



City of Auburn

ZONING ORDINANCE

As Amended
October 16, 2012

This update reflects amendments adopted by Ordinance Number 2389, 2427 and 2445 adopted in 2006; and Ordinance Number 2456, 2457, 2461, 2467 and 2518 adopted in 2007; and Ordinance Number 2549 adopted in 2008; and Ordinance Number 2591, 2634 and 2643 adopted in 2009; and Ordinance Number 2661, 2676, and 2685 adopted in 2010; and Ordinance 2695, 2714 and 2715 adopted in 2011; and Ordinance 2745, 2758, 2776, 2786 and 2792 in 2012.

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CITY OF AUBURN ZONING ORDINANCE

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

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

ARTICLE I. TITLE, PURPOSE AND JURISDICTION.

Section 100. Title.

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

Section 101. Legislative Intent.

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

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

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

Section 102. Purpose.

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

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

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

Section 103. Jurisdiction.

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

Section 104. Interpretation and Purpose

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

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

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

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

Section 105. Severability

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

Section 106. Effective Date

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

ARTICLE II. DEFINITIONS.

Section 200. Purpose.

It is the purpose of this Article to define words, terms, and phrases contained within this Ordinance.

Section 201. Word Usage.

In the interpretation of this Ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

- A.** Words used or defined in one tense or form shall include other tenses and derivative forms.
- B.** Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
- C.** The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- D.** The word “shall” is mandatory.
- E.** The word “may” is permissive.
- F.** The word “person” includes individuals, firms, corporations, associations, trusts, and any other similar entities.
- G.** The word “Auburn” means Auburn, Alabama.
- H.** The words “governing body” refer to the City Council of Auburn.
- I.** The words “Planning Commission” shall mean the Auburn Planning Commission.
- J.** The word “Board” refers to the Board of Zoning Adjustment of the City of Auburn.
- K.** In the case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.
- L.** The word “permitted” refers to uses with the designation “P” as shown in Table 4-1.
- M.** The word “conditional” refers to uses with the designation “C” as shown in Table 4-1.

Section 202. Abbreviations.

The following abbreviations are used in this Ordinance and are intended to have the following meanings:

- DF** – Density Factor
- FAR** – Floor Area Ratio
- ISR** – Impervious Surface Ratio
- OSR** – Open Space Ratio
- ADT** – Average Daily Traffic
- AC** – Acre
- LUI** – Land Use Intensity

Section 203. Definitions.

When used in this Ordinance, the following terms shall have the meanings herein ascribed to them:

Abutting: Having a common border with, or being separated from such common border by a right-of-way, alley or easement.

Access: Any means of ingress/egress to a parcel of property for pedestrians and/or vehicles. A way of approaching or entering a property. Including ingress (the right to enter) and egress (the right to leave).

Access Control: The process of managing access to land development from major streets in order to preserve the safety and efficiency of the transportation system.

Access, Legal: The form of access which qualifies a development site for a building permit or certificate of occupancy, attesting that such property is legally accessible from a public street by means of direct road frontage, or a recorded easement across one (1) or more intervening properties (See Section 806).

Accessory Use: The use of a building, structure or land that is subordinate to, customarily incidental to, and ordinarily found in association with, a principal use, which it serves.

Active Park: A park area that is improved with facilities for organized recreational activities to serve the neighborhood or community.

Activity Centers: Centers are the commercial and mixed use areas of the City and may serve the region, the City, several neighborhoods or a single neighborhood. They serve as the focus of community life and shall include public facilities like schools and civic buildings. Centers are distributed throughout the City and are within walking or bicycling distance of virtually all residents. The City's Land Use Plan defines the following types of center -- Village and Neighborhood Centers, Community Commercial Centers, Commercial Corridors, Gateway Centers, Commercial Support Centers, and Industrial Support Centers.

Adjoining Property Owner: The owner of record at the Lee County Courthouse for properties that physically touch or are directly across a right-of-way from a subject property. When the corner of a parcel or tract to be subdivided is located at and forms a part of a street intersection, the parcel or tract diagonally opposite the subject parcel or tract shall be considered an adjoining property.

Agriculture: The use of land for farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry; and the usual and necessary accessory facilities for packing, treating and storage of the produce of such activities. The accessory uses shall be secondary to that of normal agricultural activities, and provided further that none of the above uses or accessory uses shall include the commercial feeding of offal or garbage to swine.

Alcoholic Beverages: Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquors, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations or mixtures intended for beverage purposes which contain one-half of one percent of alcohol by volume and shall include liquor, beer, and wine, both fortified and table wine.

Alley: A public right-of-way primarily designed to provide a secondary access to the side or rear of properties.

Alteration/Altered: Any addition to the height, width, or depth of a building or structure; or any change in the location of any of the exterior walls. A building or structure shall be classified as altered when it is repaired, renovated, remodeled or rebuilt at a cost in excess of 50 percent of its fair value prior to the commencement of such repairs, renovation, remodeling, or rebuilding.

Alteration, Incidental: Modifications to a building or structure that are of a cosmetic nature, replacement of utilities, and rearrangement of internal partitions. The replacement or alteration of exterior walls is not an incidental alteration.

Amenity: The features of a plan, project or location that add to the quality of life, value of property, and generally have a positive impact on the built environment and the natural environment.

ANSI: American National Standards Institute (ANSI), originally known as the American Standards Association published procedures in 1949. This activity of the American Association of Nurserymen, Inc. developed the first standardized system of sizing and describing plants to facilitate trade in nursery stock in the 1920's.

Angle of Light Exposure: An imaginary line drawn at an angle from the property line, which establishes the relationship between the height of a structure and the required setback from the property line; and designed to ensure adequate air, sunlight and privacy to adjoining properties, as required by Section 502.03 and Table 4-3.

Antenna: Electronic devices, whose purpose is to receive or transmit signals directly from ground-based sources, which are freestanding or mounted on a structure.

Apartment: A dwelling unit contained in a multi-family structure or complex. (See "multi-family").

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of Section 908.

Applicant: One (1) individual who is duly authorized to submit development plans for review, request variances or changes in zoning classification, and apply for any form of development approval with respect to a development site. An applicant may be the property owner(s), or any person having written authority from the property owner(s). This written authority shall be provided in any form that the Planning Director determines to be appropriate.

Arterial Road: A facility that serves as a primary artery of the City intended to mainly carry through traffic and to connect major activity centers in the City and its planning jurisdiction. Its function is to move intra-city and intercity traffic. The streets that are classified as arterials may also serve abutting property; however, their primary purpose is to carry traffic. Arterials should not be bordered by uncontrolled strip development. Access to these facilities should be carefully managed to ensure the capacity of the facility is not compromised by driveways. Arterials vary in width and parking on-street is prohibited. Arterial roads are shown on the City's Major Street Plan.

Assisted Living Facility: A residential facility for four (4) or more elderly or other persons needing light medical supervision (medicine distribution) within which are provided living and sleeping quarters, meal preparation, and room cleaning. (Also see: Independent Living Facilities and Nursing Homes)

Attic: The non-habitable part of a building immediately below, and wholly or partly within, the roof framing.

Basal Area: The cross sectional area of a tree trunk at a diameter breast height (DBH) expressed herein in terms of "units" per acre.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year. See Section 7-18 of the Auburn City Code.

Basement: The lowest habitable story of a building usually below, or partially below, ground level.

Bed and Breakfast Inn: An existing residence where the owner lives on the premises and provides short-time lodging for compensation. The residence contains no more than eight (8) guest rooms with breakfast being provided for the guests.

Bedroom: A room marketed, designed, or otherwise likely to function primarily for sleeping.

Best Management Practices: A physical, structural or managerial practice, which has gained general acceptance for its ability to prevent or reduce environmental impacts.

Boarding House: An establishment other than a hotel, motel, or restaurant where lodging is provided for compensation to at least six (6) persons. Meals, where provided, shall be available to members and employees only. This definition shall include fraternity houses.

Branching: An outgrowing shoot, stem or twig that grows from the main stem or tree trunk.

Brewpub: Any building, structure, or portion thereof designated as a historic building and site as defined in Section 40.8.1 of the State Code of Alabama 1975 where beer is manufactured or brewed, subject to the barrel production limitation and other standards prescribed in the Alabama Brewpub Act (Section 28, chapter 4A of the Code of Alabama 1975).

Buffer: An area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.

Bufferyard: A unit of land, together with a specified type and amount of planting thereon, and any fence, wall, or berm which may be required between land uses to eliminate or minimize conflicts between them.

Building: A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, plant materials, or property of any kind. The term is inclusive of any part thereof.

Building, Accessory: See Structure, Accessory.

Building Area: The portion of the lot occupied by the principal building including carports, porches, accessory buildings and other structures.

Building Envelope: Designated area within a lot, as shown on a subdivision plat for zero lot line, single family attached, and twin house development, wherein all principal and accessory structures (including swimming pools) will be built, except fences and/or walls enclosing yards or patio areas.

Building Frontage: The exterior wall of a building that faces a front lot line of the lot.

Building Height: See Height of Structure.

Building Line: A line shown on a plat indicating the minimum allowable distance between any structure and a lot line, as established by requirements of the developer and/or this Ordinance.

Building Line, Front: A line, generally parallel to the front lot line, which passes through the most forward point of the principal structure.

Caliper: The diameter of a tree measured at a point six (6) inches above the ground line if the resulting measurement is no more than four (4) inches. If the resulting measurement is more than four (4) inches, the measurement is made at a point twelve (12) inches above the ground line.

Caliper measurements are used in the landscape or nursery trades, and DBH measurements are used in forestry and the timber industry. For ordinance purposes, caliper is used for replacement trees and DBH is used for existing trees.

Canopy: A roof-like cover extending over a pedestrian way or right-of-way as a shelter or shield. This definition shall include the term “awning” and shall apply regardless of the materials used in its construction.

Canopy Tree: For the purpose of meeting landscape-planting requirements under this Ordinance, any species listed in Appendix A as either a deciduous or evergreen canopy tree.

Capital Improvements Program (CIP): Ranks capital projects based on goals established in the Comprehensive Plan and on established standards for the appropriate provision of services. The CIP outlines a schedule for the expenditure of municipal funds for public physical improvements. It consists of two components: a capital budget, which lists and describes the capital projects to be undertaken during the coming fiscal year, and a capital program, which lists and describes the capital projects proposed to be undertaken during each of the following five years. The CIP is monitored continuously and updated every two years as part of the City’s biennial budgetary process.

Carport: An unenclosed paved and covered space for the private use of the owner or the occupant of a principal building and situated on the same lot as the principal building, intended for the storage of motor vehicles, with no facilities for mechanical service or repair of a commercial or public nature.

Carrier/Provider: See Wireless Communication Service Provider.

Cellar: An uninhabited room used for storage, usually beneath the ground or under a building.

Certified Survey: The orderly process of determining data relating to the physical characteristics of the earth, the primary purpose of which includes, but is not limited to, determining the perimeter of a parcel or tract of land by establishing or re-establishing corners, monuments, and boundary lines for the purpose of describing and locating fixed, which has been signed and sealed by a professional surveyor licensed in the State of Alabama according to the standards of practice for surveying in the State of Alabama.

Church: A building used for regular religious worship, by the congregation or parts thereof, of an organized religion. May include related facilities such as classrooms, family activity centers, fitness centers, and day-care centers.

Cluster Development: Development in which individual lots may be smaller than the average lot authorized by the zoning ordinance, yet the overall gross density remains the same. Buildable lots are located on a portion of rather than the entire site so that the residual area may be preserved for recreation or open space.

Cluster Home: Three (3) or four (4) single-family residential dwelling units attached by at least two common walls and arranged in a non-linear layout.

Collector Road: A street whose primary function is to collect traffic from an area and move it to the arterial street system while also providing substantial service to abutting land uses. A collector roadway will generally have lower design speeds than arterial roadways but higher than local street. Collector roads are shown on the City’s Major Street Plan

Commercial Strip: A land use pattern characterized by continuous automobile-dependent commercial frontage, usually dominated by front parking lots and long, low buildings oriented towards a highway or arterial street.

Community Event: A public event, which fosters character and a sense of community in the City of Auburn. Such events include Cityfest, Fourth of July celebrations, Memorial Day Breakfast and similar activities determined by the City Council or City Manager. Community events do not include Auburn University athletic events and social activities, or similar commercial activities held at apartment complexes, commercial establishments, or private houses.

Compact Development: A development philosophy that emphasizes infilling of vacant land and underutilized lots and structures before expanding the boundaries of the City, and encourages higher residential densities and non-residential development intensity as a means of conserving open space and public resources.

Comprehensive Plan: The Combination of the latest adopted version of the City's Land Use Plan, Major Street Plan, Plan for Sewer Service, Plan for Water Distribution Facilities, Bikeway Plan, Green Space and Greenways Plan, and Capital Improvements Program.

Comprehensive Plan Amendment: Any adopted addition or modification to the Comprehensive Plan.

Condominium: Property ownership arrangement in which a buyer receives a percentage interest in a development on an undivided parcel of land, resulting in the right to exclusive use of a specific dwelling unit or portion of the undivided parcel, such as a mobile home or recreational vehicle site. Common areas of the site, which are not assigned to a specific owner, such as pools, clubhouses, parking areas and other amenities, are the collective responsibility of all owners or members of the condominium development. A building, or groups of buildings, in which units are owned individually, and all the owners on a proportional, undivided basis own the structure, commons areas and facilities.

Condotel or condo-hotel (Condominium Hotel): A condominium project, with individual unit ownership, developed for short-term or transient occupancy and will not be occupied as multi-family dwellings. Such project may have rental or registration desks, on-site management services, daily cleaning services, telephone switchboard services and other convenience services to residents and guests typical of a commercially operated facility. Restaurants, cafes and similar facilities may or may not be provided on site. For the purpose of the ordinance, a condotel is classified as a commercial hotel even though the units are individually owned.

Constraints: Physical conditions that must be overcome to achieve the preferred vision for Auburn.

Convenience Oriented Business: A business that sells retail items generally necessary or desirable for everyday living, usually purchased at a convenient nearby location. Often purchased without comparison-shopping because these goods cost relatively little compared to income.

Corner Lot: See Lot, Corner.

Critical Root Zone: The minimum area beneath a tree that must be left undisturbed in order to preserve a sufficient root mass; this will give a tree a reasonable chance of survival. The CRZ is represented by a concentric circle centering on the trunk with a radius equal in feet to the number of inches of the tree's DBH, with a minimum radius of eight feet.

Crown: The portion of a tree comprised of the branches, upright mass of branches, twigs and leaves of a tree, or the foliated portion.

Cul-de-sac: A local street with one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Cultivar: A variation of a species, one that has been produced through breeding deliberate selection. Terms in the cultivar name are always capitalized and included in single quotes.

Curb Cut: Vehicular entrance onto a public right-of-way from a public or private development. The intersection of two public rights-of-way is not considered a curb cut.

Day Care Services: Day care services shall mean and include any home, center, agency, or place, however styled, where children, elderly, and other persons not related to the operator are received for custodial care, apart from their parents, whether for compensation, reward, or otherwise during part of all of the day or any number of successive days. Such facility shall be licensed by the State of Alabama.

Dedication: The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

Density: The number of dwelling units or persons per acre of land, usually expressed in units per gross acre. The number of families, individuals, dwelling units, or housing structures per unit of land; usually density is expressed “per acre.” Thus, the density of a development of 100 units occupying 20 acres is 5 units per acre.

Density Bonus: An incentive through which the City may allow a developer to increase the density of a residential project, or the mix and intensity of a nonresidential project, in exchange for the developer providing specified public benefits at no cost to the City.

Density, Gross: Density is measured by dividing the total land area by the number of dwelling units or building floor area to arrive at a dwelling unit per land area ratio or square foot per land area ratio.

