale of farm produce.**

1. *Permitted* in Rural (R), Comprehensive Development (CDD), Redevelopment (RDD), Corridor Redevelopment (CRD), Urban Core (UC), Urban Neighborhood (UN-E, UN-W, and UN-S), South College Corridor District (SCCD), and Interstate Commercial District (ICD) districts.

*Prohibited* in Industrial (I), Neighborhood Conservation (NC), Development District Housing (DDH), Neighborhood Redevelopment District (NRD), Large Lot Residential District (LLRD), and Limited Development (LDD) districts.

2. Maximum length of permit shall be one (1) year.
3. Sales areas, including the produce stands, shall be set back a minimum of 20 feet from the nearest right-of-way of any street or highway.
4. Permitted sign shall have a maximum size of 32 sq. ft.

**I. Temporary shelter.**

1. When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a manufactured home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted subject to the following additional regulations.
2. Required water and sanitary facilities must be provided.
3. Maximum length of permit shall be six (6) months, but the Code Enforcement Division may extend the permit for a period or periods not to exceed 60 days in the event of circumstances beyond the control of the owner. Application for the extension shall be made at least 15 days prior to expiration of the original permit. In no case shall the length of the original permit plus all extensions exceed one (1) year.
4. The manufactured home shall be removed from the property within 14 days of habitation of the new or rehabilitated residence.

**J. Tent sale/outdoor sales activity.**

1. The outdoor storage or display of merchandise shall be exempted from these requirements under either of the following conditions:
  - a) merchandise occupies an outdoor display area, which is permanent in nature and designated as such on an approved site plan;
  - b) merchandise is located in a temporary display area which does not occupy parking spaces, driveway aisles, or required bufferyards, and customers must enter the building to make a purchase.

2. Tent sales and similar activities are permitted only in the Corridor Redevelopment (CRD), Redevelopment (RDD), Comprehensive Development (CDD), South College Corridor District (SCCD), and Interstate Commercial District (ICD) districts, on property developed for commercial use, with proper pedestrian and vehicular access. They shall be prohibited on vacant property.
3. Where the temporary sales activity constitutes a conditional use on the site, it shall not be permitted unless conditional use approval has been granted by the City Council.
4. The applicant shall submit a site plan specifying the location of all tents, temporary structures, equipment, and merchandise on display.
5. Permitted sign shall have a maximum size of 32 sq. ft.
6. All electrical connections shall be inspected and approved by the Codes Enforcement Division.
7. The Planning Director and/or City Engineer may establish additional requirements as necessary to minimize hazards and promote efficient traffic circulation on the site.
8. The maximum duration of the Zoning Certificate shall be 15 days. A maximum of four (4) permits per calendar year may be authorized, and at least 30 days shall elapse between the expiration of one permit and the approval of another.

**K. Mobile food unit.**

1. All mobile food unit operators shall obtain an annual permit from the City Manager, or his/her designee, unless otherwise exempted in this chapter. Permits shall be issued for the period beginning January 1 and ending December 31 of each year. This permit shall be posted in a visible location on the mobile food unit.
2. Mobile food unit operators shall have the signed approval of the property owner for each location at which the mobile food unit operates. This approval must be made available for inspection upon request.
3. The mobile food vendor must be in compliance with all local, state and federal regulations including any required permits from the City of Auburn Public Safety Department, Lee County Health Department and any other local, state, or federal agency.
4. Mobile food units are limited to Urban Neighborhood-West (UN-W), Urban Neighborhood-East (UN-E), Urban Neighborhood-South (UN-S), Corridor Redevelopment (CRD), Redevelopment (RDD), Comprehensive Development (CDD), and Industrial (I) districts on non-residential or mixed-use properties.
5. Within aforementioned zones, mobile food units are subject to the following, except those located in a mobile food court or ice cream and construction site trucks:
  - a. Mobile food units are limited to a maximum of four (4) consecutive hours at a single location.
  - b. No more than one (1) mobile food unit shall operate on an individual site per day, except for mobile vendor food courts.

- c. No mobile food unit shall operate on more than two (2) individual sites per day.
- 6. The hours of operation for all mobile food units shall be limited to 7:00 AM to 2:00 AM.
- 7. Mobile food units shall not be located within two hundred (200) feet of the main entrance of the nearest restaurant during the restaurant's posted hours of operation unless written permission is granted by the restaurant's owner, and a notarized copy of that authorization is provided to the Planning Department.
- 8. Mobile food units shall be located no less than five (5) feet from any fire hydrant, sidewalks, utility boxes, handicap ramps and building entrances. The required sidewalk setback does not apply to food carts less than five (5) feet in length.
- 9. Mobile food unit operators are responsible for the proper disposal of waste and trash associated with the operation. City trash receptacles shall not be used for this purpose. Operators shall remove all waste and trash prior to leaving each location or as needed to maintain the health and safety of the public.
- 10. All associated equipment, including trash receptacles and signage, must be within three (3) feet of the mobile food unit.
- 11. No fire lanes, vehicular access ways, or pedestrian walkways may be obstructed or encroached upon by the mobile food unit.
- 12. No amplified microphones, bullhorns, or music shall be permitted as part of the mobile food unit operation.
- 13. Mobile food units shall not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless the hours of operation of the principal use do not coincide with those of the mobile food unit.
- 14. All mobile food units shall be removed daily to their designated commissary.
- 15. In NC and DDH zones or other residential areas, mobile food units are limited to traditional ice cream trucks and those that service active construction sites (site with a valid building or grading permit) or business and does not vend to the general public during the stop is exempt from the use permit requirements of this Article provided that an appropriate City of Auburn Business License has been issued. The mobile food truck shall not conduct operations on any single site for more than 30 minutes.
- 16. Mobile food units shall only be allowed to operate in LDD, PDD and R zones on commercially developed properties or as part of a larger event of public interest, and must be located 100 feet from residential properties.
- 17. Mobile food units may not operate in City of Auburn parks or other property without explicit approval from the City Manager, or his/her designee.

**L. Mobile Pushcart**

- 1. Mobile pushcarts are required to follow the same standards as mobile food units unless specifically exempted in this section.
- 2. A mobile pushcart less than six (6) feet in length may be allowed in the right-of-way in the UN, UC, and CEOD zoned areas.

