

Agenda Item Summary

Item No. 9c

Council Meeting Date	December 15, 2015
Department	Office of the City Manager
Submitted By	Charles M. Duggan, Jr.
Agenda Section	Ordinances

Public Hearing Required

Name and address of person(s) or business(es) this item affects:

City of Auburn Residents & Property Owners

Description of item under consideration

Ordinance declaring a moratorium on private dormitory housing development within the corporate boundaries of the City of Auburn except the University Service (US) zoning district located west of College Street through May 3, 2016. The University Service (US) zoning district located west of College Street is generally bounded by the railroad tracks on the north, Byrd Street on the west and Magnolia Avenue on the south. During recent workshops of the Planning Commission, this area has been identified as most suitable for high density private dormitory housing development for Auburn University students.

Why is Council action needed?

City Council action is required to pass an ordinance. Section 2-4 of the City Code and Section 11-43A-24 of the Code of Alabama require unanimous consent of the City Council to pass an ordinance at the same meeting at which it is introduced.

Are there deadlines involved with this item?

Yes

Please explain

Current moratorium expires December 15, 2015.

Is this a budgeted item?

N/A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF AUBURN, ALABAMA, TO PROTECT THE HEALTH, SAFETY AND GENERAL WELFARE OF THE PEOPLE RELATING TO PRIVATE DORMITORY STUDENT HOUSING DEVELOPMENTS, REGULATIONS, DECLARING A MORATORIUM ON THE CONSTRUCTION OF PRIVATE DORMITORY STUDENT HOUSING DEVELOPMENTS WITHIN THE CITY EXCEPT THE UNIVERSITY SERVICE ZONING DISTRICT LOCATED WEST OF COLLEGE STREET.

WHEREAS, the City of Auburn, Alabama, has previously determined that the proliferation of multiple unit developments in the City of Auburn must be monitored to prevent excess units from negatively impacting the safety, health and welfare of its citizens; and

WHEREAS, the City of Auburn has determined that multiple unit development construction has continued since *CompPlan 2030* was adopted on October 4, 2011 in which the continued proliferation of multi-family housing was identified as one area of concern; and

WHEREAS, *CompPlan 2030* contains a number of policy recommendations to discourage urban sprawl and to encourage urban infill, including permitting multiple unit development by right in the University Service (US) zoning district and the Urban Core (UC) zoning district, but requiring conditional use approval in all other zoning districts; and

WHEREAS, in 2012, in furtherance of *CompPlan 2030*, the City Council commissioned the Danter Company to conduct a multiple unit development market study which, among other things, encourages multiple unit development within one (1) mile of campus (specifically, Haley Center) principally in the University Service (US) zoning district and the Urban Core (UC) zoning district; and

WHEREAS, on February 17, 2015, the City Council approved Ordinance No. 29-16 instituting a six (6) month moratorium on the construction of multiple unit developments within the University Service (US) zoning district located east of College Street; and

WHEREAS, the purpose of said moratorium was to provide time for certain studies and investigations to be conducted to properly plan for the location, density, height, and bulk of multiple unit developments, including but not limited to land use studies, zoning studies, and housing market studies, to prevent further development from causing deterioration of existing neighborhoods, decreased property values, increased demand for City services, traffic congestion, negative environmental impacts, negative economic impacts, harm to the aesthetics of the City and to preserve the character of the City of Auburn; and

WHEREAS, a detailed investigation was undertaken and a report was prepared by the City Planning Department, and the 2012 Danter Company multiple unit development market study was updated (*A Student Housing Analysis in the City of Auburn, Alabama*, May 14, 2015); and

WHEREAS, said Planning Department moratorium report contains a number of recommendations pertaining to development standards for multiple unit developments in certain areas of the City; and

WHEREAS, on August 4, 2015, the City Council approved Ordinance No. 29-44 providing for an extension of said moratorium on the construction of multiple unit developments within the University Service (US) zoning district located east of College Street until December 15, 2015 so that the recommendations contained in the Planning Department moratorium report could be further evaluated by the Planning Commission and City Council and specific zoning amendments could be prepared for consideration and adoption; and

WHEREAS, Since August 4, 2015, the Planning Commission has met on multiple occasions to consider and formulate specific zoning amendments to manage the proliferation of multiple unit developments in the City and in particular the number, density, height, massing and location of private dormitory student housing developments; and

WHEREAS, Private dormitory means 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; and

WHEREAS, the Planning Commission is nearing completion of their recommendations to the City Council and anticipates conducting one or more public hearings to consider specific zoning amendments no later than March 2016; and

WHEREAS, it is necessary for the City Council to continue to temporarily halt construction of private dormitory student housing developments within the City except the University Service (US) zoning district located west of College Street while the recommendations of the Planning Commission are finalized and specific zoning amendments are considered at public hearing no later than March 2016 by the Planning Commission and no later than April 2016 by the City Council.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUBURN, ALABAMA, on December 15, 2015 as follows:

- Section 1. That there is hereby declared, effective on the publication date of this ordinance, a moratorium on the construction of private dormitory student housing developments as herein defined, within the City except the University Service (US) zoning district located west of College Street.
- Section 2. That this moratorium shall not affect or impact any private dormitory student housing developments which have, on or prior to November 25, 2015 submitted site plans per Section 802 of the City of Auburn *Zoning Ordinance*.
- Section 3. The moratorium shall be effective immediately upon passage and publication as required by law and shall continue through May 3, 2016, unless terminated or extended by action of the City Council.
- Section 4. That all laws, regulations and ordinances inconsistent herewith are temporarily suspended or superseded by this ordinance until this ordinance is revoked or amended by further action.
- Section 5. That the City Planning Department, City Public Works Department and City Codes Enforcement Division shall enforce this ordinance by not issuing any zoning certificates or land disturbance, construction or building permits for private dormitory student housing developments in the corporate limits except the University Service (US) zoning district located west of College Street where site plans per Section 802 of the City of Auburn *Zoning Ordinance* were not submitted on or prior to November 25, 2015.

PASSED, ADOPTED AND APPROVED this 15th day of December, 2015.

Bill Ham, Jr., Mayor

ATTEST:

Charles M. Duggan, Jr.
City Manager / Clerk