Design Guidelines: Provisions guiding the design of buildings that are not mandatory but may be used by Staff, the City’s advisory boards and commissions, and the City Council in evaluating projects.

Design Review: A formal process for reviewing the design and aesthetics of proposed new developments and building alterations; and for determining what improvements or changes might be made to make new developments compatible with the surroundings.

Developer: The legal or beneficial owner(s) of a lot or parcel or any land proposed for inclusion in a development, including the holder of an option, contract to purchase, or a lease. This term shall include both public and private entities.

Development: The division of a parcel of land into two (2) or more parcels (See Subdivision); the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which an approved development plan is required pursuant to this Ordinance or other regulations, codes and ordinances of the City.

Development Committee: A committee chaired by the Planning Director, and including the Directors of the Public Works, Water Resource Management, Economic Development, and Finance Departments of the City. The Committee’s function is to assess infrastructure needs and availability associated with selected development projects; and, based on such assessment, to determine the public costs associated with the provisions of such infrastructure.

Development Site: One (1) or more parcels of land included in a single development plan, and preferably under common ownership, which constitute the entire area of development shown on a site plan or subdivision plat. The development site must include all land needed for required open space, bufferyards, landscaping, parking (except as provided for in Sections 509.02 and 509.03), internal access roads or driveways, and other physical design features needed to serve the proposed development.

Diameter-at-Breast Height (DBH): The tree trunk diameter (in inches) at a height of four and one-half feet (4 ½ feet) above the ground. If a tree splits into multiple trunks below four and one-half feet (4 ½ feet), then the trunk is measured at its most narrow point beneath the split.

Drainage: The removal of surface water or ground water from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

Drainageway: Minor watercourses, ravines, and ditches, natural or man-made, which are defined either by soil type or the presence of intermittent or perennial streams.

Dripline: A vertical line extending from the outermost portion of a tree canopy to the ground.

Drive-In Restaurant: See Restaurant, Fast Food.

Duplex: Residential structure, divided horizontally or vertically, and designed for or occupied by two (2) dwelling units, contained entirely under one (1) roof on one (1) lot.

Dwelling: A structure or portion thereof which is designated or used for human habitation.

Dwelling, Single-Family Detached: See Single Family Detached Dwelling Unit.

Dwelling Unit: A room or group of rooms, providing or intended to provide living quarters for not more than one (1) family except as otherwise provided by this Ordinance. All rooms within the dwelling unit shall have internal access, and the unit shall have no more than one electrical meter.

Easement: Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property. No easement shall be recognized under this Ordinance, which has not been created through a valid legal instrument and recorded in the Office of the Judge of Probate of Lee County or established by prescription through continuous historic use.

Easement, Public: An easement intended to accommodate utilities and/or drainage facilities; or to provide public access to pedestrian ways, bikeways, greenways, public parks and other public facilities. Such easements shall be accepted for dedication by resolution of the City Council.

Eave Height: The vertical distance measured from the grade level to the underside of the eave. In locations where the grade level slopes the measurement shall be the average of the least and greatest vertical measurements.

Erosion: The wearing away of the ground surface as a result of the movement of wind, water, and/or ice.

Exchange: A public benefit or amenity provided by an applicant or developer for additional development capacity (i.e. a density bonus, lot width reduction, etc.).

Exterior Storage: Outdoor storage of fuel, raw materials, vehicles, products and equipment. In the case of lumberyards, exterior storage includes any impervious materials stored outdoors. In the case of truck terminals, exterior storage includes all trucks, truck beds, and truck trailers stored outdoors.

Family: Two (2) or more persons residing in a single dwelling unit where all members are related by blood, marriage, adoption or guardianship up to the second degree of consanguinity, plus one unrelated person in the Limited Development District, Neighborhood Conservation District, or the Development District Housing. For the purpose of this definition “consanguinity” means husbands and wives, brothers and sisters, parents and children, grandparents and grandchildren, uncles and aunts, nephews and nieces, and first cousins. In all other zoning districts where residential units are permitted the term “family” may include up to five (5) unrelated persons occupying a single dwelling unit.

Family Child Care Home: A commercial or non-profit facility whose purpose is to care for children in a group setting, where education may be involved and meals may be served. Such facility shall be licensed by the State of Alabama. (See Section 507.05)

Filling: The depositing of sand, gravel, earth, or other materials to alter the elevation of a given site.

Floodplain: Any land area susceptible to flooding. (Auburn City Code, Section 7-18)

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge a base flood without cumulatively increasing the water surface elevation more than a designated height. (Auburn City Code, Section 7-18)

Floor Area: The sum of the gross floor area for each story of a building measured from the exterior limits of the faces of the structure. The floor area of a building excludes basement floor area, but includes attic floor area only if the attic area meets the current building code standards of the City of Auburn for habitable floor area. It does not include cellars and unenclosed porches or any floor space in an accessory building or in the principal building, which is designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

Floor Area Ratio (FAR): An intensity measure derived by dividing the gross floor area of all buildings on a lot by the area of that lot. The floor area ratio is one measure of development intensity and should be used in conjunction with other measures such as setbacks, height restrictions, impervious surface ratio, and similar indicators.

Forestry: A premises, or portion of a premises, occupied by an establishment primarily engaged in the commercial operation of timber tracts, forest nurseries and related activities such as reforestation services and the gathering of gums, barks, balsam needles, maple sap and other forest products.

Fraternity House: See Boarding House.

Garden Center: A place of business where garden-related products and produce are sold to the retail consumer. These centers, which may include a nursery and/or greenhouses, bring in most items offered for sale from other locations. These items may include plants, nursery products and stock, fertilizers, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm tools and utensils.

Garage: A deck or building, or part thereof, used or intended to be used for the parking and storage of motor vehicles.

Gasoline Service Station: Buildings and premises where gasoline, oils, greases, batteries, tires and automobile accessories may be supplied and dispensed at retail (or in connection with private operation), where no part of the premises is used for paint spraying, body or fender repair, or the storage of dismantled or wrecked vehicle parts, and also where minor services are rendered; such as, sale and servicing of spark plugs, batteries, and distributors; tire repair and servicing, but no recapping; replacement of minor items of equipment such as mufflers, and tail pipes, water hoses, fan belts, brake fluid, etc.; radiator cleaning and flushing; minor servicing and replacing of carburetors; car washing, waxing, and detailing.

Gateway: A point along a roadway at which a motorist or pedestrian gains a sense of having entered the City or a particular part of the City. This impression can be imparted through such things as signs, monuments, landscaping, a change in development character, or a natural feature such as a creek.

Geographic Information System (GIS): The City's organized collection of computer hardware, software, geographic data, and personnel designated to efficiently capture, store, update, manipulate, analyze and display all forms of geographically referenced information.

Greenway: Interconnected linear corridors of natural land, preserved as open space, which follow natural, water, or man-made features. They connect people and places together, and when they include trails, they provide routes for alternative non-motorized transportation; a specific type of greenspace.

Gross Density: See Density, Gross.

Group Child Care Home: A commercial or non-profit facility whose purpose is to care for children in a group setting, where education may be involved and meals may be served. Such facility shall be licensed by the State of Alabama. (As per State of Alabama Department of Human Resources)

Height of Structure: See Structure Height.

High Density: A relative term, used to describe development dominated by smaller lots single-family development and by multi-family housing.

Historic structure: A structure deemed to be historically significant on its visual quality, design, history, association, context and/or integrity.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building.

Hotel: A building, or portion of a building, containing sleeping units, which are occupied on a daily or short-term basis. A hotel may include a restaurant and banquet or ballrooms, and one (1) self-contained dwelling unit for the use of a resident manager.

Impervious Surface: A surface that does not absorb water. Buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt are impervious surfaces. For the purpose of this Ordinance, impervious surface measurements shall exclude the water surface area of swimming pools.

Impervious surface ratio (ISR): A measure of the intensity of land use, which is determined by dividing the total area of all impervious surfaces on a development site by the total area of the site.

Incentive: The granting of additional development capacity by the City in exchange for a public benefit or amenity.

Independent Living Facility: A residential facility containing two or more rooming units limited in occupancy and occupied by elderly or disabled persons within which are provided living and sleeping facilities, meal preparation, shared dining facilities, laundry services, and room cleaning for the exclusive use of all residents. Such facilities may also provide transportation for routine social and medical appointments and counseling.

Infrastructure: Facilities and services needed to sustain industrial, residential, and commercial activities. Infrastructure may include, but not be limited to, water and sewer lines, streets, communication lines, drainage facilities, and utilities.

Institutional Use: Structures and related ground uses by organizations providing educational, medical, social or recreational services to the community, and by non-profit organizations such as colleges, schools, community centers and clubs, and religious facilities.

Intensity Class, Land Use: A measure of the magnitude and negative impact of a land use on the environment and neighboring land uses (See Section 422).

Interior parking area- A lot or portion of a lot devoted to off-street parking of vehicles, including parking spaces, aisles, and access drives and providing vehicular access to a public street. Interior parking area shall exclude drive-thru lanes, truck loading areas, parking areas unconnected to and exclusive of any vehicle parking, automobile dealerships, and display/sales/service/vehicle storage area parking for auto dealerships.

Internal Access: Physical design of a dwelling unit in which the kitchen, bathrooms, and all other rooms intended for human habitation, are connected internally.

Joint Ownership PDD: Joint plan for development and conservation of properties owned by two or more landowners. Each receives a share of the net proceeds in proportion to the number and value of units each could develop independently, irrespective of the total acreage owned by each participant.

Junkyard: Any land or structure used for a salvaging operation, including but not limited to the storage and sale of waste paper, rags, scrap metal, and discarded materials and the collection, dismantlement, storage and/or sale and salvage of two (2) or more unlicensed, inoperative vehicles.

Kennel: Any place in or at which any number of dogs are kept for the purpose of sale or in connection with boarding, care or breeding, for which any fee is charged.

Kindergarten (private): See Day Care Center.

Lakes and Ponds: Natural or artificial bodies of water which retain water year round. A lake is a body of water of two (2) or more acres. A pond is a body of water of less than two (2) acres. Artificial ponds may be created by dams or may result from excavation. The shoreline of such bodies of water shall be measured from the maximum condition rather than from the permanent pool in the event of any difference.

Land Use: A broad term used to classify land according to present use and according to the suitability for future uses; that is, for housing, open spaces and parks, commercial, industrial, etc.

Level of Service (LOS): The condition of traffic flow measured as level of service, ranging from LOS A, which represents unimpeded flow, to LOS F, which represents no flow. A qualitative measure describing traffic conditions along a given roadway or at a particular intersection, including travel speed and time, freedom to maneuver, traffic interruptions, and comfort and convenience as experienced and perceived by motorists and passengers. Six levels are defined from A to F, with A representing the best conditions and F the worst.

Liquor: Any alcoholic, spirituous, vinous, fermented, or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented, or otherwise alcoholic, and all drinks or drinkable liquids, preparations, or mixtures intended for beverage purposes, which contain more than one-half of one percent of alcohol of volume, except malt or brewed beverages as defined herein.

Local Commercial: All minor streets, marginal access streets and cul-de-sacs serving primarily commercial developed property.

Local Residential: All minor streets, marginal access streets and cul-de-sacs serving primarily residential property.

Lot: A parcel of land occupied by, or designated to be developed for one (1) or more buildings or principal uses, and the accessory buildings or uses customarily incidental to such uses including such open spaces and yards as are designed and arranged or required by this Ordinance for such building, use or development (See also Development Site).

Lot Area: The area contained within the boundary lines of a lot.

Lot, Corner: A lot abutting two (2) or more streets at their intersection. If the two (2) streets form an angle of more than 135 degrees, as measured at the point of intersection of their center lines, the lot shall not be considered a corner lot.

Lot Depth: The distance between the midpoints of the front and rear lot lines.

Lot, Double Frontage: A lot, other than a corner lot, which has frontage on more than one street.

Lot Frontage: Lot width measured at the street lot line.

Lot Line: A line bounding a lot which divides one lot from another or forms a street or any other public or private space.

Lot Line, Front: In cases where the lot fronts on only one street, the lot line adjacent to the street. For corner lots, the side meeting minimum width requirements. For double frontage lots and corner lots meeting width requirements on both frontages, the property owner may choose one (1) as the front lot line for the purposes of front setback and placement of accessory structures.

Lot Line, Rear: That lot line which is opposite to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from, the front line shall be considered to be the rear lot line (See Figure 5-2).

Lot Line, Side: Any lot line other than a front or rear lot line.

Lot Line, Street: In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of the two opposing yards shall be a rear yard.

Lot of Record: Any validly recorded lot meeting current requirements for size and/or width. Minimum sizes for residential uses shall be established through Section 502.01 and 502.02. Minimum size for nonresidential uses are established in Table 4-3 (See also Nonconforming Lot of Record).

Lot Width: The horizontal distance between the side lot lines measured at right angles to the lot depth at the right-of-way.

Lounge: Any place or premises in which alcoholic beverages of all types may be offered for sale, but does not meet the requirement for a Restaurant or Private Club.

Major Development: Any alteration of the natural environment, which requires the approval of a development or site plan and issuance of a Building Permit. By way of illustration, but not limitation, Major Development shall also include the removal or destruction of trees incidental to the development of land or to the marketing of land for development, the removal or destruction of trees in conjunction with any grading activity, including the removal or filling (stockpiling) of soil or the removal of trees not in conjunction with an ongoing forest management program. Nothing in this definition shall be deemed to require or authorize the issuance of a permit for any activity described herein.

Malt or Brewed Beverages: Any beer, lager beer, ale, porter, or similar fermented malt liquor containing one-half of one percent (.5) or more of alcohol by volume and not in excess of four (4) percent alcohol by weight and five (5) percent by volume, by whatever name the same may be called.

Manufactured Home: A dwelling, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such term shall include any dwelling which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary (HUD). For mobile homes built prior to June 15, 1976, a label certifying compliance to NFPA 501, in effect at the time of manufacture is required. For the purpose of these provisions, a mobile home shall be considered a manufactured home.

Manufactured Home Park: A parcel of land under single management which has been planned and improved for the provisions of services for manufactured homes for transient and/or non-transient use. A manufactured home park 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 and amenities, including roads, clubhouse or recreation facilities, and bufferyards, are privately owned or owned in common by residents of the park.

Marginal Access: A street that runs parallel to a major street, generally an arterial, with the purpose of separating through traffic from local traffic, and to provide access to abutting properties. A service road in commercial/business areas intended to remove traffic from arterials would be considered a marginal roadway. An access street in residential areas intended to remove local traffic from arterials and to buffer abutting residential lots from the effects of highway traffic as well as limit the number of direct driveway accesses to arterials for safety purposes is also considered a marginal roadway.

Master Development Plan: A conceptual plan, meeting the requirements of Section 504 and depicting a mixture of land uses, showing an entire development site and all component stages or phases which express the overall development concept for the site at buildout.

Minimum Floor Elevation: The lowest elevation, in relation to mean sea level, permissible for the construction, erection, or placement of residential and non-residential structures, including basements floors in accordance with Section 7-37 of the Auburn City Code.

Minimum Plant Area: Required minimum amount of open soil surface area for trees mandated by this Ordinance. These areas may be planted with shrubs, groundcover, or mulched, but no impervious surfaces will be allowed. Minimum areas are 325 ft² for canopy trees and 90 ft² for understory trees. These figures are also used to calculate tree credit when protecting existing trees.

Mini-Warehouse: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized stalls or lockers for the “dead” storage of a customer’s goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

Minor Development: Any alteration of the natural environment, which may or may not require development, site plan approval or issuance of a building permit, but which would possibly cause the removal or destruction of any tree(s). Any removal of trees that constitutes Major Development as that term is herein defined shall not constitute Minor Development.