- a. Mobile pushcarts are only allowed on sidewalks that are at least 10 feet wide.
- b. The mobile pushcart must be granted approval from the City Council to operate in the public right-of-way either individually or during specially designated events.
- c. The mobile pushcart must allow a minimum of five (5) feet of unobstructed, paved space for pedestrian traffic around the pushcart.
- d. No additional furniture or signage may be placed on the public right-of-way.
- e. The mobile pushcart may only sell food and non-alcoholic beverages.
- f. Waste receptacles must be provided and may be stored off-cart and shall be in contact with the pushcart at all times of operation and must keep the immediate area free of litter. No public receptacles shall be used.
- g. Prior to any issuance of permit for operation on public right-of-way, the applicant must meet the City of Auburn's requirements for insurance and indemnification and any other release from future damages or judgment.

**Section 513. Off-street Parking, General Requirements.**

- A. The requirements listed in Sections 513.01 and 513.02 specify the minimum number of off-street parking spaces.
- B. For all required off-street parking, the minimum size of each parking stall shall be nine (9) feet by 18 feet, exclusive of aisle width, which shall be delineated by striping or other similar means. Parking other than perpendicular parking shall comply with the standards set out in the Building Code.
- C. All parking spaces required herein, including adequate driveways and maneuvering areas shall be improved with a suitable, hard surface, permanent type of pavement.
- D. If the required number of spaces is not a whole number, the number of required spaces shall be rounded up to the next higher whole number.
- E. Except as provided in Section 513.03 all required parking spaces shall be provided on the same development site for which they are required; location of required spaces on adjoining property or across a public right-of-way shall be prohibited.
- F. Section 422.04 specifies the off-street parking landscaping requirements.
- G. Handicapped parking shall be provided in accordance with standards set forth in the Building Code.

**513.01. Residential Parking.**

- A. See Section 502 for the off-street parking requirements for residential uses.
- B. **Reduction in number of off-street parking spaces.** When a development is specifically designed to be used for senior citizens, all such units shall be required to provide a minimum of one (1) parking space for each such unit.
- C. Required parking for any residential dwelling unit within a subdivision shall be provided within the boundaries of the lot on which it is located.
- D. Required parking for residential uses in the Urban Core District (See Section 502) shall comprise no more than 50% of the gross surface area of any property. This limitation shall not apply to parking incorporated into habitable building structures.

## 513.02. Non-residential Parking.

The following minimum number of parking spaces shall be required of the nonresidential uses specified below in all districts except the Urban Core District.

In the Industrial (I) District, there can be fluctuations in production volume that may produce the need for temporary parking that does not meet the requirements of Section 513. The Planning Director and City Engineer or their designee(s) shall review each case and shall have the authority to waive the requirements of Section 513 for temporary parking lots. While reviewing such waiver requests, the Planning Director and City Engineer can impose requirements that address safety, access, storm drainage, surface material, and timeframe.

Reference herein to “employee(s) on the largest work shift” means the maximum number of employees employed at the facility regardless of the time period during which this occurs and regardless of whether any such person is a full-time employee. The largest work shift may be a particular day of the week or a lunch or dinner period in the case of a restaurant.

The term “capacity” as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by fire code regulations, whichever is greater.

### A. *MINIMUM PARKING REQUIREMENTS BY LAND USE CATEGORY*

1. **Agricultural uses:** one (1) space per employee on the largest shift.
2. **Agricultural support uses:** one (1) space per 750 square feet of gross floor area.
3. **Commercial and entertainment uses:** One space per 400 square feet gross floor area.
4. **Commercial/recreational uses:** one (1) space per four (4) patrons to the maximum design capacity of the facility.
5. **Commercial support uses:** one (1) space per 750 square feet of gross floor area.
6. **Extraction uses:** one (1) space per employee on the largest shift.
7. **Industrial uses:** one (1) space per employee on the largest work shift, plus one (1) space per company vehicle normally stored on premises.
8. **Institutional, indoor recreational, and special residential uses:** one (1) space per four (4) patrons to the maximum capacity.
9. **Nursery uses:** one (1) space per 300 square feet of gross floor area. Plus one (1) space per 2000-sq. ft. of outdoor display area.
10. **Office uses:** one (1) space per 250 square feet of gross floor area.
11. **Outdoor recreational uses:** one (1) space per four (4) patrons at design capacity.
12. **Public service uses:** one (1) space per employee on the largest work shift, plus one (1) space per company vehicle normally stored on the premises.
13. **Recreational rental uses:** one and one-half (1.5) spaces per site.
14. **Road service uses:** one (1) space per 150 square feet of gross floor area. Road Service uses utilizing a drive-in window shall provide queuing space for at least six (6) vehicles from the start of the stacking lane to the service window; and at least one and one half (1.5) vehicles from the service window to the exit to a public right-of-way.

**B. MINIMUM PARKING REQUIREMENTS FOR SPECIFIED USES**

1. **Airport:** one (1) space for each four (4) aircraft that can be parked or stored at the facility, whether indoors or outdoors; plus one (1) space for each four (4) seats in waiting areas and restaurants; plus one (1) space for each 250 square feet of office and other administrative or support uses.
2. **Amusement center:** one (1) space for each 100 square feet of gross floor area.
3. **Athletic field:** 20 spaces for every diamond or athletic field, or one (1) space for every four (4) seats of design capacity, whichever is greater.
4. **Auction house:** one (1) space for each four (4) seats of design capacity, whether indoors or outdoors.
5. **Auto parts store:** one (1) space per 300 square feet of gross floor area.
6. **Auto rental:** one (1) space per 400 square feet of gross floor area.
7. **Automated, freestanding walk-up facility:** one (1) space per facility. If accessory to another use, no additional spaces are required.
8. **Banks:** one (1) space per 300 square feet of gross floor area, plus four (4) spaces off-street waiting (loading) spaces per drive-in lane.
9. **Beauty and barber shops:** two (2) spaces per chair or one (1) space per 150 square feet of gross floor area, whichever is larger.
10. **Bicycle sales and repair shop:** one (1) space per 300 square feet of gross floor area.
11. **Boarding house:** one (1) space per resident.
12. **Bowling alley:** three (3) spaces per lane, plus any additional space required for restaurant facilities, game rooms and other accessory uses on the site.
13. **Car wash (automated):** one (1) space per employee at largest shift, but no less than two (2) spaces total; plus a lineup area for each wash stall large enough to accommodate four (4) cars.
14. **Car wash (self-serve):** one (1) stacking space per stall.
15. **Carpet store:** See Furniture Store.
16. **Church:** one (1) space per four (4) seats of maximum capacity of the sanctuary. Up to 50 percent of required parking spaces may be grassed rather than paved. All unpaved spaces shall be shown on a site plan and organized for efficient traffic circulation using tire stops and other appropriate measures as required by the City Engineer.
17. **Community and recreation center:** one (1) space per 250 square feet of gross floor area.
18. **Contractor's storage yard:** one (1) space per 250 square feet of office area; plus one (1) space per 1,000 square feet of indoor storage area; plus one (1) space per 2,000 square feet of outdoor storage area.

