

Agenda Item Summary

Item No. 9b

Council Meeting Date February 18, 2020

Department Planning

Submitted By Forrest Cotten

Public Hearing Required

Agenda Section Ordinances

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

City of Auburn
Planning Department
171 North Ross Street, Suite 100
Auburn, AL 36830

Description of item under consideration

This request is for approval of a three-month moratorium on the construction of private dormitories and academic detached dwelling units (ADDUs) within the City of Auburn. The Planning Commission unanimously recommended approval of this moratorium proposal at its January 9, 2020 meeting. The attached Planning Commission staff report provides further details. The recommended approval is shown on the attached Planning Commission resolution.

Why is Council action needed?

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?

No

Is this a budgeted item?

N/A

**City of Auburn Planning Commission
PL-2019-00703 'Moratorium on the Construction of Private Dormitories and
Academic Detached Dwelling Units (ADDUs)'**

Review Date: December 31, 2019

Applicant: City of Auburn
Planning Department
171 North Ross Street, Suite 100
Auburn, AL 36830

Case Staff: Forrest E. Cotten, AICP, Planning Director

Request: Recommendation to City Council to adopt a three-month moratorium on the construction of private dormitories and academic detached dwelling units (ADDUs) within the City of Auburn.

Purpose: Consider adoption of a three-month building moratorium for purpose-built student housing products; specifically, private dormitories and ADDUs.

History and Background

In late 2018, Mayor Ron Anders appointed four (4) taskforces to address pressing issues of community concern; one of which was a Student Housing Taskforce. The Taskforce met several times during the 2019 calendar year with the culmination of its efforts being the production, presentation, and finalization of a comprehensive student housing inventory in November 2019.

In light of a number of issues (including, but not limited to, the aforementioned student housing inventory data, Auburn University's formal announcement of a "cap" on undergraduate enrollment of 25,000 students, and an acknowledgement that new supply of purpose-built student housing beds was surpassing the 400 beds per year recommended absorption rate by the city-commissioned Danter Report), Mayor Anders proposed that the City Council consider adopting a temporary moratorium on private dormitories and academic detached dwelling units at its December 3, 2019 Committee of the Whole (COW) meeting. The purpose of the moratorium would be to give the city staff an opportunity to review, assess and recommend potential regulatory tools to consider that could enable the City to better manage the proliferation of these housing products. The City Council subsequently directed the city manager to draft an ordinance to effectuate the proposed halt on approval of these specific types of student housing products to enable staff the time needed to bring forward regulatory proposals to consider.

At the December 17, 2019 COW meeting, the draft ordinance was provided to the City Council. The timeline for the ordinance was discussed as were the legal advertising requirements associated with the public hearings for both the Planning Commission and City Council. The legal advertisement for the January 9, 2020 Planning Commission meeting and public hearing was published on December 19, 2019, as required by Alabama State Code.

The draft ordinance is provided below for the Planning Commission's information and review, and recommendation:

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 AND ACADEMIC DETACHED DWELLING UNIT STUDENT HOUSING DEVELOPMENTS, REGULATIONS, DECLARING A MORATORIUM ON THE CONSTRUCTION OF PRIVATE DORMITORY AND ACADEMIC DETACHED DWELLING UNIT DEVELOPMENTS WITHIN THE CITY.

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, a detailed 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, the Danter Report has again been updated on October 5, 2018; and

WHEREAS, the Mayor on November 6, 2018 created the Student Housing Task Force; and

WHEREAS, the Student Housing Task Force undertook a detailed investigation of the student housing market in the City and the amount of available student housing beds versus the enrollment at local institutions of higher learning; and

WHEREAS, the Student Housing Task Force commissioned an inventory of all student housing in Auburn and published the inventory on October 18, 2019; and

WHEREAS, the Danter Report identifies a purpose-built student housing absorption rate of approximately 400 beds per year; and

WHEREAS, on November 22, 2019 the Auburn University Board of Trustees adopted an updated Undergraduate Enrollment Policy which states that total undergraduate enrollment is to be maintained at approximately 25,000 students; and

WHEREAS, the updated Auburn University Undergraduate Enrollment Policy has not been evaluated or considered as part of the current Danter Report; and

WHEREAS, there is growing concern that the proliferation and saturation of purpose-built student housing in the City in the form of new Private Dormitories and Academic Detached Dwelling Units is exceeding the recommended annual absorption rate as identified in the Danter Report; and

WHEREAS, the City of Auburn *Zoning Ordinance* defines a Private Dormitory as 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 City of Auburn *Zoning Ordinance* defines an Academic Detached Dwelling Unit as a freestanding structure, completely separate from all other structures, 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; and

WHEREAS, City staff is in the process of formulating recommendations to the Planning Commission and City Council to manage the proliferation of Private Dormitory and Academic Detached Dwelling Unit developments; and

WHEREAS, City staff is nearing completion of their recommendations; and

WHEREAS, it is necessary for the City Council to temporarily halt construction of Private Dormitory and Academic Detached Dwelling Unit developments within the City while the recommendations are finalized and specific zoning and code amendments are considered by the Planning Commission and City Council.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Auburn, Alabama, on February 18, 2020 as follows:

- Section 1. That in order to protect the public health, safety and welfare, there is hereby declared, effective on the publication date of this ordinance, a moratorium on the construction of Private Dormitory and Academic Detached Dwelling Unit developments as herein defined within the City.
- Section 2. That this moratorium shall be effective immediately upon passage and publication as required by law and shall continue through May 27, 2020, unless terminated or extended by action of the City Council.
- Section 3. That all laws, regulations and ordinances inconsistent herewith are temporarily suspended or superseded by this ordinance until this ordinance terminates or is revoked or amended by further action.

ADOPTED AND APPROVED by the City Council of the City of Auburn, Alabama, this the _____ day of _____, 2020.

Mayor

ATTEST:

City Manager

**RESOLUTION
OF THE
AUBURN PLANNING COMMISSION**

Case: Moratorium Ordinance (PL-2019-00703)

Subject: Recommendation to City Council to adopt a three-month moratorium on the construction of private dormitories and academic detached dwelling units (ADDUs) within the city limits of Auburn

Commission Action

BE IT RESOLVED by the Planning Commission of the City of Auburn that the request for a recommendation to City Council to adopt a three-month moratorium on the construction of private dormitories and academic detached dwelling units (ADDUs) within the city limits of Auburn, Auburn Planning Commission Case PL-2019-00703, is hereby **APPROVED**.

STATE OF ALABAMA
LEE COUNTY

I, Forrest E. Cotten, Director of Planning for the Auburn Planning Commission, do hereby certify that the above is a true and correct copy of a Resolution duly adopted by the Auburn Planning Commission at its meeting held January 9, 2020 and as same appears of record in the Official Minutes of said Commission.

GIVEN UNDER MY HAND AND OFFICIAL SEAL of the Auburn Planning Commission this the 4th day of February, 2020.



Forrest E. Cotten, AICP, Director of Planning

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- Section 3. That all laws, regulations and ordinances inconsistent herewith are temporarily suspended or superseded by this ordinance until this ordinance terminates or is revoked or amended by further action.

ADOPTED and approved by the City Council of the City of Auburn, Alabama, this the 18th day of February, 2020.

Mayor

ATTEST:

City Manager