Mixed-Use Development: A combination of residential and non-residential uses on a single property or land parcel, involving two (2) or more uses of different land use categories that may or may not be located in a single structure. Such developments include, but are not limited to, combinations of residential, office, retail, public entertainment, and/or manufacturing uses in a compact urban form such as an office or research park. Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building or on a single site in an integrated development project with significant functional interrelationships and a coherent physical design. A “single site” may include contiguous properties.

Mobile Home: See Manufactured Home.

Motel: See Hotel.

Multi-Modal System: More than one type (mode) of transportation including automobile, pedestrian, bicycle, mass transit, etc.

Natural Environment: Natural resources include the soils, water, forests, minerals, geologic formations, and plant and animal species found within the planning area.

Neighborhood: A part of the City defined by distinct characteristics and boundaries and considered as familiar territory by its residents.

Neighborhood Park: Small-scale parks, intended to meet the recreation needs of residential areas.

Nonconforming/Nonconformity: A legal nonconformity is any land use or physical design of development, structure, sign, or lot of record legally established prior to the effective date of this Ordinance or subsequent amendment to it, which would not be permitted by or is not in full compliance with the regulations of this Ordinance.

Nonconforming Development Site: A nonconforming development site is any development site, legally established prior to the effective date of this Ordinance or subsequent amendment to it and part of an approved site plan or subdivision plat at the time of its establishment, which does not fully comply with the standards of this Ordinance, including the minimum acceptable bufferyard requirements of Section 714.. Noncompliance with the bufferyard requirements of Section 420 through Section 432 requires compliance with Section 714, but does not render a development site nonconforming.

Nonconforming Lot of Record: A nonconforming lot of record is any validly recorded lot meeting the requirements of § 711.03 of the Zoning Ordinance, which at the time it was recorded fully, complied with all applicable laws and ordinances, but which does not fully comply with the lot requirements of this Ordinance concerning minimum area, minimum lot width, or minimum street frontage.

Nonconforming Sign: A nonconforming sign is any sign legally established prior to the effective date of this ordinance or subsequent amendment to it which does not fully comply with all requirements of Article VI of this Ordinance.

Nonconforming Structure: any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment to it, which does not fully comply with the standards of this Ordinance.

Nonconforming Use: An activity using land, buildings, and/or structures for purposes which were legally established prior to the effective date of this Ordinance or subsequent amendment to it, and which would not be permitted to be established as a new use in a zone in which it is located by the regulations of this Ordinance. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. The conditions under which such uses or lots may be continued, modified, and/or used are contained in Article VII of this ordinance.

Nursery for Children: See Day Care Center.

Nursery: An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

On-Site: Located within the boundaries of the development site.

Open Space: Any parcel or area of land or water, either publicly or privately owned, set aside, dedicated, designated, or reserved for the private use or enjoyment of owners or occupants of land adjoining such open space, or for the public at large. Any parcel or area of land or water that is essentially unimproved and devoted to an open space use for the purpose of (1) the preservation of natural resources; (2) the managed production of resources; (3) outdoor recreation; or (4) public health and safety.

Open Space Ratio: The proportion of a site consisting of open space as defined by Section 421 and specified in Table 4-2.

Outlot: A lot or remnant parcel of land left over after platting or other division of land that does not meet standards of the zoning ordinance or the subdivision regulations. Such a lot is unbuildable and no permits to construct upon or improve an outlot may be issued, except that it may be used for public improvements, such as water, sewer, power, gas, and communications, or for cemeteries.

Owner: A person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, attorney, personal representative or trustee) have legal or equitable title to any property in question.

Package Store: Any place or premise for the principal purpose of selling, at retail, alcoholic beverages by the bottle, can, pack, or case, for off-premise consumption. Should gross receipts from the sale of distilled alcoholic beverages exceed gross receipts from other sales and activities on the premises during any one (1) month, it shall be prima facie evidence that the principal purpose of the establishment is the sale of alcoholic beverages.

Parcel: See Lot, Development Site.

Parking Garage or Lot: An open area or a structure used exclusively for the temporary off-street storage of motor vehicles. Such area or structure may be an independent business or may be used in conjunction with any other business or commercial use. A fee may be charged.

Passive Park: An open area set aside to provide an environment for quiet relaxation. Improvements are limited to parking areas, walking trails, seats, small shelters, picnic tables, rest rooms, and drinking fountains.

Pedestrian Oriented: An environment which is designed to provide space and facilities that will allow and encourage pedestrian travel; and to create connectivity among residential neighborhoods, activity centers, and public and community spaces and structures.

Performance Standards: Standards that provide detailed regulations and restrictions by means of minimum criteria or maximum criteria. The intent of these standards is to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare by limiting where uses may be established, insuring that traffic congestion is minimized, controlling the intensity of use, and prescribing other such standards for open space, density, impervious surface coverage, lot area and height in each zoning district.

Planned Development: A land development project comprehensively planned as an entity via a master development plan in the Planned Development District (PDD).

Pond: See Lakes and Ponds.

Principal Building: See Structure, Principal.

Principal Use: See Use, Principal.

Private Club: A corporation or an association organized or formed in accordance with the Code of Alabama.

Provider/Carrier: See Wireless Communication Service Provider.

Public Improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs as: vehicular and pedestrian circulation systems, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Recreational Vehicle: A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes. A recreational vehicle shall not be permanently affixed to the ground or any structure.

Recreational Vehicle Park: A lot on which campsites are established for occupancy by recreational vehicles of the general public as temporary living quarters for purposes of recreation or vacation. No recreational vehicle park shall be platted or otherwise divided by fee simple ownership; however, the sale of memberships and assignment of campsites on a condominium basis is permitted. All facilities and amenities, including roads, clubhouse or recreation facilities, and bufferyards are privately owned or owned in common by members of a condominium association.

Residential Collector: A street whose primary function is to provide direct access to residential properties as well as residential subdivisions. Typically, residential collector streets collect traffic from local streets in residential neighborhoods and channel it to the arterial and collector system. Residential Collector roads are shown on the City's Major Street Plan.

Restrictive, More (Less): A regulation imposed by this Ordinance is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications. For example, regulations governing single-family uses would be more restrictive than the regulations governing business uses.

Restaurant, Fast Food: An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state: (1) for consumption within the restaurant building, or within a motor vehicle parked on the premises or off the premises as a carry-out order; or (2) to be served through a drive-up window, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic, or other disposable containers.

Restaurant, Standard: A business which prepares, sells, and serves food and beverages to customers for consumption within the restaurant building or on the building site at outside tables. Businesses of this type include, but are not limited to, café, cafeteria, dining room, tearoom, coffee shop, hot dog stand, and sandwich shop. Carryout service may be provided, but not curb service or drive-thru window service. A restaurant may involve service of liquors, table wine and beer with State and local licenses, but must derive at least 51% of its gross revenue from the sale of food and non-alcoholic beverages and devote 51% or more of the floor area to the restaurant use.

Resubdivision: See Subdivision.

Revitalization: The renewal and improvement of older commercial and residential areas through any of a series of actions or programs that encourage and facilitate private and public investment. This community investment can include (but is not limited to) activities and programs designed to improve neighborhoods; strengthen existing businesses; attract new businesses; encourage quality renovation and new construction; enhance public spaces and pedestrian amenities; ensure safe, efficient and convenient traffic flow; and contribute to the social and economic vitality of the area.

Right-of-Way: A strip of land used or intended to be used for passage of the general public, and occupied or intended to be occupied by a street, road, bicycle path, pedestrian way, crosswalk, utilities, railroad or similar facility; and dedicated to public use through acceptance by the City Council.

Satellite Dish Antenna: Parabolic or spherical antenna whose purpose is to receive and/or transmit audio and/or television signals to or from satellites.

Scale: The relative proportion of the size of different elements of the built environment to one another; the measurement of the relationship of one object to another.

Screening: The method of visually shielding or obscuring one abutting or nearby use from another with densely planted vegetation. Screening is designed to reduce the effects or objectionable or potentially objectionable uses and activities between incompatible uses. Breaks in screens shall be permitted to provide adequate ingress and egress as needed.

Setback: The required minimum distance between a structure and the front, side, or rear lot line. The distance between a building or structure (not including ground-level parking lots or other paved surfaces) from property lines or from other buildings.

Shopping Center: A group of commercial-retail establishments planned, developed, owned or managed as a unit with off-street parking provided on the property. An out-parcel within a shopping center shall be developed under a separate site plan.

Shopping Center, Regional: A shopping center having in excess of 500,000 square feet of gross floor area.

Shrub: For the purpose of meeting landscape-planting requirements under this Ordinance, any species listed in Appendix A as either a deciduous or evergreen shrub.

Sign: See Article VI.

Single-Family Detached Dwelling Unit: Freestanding structure, completely separate from all other structures, designed to house one (1) family as a single housekeeping unit. Single-family detached units may be constructed in subdivisions pursuant to Section 502.

Site Plan: A plan, drawn to scale by a licensed engineer or other qualified professional, showing uses, structures, and all other physical features proposed for the development site, including bufferyards, parking, landscaping, and drainage facilities, in accordance with the requirements of Section 802.

Silviculture: The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands, to meet the diverse needs and values of landowners and society on a sustainable basis.

Specific Plan: A detailed land use plan for a village (community) or neighborhood which indicates the location and characteristics of the activity center which is the focal point of the area; the location, type and density of residential development; and the location, type, and characteristics of the public infrastructure and amenities to be provided.

Specimen Tree: Any tree that qualifies for special consideration for preservation due to its size, species or historic relevance. See Section 428 for determination of specimen trees or specimen stands of trees.

Sprawl: Low-density, auto-dependent development, particularly on the fringes of the City. The desire for inexpensive land often prompts the development of land on the fringe that is surrounded by undeveloped land, rather than the development of vacant land that is adjacent to an already developed area. Sprawl causes expensive road and utility extensions and excessive reliance on automobiles, leading to traffic congestion and road wear.

Steep Slopes: Land area where the inclination of the land's surface from the horizontal is 15 percent or greater. Slope is determined from on-site topographic surveys prepared with a two-foot contour interval.

Stream, Perennial: A natural watercourse which contains flowing water, year around.

Street Centerline: That line surveyed, monumented and designated by the City as the centerline of a street.

Street trees: Trees planted in medians or along sidewalks in the public right-of-way that are intended to enhance the visual quality of a street, provide shade, absorb pollutants and noise, and provide habitat for urban wildlife.

Strip Development: Commercial, retail or industrial development, usually one lot deep, that fronts on a major street.

Structural Alteration: Any change in the supporting members of a building, such as the bearing walls, beams, or girders, or any change in the dimension or configuration of the roof or exterior walls. Also, see Alteration/Altered.

Structure: Anything constructed or erected that requires rigid and permanent location on or attachment to the ground; including, but not limited to, buildings, signs, towers, monuments, statues, walls and fences; but not including telephone and other utility poles, overhead wires, retaining walls and terrace walls, wire fences, and any other object less than three (3) feet in height.

Structure, Accessory: A subordinate structure, detached from but on the same development site as the principal structure, the use of which is incidental and secondary to that of the principal structure.

Structure, Height: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the eave height for gable, hip, and gambrel roofs, measured from the grade level. In situations where the grade level slopes, the structure height is the average of the least and greatest vertical distance. Structure height does not include portions of a structure that are not used for habitation and storage and are less than 65 feet tall. Exclusions from structure height include chimneys, ventilators, utility service structures, solar panels, steeples, bell towers, clock towers, cupolas, flag poles, fire escapes, stairway enclosures and elevator enclosures. Also excluded are parapet walls, balustrades or railings that rise less than six feet from the floor or roof from which they extend.

Structure, Principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located. There shall be internal access to all interior portions of a single family detached dwelling unit. An outlying structure shall be considered an accessory building unless connected to the principal building by fully enclosed living space.

Subdivision: Any division, redivision, or consolidation of a tract, parcel, or lot of land by means of mapping, platting, conveyance, change or rearrangement of boundaries in accordance with the City of Auburn Subdivision Regulations. All subdivisions are also developments (See Development).

Substandard Structures: A broad classification for housing condition, rated in degrees of major and minor, which indicates that a certain dwelling unit is deficient for general use. Common criteria for assessing substandard housing include whether a dwelling unit is wired for electricity (or properly wired), contains plumbing and indoor flush toilet facilities, and has proper sewage disposal and adequate windows for light and air; the condition of exterior surfaces; and many others.

Telecommunications Facilities, Wireless: Any and all buildings, structures, fixtures or other accessories (such as electrical boxes, equipment sheds, guy wires, etc.) Installed, used or intended for use in conjunction with any of the following:

- A. *Cellular Communications facilities* – low power transmitters used to transmit signals in a cell of cellular radio-telephone services (cellular phones), personal communications services (PCS), enhanced specialized mobile radios (ESMR), trunk mobile cellular radios, paging services and similar cellular-based communications to the general public.
- B. *Commercial Satellite facilities* – satellite earth stations which are greater than two (2) meters in diameter, and are used to send and/or receive satellite signals and similar communications.
- C. *Microwave Relay facilities (Repeater)* – used to transmit radio signals between two or more fixed points by microwave antennas and similar transmission services.

Telecommunications Tower: Any ground-mounted structure that is designed and constructed primarily for the purpose of supporting one or more Communications Antennas. Communications Towers shall include:

- A. *Monopole Towers* – cylindrical self-supporting towers constructed as a single spire.
- B. *Self-Supporting or Lattice Towers* – self-supporting towers with multiple sides of open-frame supports.
- C. *Guyed Towers* – towers anchored with guy wires.
- D. *Camouflaged Towers or Stealth Towers* – any tower or telecommunications facility, which is designed to minimize a visual impact and to blend into the surrounding environment. Such towers may be constructed to resemble objects, such as a tree or a streetlight, or may be concealed within another structure, such as a clock tower, church steeple or lamppost.
- E. *Portable Towers* – any tower not permanently attached to the ground or other permanent structure, or a tower designed to be transported. Sometimes referred to by the term “Communications On Wheels or C.O.W.s.”
- F. *Temporary Tower* – tower placed on a site where a permanent tower is under construction. The temporary tower must be contained within the fenced boundary of the site and not accessible to the general public.

Telecommunications Tower, Fall Zone: The area located around the base of the tower, with a radius equal to one-half the height of the tower.

Temporary Use: See Use, Temporary.

Town House: Residential dwelling unit designed and constructed to meet Standard Building Code requirements for single family attached structures, sharing a common side wall with at least one (1) other unit, and located in a structure containing three (3) units or more. Such units shall be built on property which is platted according to the requirements of the City of Auburn Subdivision Regulations, and shall be developed under Performance Residential standards set forth in Section 502.02(C).

Traffic Calming: A set of techniques that serve to reduce the speed of traffic. Such strategies include lane narrowing, parking additions, sharp offsets, yield points, sidewalk bulge-outs, speed bumps, surface variations, and visual clues on a vertical plane.

Transfer of Development Rights (TDR): A method of transferring the “rights to develop” from one parcel to another parcel in a manner that allows an increase in the density or intensity of development on the receiving property with a corresponding decrease in the remaining development rights on the sending property.

Tree Inches Per Acre: A quantitative system used to determine the tree coverage of a development site. The inches represent the combined total of the diameter at breast height (DBH) of trees to remain and the caliper of replacement trees.

Tree Protection Area: Any portion of a site wherein are located existing trees which are proposed to be retained in order to comply with the requirements of this Ordinance.