19. **Convenience store and/or self-service gas station (no vehicle repairs):** One space per 250 square feet gross floor area. The spaces under the fueling canopy shall be counted as parking spaces. If uses besides a convenience store and/or self-service gas station are present on the development site, parking requirements for those uses will be calculated separately.
20. **Day care center or nursery school:** one (1) space per teacher/employee on the largest shift; plus one (1) off-street parking or loading space per ten (10) children. Maximum enrollment and number of employees shall be noted on the site plan. Parking or loading spaces designated for children shall be located such that there is direct pedestrian access into the facility without crossing streets or driveways.
21. **Dry cleaning facility:** one (1) space per 1,000 square feet of gross floor area, but in no case less than three (3).
22. **Drug and alcohol treatment center:** one (1) space per two (2) beds and one (1) space per staff member, based on state licensing requirements and maximum design capacity.
23. **Employment agency:** one (1) space per 250 square feet of gross floor area.
24. **Exterminator:** one (1) space per employee, plus one space per company vehicle.
25. **Fraternity/sorority:** one (1) space per resident based on maximum capacity of the building, plus one (1) space per 500 square feet of floor area, exclusive of sleeping rooms.
26. **Funeral home:** one (1) space per four (4) patron seats.
27. **Furniture store:** one (1) space for each 750 square feet of gross floor area.
28. **Gas station, full-service:** one (1) space per 150 square feet of retail area, plus one (1) space per service bay, plus one (1) space per 250 square feet of office space. In no instance shall a required parking space conflict with vehicles being fueled or awaiting fuel.
29. **Golf courses (nine and eighteen hole):** 45 spaces per nine (9) holes. Parking shall be provided for other uses accessory to a golf course (e.g., restaurants, pro shops, driving ranges) at the rate of 50 percent of normal requirements.
30. **Golf driving range:** one and one-half (1.5) spaces per tee.
31. **Golf, par three:** 25 spaces per nine (9) holes.
32. **Grocery or supermarket (stand-alone):** one (1) space per 300 square feet of gross floor area.
33. **Health club/spa/gymnasium:** one (1) space per 275 square feet of gross floor area.
34. **Horse stable:** one (1) space for each four (4) stalls.
35. **Hospital:** two (2) spaces per patient bed, plus two (2) spaces per emergency room examination table or bed, plus one (1) space per employee on the largest shift.

36. **Hotel, motel, condotel:** 1.25 space per unit for efficiency and one-bedroom units; 2 spaces per unit for 2 and 3-bedroom units; 3 spaces for 4 or more bedroom units. Where banquet or meeting rooms are part of the facility, additional parking shall be provided at one space per 500 square feet. Parking shall be provided for other uses accessory to a hotel, motel or condotel (e.g., restaurants, bars) at the rate of 50% of normal requirements.
37. **Junkyards:** one (1) space per 8,000 square feet of gross land area.
38.  **kennel:** minimum three (3) spaces or one (1) space per 500 square feet, whichever is greatest.
39. **Laundromat:** one (1) space per two (2) washing and drying machines.
40. **Lumberyard:** one (1) space per 500 square feet of gross floor area, plus one (1) space per 1,500 square feet of outdoor storage/display area.
41. **Machinery sales:** one (1) space per 400 square feet of gross floor area, plus two (2) spaces per service bay, plus one (1) space per 2,500 square feet of outdoor display/storage area.
42. **Medical offices:** one (1) space per 200 square feet of gross floor area.
43. **Miniature golf:** one and one half (1.5) space per hole.
44. **Mini-warehouse:** a minimum and maximum of three (3) spaces shall be provided.
45. **Mobile vendor food court:** a minimum of two (2) spaces and a maximum of four (4) per vendor space.
46. **Movie theatre:** one (1) space per four (4) seats of maximum design capacity. Where a theatre is part of a shopping center or is on the same development site as a shopping center, required parking may be reduced by 50 percent.
47. **Nursing homes:** one (1) space per three (3) rooms.
48. **Assisted living facilities:** one (1) space per dwelling unit.
49. **Outdoor theater:** one (1) space per four (4) patrons to the maximum capacity of the facility inclusive of both indoor and outdoor capability.
50. **Parcel delivery service:** one (1) space per 750 square feet of gross floor area.
51. **Plumbing and heating supply:** one (1) space per 750 square feet of gross floor area.
52. **Printing and publishing plant:** one (1) space per 750 square feet of gross floor area.
53. **Private clubs:** one (1) space per four (4) persons to the maximum capacity of the facility.
54. **Professional offices:** one (1) space per 300 square feet of gross floor area.

55. **Public assembly hall:** one (1) space per four (4) seats of maximum design capacity.
56. **Radio/television station:** one (1) space per 1,000 square feet of gross floor area.
57. **Recreational vehicle park:** one (1) space per recreational vehicle site, plus one (1) space per 250 square feet of gross floor area of permanent habitable structures on the development site.
58. **Restaurant, fast food:** One space per 40 square feet of seating or serving area; one space per 400 square feet of space not devoted to seating or serving. Sufficient space on-site shall be provided to accommodate queuing vehicles. Such space shall at a minimum provide capacity for four (4) vehicles from the start of the stacking lane to the order board; two (2) vehicles from the order board to the service window; and one and one-half (1.5) vehicles from the service window to the exit to a public right-of-way.
59. **Restaurant, standard:** one (1) space per four (4) patron seats or one (1) space per 150 square feet of gross floor area, whichever is greater.
60. **Schools:**
- a. **Elementary:** One (1) parking space per staff member and one (1) space for each 20 students.
  - b. **Junior high:** One (1) parking space per staff member and one space for each 20 students.
  - c. **Senior high:** One (1) parking space per staff member plus one (1) space per each five (5) students.
  - d. **College:** one (1) space for each five (5) classroom seats, plus one space for each three (3) seats in an auditorium.
61. **School, commercial or trade:** one (1) space per two (2) students, based on the design capacity of the building.
62. **Shopping center:**
- a. **Neighborhood shopping centers (under 99,999 square feet):** one (1) space per 200 square feet of gross floor area.
  - b. **Community shopping centers (100,000 – 499,999 square feet):** one (1) space per 250 square feet of gross floor area.
  - c. **Regional shopping centers (500,000 square feet or more):** one (1) space per 300 square feet of gross floor area.