Tree Removal or Removal of Trees: Any act which causes a tree to die, after commission of the act that include but not limited to damage inflicted upon the root system in the Critical Root Zone or trunk, as the result of:

- A. The improper use of machinery on the trees;
- B. The storage of materials in or around the trees;
- C. Soil compaction;

- D. Altering the natural grade to expose the roots or to cover the tree's root system with more than four (4) inches of soil.
- E. Causing the infection or infestation of the tree by pests, fungus, or harmful bacteria;
- F. Pruning judged to be excessive by the Administrator or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);
- G. Paving with concrete, asphalt, or other impervious surface within such proximity as to be harmful to the tree or its root system; and
- H. Application of herbicides or defoliant to any tree without first obtaining a permit.

Tree Survey: An assessment and recording of location size, species and critical root zone of all specimen trees, specimen stands of trees and all other trees proposed to remain on a development site (See Section 432(A) for Tree Survey Plan requirements).

Twin House: Residential dwelling unit designed and constructed to meet Standard Building Code requirements for single family attached structures, sharing a common side wall with one (1) other unit, and located in a structure containing no more than two (2) units. Such units shall be built only on property which is platted according to the requirements of the City of Auburn Subdivision Regulations, and shall be developed under Performance Residential standards set forth in Section 502.02 (D).

Understory Tree: For the purpose of meeting landscape planting requirements under this Ordinance, any species listed in Appendix A as either a deciduous or evergreen understory tree.

Urban Forest: Trees growing within urbanized or developed areas. These include street trees, open green spaces, underdeveloped forested areas, trees in municipal parks and playgrounds, trees and vegetation on private property, and trees around public buildings.

Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory: An accessory use is one which: (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same development site as the principal structure or use served, and (4) is customarily incidental to the principal structure or use. See also Section 507.

Use, Principal: The specific primary purpose for which land is used.

Use, Temporary: A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

Variance: An exception granted by the Board of Zoning Adjustment in special circumstances to protect against an undue hardship resulting from strict application of the provisions of this Zoning Ordinance. See Section 907.

Vision: A shared dream of the future characterized by long-term idealistic thinking. Provides the foundation for the development of goals, policies and programs. A vision is not a binding goal and may not be achievable in the lifetime of those participating in the drafting of the Comprehensive Plan.

Waiver: Modification of certain development standards dependent upon a finding by the Planning Commission that such standards are inappropriate in relation to a specific development. See Section 802.04 of this Zoning Ordinance.

Walkable Neighborhood: An area designed and constructed in such a way to provide and encourage pleasant, easy and efficient pedestrian movement.

Watershed: An area of land, due to its natural drainage pattern, that collects precipitation and drains or seeps into a marsh, stream, river, lake or groundwater.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. (Wetlands generally include swamps, marshes, bogs, and similar areas). A lowland area, such as a marsh, that is saturated with moisture all or part of the year. Standards for defining wetland boundaries consider hydrology, vegetation and soil conditions.

Wine: All beverages made from the fermentation of fruits, berries, or grapes, with or without added spirits, and produced in accordance with the laws and regulations of the United States containing not more than 24 percent alcohol by volume, and shall include all sparkling wines, carbonated wines, special natural wines, rectified wines, vermouths, vinous beverages, vinous liquors and like products. **Fortified Wine** – Any wine containing more than 14 percent alcohol by volume, but not more than 24 percent. **Table Wine** – Any wine containing not more than 14 percent alcohol by volume.

Wine, fortified: Any wine containing more than 14 percent alcohol by volume, but not more than 24 percent.

Wine, table: Any wine containing not more than 14 percent alcohol by volume.

Wireless Communications Service Provider: Any private company, corporation or similar such entity providing two-way interactive communications services to the general public by way of Cellular Communications facilities.

Woodland: An area of natural vegetation or planted material, at least 50 feet in depth, covering one quarter (1/4) acre or more and consisting substantially of canopy trees.

Yard: The open space between a lot line and building line.

Yard, Front: A yard extending the full width of the front of a lot between the front (street) right-of-way line and the front building line, (See Figure 5-1).

Yard, Rear: A yard extending the full width of the lot in the area between the rear lot line and the rear building line, (See Figure 5-1).

Yard, Side: The yard extending along a side lot line, from the front yard to the rear yard, between the nearest side of a building and a side lot line. In the case of corner lots, the yard along all established or future street lines shall be termed a front yard and shall meet requirements herein for such, (See Figure 5-1)

Zoning Certificate: A certificate issued by the Planning Director after all Zoning Ordinance requirements, as stipulated in Section 804, have been met, which permits a requested use at a specific location.

Zoning Ordinance: A set of land use regulations enacted by the local governing body to create districts, which permit certain land uses and prohibit others. Land uses in each district are regulated according to type, density, height and the coverage of buildings.

ARTICLE III. ESTABLISHMENT OF ZONING DISTRICTS

Section 300. Establishment of Zoning Districts.

The City of Auburn, Alabama is hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district, to implement the Official Zoning Map of Auburn, and to serve the other purposes of this Ordinance, which are detailed in Article I.

Section 301. Zoning Districts.

For the purpose of this Ordinance, all land and water areas in Auburn are hereby divided into zoning districts, which shall be designated as follows: a Rural (R) District, a Neighborhood Conservation (NC) District, a Commercial Conservation (CC) District, a Comprehensive Development (CDD) District, a Limited Development District (LDD), a Development District Housing (DDH), a Redevelopment (RDD) District, an Urban Core (UC) District, a College Edge Overlay District (CEOD), a Conservation Overlay District (COD), a University Service (US) District, an Industrial (I) District, a Holding (HD) District, and a Planned Development District (PDD).

Section 302. Map of Zoning Districts.

Zoning districts established by this Ordinance are bounded and defined as shown on the Official Zoning Map of Auburn, which, together with all explanatory materials contained thereon, is hereby made a part of this Ordinance.

Section 303. Interpretation of District Boundaries.

The following rules shall be used to determine the precise location of any zone boundary shown on the Official Zoning Map of Auburn:

303.01. Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.

303.02. Boundaries shown as following or approximately following streets shall be construed to follow the centerlines of such streets.

303.03. Boundary lines which follow or approximately follow platted lot lines or other property lines as shown on the Auburn Tax Maps shall be construed as following such lines.

303.04. Boundaries shown as following or approximately following section lines, half-section lines, or quarter-section lines shall be construed as following such lines.

303.05. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.

303.06. Boundaries shown as following or approximately following shorelines of any lakes shall be construed to follow the mean high waterlines of such lakes, and, in the event of change in the mean high waterline, shall be construed as moving with the actual mean high waterline.

303.07. Boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel centerline of such water courses taken at mean low water. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zone boundary shall be construed as moving with the channel centerline.

303.08. Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs 303.01 through 303.07 above shall be construed to be parallel to such features and at such distances therefrom as are shown on the map.

Section 304. Statement of Purpose and Intent of Zoning Districts.

The following sections specify the purpose and intent of the zoning districts established by this Ordinance.

304.01. Rural District (R). This District is intended to protect and preserve areas of Auburn which are presently rural or agricultural in character and use.

The standards developed for these areas are designed to permit development compatible with the preservation of their rural character and agricultural use, while not permanently foreclosing future development.

304.02. Neighborhood Conservation District (NC). The Neighborhood Conservation (NC) District is intended to preserve the character of existing neighborhoods and developments under construction at the time of adoption of this Ordinance. It is designed to prevent these neighborhoods and subdivisions from becoming nonconforming under the terms of this Ordinance. This District is also intended to provide for future development of land where a NC District is deemed the most appropriate zoning classification, and a preliminary or final plat for development of the land has been approved by the Planning Commission. It is also intended to provide for in-filling of existing neighborhoods on vacant lots with single family detached dwellings as defined in Section 203 of this Ordinance.

Because there are a number of different lot sizes in the Neighborhood Conservation District, the Zoning Map depicts these various areas with the letters "NC-" subdesignated by a number. The number indicates the minimum lot size in thousands of square feet. For example, NC-20 indicates that 20,000 square feet is the minimum lot size for the District so designated.

Occupancy in NC zones is limited to the "Family" as per Section 203.

304.03. Commercial Conservation District (CC). This District is intended to preserve the general character of existing commercial areas, particularly existing shopping centers, and commercial developments under construction at the time of adoption of this Ordinance. Like the NC District, CC is intended to prevent certain areas, in this case commercial areas, from becoming nonconforming under the terms of this Ordinance. This District is also intended to accommodate limited expansion, conversion and in-fill of existing commercial areas.

The regulations for the CC District permit future development consistent with the existing character of commercial development. Such fixed and stable areas will be allowed to continue to exist and develop further under the general regulations governing their design, and construction of the actual site plan previously approved.

It is as important with the CC District as with the NC District to understand that this designation is not an unconditional decision by the City of Auburn that the uses and regulations of the District are ones that would have been prescribed had there not yet been significant development. As a result, no new CC Districts or expansion of existing CC areas shall be allowed following the adoption of this Ordinance. This District is not considered appropriate for major new development.

304.04. Comprehensive Development District (CDD). This District is intended to accommodate most of the growth expected in the undeveloped areas of Auburn. It is to be provided with all public facilities (schools, sewers, water, and highways) and will allow most uses by right. It is intended to provide the zoning and capital improvements that attract development. It consists of the areas where development should logically locate as a consequence of planned public facilities and associated capital expenditures. This District provides regulations that permit development of both urban and suburban character. It provides for low- to moderate-density residential development and for necessary commercial and institutional uses.

The CDD is designed to minimize the costs of extending or expanding public services. It is a planned, logical accommodation of growth and is intended to serve areas suitable for development and to avoid unsuitable areas. Uses that are so large as to be of regional importance are not permitted by right, because these uses require specialized and different evaluation and have special locational considerations, which may make a separate zoning district appropriate. Major uses, such as a regional shopping center, will be considered as conditional uses. Manufactured home parks, commercial support uses, and road service uses are permitted conditionally, and industrial uses are not permitted.

The CDD allows many and varied uses while placing the emphasis on minimizing or buffering any nuisances between uses. Segregation of uses has never provided adequate protection, especially at the boundaries of use districts. This Ordinance anticipates the likelihood – and desirability – of considerable mixing of land uses and imposes standards to resolve any possible problems and eliminate the negative impacts of juxtaposing unlike land uses.

Occupancy in the CDD is limited to five (5) unrelated individuals, except as otherwise provided by standards for Institutional and Special Residential Uses.

304.05. Limited Development District (LDD). The Limited Development District (LDD) is intended to accommodate mainly low to moderate density residential development, supported by commercial uses serving the local residents. Such commercial uses will be limited in range, scale and location; and will be subject to design standards intended to promote low-intensity commercial development that is consistent in character and appearance with surrounding residential areas.

Occupancy in the LDD is limited to the “Family” as per Section 203.

304.06. Development District Housing (DDH). The Development District – Housing (DDH) is a District that is designed to promote conventional and performance single family housing and/or provide a transition between the NC and the CDD. Permitted uses in this District will be limited to conventional residential uses of low to moderate densities, outdoor recreation uses, and public service uses. Performance residential uses are permitted conditionally. At the time of enactment of this Ordinance, the DDH consisted largely of vacant or undeveloped land, but it is the intent of this Ordinance that this District have a residential character.

Occupancy in the DDH is limited to the “Family” as per Section 203.

304.07. Redevelopment District (RDD). This District is intended to promote the renewal of those transitional areas of the City of Auburn that have undergone extensive changes in land use type and density/intensity. Transition from generally low density residential land use to higher residential densities and small-scale commercial, office and institutional use has occurred in a haphazard manner, much of it prior to enactment of current zoning regulations. This District provides regulations that permit redevelopment of an urban character. It provides for intermediate residential densities and necessary commercial and institutional uses.

The RDD is designed to target areas where a combination of public investment in capital improvements and public/private actions to renew and redevelop land and structures will stabilize transitional neighborhoods, thereby reducing the cost of growth in Auburn. The RDD may not accommodate a substantially larger population as a result of redevelopment, but the character, stability and vitality of the District are projected to improve immensely. Like the CDD, this District allows many and varied uses while placing emphasis on minimizing or buffering any nuisances between uses. This Ordinance, therefore, imposes standards to resolve any possible problems and eliminate negative impacts.

Occupancy in the RDD is limited to five (5) unrelated individuals, except as otherwise provided by standards for Institutional and Special Residential Uses.

304.08. Urban Core District (UC). This District is intended to serve as the retail, financial, service, historical and religious focal point of Auburn. In general, the UC provides for uses of regional, as well as

local, importance. It is intended to be an area of high intensity use in which a full range of public facilities are available. The standards and high densities prescribed for the UC are designed to optimize the use of these in-place facilities; however, public and private investment in capital improvements is of high priority to insure the revitalization of the downtown area.

Occupancy in the UC is limited to five (5) unrelated individuals, except as otherwise provided by standards for Institutional and Special Residential Uses.

304.09. University Service District (US). This District is intended to provide for mixed land use at high densities to meet the demands exerted by Auburn University, and to promote the conversion, redevelopment, and growth of residential, commercial, and institutional uses adjacent to the University campus and the urban core of the City of Auburn. The US District is a development and redevelopment District; therefore, the regulations are based solely on performance criteria. Uses permitted in this District are those which serve a broad range of student needs.

The nature of the US District, and the intent of the City to promote redevelopment within the District, requires that the most stringent review of proposals and the greatest commitment to capital improvements by the City be undertaken in this District. Approval of proposals/applications will require the dedication and participation by developers/owners in public improvements such as off-street parking, additional street and utility rights-of-way and implementation of public plans for the improvement of the street environment. Innovation and professionalism in design is strongly encouraged.

Occupancy in the US is limited to five (5) unrelated individuals, except as otherwise provided by standards for Institutional and Special Residential Uses.

304.10. Industrial District (I). This District is intended to accommodate industrial areas that must be segregated, because of negative impacts that cannot be made compatible with other uses through the application of performance standards. The creation of this separate District for industrial use recognizes not only nuisances, but also infrastructure and operational incompatibilities between its permitted uses and those of other districts. Accordingly, the standards for this District are designed to accommodate intensive industrial uses that generate nuisances, which either cannot be handled by technology or which are nearly impossible to police. Locational criteria for this district focus on transportation, requiring that sites have access to a railroad, an airport or a major expressway.

304.11. Holding District (HD). This District encompasses those land which are owned or operated by governmental entities and are exempt from the regulations of this code and those lands which are set aside for public institutional uses and the protection of vital natural resources. The purpose of the Holding District in relation to government-owned lands is to acknowledge their presence within the City Limits while recognizing that such areas are not subject to local zoning requirements. If and when any HD-designated property comes under private ownership, the Planning Commission shall assign the appropriate zoning designation.

304.12. Planned Development District (PDD). This District is intended to provide an opportunity for a land development process with the greatest flexibility available to the developer, consistent with the provisions of these regulations, and the provisions included in the master development plan for the subject property. The PDD designation may be requested and considered for application only to those properties already zoned DDH, CDD, LDD, and RDD.

Approval of a Planned Development District (PDD) shall be based upon the approval of a master development plan (Section 504) for the site in question. Uses shall be selected from those listed conditionally in Table 4-1 following a thorough evaluation of the proposed location of any PDD. Following the acceptance of the master development plan, the property shall receive the PDD zoning designation.

304.13. Conservation Overlay District (COD). This District is intended to promote the health, safety, and general welfare of the public by encouraging the conservation and enhancement of the City's source of water supply and natural resource environment. The purposes of the district are:

- (1) To protect water quality in the Lake Ogletree Subwatershed;
- (2) To permanently preserve unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, and woodlands within the City of Auburn;
- (3) To offer developers and landowners alternatives to standard development of land;
- (4) To provide flexibility to allow for creativity in development;
- (5) To foster less sprawl and more efficient use of land, streets and utilities; and
- (6) To permit clustering of buildings and structures on less environmentally sensitive soils in order to reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential and commercial development.

304.14. College Edge Overlay District (CEOD). This District provides additional regulations for properties with Urban Core zoning along the College/Magnolia corridors* for purposes of assuring development consistency in meeting building requirements for setback, step back, glazing, cladding materials, signage, balconies, awnings and canopies.

*Parcels fronting on College Street between Thach Avenue and Mitchum Avenue, as well as parcels fronting on Magnolia from Wright Street to Gay Street will be included in the CEOD.

ARTICLE IV. GENERAL REGULATIONS

Section 400. Introduction.

The purpose of the regulations contained in this Article is to allow maximum utilization of land while insuring against detrimental impacts on the environment, neighboring properties, and the public interest. This insurance is provided by separating the incorporated area of the City of Auburn into 14 zoning districts and permitting specified land uses within each, provided that a use meets all the additional criteria specified in this Ordinance. This regulatory approach has been termed “performance zoning,” because it permits a use to be developed on a particular parcel only if that use meets “performance” standards, which have been enacted to insure against the use causing, or having the potential to cause, the negative impacts mentioned above.

The format of the regulations in this Ordinance, and particularly in this Article, differs somewhat from that of traditional zoning ordinances, because performance zoning requires that consideration be given to site parcel characteristics and the range of impacts that any land use may have.

Section 401. Use Regulations.

Section 402 specifies which uses are permitted in each zoning district and defines the use categories used in this Ordinance. The purpose of this Section is to indicate which land uses may locate in each zoning district and which uses may not locate therein. A further distinction is made between uses that may locate in a given district only upon obtaining a conditional use permit to do so. The uses generally described in Section 402 are specifically listed in Sections 404 through 408.

Section 402. Uses Permitted by Right, Uses Permitted with Conditional Use Permits, and Uses Not Permitted.

Except as otherwise provided by law or in this Ordinance, no building, structure, or land shall be used or occupied except in the zoning districts indicated and for the purposes permitted in this Section. The general use categories specified by Table 4-1 are defined in Sections 404 through 408.

Uses permitted by right or as a conditional use shall be subject, in addition, to use regulations contained in this Ordinance, to all performance criteria, and other regulations governing yards, lot size, lot width, building area, easements, provisions of off-street parking and loading, and to such other provisions as are specified in other Articles herein. In particular, the laws of the State of Alabama and the regulations of the Lee County Department of Health regarding water supply and waste disposal shall be adhered to. Further, no permits shall be issued until approval is obtained from the Lee County Department of Health for water supply and sewage disposal, unless the premises are served by public water and/or sewage facilities.

402.01. All permitted uses and uses requiring conditional use approval pursuant to Section 803 are listed in Table 4-1. In addition, the table notes uses for which special development standards apply, regardless of whether such uses are designated as permitted or conditional. Special development standards are listed in Section 402.02.

A use listed in Table 4-1 in any district denoted by the letter “P” is a use permitted by right, provided that all other requirements of State law and this Ordinance have been met and provided that a zoning certificate has been issued in accordance with Article IX. A use listed in Table 4-1 may be permitted as a conditional use in any district denoted by the letter “C”, provided that the requirements of Article VIII have been met.

ARTICLE IV GENERAL REGULATIONS

Table 4-1 TABLE OF PERMITTED USES

Category Use													
<i>Agricultural Uses</i>	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Agriculture	1113								P				
Forestry	113	x				C			P	C	C		
<i>Conventional Subdivision</i>													
<i>Conventional Subdivision</i>	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Single family residential S/D		x			P	P		P	P	P	P		C
Manufactured home S/D		x							C		C		C
<i>Performance Residential Development</i>													
<i>Performance Residential Development</i>	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Single family detached S/D		x		P		P		P		P	P		C
Zero lot-line S/D		x		P		C		C		C	P		C
Town house S/D***		x	C	P		C		C		C	P		C
Twin house S/D		x		P		C		C		C	P		C
Duplex development		x		P		C		C			C		C
Multiple family development*** ✦		x	P	P		C		C			C		C
Manufactured home park		x							C		P		C
Manufactured home S/D		x							C		C		C
*** UC See Section 506.03						✦ See Section 502.02F							
<i>Outdoor Recreational Uses</i>	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Golf course	793910				C	C		C	P	C	P		C
Park (Private)			P	P	P	P	P	P	P	P	P		C
Tennis court				P	C	C	P	C	C	C	P		C
Swimming pool				P	C	C	P	C	C	C	P		C
Commercial Stables	711219								C				C
Nature and Wildlife Preserves	71219				C	C							C
Bicycle, Jogging and Hiking Paths				P	P	P	P	P	P	P	P		C
<i>Institutional</i>	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Day Care Center	624410	x	C	C			P	C		C**	P	C	C
Nursing Home	623110	x		C			P	C		C	P		C
Assisted Living Facility	623311	x		C			P	C		C	P		C
Independent Living Facility	623312	x	C	C			P	C		C	P		C
Private Libraries & Museums		x	C	C			P	C	C	C	P		C
Cemetery	812220	x		P	P	P	P	C	P		P		C
Church	813110	x	P	C	C	C	P	C	P	C	P		C
Aquariums	712130	x	C	C			P	C		C	P		C
Day Care Home	624120	x	P	C	C	C	P	C	P	C	P		C
Group Day Care Home		x	C	C			P	C	C	C	P		C
Private Schools	6111	x	C	C	C	C	C	C	C	C	C		C
Dormitories	721310	x	C	C	C	C	C	C	C	C	C	C	C
All Other Uses		x	C	C			C	C		C	C		C

P = permitted use
 C = conditional use
 A blank box indicates the use is not permitted.

*See Special Development Standards, §402.02
 **Neighborhood Shopping Center only

Indoor Recreational	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Community Rec. Center	713990	x	C	P	C	C	P	C		C**	C		C
Skating Rink (Roller & Ice)	713940	x		C			P	C			P		C
Bowling Alleys	713950		C	C			P	C		C**	P		C
Billiards	713990		C	C			P	C		C**	P		C
Gymnasium	713940		C	C			P	C		C**	P		C
Indoor Athletic Facilities	713940		C	C			P	C		C**	P		C
Special Residential	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Group Home	623990							P			C		C
Boarding/Rooming House	721310	x	C	P				P			P		C
Monasteries/Convents	813110			C	C	C	P	P	C	C	C		C
Bed & Breakfast	721191	x	P	P	C [#]	C	P	P	C	C	C		C
Halfway Houses	623990		C	C			P	P		C	P		C
	623220												
Accessory Dwelling Unit		x		P	P	P		P	P	P	P		C
# Limited to NC zoned property within the City of Auburn Historic District, as adopted by Ordinance No. 2377, and as may be amended. Bed and Breakfasts are otherwise not a permitted use in the NC District													
Office	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Office			P	P			P	P		C**	P	C	C
Commercial and Entertainment	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Auto accessory store	441310	x	P	P			P	C			P	C	C
Barbershop/beauty shop	812111		P	P			P	C		P**	P	C	C
Brewpub	312120	x	C	C			C	C		C**	C	C	C
Building material sales	444190	x	C	C			P	C			P	C	C
Clothing Stores	448		P	P			P	C		P**	P	C	C
Commercial or trade school	611511	x	C	P			P	C			P	C	C
Copy shop	561439		P	P			P	C			P	C	C
Electronics Repair	8112		P	P			P	C		P**	P	C	C
Florists	4531		P	P			P	C		P**	P	C	C
Garden Supply	44422		C	C			P	C		P**	P	C	C
General Merchandise Stores	452		C	C			P	C			P	C	C
Health & Person Care Stores	446		P	P			P	C		P**	P	C	C
Hotel/motel/condotel	721110	x	C	C			C	C			C	C	C
Office Supplies, Stationery, Gift Stores	4532		P	P			P	C		P**	P	C	C
Package store	445310		C	C			P	C			P	C	C
Pet/Pet Supply Store	45391		P				P	C		P**	P	C	C
Restaurant			P	P			P	C		P**	P	C	C
Private club	813410	x	C	C			C	C			C	C	C
Specialty Food Stores	4452		P	P			P	C		P**	P	C	C
Sporting Goods, Hobby, Book & Music Stores	451		P	P			P	C		P**	P	C	C
Lounge			C	C			C	C		C**	C	C	C
Veterinary office/kennel	541940	x	C	C			P	P	P	C**	P	C	C
Banks	5221		C	C			P	C		P**	P	C	C
Dry Cleaners	812320		C	C			P	C		P**	P	C	C
Grocery Stores	4451		C	C			P	C		P**	P	C	C

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*See Special Development Standards, §402.02
**Neighborhood Shopping Center only

Funeral Homes	812210	x	C	C			P	C		C**	C	C	C
Professional Studios			C	C			P	P		P**	P	C	C
Theaters/Indoor Auditoriums	512131		C	C			P	C			P	C	C
All others			C	C			C	C		C**	C	C	C
Road Service													
	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
ATMs		x	C	C			P	C			P		C
Auto dealership	44111						C	C			C	C	C
	44122												
Auto repair, paint/body work	8111	x					C	C			C	C	C
Car Wash/Detailing shop	811192						C	C			C		C
Convenience Stores/Small Grocery	445120			C			P	C			P		C
Flea market	531190	x					C	C			C	C	C
	531120												
Gasoline/service station	447190	x		C			C	C		C**	C	C	C
Outdoor/Drive-in theatre	512132	x					C	C			C	C	C
Small engine repair/ Sales	811411		C	C			C	C			C	C	C
Bank w/Drive Thru			C	C			C	C		C**	C	C	C
Parking Garages/ Lots	812930		C	C			C	C			C	C	C
Fast Food Restaurant	722211		C	C			C	C			C	C	C
Commercial Recreational Use													
	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Miniature golf/driving range	713990	x							C		C	C	C
Amusement park	713110	x							C		C	C	C
Fairground	711310	x							C		C	C	C
Amphitheater		x							C	C**	C	C	C
Race track	711212	x							C		C	C	C
Stadium/arena	711310	x							C		C	C	C
Recreational Rental Dwellings													
	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Campground	721211								C		P	C	C
Cottages/cabins	721199								C		P	C	C
Recreational vehicle park	721211	x							C		C	C	C
Public Service													
	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Communications tower	237130	x		C^		C	P	C	P		P	C	C
Municipal Office/Facility			P	P		C	P	C	C	C	P	C	C
Hospital	622	x	C	C			C	C			C	C	C
Public utility station or facility			C	C	C	C	P	C	P	C	C	C	C
Utility service yard or garage							P	C	C		C	C	C
All other Public Uses			C	C	C	C	C	C	C	C	C	C	C
^Only if mounted on an existing structure													
Agricultural Support													
	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Farm equipment sales/rental/leasing	532490	x							C		C	C	C
Farm equipment sales/repair	811310	x							C		C	C	C
Farm produce sales (permanent)	445230	x							C				C
Farm produce sales (temporary)	454390	x	P	P			P	P	P	C**	P		C
Farm produce supply									C		P	C	C
Farm product processing		x							C		C	C	C

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*See Special Development Standards, §402.02
**Neighborhood Shopping Center only

Nurseries	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Wholesale	444220								P		P	C	
Retail	444220	x					P	C	P	C**	P		C
Commercial Support													
Commercial Support	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Bottling plant/bakery	333993	x					P	C			C	C	
	333294												
Contractor storage yard		x						C			C	C	
Printing/publishing	323	x					P	C			C	C	
Recycled materials collection/storage	562111	x					P	C			C	C	
Sales/minor storage of gaseous fuels		x					P	C			C	C	
Sales/repair of heavy equipment	811310	x									C	C	
Vet. office/kennel w/outdoor pens	812910								C			C	
Warehouse	236220	x					C	C			C	C	
Mini-warehouse	531130	x					C				C	C	C
Wholesale distributor		x					C	C			C	C	
All others							C	C			C	C	
Neighborhood Shopping Center													
Neighborhood Shopping Center	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Neighborhood Shopping Center		x								C	P		C
Community Shopping Center													
Community Shopping Center	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Community Shopping Center 100,000 - 499,999 s.f. floor area		x					P				P		C
Regional Shopping Center													
Regional Shopping Center	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Shopping Ctr. 500,000+ s.f. floor area							P				P		C
Industrial Uses													
Industrial Uses	NAICS	SDS*	UC/CEOD	US	NC	DD-H	CC	RDD	R	LDD	CDD	I	PDD
Bulk storage of chemicals or fuels	493190	x										C	
Commercial incinerator	562213	x										C	
Food processing/packaging	311	x										C	
Freight/trucking terminal	488490	x										C	
Manufacture of building materials	326199											C	
Manufacture/storage of explosives	325920	x										C	
Outdoor storage of machinery												C	
Recycled materials processing												C	
Scientific testing/research laboratory												C	
Slaughterhouse	31161	x										C	
Storage of sand/gravel/blocks		x										C	
Auto salvage yard	493190											C	
Mine/quarry	212321	x							C				
All others												C	

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A blank box indicates the use is not permitted.

*See Special Development Standards, §402.02
**Neighborhood Shopping Center only

In addition to Table 4-1, the following regulations regarding permitted uses are established:

- A. Existing garage apartments in the Neighborhood Conservation District are permitted uses and may be improved within the existing structure, but there shall be no increase in the number of dwelling units in the structure. No new garage apartments are permitted in any district in the City. When existing apartments are improved, off-street, paved parking spaces shall be provided and a ten-foot wide buffer area with one canopy tree, three understory trees, and four shrubs per 100 linear feet of buffer area shall be installed to screen both the structure and the parking area. In the case where the structure is less than ten (10) feet from a property line, a 15-foot wide buffer area shall be installed with the corresponding planting materials from Figure 7-1. Only in the extreme case where the structure is located on a property line shall that segment of the bufferyard be excused. All other bufferyards shall be required.
- B. Uses not listed in Table 4-1 or Section 402 are not permitted in any district except pursuant to Article IX, which provides for interpretation of uses, or Article VII, which provides for nonconformities.
- C. Although a use may be indicated as permitted or conditionally permitted in a particular district, it does not follow that such a use is permitted or permissible on every parcel in such district. No use is permitted or permissible on a parcel unless it can be located thereon in full compliance with all of the performance standards and other regulations of this Ordinance applicable to the specific use and parcel in question.

402.02. Special Development Standards. Certain uses have unique characteristics that require the imposition of development standards in addition to those minimum standards, which may pertain to the general group of uses encompassing the use. These uses are listed below, together with the specific standards that apply to the development and use of land for the specified activity. These standards shall be met in addition to all other standards of this Ordinance, unless specifically exempted.

A. Agricultural Uses.

Forestry:

- 1. Subject property shall not be located within the area encircled by East University Drive and Shug Jordan Parkway.
- 2. Minimum lot size shall be 25 acres.
- 3. No trees shall be harvested within 50 feet of the perimeter of the site.
- 4. Harvesting activities shall conform to the Best Management Practices of the Alabama Forestry Commission.

B. Conventional Subdivision. See Section 502.01.

C. Performance Residential Development. See Section 502.02.

In addition to Section 502.02F:

Multiple Family Residential Development Standards:

- 1. All multiple unit residential developments shall provide one (1) visitor parking space for each ten bedrooms within the project.
- 2. Building frontages greater than 100 feet in length shall have offsets

or other distinctive changes in the building façade.