In a shopping mall, common pedestrian areas, except food courts, may be excluded from the calculation.

63. **Skating rink, ice or roller:** one (1) space per four (4) patrons to maximum capacity.
64. **Swimming facility:** one (1) space per 200 square feet of gross water area.

- 65. **Taverns, dance halls, nightclubs, and lounges:** One space per four seats or one space per 100 square feet of gross leasable floor area, whichever is less.
- 66. **Telecommunications tower:** one (1) off-street parking space to accommodate a maintenance vehicle for unoccupied structure. Occupied structures must comply with parking requirements as set out under Public Service uses.
- 67. **Tennis, racquetball, and handball courts:** two (2) spaces per court.
- 68. **Theaters and auditoriums:** one (1) space per four (4) patrons based on maximum capacity.
- 69. **Truck terminal:** one (1) space per truck normally parked on the premises, plus one (1) space per 500 square feet of office floor area.
- 70. **Warehouse:** one (1) space per employee on the largest shift, plus one (1) space per company vehicle normally stored on the premises.
- 71. **Vehicle sales and service accessory to vehicle sales:** one (1) space per 500 square feet of office and indoor display area, one (1) space per 2,000 square feet of outdoor display area, and one (1) space per service bay.
- 72. **Vehicle repair and maintenance services:** one (1) space per 400 square feet of office and indoor display area, plus one (1) space per service bay.
- 73. **Veterinary office:** one (1) space per 500 square feet of gross floor area.

**513.03. Shared Parking.** In order to reduce impervious surface and resulting stormwater runoff, commercial establishments may be allowed to share up to 20 percent of the required parking spaces. In all cases where parking is to be shared by uses on different lots, the subject parcels or lots shall be adjacent to one another and in no case shall properties bound under a shared parking agreement or plan be separated by a public right-of-way.

The intention to share parking facilities must be represented to the Planning Staff prior to site plan approval by means of a written agreement between the various property owners, or in the case of a single owner, an overall shared parking plan for the properties or development sites. Said agreement or plan shall be binding upon all subsequent purchasers, inheritors, subjects and assigns. Should there be a change in the use within any individual structure or location which is bound by a shared parking agreement or plan, the transfer of the shared parking agreement shall be subject to the review and approval of the Planning Director, or at his/her discretion, the review and approval of the Planning Commission.

**513.04. Decreasing off-street parking below the required minimum for nonresidential uses:** The applicant shall submit a written request explaining the reduction requested. The request must be based on need and not on such factors as a desire to place a larger building on the site without sufficient support parking. All submittals shall include an assessment of the potential impacts on any surrounding residential areas.

The submittal shall include actual field data from similar local land uses (if available), including operational characteristics of the uses, and parking utilization that demonstrates that less parking than the required minimum parking is used on a regular basis. Information from only the proposed location is insufficient. The data and analysis shall be prepared by a professional engineer or architect with experience in site design. The submittal shall be subject to review and approval by the Planning Director.

**Section 514. Bicycle Parking.** Off-street bicycle parking spaces shall be provided for multi-family residential and commercial uses in the Urban Neighborhood (UN-E, UN-W, and UN-S) District approved after the date of this amendment October 2, 2007. Bicycle parking shall also be provided for addition or

enlargement to existing multi-family residential buildings that result in the need for additional automobile parking facilities. Multi-family residential developments with less than 20 required parking spaces are exempt from the bicycle parking requirements.

Off-street bicycle parking shall be provided as follows:

- A.** Class I or Class II parking spaces shall be provided.
- B.** Class I bicycle parking is designed to accommodate long-term parking. A Class I designed facility should provide the most complete protection from the weather and should be identified as spaces available for long periods of time. Class I bicycle facility includes lockers, individually locked enclosure or supervised areas.
- C.** Class II is designed for short-term bicycle parking spaces meant to accommodate visitors and other persons expected to depart within several hours. Class II consisting of a stationary object in which the user can lock the bicycle frame and both wheels with a user-provided lock. The facility should be designed to protect the lock from physical assault.
- D.** The number of bicycle parking spaces provided shall be one space per eight (8) parking spaces or bedrooms.
- E.** All bicycle parking spaces shall be a minimum of two feet (2') in width and six feet (6') in length. Each bicycle parking space shall be sufficient to accommodate a bicycle at least six (6) feet in length and two feet wide.
- F.** For Class II bicycle facilities, there shall be some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using a chain and padlock or locker. An aisle five feet (5') in width shall be provided in the front or rear of a bicycle parking space to provide for entering and leaving the parking area.
- G.** "Inverted U" type bike rack is recommended although other racks may be used provided they meet certain performance requirements. Racks must be easily usable with both U-locks and cable locks. Racks should support the bikes in a stable upright position so that a bike, if bumped, will not fall or roll down. In cases where wave or loop type racks are used, each hump or loop shall count as one (1) bicycle space provided the parking area meets dimension standards in Item E of this Section.
- H.** When providing Class I bicycle parking spaces in a room or common locker, all required bicycle spaces shall be located inside that structure or shall be located in other areas protected from the weather. Bicycle parking spaces in parking structures shall be clearly marked as such and shall be separated from auto parking by some form of barrier to minimize the possibility of a parked bicycle being hit by a car. If a room not divided by individual spaces is used to meet the requirements, twelve (12) square feet of floor area shall be considered equivalent to one (1) bicycle parking space. Where manufactured metal lockers or racks are provided, each locker or stall devoted to bicycle parking shall be counted as one (1) bicycle parking space.
- I.** Bicycle parking shall be located in close proximity to the building's entrance and clustered in lots. Racks must not be placed close enough to a wall or other obstruction so as to make use difficult.
- J.** Signs shall be posted stating where bicycle parking spaces are located for each development site where bicycle parking spaces are required. The signs shall be located in a prominent place such as entrances to the building or structure. The sign shall have a white background, with black lettering.
- K.** Paving of bicycle parking areas is required.

**Section 515. Lighting.** Light or glare from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in such a manner that direct or indirect illumination from the source of light shall not exceed one (1) foot candle when measured from any property line adjoining a residential development or five (5) foot candles for any property adjoining a non-residential development.