3. A variety of prominent architectural features, such as door and window openings, porches, rooflines, should be used.
4. Bicycle parking is required in accordance with Section 510 of this ordinance.
5. Orientation requirements - A minimum of 50 percent of the buildings shall have a front entrance facing a public or private street. If the property line at the road frontage is less than 50% of the side lot line, the property is exempt.
6. Gated developments shall only be allowed with a private access, and the gates shall be placed no closer than 20-feet from the property line. The gates must activate open by siren. A Knox box must be accessible by the Fire Dept. and there must be a backup to the system that will activate it open in case of a power failure.
7. Required open space should be designed to be a focal point of the development and shall be aggregated into meaningful quality open space.
8. Common open space shall be reasonably accessible to all residents.
9. To the maximum extent practicable, open space shall connect with the following lands located within or adjacent to the development:
 - a. dedicated parks or greenways;
 - b. school sites;
 - c. adjacent open spaces
 - d. adjacent multiple family uses
 - e. commercial areas
10. Attractive pedestrian ways, bicycle paths, or trails should link the proposed development site to these uses cited in Item 9.
11. Dumpster placement shall be screened from public view, public rights-of-way and from abutting properties by materials of the same architectural style, color and materials as the principal structure and the opening provided with a gate (which must remain closed when the dumpster is not in use) of durable wood or comparable material. All screening shall be a minimum of six (6) feet high. Dumpster screening enclosures shall be maintained in good repair. All dumpsters must be placed on a hard surface, of adequate size to accommodate the dumpster and garbage trucks. Such area shall be so located as to be easily accessible for residents and trash pickup. A minimum of one-half (1/2) cubic yard of dumpster capacity must be provided for any apartment unit, townhouse or condominium unit pursuant to City Code Section 1209.01. Curb service is provided only by written permission of the Environmental Services Department and must be submitted with the site plan of the development. All mechanical equipment (roof or ground) shall be screened with landscaping or brick if visible from a public street.

- 12. 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, electrical and other utility meters, irrigation and pool pumps, permanent barbeques, satellite antennae, utility appurtenances, mechanical rooftop equipment or ventilation apparatus. Accessory structures, mail boxes, recreation buildings, swimming pools and any other amenities must be approved by staff and a separate zoning certificate issued.
- 13. Mail boxes for large developments should be in a covered shelter and not located between the street and the front plane of the first building.

D. Manufactured Home Park. See Section 502.02.G.

E. Institutional, Indoor Recreation & Special Residential Uses.

- 1. All new institutional uses must front on a road with a functional classification of Collector or Arterial, as designated in Appendix B.
- 2. Church:
 - a) Any new principal structure shall be set back no less than 50 feet from any adjoining property under different ownership.
 - b) Church-related accessory uses, such as student centers, day care centers, dormitories, boarding houses, and recreation centers, shall be prohibited in the Neighborhood Conservation (NC) and Development District Housing (DDH) Districts.
 - c) For existing churches in the Neighborhood Conservation (NC) and Development District Housing (DDH) districts, uses are limited to sanctuaries, educational buildings and fellowship halls. Such uses shall install all required bufferyards and landscaping, as well as compliance with all other applicable regulations. All required parking shall be located on the development site, and not separated from the church by any public right-of-way.
- 3. Bed and Breakfast Inn
 - a) Only an existing dwelling unit that meets the following standards may be used as a bed and breakfast establishment.
 - b) The owner of the establishment must reside on the premises.
 - c) The residence designated as a bed and breakfast establishment cannot contain more than eight (8) guest rooms.
 - d) All guest rooms must be contained within the principal dwelling unit; except that when a bed and breakfast use is established in an historic district and the premises include accessory structure such as a carriage house, such accessory buildings may contain guest rooms provided that the total of rooms in the accessory and the main buildings does not exceed eight guest rooms.
 - e) Breakfast must be provided daily on the premises for the guests.

- f)** The owner of the establishment must obtain a business license from the City of Auburn Revenue Department.
- g)** A sign, not to exceed six (6) square feet, shall be permitted in a location to be determined by the Planning Director. Such sign may be illuminated to an intensity not to exceed one (1) foot candle with lights that are focused on the sign in such a way that they do not create any glare to the surrounding area.
- h)** In addition to the off-street parking required by the dwelling unit, one parking space shall be required for each guest room. This additional parking does not have to be paved but shall have a surface that is approved by the Planning Department.
- i)** In the absence of the resident owner(s) a resident manager(s) may be permitted to operate the inn. Such arrangement shall be limited to a maximum of three (3) months in any given calendar year.

4. Accessory Dwelling Unit

- a)** These provisions apply to a residential unit that is located in an owner-occupied single family detached home, or is a separate structure on the same lot as an owner-occupied single family dwelling.
- b)** An accessory dwelling unit shall contain its own sleeping room, kitchen, and bathing and toilet facilities; and such facilities shall be adequate to support independent residential use of the unit.
- c)** The maximum area occupied by the accessory dwelling unit shall be no more than thirty (30) percent of the floor space in the principal residence or 1,000 square feet, whichever is the lowest.
- d)** Accessory dwelling units shall meet all the setbacks, ISR, FAR and other applicable standards for the zoning district in which the principal dwelling unit is located.
- e)** Accessory dwelling units may be no more than two (2) stories in height. If an accessory unit is located above a garage, the garage will be considered the first floor of the two-story structure.
- f)** No more than one accessory dwelling unit shall be permitted on a single lot of record.
- g)** All utilities for the accessory unit shall be provided from the principal dwelling unit.
- h)** The principal dwelling unit must be owner-occupied; and an accessory dwelling unit shall not be rented or used as income producing property.
- i)** No accessory dwelling unit shall be approved unless all the conditions set forth above are met. No waivers or variances to this Section shall be allowed as a means of accommodating an accessory dwelling unit.

5. Assisted Living Facility:
 - a) Must have a covered drive up drop-off point.
 - b) Parking spaces shall be provided at the rate of one (1) space per each dwelling unit of which at least 10% shall be handicapped accessible.
 - c) Licensed by the State of Alabama.
 - d) Shall contain 150 square feet per resident for outdoor seating.

F. Commercial and Entertainment Uses.

1. Auto accessory store: no repair work to be done on premises.
2. Building material sales: all building materials shall be kept within an enclosed structure or completely surrounded by a wood stockade or other opaque fence at least six (6) feet in height.
3. Brewpub:
 - a) Must meet requirements of the Municipal Code of Auburn, Alabama.
 - b) Shall comply with all applicable regulations of the State of Alabama.
4. Private Clubs:
 - a) The proposed use shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety and general welfare. The owner will be required to submit the hours of operation, social activities to be conducted and the number of people to be assembled at one time.
 - b) An ample amount of off-street parking shall be provided to accommodate the maximum number of members and guests which the club facilities can accommodate. (One space per four persons to the maximum capacity of the facility).
5. Veterinary office/ with indoor kennel:

No outdoor pens, runs or cages shall be permitted. Outdoor exercise areas will be allowed and shall be designated as such on the site plan.

Common exercise yards shall be no closer than 200-feet from an adjacent residential property line.

Building will be suitably designed, sound-proofed with a one to two (1-2) pound noise isolating material and provided with air conditioning.
6. Funeral Homes:
 - a) There shall be no external display of merchandise on the premises.

- b) A screened, off-street loading space shall be provided, and the loading and unloading of merchandise and cadavers shall occur out of sight and not on public property.
- c) A service drive shall be provided such that the street need not be used for the forming of funeral processions.
- d) Should be located taking into account the suitability of the street network for the assembly and movement of funeral processions.

7. Hotel/motel/condotel:

Permitted only on property fronting on an arterial or collector road as designated in Appendix B.

8. Retail Uses in the Urban Core. The following uses are considered to be appropriate within the Urban Code (UC) zoning district. This list is intended to be indicative and not inclusive.

- Antiques and furniture sales
- Apparel
- Art gallery and/or frame shop
- Bakery/confectionary sales
- Bicycle sales, lease, and service
- Books and music
- Cards, stationery, and party supplies
- Computer sales and supplied
- Copy shop
- Coffee/tea retail, with or without café
- Department/variety store
- Drug store/pharmacy
- Dry cleaners
- Florist, plant or gift store
- Food store or grocery
- Hardware store, no outside display or storage
- Hobby or craft store
- Jewelry and engraving store and repair
- Optical sales and service
- Photographic studio, camera sales and service
- Sporting goods
- Stamp and coin sales
- Tack and leather goods
- Tobacco/cigars
- Video rental

9. Restaurant:

- a) A restaurant may involve service of liquors, table wine and beer with State and local licenses, but must derive at least 51% of its gross revenue from the sale of food and non-alcoholic beverages.
- b) A restaurant with a lounge must devote 51% or more of the floor area to the restaurant use.

G. Road Service Uses. Any outside display of vehicles, equipment or other merchandise for sale, lease or storage shall be on a paved surface. No display of merchandise shall be allowed on the right-of-way or in any required bufferyard.

1. Auto repair, paint/body work:

- a) Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
- b) Unlicensed, untitled vehicles shall not be permitted on the site at any time. No body or chassis shall be stored on the site at any time.
- c) All parts, including body parts, shall be stored within a completely enclosed structure.
- d) The lot shall front on an arterial or collector street.
- e) Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.
- f) There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing. Per Section 7-103 of the City Code: "The spilling, dumping, or disposal of materials other than storm water to the storm sewer is prohibited."
- g) There shall be no selling of vehicles at a shop for auto body or auto repair.

2. Building Material Sales:

- a) Outdoor display is a temporary display of items actively for sale.
- b) Outdoor storage shall be screened by opaque fencing, screening or landscaping from any public right-of-way. The height of the stored materials may not exceed the height of the screening. The plans for any proposed screening must be submitted with the site plan.
- c) All outdoor display and storage area must be clearly shown in the site plan.
- d) No more than 10 percent of the gross floor area of the principal use may be used for temporary outdoor display.
- e) The site should be designed so that pedestrian and vehicular circulation is coordinated and reviewed for safety.

3. Flea Market:

- a) Flea markets shall be permitted only on property fronting on an arterial road, as designated in Appendix B with all major points of ingress/egress connecting to that road.
- b) At least one enclosed building of 300 square feet or more in size shall be constructed on the property.

- c) Minimum lot size shall be five (5) acres, with a minimum width of 200 feet and a minimum depth of 300 feet.
- d) No merchandise shall be sold or displayed less than 100 feet from adjoining residential property or 50 feet from non-residential property.
- e) Parking shall be provided at the rate of one (1) space per 50 square feet of sales area, as designated on an approved site plan. Parking areas shall have a smooth, stabilized and dustless surface; provided that no more than 50 percent of the required parking spaces may be grass or other suitable material in overflow and remote locations. Unpaved spaces and driving aisles shall be organized for efficient traffic flow, using tire stops, railroad ties, or other objects approved by the City Engineer. Parking spaces within 150 feet of any structure on the development site shall be paved with asphalt, concrete or other rigid paving material.
- f) A twenty-foot wide buffer area with landscaping pursuant to Section 426.03 shall be provided along all property lines. Off-street parking landscaping shall be based on Section 426.04.

4. Gasoline/service station:

- a) Site. The minimum frontage on an arterial street shall be 150 feet. In LDD, a gasoline station shall be permitted as part of a neighborhood shopping center on a site not less than three (3) acres in size. It shall be located at the intersection of two arterial roads or an arterial and a collector road, as designated in Appendix B.
- b) Service Area. Pits, hoists, and all lubricating, washing, and repair equipment and workspace shall be enclosed within a building.
- c) Bulk Storage. Liquid petroleum fuels shall be stored in underground tanks.
- d) Structures. Structures shall conform to the following standards:
 - 1. Vehicular canopy structures shall abide by applicable building setbacks (Sec. 502). Accordingly, the maximum height of all such structures shall be noted on the site plan. The area under such canopies shall count against the permissible Floor Area Ratio (FAR) allowed for such developments (Table 4-3).
 - 2. Pump islands and underground fuel storage tanks shall be set back a minimum of 20 feet from any property line.
- e) No area of any gasoline/service station shall be used for the storage, display, sale or leasing of any new or used vehicle.
- f) Space for outdoor display should not exceed ten (10) percent of the gross floor area of the principal use. Height of the display may not exceed three (3) feet.
- g) The site should be designed so that pedestrian and vehicular circulation is coordinated and reviewed for safety.

- c) The design, location, size and operating characteristics of the proposed parking use are compatible with the existing and future land uses on-site and in the vicinity of the subject property.
 - d) Parking lots shall not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively affect surrounding neighborhoods.
 - e) Surface of lots must be improved to the Public Works Department standards in regards to the material use, striping and control of surface water.
 - f) Landscaping must be provided in accordance with the City landscaping and bufferyard requirements.
- 9. Fast Food Restaurants**
- a) Access points and driveways shall be planned and shared between properties to the greatest extent possible.
 - b) Drive-in displays, ordering areas, and parking canopies are permitted but shall not serve as the singularly dominant feature on the site or as a sign or attention-getting device.
 - c) The order box must be at least 100-feet away from any residence.
 - d) The site should be designed so that pedestrian and vehicular circulations are coordinated and reviewed for safety.

H. Commercial Recreational Uses.

All commercial recreational uses shall be subject to the following requirements:

- 1. No commercial recreational use shall be located within 300 feet of existing residential development.
- 2. Minimum lot size shall be 40,000 square feet, or as required in Table 4-3.
- 3. No building, trailer, vehicle, or mechanical equipment supporting the use shall be located within 50 feet of any property line.
- 4. For a golf driving range, the following standards shall be met:
 - a) The site plan required pursuant to Section 802 shall show the layout of the property and indicate the location of all driving ranges, putting greens, fences, and structures.
 - b) Accessory uses permitted shall be limited to a clubhouse, refreshment stands, maintenance shed, a miniature golf course, and a pro shop.

I. Recreational Rental Dwellings.

- 1. Recreational vehicle park: All recreational vehicle parks shall be developed according to the following standards:

a) Minimum lot requirements.

1. Minimum size for development site: 100,000 square feet.
2. The development site shall have at least 50 feet of frontage on an arterial road, as shown in Appendix B.

b) Vehicle Site Requirements.

1. The minimum vehicle site area shall be 1,200 square feet, with a minimum width of 20 feet and a minimum depth of 40 feet. All RV sites shall be shown on the site plan for the park.
2. The minimum distance between recreational vehicles shall be 10 feet. The minimum distance between a recreational vehicle and any structure shall be 20 feet. The minimum allowable distance between recreational vehicles shall, for the purpose of this section, be measured from and between the outermost structural parts or attached accessory features.
3. The addition or attachment of any accessory structures such as awnings, porches, carports, or individual storage facilities not specifically designed and included as a standard part of the original RV shall be expressly prohibited.
4. The removal of wheels and/or the installation of skirting materials around the base of a RV shall be prohibited.

c) Allowable Accessory Uses.

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

- d) Bufferyards. There shall be a twenty-foot wide buffer area with landscaping pursuant to Section 426.03 along all property lines where the park adjoins a road, vacant property, or a different land use. RV parks shall install five (5) canopy trees, five (5) understory, and 25 shrubs per 300 linear feet of buffer area or 10 dwelling units for general landscaping and shall not exceed the following performance criteria:

Maximum gross density:	10 RV sites/acre
Maximum I.S.R for entire park:	. 25
Maximum I.S.R. for any RV site:	. 60
Maximum building height (conventional structures):	35 feet

For purposes of site plan review, it shall be assumed that impervious surfaces cover 60 percent of each designated RV site unless the site plan specifies a lesser amount. An open space area shall be provided which meets the requirements of Section 421 and which is easily accessible from all vehicle sites. The minimum size of such open space

area shall be 20 percent of the entire tract area or 20,000 square feet, whichever is greater.

e) Other Regulations:

1. *Site Plan.* Any applicant for the required permits to establish, construct, alter or extend a recreational vehicle park in Auburn shall prepare and submit a detailed site plan in accordance with the requirements of Section 802.
2. *Access and Internal Streets.* RV sites within the park shall be served by internal roads and shall not have direct access to public streets. Maintenance of private roads within the park shall be the responsibility of the developer and/or owner of the property.
3. *Off-Street Parking and Maneuvering Space.* The internal circulation system of a RV park shall be designed so that parking, loading or maneuvering of vehicles shall not necessitate the use of any public street, sidewalk, or right-of-way, or any private grounds not part of the designated parking area. Sufficient maneuvering space and off-street parking facilities shall be provided at each site to accommodate a towing vehicle.
4. *Duration of Stay.* Vehicle sites shall be rented by the day or week only. No RV shall remain in a park longer than 60 consecutive days.
5. *Ground Cover.* Exposed ground surfaces in all parts of every vehicle site area or other vehicle parking area shall be grassed, paved, or covered with gravel to prevent soil erosion.
6. *Drainage Requirements.* Surface drainage plans for the entire tract shall be reviewed by the City Engineer, who shall determine whether the proposed plan is compatible with the surrounding existing drainage pattern and any relevant drainage plan of the City, prior to issuance of building permits.
7. *Ownership.* RV 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 rest of the park. The City of Auburn shall not be responsible for maintenance and/or repair of common facilities within any recreational vehicle park.