All lighting fixtures incorporated into non-enclosed structures (i.e. gas pump canopies, car washes, etc.) must be fully recessed into the underside of such structures. All lighting must be directed and/or shielded so as to focus lighting onto the use as established and away from adjacent property and areas of pedestrian and vehicular traffic including, but not limited to, sidewalks and streets.

**Section 516. Airport Overlay District.** The regulations set forth in this Section qualify or modify the district regulations appearing elsewhere in this Ordinance and shall apply to all property included within the airport height control zones of the Auburn University Regional Airport, referred hereafter as “Airport,” as specified in this Section.

**516.01. Purpose.** The purpose of these regulations is to regulate and restrict the height of buildings, structures, and objects of natural growth and otherwise regulate the use of property in the vicinity of the airport by creating the appropriate airport zones and establishing the boundaries thereof.

**516.02. Definitions.** The definitions in this section are applicable only to Sections 512 and 907.04 of the Zoning Ordinance.

*Airport, public use:* An area of land or water designed and set aside for the landing and taking off of aircraft, used or to be used in the interest of the public for such purpose.

*Airport noise impact zone:* An area contiguous to a public use airport measuring one-half (½) the length of the longest planned runway (as shown on the Airport’s approved Airport Layout Plan) on either side of and at the end of each planned runway centerline. For land use control purposes, this boundary shall be considered to be consistent with the sixty-five (65) to seventy (70) ldn zone determined by an official Part 150 Noise Study or other recognized study, such as an Environmental Assessment.

*Airport North-South approach zone – Runway 18-36:* An imaginary approach surface for precision instrument runways as defined by 14 CFR Part 77.25 as amended.

*Airport Northwest-Southeast approach zone – Runway 11-29:* An imaginary approach surface for non-precision instrument runways with visibility of greater than three-fourths of a statute mile as defined by 14 CFR Part 77.25 as amended.

*Airport obstruction (hazard):* Any structure or object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR Parts 77.21, 77.23, 77.25, 77.28, and 77.29 as amended and which obstructs the airspace required for flight of aircraft in taking off, maneuvering or landing at an airport or is otherwise hazardous to taking-off, maneuvering or landing of aircraft, and is not permitted, or for which a variance has not been granted.

*Airport Primary Zone:* An area longitudinally centered on a runway, extending two hundred (200) feet beyond each end of that runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway.

*Airport Runway Protection Zone:* An area off the runway end to enhance the protection of people and property on the ground.

*All Other Schools and Instruction:* Establishments primarily engaged in offering instruction (except business, computer, management, technical, trade, fine arts, athletic, and language instruction). Also excluded from this industry are academic schools, colleges, and universities.

*Assembly Hall:* A structure for groups of people to gather for an event or regularly scheduled program. Places of public assembly include but are not limited to auditoriums, banquet halls, convention centers, religious institutions, stadiums, theaters, and other similar uses.

The following definitions of auditorium, banquet hall, convention center, religious institution, stadium, and theater are to be used in conjunction ONLY with the assembly hall definition above.

- a. *Auditorium:* An open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions, and other public gatherings. Typical uses include convention and exhibition halls, sports arenas, and amphitheatres.
- b. *Banquet Hall:* A meeting facility which may also include on-site kitchen/catering facilities. The banquet/reception hall's primary purpose is a location for activities such as weddings and other such gatherings by appointment.
- c. *Convention Center:* A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on premise consumption.
- d. *Religious Institution:* A building, together with its accessory buildings and use, where persons regularly assemble for religious purposes and related social events and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain religious ceremonies and purposes.
- e. *Stadium:* A large open or enclosed space used for games or major events, and partly or completely surrounded by tiers of seats for spectators.
- f. *Theater:* A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

*Business & Secretarial Schools:* Establishments primarily engaged in offering courses in office procedures and secretarial and stenographic skills and may offer courses in basic office skills, such as word processing. In addition, these establishments may offer such classes as office machine operation, reception, communications, and other skills designed for individuals pursuing a clerical or secretarial career. Instruction may be provided in diverse settings, such as the establishments or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

*Child Day Care Services:* Establishments primarily engaged in providing day care of infants or children. These establishments generally care for preschool children, but may care for older children when they are not in school and may also offer pre-kindergarten educational programs.

*Colleges, Universities, and Professional Schools:* Establishments primarily engaged in furnishing academic courses and granting degrees at baccalaureate or graduate levels. The requirement for admission is at least a high school diploma or equivalent general academic training. Instruction may be provided in diverse settings, such as the establishments or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

*Elementary and Secondary Schools:* Establishments primarily engaged in furnishing academic courses and associated course work that comprises a basic preparatory education. A basic preparatory education ordinarily constitutes kindergarten through 12th grade. This industry includes school boards and school districts.

*Fine Arts Schools:* Establishments primarily engaged in offering instruction in the arts, including dance, art, drama, and music.

*Freestanding Emergency Centers:* Establishments with physicians and other medical staff primarily engaged in providing emergency care services (e.g., setting broken bones, treating lacerations, or tending to patients suffering injuries as a result of accidents, trauma, or medical conditions necessitating immediate medical care) on an outpatient basis. Outpatient surgical establishments have specialized facilities, such as operating and recovery rooms, and specialized equipment, such as anesthetic or X-ray equipment.

*Hospitals:* Provide medical, diagnostic, and treatment services that include physician, nursing, and other health services to inpatients and the specialized accommodation services required by inpatients. Hospitals may also provide outpatient services as a secondary activity. Also provide inpatient health services, many of which can only be provided using the specialized facilities and equipment that form a significant and integral part of the production process.

*Junior Colleges:* Establishments primarily engaged in furnishing academic, or academic and technical, courses and granting associate degrees, certificates, or diplomas below the baccalaureate level. The requirement for admission to an associate or equivalent degree program is at least a high school diploma or equivalent general academic training. Instruction may be provided in diverse settings, such as the establishments or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

*Nursing and Residential Care Facilities:* Provide residential care combined with either nursing, supervisory, or other types of care as required by the residents. Facilities are a significant part of the production process and the care provided is a mix of health and social services with the health services being largely some level of nursing services.

*Putrescible Waste:* Putrescible wastes are solid wastes which contain organic matter capable of being decomposed by microorganisms and of such character and proportion as to be capable of attracting or providing food for birds.