J. Public Service Uses.

1. Telecommunications Tower: See Section 501.07.
2. Hospital: Development site shall have ready access to an arterial road, as designated in Appendix B.

3. Electric Substation and similar public utility structures:
 - a) Storage of materials, trucks, or repair equipment shall not be permitted on the site.
 - b) The utility structure shall be enclosed by a wall of brick or other attractive, durable material not less than six (6) feet high.

K. Agricultural Support Uses.

1. Farm equipment sales/repair: All structures and equipment storage areas shall be located at least 200 feet from the nearest residential structure under different ownership. All repairs shall be performed within a fully enclosed structure.
2. Farm produce sales: Limited to sales of produce grown on the same property.
3. Farm product processing in Rural (R) and Comprehensive Development (CDD) Districts:
 - a) All such uses must front on a road with a functional classification of Arterial, as designated in Appendix B.
 - b) Minimum lot size: five (5) acres in R
 40,000 s.f. in CDD
 - c) The total floor area of all nonresidential structures shall be limited to 10,000 square feet. All machinery shall be kept within a fully enclosed structure.
 - d) Outdoor pens or cages for animals shall be prohibited in CDD, and in the R district shall be set back 150 feet from all property lines.
 - e) Processing facilities shall not operate between the hours of 11 p.m. and 7 a.m.

L. Nurseries.

1. Retail sales of gardening supplies in Rural (R) district:
 - a) Property must front on a road with a functional classification of arterial, as designated in Appendix B.
 - b) Bufferyards shall be provided along all property lines as indicated in Tables 4-5, 4-6, and 4-7; in all cases, however, buffers shall meet a width of 15 feet or higher with landscaping pursuant to Sections 426 through 432.

M. Commercial Support Uses in the CC, RDD, and CDD.

1. Bottling plant/bakery:
 - a) Minimum lot size shall be 80,000 square feet.
 - b) Structures shall be set back 50 feet from all lot lines.

2. Contractor storage yard: All equipment and building materials shall be screened from outside view by an opaque fence no less than six (6) feet in height.
3. Printing/publishing:
 - a) Minimum lot size shall be 80,000 square feet.
 - b) Structures shall be set back 50 feet from all lot lines.
4. Recycled materials collection/storage:
 - a) Materials collected for recycling purposes shall be limited to inert solids such as plastic, glass, paper and metal. No liquids, or objects containing liquids, shall be stored on the site. Toxic chemicals or hazardous materials of any kind shall be prohibited.
 - b) All materials collected for recycling purposes shall be stored within a completely enclosed structure.
5. Sales/minor storage of gaseous fuels: No more than 500 gallons shall be stored on the site at any time.
6. Sales/rental/repair of heavy equipment:
 - a) All repair work shall be performed within a completely enclosed structure.
 - b) Equipment or vehicles under repair or not operational shall be screened from public view or stored indoors at all times.
7. Mini-Warehouse:
 - a) After receiving conditional use approval, the mini-warehouse shall be the sole use of the structure(s) in which it is located. Other activities in place of or in addition to the mini-warehouse shall not be permitted within those structures.
 - b) No storage bay or unit in a mini-warehouse shall be used as a place of business, and no business license shall be approved for the property other than that of the mini-warehouse owner/operator.
 - c) No storage bay shall contain plumbing or more than one (1) electrical outlet.
 - d) Parking for the facility shall be limited to one (1) designated space per office staff plus one (1) handicap space.
 - e) A maximum ISR of 70 percent and a maximum FAR of 80 percent may be allowed only for mini-warehouses located in the Industrial (I) zoning district.
 - f) The mini-warehouse facility shall be completely surrounded by a fence at least six (6) feet in height, such that access to the site can be restricted. A masonry wall or wood stockade fence shall be provided where required under Section 425; otherwise, chain link may be substituted.

- g)** Setbacks for mini-warehouse structures shall be determined according to Section 505.

8. Climate-Control Storage Facility

- a)** After receiving conditional use approval, a climate-controlled storage facility can also contain leasable square footage not to exceed twenty (20) percent of the gross square footage of the facility, for meeting rooms, copy rooms and similar ancillary purposes.

- b)** Where it is proposed to accommodate other uses on the same development site, the applicant shall submit an overall master plan for the total development of the site.

No storage bay or unit shall be used as a place of business, and no business license shall be approved for the climate-controlled facility other than that for the facility owner/operator.

- c)** No storage bay or unit shall contain plumbing or more than one (1) electrical outlet.

- d)** There shall be a minimum of five (5) and a maximum of ten (10) parking spaces which shall be located in close proximity to the business manager's office on the site.

- e)** All cladding materials for structures shall be described in the application and/or the site plan. Building facades that will be visible to a public right-of-way shall consist of natural materials such as wood or stone, or manufactured products such as brick, stucco, or architectural decorative concrete block, or other such materials as may be approved by the Planning Commission. All structural supports, such as columns, for vehicular canopies shall be clad in one or more of the same materials as the building facades.

- f)** A maximum ISR of seventy (70) percent and a maximum FAR of eighty (80) percent may be allowed for climate-controlled storage facilities.

- g)** Setback requirements for all structures shall be determined according to Section 505.

N. Neighborhood Shopping Center. Up to 100,000 Square Feet

- 1.** Gasoline station in a neighborhood shopping center: See Gasoline/Service Station under Road Service Uses.

- 2.** Neighborhood Shopping Centers in the Limited Development District (LDD) shall meet the following requirements:

- a)** A neighborhood shopping center shall be located only at the intersection of two arterial roads or of an arterial road and a collector street, as designated in Appendix B. For this purpose each quadrant of such an intersection shall be considered a separate location.

- b)** The total area of a neighborhood shopping center shall be not less than three (3) acres.

- c) A natural material such as wood, brick, stone, stucco shall be used on the exterior surface of all structures.
- d) All utility meters, ground-mounted air conditioning and similar mechanical units shall be screened so as not to be visible beyond the boundaries of the site.
- e) A master signage plan for the overall proposed development shall be submitted and approved in conjunction with the required site plan.

O. Industrial Uses.

1. Bulk storage of chemicals or fuels:
 - a) Minimum lot size shall be 100,000 square feet.
 - b) Storage tanks or structures shall be at least 100 feet from all property lines.
2. Commercial incinerator:
 - a) Minimum lot size shall be 100,000 square feet.
 - b) Structures shall be at least 100 feet from all property lines.
3. Food processing/packaging:
 - a) Minimum lot size shall be 100,000 square feet.
 - b) Structures shall be at least 100 feet from all property lines.
4. Manufacture of explosives:
 - a) Minimum lot size shall be 150,000 square feet.
 - b) Structures shall be at least 150 feet from all property lines.
5. Slaughterhouse:
 - a) Minimum lot size shall be five (5) acres.
 - b) Structures shall be at least 150 feet from all property lines.
 - c) No outdoor pens, cages or runs shall be permitted.
 - d) No structure shall be located within 500 feet of any property on which residential uses are permitted.
6. Storage of sand/gravel/blocks: Stored materials shall be completely surrounded by an opaque fence no less than ten (10) feet in height. Said fence may be constructed along property lines, but shall be set back no less than 25 feet from the right-of-way of any abutting public roads.

P. Junkyard & Extraction Uses.

1. Auto Salvage yard, junkyard or storage area:

a) Storage of Materials

- 1.** Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two (2) months.
- 2.** In no case shall material that is not salvageable be buried or used as fill.
- 3.** Any items, which can be recycled or salvaged, shall be accumulated in bins or containers to be sold to a recycling firm.
- 4.** Recyclable material, which cannot be stored in bins or containers, may be stored in the open.
- 5.** Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on-site.
- 6.** In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of one and one-half (1.5) cubic feet or more, from which the door has not been removed.
- 7.** Facilities not having conditional use approval as a Junkyard Use will not be allowed to accumulate materials as described in Section 203 for more than 30 days.

b) Screening. All auto salvage yards, junkyards and storage areas shall comply with the following screening requirements:

- 1.** All outdoor storage facilities shall be completely surrounded by a continuous fence or wall of masonry, wood or other opaque material, which shall be a minimum of six (6) feet in height without openings of any type, except for one entrance and/or one exit which shall not exceed 25 feet in width.
- 2.** Gates at entrance or exit shall be of a material without openings.
- 3.** The screen shall be constructed of the same type of material throughout.
- 4.** No screen shall be constructed of metal that will rust.
- 5.** Screens shall be maintained and in good repair at all times.

2. Mine/quarry:
 - a) Minimum parcel size shall be 100 acres.
 - b) A 300-foot buffer zone shall be established around the perimeter of the property. Within this area, the natural or existing vegetation shall be maintained or improved, and no digging, dredging, blasting, storage of tailings, or other mining-related activities shall be allowed.
 - c) No structures, vehicles, equipment, or parking areas shall be located within 100 feet of a property line.

Section 403. Use Categories Defined.

The categories of uses utilized by this Ordinance are defined in Sections 404 through 408. The uses not enumerated in these sections are not necessarily excluded. Article IX empowers the Planning Director to make interpretations of use.

Section 404. Agricultural Uses.

404.01. Agriculture. Agricultural uses include farms (and farm residences); fish or poultry hatcheries; fur-bearing animal ranches; orchards; raising of livestock, horses, or poultry; truck farming; and all other agricultural uses. It does not include uses that may be accessory to agriculture, such as retail stores, nor does it include industries or businesses that support or are supported by agriculture.

404.02. Forestry. This use includes commercial logging and pulping operations, clearing or destruction of forested or woodland areas, selective cutting or clearing for commercial or other purposes, clearing for agriculture or other prospective land uses, and clearing of vegetation in reserved open space or resource protection areas. This does not include authorized clearing in accordance with plans approved pursuant to this Ordinance, removal of sick or dead trees, or removal of trees on lots of one (1) acre or less.

Section 405. Residential Uses.

405.01. Conventional residential. Conventional residential uses consist of all single-family detached dwelling units. All conventional residential development approved after enactment of this Ordinance shall conform to the requirements of Section 502.01.

405.02. Performance residential. Performance residential uses consist of all residential developments, including manufactured home parks approved after enactment of this Ordinance, except those included within the conventional residential use category. This use category permits the residential builder considerable freedom by allowing varied types of dwellings, lot sizes, and design. It also insures adequate open space in each development.

Section 406. Recreational, Institutional, and Special Residential Uses.

406.01. Outdoor recreational. Outdoor recreational uses include arboretums; areas for cycling, hiking, and jogging; commercial stables; golf courses; nature areas; parks (private); picnic areas; play fields; playgrounds; outdoor swimming pools; tennis courts; wildlife sanctuaries; and all other outdoor recreational uses. Specifically excluded are outdoor movie theaters, miniature golf courses, and golf driving ranges. This use is basically an open-space use.

406.02. Institutional, indoor recreational, and special residential uses. These uses include aquariums; boarding houses; day or youth camps; cemeteries; churches; community or recreational centers; convents or monasteries; dormitories; day care centers; group child care homes; day or nursery schools; gymnasiums; halfway houses; private libraries or museums; nursing homes; indoor recreational centers; or private schools; schools or facilities for the physically or mentally handicapped; indoor skating rinks (ice or roller);

arcades or billiard parlors; indoor swimming pools; tennis, racquetball and handball courts; and all other institutional, indoor recreational and special residential uses. These uses are all supportive of the residential community. They provide indoor space for recreation, hobbies, meetings, education, and worship, as well as cultural facilities, group quarters for religious groups and the infirm or elderly. Some uses may be operated for private profit.

Section 407. Commercial Uses.

407.01. Office. Office uses include governmental offices, business or professional offices, medical offices or clinics, and all other office uses.

407.02. Commercial and entertainment. This use category includes general retail commercial uses, primarily occurring indoors and serving a wide range of customers and requiring high-visibility locations. These uses include veterinary offices with indoor kennels; auto parts/accessory stores (no repairs); auto detailing; banks and other financial institutions (without drive thru windows); blueprint and Photostat stores; bowling alleys; commercial or trade schools (e.g., dance studios, schools for martial arts); currency exchanges; funeral homes; mortuaries; grocery stores and supermarkets (excluding convenience stores, e.g., “7-Eleven” stores); ice cream stores or stands; laundries and/or dry cleaners; light mechanical repair stores (e.g., watch, camera, bicycle, TV); stores selling liquor, or beer (in sealed containers, not for consumption on premises); lodges for fraternal orders; package stores; brewpubs, lounges and private clubs; restaurants (standard sit-down, not fast food); retail sales or stores; service businesses or stores (e.g., catering, duplicating, photography, shoe repair, tailoring, travel agency, upholstery); shopping centers; theaters and auditoriums (indoor); upholstery stores; building materials sales (excluding asphalt or concrete mixing) with no outdoor storage; carpet and rug cleaning plants; extermination shops; equipment rentals (no outdoor display); automated free-standing walk-up facilities; barbershops and beauty shops; hotels and motels; and all other commercial and entertainment uses.

407.03. Commercial recreational use. These uses include amusement parks, fair-grounds, golf driving ranges (including miniature golf), outdoor theaters (or amphitheaters), race tracks (e.g., auto, dog, go-kart, harness, horse, motorcycle), archery ranges, sport arenas, stadiums, and all other commercial recreation uses. This group includes recreational uses that are greater nuisances than conventional outdoor recreational activities, because of their size and scale, traffic volumes, noise, light, or physical hazards such as flying objects or use of weapons.

407.04. Recreational rental dwelling uses. These uses include travel trailer parks, recreational vehicle parks, camps or campgrounds with overnight camping or vacation cottages, rental cabins, vacation cottages, and all other recreational rental uses. These uses are all short-term rental facilities oriented toward leisure activities for the vacationer or organized activities such as summer camps. The maximum length of stay for any user shall be 60 consecutive days.

407.05. Road service. This use category includes commercial uses having a high degree of customer turnover, outdoor activity or outside storage of merchandise. These uses include boat rental and/or storage facilities; body shops; convenience stores (e.g., “7-Eleven” stores); gasoline service stations; retail sales with small engine repair as an accessory use, such as lawn mower stores; fast-food restaurants and any bank with drive thru tellers; outdoor drive-in theaters; parking garages/lots; vehicle rentals; vehicle repair (body) shops; vehicle sales, supplies, and service (new or used auto, boat, bus, equipment, motorcycle, truck); and all other road services.

407.06. Public service. These uses include hospitals, emergency services (e.g., ambulance, fire, police, rescue), service buildings or garages, utility or broadcasting stations or towers, utility service yards or garages, public schools, public libraries/museums/art centers, public parks, public animal shelters, and all other public utility and public service uses.

407.07. Agricultural support. These uses include farm equipment sales and repair, farm produce sales and supply (feed, grain, fertilizer), farm product processing (cidemill, dairies, poultry, or meat processing), and all other agricultural support uses.