*Technical & Trade Schools:* Establishments primarily engaged in offering vocational and technical training in a variety of technical subjects and trades. The training often leads to job-specific certification. Instruction may be provided in diverse settings, such as the establishments or client's training facilities, educational institutions, the workplace, or the home, and through diverse means, such as correspondence, television, the Internet, or other electronic and distance-learning methods. The training provided by these establishments may include the use of simulators and simulation methods.

*Turbine-powered aircraft:* Aircraft in which the main propulsion force is supplied by a gas turbine which drives either a propeller or compressor. (May be either turbo prop or turbo jet.)

*Used by turbine powered aircraft:* An airport that has based turbine powered aircraft or one which sells turbine fuel.

**516.03. Airport Zones.** In order to carry out the provisions of this Section, airport zones are established which include all the land within the Airport Height Notification Zone (Subzone A and Subzone B), Airport Runway Protection Zone, and Airport Noise Impact Zone as they apply to the airport. Such zones are shown on the Auburn University Regional Airport Zone Map, consisting of one sheet, prepared by Charles Mosley and dated September 11, 2009. This map is attached to this Ordinance and made a part hereof. The map referred to in this Section is on file in the Planning Department.

These airport zones shall be superimposed over existing zoning districts and the special requirements of these airport zoning regulations shall apply in addition to the requirements of the district within which a specific property is located (See Article IV).

**516.04. Area of Jurisdiction.** In order to protect the approaches of said airport, the jurisdiction of this Section of the ordinance is extended to all areas depicted on the Auburn University Regional Airport Map, including areas within the City of Auburn.

**516.05. Airport overlay zones.** The City of Auburn hereby adopts three (3) airport overlay zones which are shown on the City zoning map. These zones are established to regulate development in proximity to the airport. The location of these overlay zones is hereby established by this section. Boundaries of these zones may be changed only by way of an amendment of the official zoning map, pursuant to this section of the zoning ordinance. All development applications for land within these overlay zones shall comply with the airport zoning regulations of this section. In addition, development within these airport overlay zones shall also comply with applicable underlying zoning district requirements as referenced in this zoning ordinance. The three airport overlay zones are as follows:

- A. Airport Height Notification Zone (Subzone A and Subzone B);
- B. Airport Runway Protection Zone; and
- C. Airport Noise Impact Zone (½ of longest planned runway).

Where an airport overlay zone overlays a portion of a property, only that portion within the zone shall be affected by the zone regulations. Furthermore, in relation to applying runway protection zone and noise impact zone requirements, use regulations shall apply to the structure or facilities constituting the use and shall generally apply to accessory open space, landscape and buffering, stormwater management, or driveway and parking uses.

**516.06. Airport height notification zone and regulations.**

- A. Establishment of zone. The airport height notification zone is hereby established as an overlay zone on the adopted City zoning map. This zone is established to regulate the height of structures and natural vegetation for areas in proximity to the public use airports located within the City of Auburn. The airport height notification zone, consists of two subzones, is defined as:

Subzone A. The area surrounding each public use airport extending outward twenty thousand (20,000) feet from the ends and each side of all active runways.

Subzone B. The area outside of Subzone A.

- B. Airport height definition. For the purposes of determining building height in the height notification zone, height shall be measured in feet above ground level, rounded to the highest foot. The total structure height shall include anything mounted on top of the structure, such as antennas, obstruction lights, lightning rods, etc.
- C. Height notification regulations. All applicants of development proposals for land within the height notification zone determined to be a potential airport obstruction shall forward a notice of proposed construction (form 7460) to the Federal Aviation Administration (FAA) to be reviewed for conformance with the obstructions standards detailed in Title 14, Code of Federal Regulations, Part 77 Subpart C. (14 CFR Part 77), as may be amended from time to time.
  - 1. A proposed development shall be determined to be a "potential airport obstruction" if the proposed development would result in a structure or natural vegetation having a height greater than an imaginary surface extending outward and upward from the ends and sides of a public use airport active runway at a slope of one (1) foot vertical to one hundred (100) feet horizontal outward to twenty thousand (20,000) feet for Subzone A or two hundred (200) feet above ground level for Subzone B. Applicants of any development proposal determined by the City to result in a structure(s) that constitutes a "potential airport obstruction" shall be issued a notice of potential airport obstruction during the development proposal review process by the Planning Director or his designee.

No proposal for development will be approved for construction and no permit for construction will be issued for any proposal to construct any structure which is determined by the City to be a "potential airport obstruction" unless a city airport construction permit is granted.

2. Any proposed development which is not determined to be a "potential airport obstruction" is exempt from any airport height notification zone permitting regulations contained herein.
3. Airport construction permit procedures and criteria for approval. Any applicant affected by a notice of potential obstruction may apply to the Planning Director for an airport construction permit.

- a. Procedures for obtaining an airport construction permit.

- i. Applicants shall submit to the planning division a completed airport construction permit application form (as provided by the City) and a copy of the notice of proposed construction form submitted to the FAA for the project. Permit requests may be considered by the Planning Director concurrent with development plan approval consideration.

- ii. Prior to permit requests being considered for approval, applicants shall submit to the planning division the final determination issued by the FAA based on its review of the applicant's notice of proposed construction submitted in accordance with 14 CFR Part 77.

- b. Criteria for granting an airport construction permit.

- i. Where the FAA has reviewed the proposed development and determined its construction would not exceed an obstruction standard of 14 CFR Part 77, the Planning Director shall grant a airport construction permit for the proposed development provided that a condition is attached to the permit approval to ensure that the approved structure(s) is marked and lighted prior to the issuance of a certificate of occupancy (C.O.) if so required by Chapter 14-60, in accordance with the standards of Rules of the Department of Transportation and Federal Aviation Administration Advisory Circular 70/7460-1K, as amended.

- ii. Where the FAA has reviewed a proposed development and determined that the proposed development exceeds the obstruction standards of 14 CFR Part 77, no airport construction permit may be approved, and a City airport obstruction variance (see Section 907.04) must be obtained by the applicant for the proposed development to proceed.

A permit shall not be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date of these regulations or any amendments thereto or than it is when the application for a permit is made.

**516.07. Airport runway protection zone and regulations.**

- A. Zone establishment. There is hereby created and established as an overlay zone on the adopted City zoning map a runway protection zone for areas at each end of every active runway as may be amended from time to time. Within a runway protection zone, certain uses are restricted or prohibited to reduce incompatibilities with normal airport operations and danger to public health.
- B. Runway protection zone regulations.
  - 1. Prohibited uses. The following uses shall be prohibited within the runway protection zone:
    - a. Educational centers (including all types of primary and secondary schools, pre-schools, child care facilities).
    - b. Hospitals, freestanding emergency care centers, nursing/convalescent home facilities.
    - c. Assembly halls.
    - d. Fuel storage facilities (excludes storage tanks for flammable and combustible liquids, compressed gasses, or liquefied petroleum gas necessary for the operation of medical facilities)
  - 2. Permitted uses. Any use which is not prohibited in a runway protection zone as determined in a. above, is permitted within the runway protection zone, subject to compliance with applicable airport noise impact zone, airport height notification zone and zoning district regulations.

**516.08. Airport noise impact zone and regulations.**

- A. Zone establishment. There is hereby created and established as an overlay zone on the adopted City zoning map an airport noise impact zone for areas surrounding airport. The airport noise impact zone is an area in which special construction standards are recommended for new construction and alteration, moving and repair to minimize the impact of airport generated noise routinely produced by continuation of normal airport operations. The airport noise impact zone is defined as follows:

An area contiguous to the airport measuring one-half (½) the length of the longest planned runway on either side of and at the end of each runway centerline. For land use control purposes, this boundary shall be considered to be consistent with the sixty-five (65) to seventy (70) level day night (ldn) zone determined by an official Part 150 Noise Study or other recognized study, such as an Environmental Assessment, if a study is completed.
- B. Noise impact zone regulations. Provisions of this section shall apply to construction, alteration, moving, repair and use of any building or structure within the airport noise impact zone.
  - 1. Applicants for building permits or permits granted by the Planning Department in the noise impact zone shall be provided information at the time of application regarding recommended amounts of noise level reduction (NLR) in the airport noise impact zone as established by this Ordinance as well as guidelines for how such noise reduction shall be achieved.

**516.09. Nonconforming Uses.**

- 1. Regulations not Retroactive. These airport regulations shall not be construed to require the removal, lowering, or other changes or alterations of any structure not conforming to these regulations as of the effective date of this chapter or otherwise interfere with the continuance of a nonconforming use. Nonconforming vegetation is subject to removal per the provisions of § 516.12.6.

2. Marking and Lighting. Notwithstanding the provisions of this Section, the owner of any existing nonconforming structure or tree is hereby required to install, operate, and maintain thereon of such markers and lights as shall be deemed necessary by the Airport, Federal Aviation Administration, or State of Alabama, to indicate to the operators of aircraft in the vicinity of the airport the presence of such obstructions in accordance with FAA requirements. Such markers and lights shall be installed, operated, and maintained at the owner's expense.

3. Expansion of a Nonconforming Use. Any existing nonconforming use as described in these regulations shall not be expanded by altering, replanting or otherwise enlarging it so as to increase in any way its hazard within the airspace required for flight of aircraft in landing or taking-off or to increase the potential hazard to persons assembled within a structure so located and used.

**516.10. Permits.** An applicant seeking development approval in an area within the airport overlay zones shall provide the following information in addition to any other information required in the permit application:

- a. A map or drawing showing the location of the property in relation to the runway protection zone, height notification zone and noise impact zone. The City of Auburn Planning Department shall provide the applicant with the appropriate base maps on which to locate the property.
- b. Ground elevation profiles, a site plan, both drawn to scale, including the location (X and Y coordinates) and total height of all existing and proposed structures, measured in feet above the mean sea level.
- c. If a height variance is requested, the applicant will need to obtain a letter of support from the Airport.

**516.11. Enforcement.** The enforcement of this Section shall be subject to the powers and duties specified under Article IX of the zoning ordinance except as otherwise stated in this Section. The Planning Director and the Official Building Inspector shall coordinate the enforcement of this Section with the Airport. It shall be the duty of the Airport to advise the Planning Director and the Official Building Inspector of any violations of this Section.

Any person violating any provision of this Ordinance, upon conviction, shall be punished by a fine of not more than \$500, and by imprisonment in the City jail for not more than six months, or by both such fine and imprisonment and also costs of court for each offense. Each day such violation continues shall constitute a separate offense.

Applications for permits and variances shall be made to the City of Auburn Planning Department upon a form published for this purpose. Applications submitted to the Planning Department shall be promptly considered and approved or denied. Applications for variances by the Board of Zoning Adjustment shall be transmitted by the Planning Director.

**516.12. Special Requirements.** Notwithstanding any other provision of this Ordinance, no use within the City of Auburn shall interfere with any operation of an airborne aircraft using a public use airport. The following special requirements shall apply to proposed developments or land use practices that attract or sustain hazardous wildlife populations on or near airports that can significantly increase the potential for wildlife-aircraft collisions.

1. The distance between the Airport's aircraft movement areas, loading ramps, or aircraft parking areas and the wildlife attractant should be a distance of 10,000 feet. A distance of 5 statute miles is recommended, if the wildlife attractant may cause hazardous wildlife movement into or across the approach or departure airspace.

For additional information please consult with the U.S. Department of Transportation Federal Aviation Administration for standard practices for locating certain land uses having the potential to attract hazardous wildlife to or in the vicinity of public use airports.

2. Sludge disposal, effluent spraying, compost activities and any other waste disposal activities should normally not be allowed within the property limits of the Airport.
3. Disposal sites for putrescible material, i.e. garbage dumps, landfills, and other similarly licensed or titled facilities, are to be considered incompatible when located within 10,000 feet of the Airport's runways.
4. Disposal sites for nonputrescible material, e.g. construction demolition waste, automobile junk yards, kitchen appliances, and incinerator ash residue, are normally considered incompatible to within 10,000 feet of a runway used by turbine powered aircraft. However, depending upon the specific proposal, the results of a site investigation, and the proposed location relative to the runway approach/departure paths, certain types of restricted nonputrescible disposal operations may be found non-objectionable off airport, provided assurances are obtained from the proponent, and included in the licensing process, that should the site cause an increase in bird activity which might be hazardous to safe aircraft operations, action will be taken to mitigate the hazard or close the site.
5. Proposed developments which produce lights or illumination, smoke, glare or other visual hazards, or produce electronic interference with airport/airplane navigation signals are subject to the standards specified in the FAA Procedures Manual 7400-2C as may be applied and enforced by the state and/or federal governments.
6. Vegetation in the airport north-south approach zone or the airport northwest-southeast approach zone must be removed if said vegetation penetrates the approach surfaces.

**Section 517. Flag Lots.** A flag lot is a lot that has minimal frontage on a publicly owned and maintained street, whose width some distance back from the street boundary line meets all Ordinance requirements. The purpose of flag lots is to reduce the number of direct access points to arterial and collector roads. Flag lots may be permitted, even though they do not meet the minimum lot width requirements at the street boundary line, subject to the following conditions:

- A. Flag lots shall be limited to single family residential use only. No more than one (1) dwelling unit shall be authorized for any one (1) flag lot access strip.
- B. A flag lot may be used within a subdivision to provide a lot fronting on an arterial or collector road with access to an internal subdivision street. In such cases, vehicular access to the lot from the arterial or collector shall be prohibited. In any event, no more than 10 percent of the lots in any subdivision may be approved as flag lots.
- C. Flag lots providing access to arterial or collector roads shall be prohibited.
- D. Flag lot "stems" or access strips shall be at least 25 feet in width as measured at the road frontage. The land area within the access strip shall not count toward the following required minimum lot sizes:

| <u>District</u>                    | <u>Minimum Lot Size</u>  |
|------------------------------------|--|
| Neighborhood Conservation (NC)     | 40,000 square feet, or greater if required by district sub-designation |
| Development District Housing (DDH) | 40,000 square feet   |

|                                 |                    |
|---------------------------------|--------------------|
| Redevelopment (RDD)             | 20,000 square feet |
| Large Lot Residential (LLRD)    | 1 acre             |
| Rural (R)                       | 3 acres            |
| Limited Development (LDD)       | 40,000 square feet |
| Comprehensive Development (CDD) | 40,000 square feet |

- E. Where otherwise consistent with the provisions of this section, flag lots may be created in groups not exceeding two (2); in such cases, access strips shall be adjacent to each other and form a total width of 50 feet. A distance of 500 feet shall separate non-adjacent flag lot access strips on the same side of the road. All access strips shall be at least 25 feet from an intersection.
- F. The Planning Director shall identify the front, side and rear lot lines of a flag lot for determining yard requirements, allowable locations of accessory structures, and other purposes.

**Section 518. Conservation Overlay District (COD).**

**518.01. Application of the Conservation Overlay District.** All land currently located in the Lake Ogletree Subwatershed is eligible for COD zoning as of the effective date of this amendment and as shown on the official City of Auburn Watershed Map adopted by Council on December 5, 2006. The Conservation Overlay District zoning may be requested and considered for application in other parts of the City. In these cases, the property must be zoned as Rural, LLRD, LDD, NC-11, NC-12, NC-14, NC-15, NC-18, NC-20, NC-26, NC-32, NC-35, NC-39, NC-48, NC-50, NC-54, NC-84, NC-90, NC-100, or NC-150.

All regulations of the underlying zoning district shall apply to property within the Conservation Overlay District except where modified by this designation.

Tracts or sites within a COD shall be identified on the official zoning map and in other official writings by the letters "COD".

**518.02. Designation Procedure.** The City of Auburn may designate tracts or sites for inclusion within a Conservation Overlay District in the manner prescribed in Article IX, Section 906 of the City of Auburn Zoning Ordinance.

**518.03. Designation Criteria.** When determining the potential for Conservation Overlay District designation, the Planning Commission and City Council shall ensure that at least one of the following criteria are satisfied:

- (1) District designation conforms to City plans and policies;
- (2) Evidence that a Conservation Overlay District designation would be an appropriate and effective method for conserving the area’s natural resources while preserving water quality.

**518.04. Rezoning of Property in the Lake Ogletree Subwatershed.** After the effective date of this section of the ordinance, property in the Lake Ogletree Subwatershed, as identified on the City of Auburn Watershed Map (*adopted on December 5, 2006*), shall be rezoned only as Rural, LLRD, LDD, NC-11, NC-12, NC-14, NC-15, NC-18, NC-20, NC-26, NC-32, NC-35, NC-39, NC-48, NC-50, NC-54, NC-84, NC-90, NC-100, and NC-150.

**518.05. Minimum Tract Size for a COD Subdivision.** The minimum land area for a conservation subdivision is ten (10) contiguous acres. The Planning Commission and City Council may consider smaller parcels, greater than or equal to five acres, if the applicant can demonstrate one of the following: (1) the

proposed Open Space provides a connection between unconnected existing open space, greenspace, or other protected natural resource areas and will not result in isolated fragments of open space; or (2) the proposed Conservation Subdivision would ensure a unique natural or historically significant area will be protected.

**518.06. Permitted Uses in the Conservation Overlay District.** Any uses permitted by right in the underlying zoning district shall be permitted in the COD. Land allocated as primary and secondary conservation areas and designated as permanent open space are subject to the requirements found in Article VI of the City of Auburn Subdivision Regulations. *Where conditional use approval is required, such approval must be granted prior to the approval of a final plat.*

**518.07. Minimum Open Space for a COD Subdivision:** Open Space shall comprise a minimum of fifty (50) percent of the gross area of a conservation subdivision. See Article VI of the City of Auburn Subdivision Regulations for standards for Open Space.

**518.08. Maximum Impervious Surface Ratio for the COD.** See City of Auburn Subdivision Regulations, Article VI.

**518.09. Density Requirements in the District.** The maximum number of lots allowed in a conservation subdivision shall be determined by the density of the underlying zoning district or by dividing the total area of the proposed conservation subdivision by the minimum lot size allowed for a subdivision within the planning jurisdiction or the subwatershed as set forth in Section 518.10.

The maximum density for property zoned as Limited Development District (LDD) within the Lake Ogletree Subwatershed shall be based on conventional residential standards as set forth on Table 4-2.

**518.10. Minimum Lot Size.** The minimum lot size in any COD zone is as follows:

*Within Lake Ogletree Subwatershed:*

Option 1: *Conservation Subdivision*

Minimum lot size for lots without sewer--- 1.5 acres

Minimum lot size for lots with sewer --- 10,890 square feet

Option 2: *Conventional Subdivision*

Minimum lot size for lots without sewer-- 3 acres

Minimum lot size for lots with sewer --- Same as the minimum lot size specified for the underlying zoning district.

*Outside Lake Ogletree Subwatershed:*

There is no minimum lot size requirement outside the watershed area. The density allowed by the underlying zoning district or specified in these regulations limits the maximum site density.

**518.11. Subdivision Plat Submission Requirements.** All conservation subdivisions must conform to the requirements set forth in the City of Auburn Subdivision Regulations.