407.08. Nurseries. This category includes nurseries with or without retail sales or greenhouses. A nursery is basically an open-space use, which generates little traffic and has few nuisances such as late hours or customer or truck noise associated with it. Nurseries are distinguished from more intensive garden center uses.

407.09. Regional shopping center. This category includes commercial land development consisting of 500,000 or more square feet of gross floor area.

407.10. Commercial support. This use category includes uses, which support the City's retail economy by providing merchandise distribution, storage, and repair services. These uses include beverage distributors; blacksmith shops; bulk materials or machinery storage (fully enclosed); large equipment rental/sales/service; contractors' offices and equipment storage yards; dry cleaning and laundry plants serving more than one (1) outlet; fuel, oil, ice, coal, and wood sales; furniture cleaning plants; furniture refinishing shops; manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, foodstuffs, and products in plants with less than 30,000 square feet of floor area or fewer than 100 employees on every shift); mirror supply and refinishing shops; monument works; ornamental iron workshops; printing plants; publishing plants; trade shops (including cabinet, carpentry, planing, plumbing, refinishing, and paneling); small engine repair as a principal use; veterinary offices with open or partially enclosed runs, yards, pens; and/or kennels; wholesale business and storage; warehouses and mini-warehouses; and all other commercial support uses.

407.11. Neighborhood Shopping Center. A commercial development site containing one or more commercial buildings, together with all required parking, landscaping, buffering, signs, drainage facilities, and other design features to accommodate the uses permitted on the site. The purpose of the neighborhood shopping center is to serve the limited commercial needs of nearby residential development. It is not intended to provide commercial services to customers from other areas of the City.

Permitted uses shall include banks; garden supply stores; grocery stores or supermarkets; ice cream stores; laundries and/or dry cleaners; light mechanical repairs such as cameras, watches, or tv's; barber or beauty shops; standard sit-down restaurants, not fast food establishments; gasoline service stations; and similar retail stores and service businesses.

407.12. Community Shopping Center. A commercial development site, which may include outparcels, containing one or more commercial buildings, together with all required parking, landscaping, buffering, signs, drainage facilities, and other design features, to accommodate the uses permitted on the site. The purpose of the community shopping center is to serve a larger market area than a neighborhood shopping center with certain categories of commodities that are less likely found in a regional shopping center, such as garden and building supplies.

Permitted uses shall include office; garden supply stores; grocery stores; clothing stores; specialty food stores; dry cleaners; electronic repairs such as cameras, watches, or televisions; barber or beauty shops; standard sit-down restaurants; and similar retail stores and service businesses. (See Table 4-1).

Some uses are allowed by conditional use approval such as gasoline service station and bank with a drive-thru (See Section 803).

Section 408. Industrial Uses.

408.01. Industry. This use category includes asphalt or concrete mixing plants; bulk material or machinery storage (unenclosed); fuel generation plants; grain elevators; meat packing plants or slaughterhouses; resource recovery facilities; truck, motor, or rail terminals; dyeing plants; food processing and packing plants; lumber yards; pilot plants; scientific (e.g., research, testing, or experimental) laboratories; also, those uses listed above as commercial support, any industrial use having 30,000 or more square feet of floor area or having 100 or more employees on any shift, and all other industrial uses.

This group contains uses that have severe potential for negative impact on any uses that would locate relatively close to them. This group differs from commercial support uses in that it includes uses that require enclosed structures, which are large, tall, and unsightly, such as concrete batching plants. These uses also have severe potential for generation of odor and may involve large amounts of exterior storage; because of their scale, they are likely to have a regional impact.

408.02. Extraction and junkyard uses. This category includes junk, scrap, or salvage yards and all extraction uses. These uses create major disruptions to the area's environment, even when carefully regulated. Dust, dirt, noise, and unsightly conditions can be anticipated. None of these areas is an acceptable neighbor in an urban environment.

408.03. Airports, Landing Strips and Heliports. This category includes any facility used for take-off, landing, storage, maintenance, and/or repair of aircraft. It also includes aviation-related activities, such as radar and communications facilities, flight schools, and cargo loading and storage areas.

Section 409. Zoning District Performance Standards.

Section 410 and 411 delineate the standards for open space, density, impervious surface coverage, and lot area that apply in each zoning district. The purpose of these performance standards is to provide detailed regulations and restrictions by means of minimum criteria, which must be met in order to protect neighbors from adverse impacts of proposed land uses and to protect the general health, safety and welfare by limiting where uses may be established, insuring that traffic congestion is minimized, controlling the intensity of use, and prescribing other such performance criteria as necessary to implement the goals and objectives of this Ordinance. This Ordinance depends on a comprehensive performance evaluation process to insure compatibility between neighboring land uses.

Section 410. Compliance.

All uses and activities shall comply fully with the provisions of the following standards as a precondition of development approval.

Section 411. Performance Standards.

This section contains the basic standards applicable to the districts and uses allowed by this Ordinance. The standards of Tables 4-2 and 4-3 shall apply to each district and use therein. All standards must be met.

Some development standards shown in Tables 4-2 and 4-3, particularly maximum floor area ratio (FAR) and impervious surface ratio (ISR), may differ from standards provided in Table 4-4 or elsewhere in this Ordinance; in all cases, the strictest standard shall apply.

All tracts of land within a district may be developed to the same density factor. However, the number of units permitted per gross acre will vary from site to site due to differences in the amounts of resource protection land, but will in no case exceed the maximum gross density established in Table 4-2.

The floor area ratio is the maximum amount of gross floor area of all floors of a building permitted on the site.

Impervious surface ratios are calculated separately for areas and/or parts of a development site that are separated by a public road, railroad, or other feature that affects surface drainage.

The base-zoning district from which they were rezoned shall govern densities, and open space ratios for uses in Planned Development Districts. When a Planned Development District encompasses property with more than one original zoning designation, the density, and open space ratio shall be derived from the calculated average figure based on the acreage within each original zoning designation. This average may be applied across the overall site, without regard for the original designation.

411.01. 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 in Table 4-3 below.

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.

The Planning Director may waive the Angle of Light setback requirement for particular site plans meeting all of the following conditions:

- 1) subject property is located in the University Service (US) district;
- 2) requested waivers shall apply only to property lines adjoining public streets;
- 3) permitted building setbacks shall not be less than the existing yard width on adjoining property fronting on the same street; and
- 4) the waiver shall not result in the encroachment of any structure into a required bufferyard.

B. Maximum Setbacks. Where lots have double frontage, the maximum setback shall apply to the frontage upon any designated corridor (Section 433). 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.

Table 4-2: Performance Standards for Residential Uses by District

District/ Subdivision Type	Maximum Gross Density (du/ac.)	Minimum Open Space Ratio¹
<i>Rural (R)</i>		
Conventional	0.33	0.00
Performance	2.35	0.45
<i>Comprehensive Development (CDD)</i>		
Conventional	4.00	0.00
Performance	9.50	0.25
<i>Limited Development District (LDD)</i>		
Conventional	2.00	0.00
Performance	5.00	0.30
<i>Development District Housing (DD-H)</i>		
Conventional	4.00	0.00
Performance	5.50	0.30
<i>Redevelopment District (RDD)</i>		
Conventional	5.00	0.00
Performance	16.00	0.20
<i>Urban Core (UC)</i>		
Performance	See Article V, Section 506	
<i>University Service (US)</i>		
Performance	34.00	0.15
<i>Neighborhood Conservation (NC)</i>		
	See Article V, Table 5-2	
<i>Planned Development District (PDD)</i>		
	See Article V, Section 504	

¹No open space shall be required in a performance residential development consisting of 4 dwelling units or less on an existing lot of record. No open space shall be required for town houses constructed in the Urban Core (UC) and University Services (US) districts.

Table 4-3: Standards for Nonresidential Uses by District

District Uses	Maximum FAR	Maximum ISR	Minimum Site Area³	Minimum lot width⁵	Angle of light factor
<i>Rural (R)</i>					
Agriculture/Nurseries ¹	na	0.05	3 ac	none	1.0
Commercial Recreation	0.10	0.20	3 ac	none	1.0
Outdoor Recreation	0.02	0.40	3 ac	none	1.0
Recreation Rental	0.01	0.10	200,000 SF	none	1.0
Public Service ²	0.20	0.50	3 ac	none	1.0
Agriculture Support	0.25	0.50	40,000 SF	none	1.0
Institutional	0.05	0.40	3 ac	none	1.0
Conditional Uses	0.12	0.30	200,000 SF	none	1.0
<i>Comprehensive Development District (CDD)</i>					
Nurseries	0.05	0.50	80,000 SF	none	1.0
Commercial Recreation	0.15	0.30	40,000 SF	none	1.0
Road Service	0.35	0.90	30,000 SF	100 ft	1.0
Public Service ²	0.30	0.60	7,500 SF	75 ft	1.0
Agriculture Support	0.25	0.50	40,000 SF	100 ft	1.0
Outdoor Recreation	0.05	0.40	7,500 SF	75 ft	1.0
Recreation Rental	0.15	0.25	100,000 SF	none	1.0
Institutional	0.50	0.60	7,500 SF	75 ft	1.0
Commercial Support	0.40	0.75	7,500 SF	75 ft	1.0
All Other Uses	0.70	0.80	7,500 SF	75 ft	1.0
<i>Limited Development District (LDD)</i>					
Forestry	0.01	0.10	1 acre	none	1.0
Institutional	0.50	0.60	none	none	1.0
Public Service ²	0.20	0.50	none	none	1.0
Outdoor Recreation	0.05	0.25	1 acre	none	1.0
Neighborhood Shopping Ctr.	0.40	0.60	3 acres	none	1.0
All Other Uses ⁶	0.40	0.80	7,500 SF	75 ft	1.0
<i>Development-Housing (DD-H)</i>					
Public Service ²	0.20	0.50	7,500 SF	75 ft	1.0
Institutional	0.50	0.60	7,500 SF	75 ft	1.0
Outdoor Recreation	0.05	0.40	7,500 SF	75 ft	1.0
Agricultural Uses	0.01	0.10	1 acre	none	1.0
Indoor Recreational	0.50	0.60	7,500 SF	75 ft	1.0
All Other Uses ⁶	0.40	0.80	7,500 SF	75 ft	1.0
<i>Redevelopment (RDD)</i>					
Outdoor Rec. (Parks only)	0.05	0.40	7,500 SF	none	1.0
Public Service ²	0.30	0.60	7,500 SF	75 ft	1.0
Road Service	0.35	0.90	30,000 SF	100 ft	1.0
Commercial Support	0.60	0.70	7,500 SF	75 ft	1.0
Institutional	0.60	0.70	7,500 SF	75 ft	1.0
All Other Uses	0.70	0.80	7,500 SF	75 ft	1.0

<i>Neighborhood Conservation (NC)</i>						
Public Service ²	0.20	0.50	7,500 SF	75 ft	**	
Outdoor Recreation	0.05	0.40	7,500 SF	none	**	
Institutional	0.50	0.60	7,500 SF	75 ft	**	
<i>Urban Core (UC)</i>						
All Uses	5.00	1.00	none	none		0.0
<i>University Service (US)⁷</i>						
Outdoor Rec. (exc. golf courses)	0.05	0.40	7,500 SF	75 ft		0.5
Institutional	0.70	0.80	7,500 SF	75 ft		0.5
Public Service ²	0.50	0.80	7,500 SF	75 ft		0.5
Road Service	0.35	0.90	30,000 SF	100 ft		0.5
All Other Uses	2.00	0.90	7,500 SF	75 ft		0.5
<i>Commercial Conservation (CC) *</i>						
Public Service ²	0.35	0.75	7,500 SF	75 ft	*	
Road Service	0.35	0.90	30,000 SF	100 ft	*	
Conditional Uses	0.50	0.90	7,500 SF	75 ft	*	
All Other Uses	0.70	0.80	7,500 SF	75 ft	*	
<i>Planned Development District (PDD)⁴</i>						
<i>Industrial (I) *</i>						
Agriculture Support	0.90	0.90	40,000 SF	100 ft	*	
Nurseries	0.05	0.50	80,000 SF	none	*	
Commercial Support	0.90	1.00	10,000 SF	100 ft	*	
Public Service ²	0.50	0.80	10,000 SF	100 ft	*	
Road Service	0.35	0.90	30,000 SF	100 ft	*	
Commercial Recreation	0.40	0.90	40,000 SF	none	*	
Outdoor Recreation	0.05	0.40	10,000 SF	none	*	
Offices	1.50	1.00	40,000 SF	100 ft	*	
All Other Uses	0.40	0.90	80,000 SF	100 ft	*	

* See Article V, Section 505 for setback regulations in the Commercial Conservation District and the Industrial District and Article IV, Table 4-4 for maximum height

**See Article V, Table 5-2 for setback regulations and Article IV, Table 4-4 for maximum height

¹Maximum permitted gross density: 0.33 units per acre.

²No minimum lot size/width is required for service distribution facilities for sewer, water, telephone, gas, and electricity; minimum lot area for communication towers shall be determined by the setback (See Section 501.07).

³For lots not meeting the minimum size requirement in any district, see Section 705.

⁴ISR, FAR and minimum lot width shall be set by the base district from which the Planned Development is rezoned. Minimum site area for all Planned Development is ten (10) acres (See Section 203).

Table 4-3: Standards for Nonresidential Uses by District

⁵ In cases where side lot lines are not parallel because the lot fronts on a curved right-of-way, minimum width at road frontage shall be as follows:

1. Curved right-of-way: 75 percent of normal width requirement
2. Subdivision cul-de-sac: 50 percent of normal width requirement.

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

⁶Uses that apply in a PDD only (refer to Table 4-1, Table of Permitted Uses and Section 503, Planned Developments)

⁷Parcels fronting on College Street, between Thach and Samford Avenues, and parcels fronting on Magnolia Avenue, between Wright Street and Donahue Drive, must maintain a front building line of 30 feet and maximum building height of no more than 60 feet. Parking areas shall be prohibited in the 30 foot building setback.

Section 412. Natural Resource Protection Standards.

- A.** All residential and nonresidential development shall be preceded by the identification of any environmental or natural feature described in Sections 413 through 420 and shall meet the specified standards of environmental protection.
- B.** Site alterations, regrading, filling and clearing or planting vegetation prior to approval of the subdivision plats and/or site plans for development shall be a violation of this Ordinance. Reference in this section to “open space” is intended to mean the term as it is defined by Article II and described in Section 421.

Section 413. Stream Buffer.

413.01. Purpose. The purpose of this Section is to establish minimal acceptable requirements for the design of buffers to ensure that the stream and adjacent land will fulfill their natural functions; to reduce land development impacts on stream water quality and flows; and to provide for the environmentally sound use of Auburn’s land resources.

413.02. Definitions. For the purpose of this section, the following words or phrases shall be defined as specified below.

- A.** *Perennial stream:* See Article II, Definitions—Stream, Perennial
- B.** *Intermittent stream:* A stream that flows at least six months out of a year but does not flow during part or all of the summer and may carry water during or after a rainstorm.
- C.** *Ephemeral stream:* A stream channel or reach of stream channel that carries surface water runoff for short durations as a result of precipitation events. The channel bottom is always above the groundwater table.
- D.** *Best Management Practices (BMPs):* Conservation practices or management measures that control soil loss and reduce water quality degradation caused by nutrients, animal wastes, toxics, sediment, and runoff.

413.03. Streams Determination. Perennial and intermittent streams are identified through site inspection by the Water Resource Management Department and/or US Geological Survey (USGS) maps. Perennial streams are those which are normally depicted on a USGS map with a solid blue line. Intermittent streams are normally depicted on a USGS map with a dotted blue line. Perennial and intermittent streams not identified on the USGS map as described herein may be added to a development site plan by the Water Resource Management Department based on the determination by a qualified professional that the stream satisfies the USGS definition for said streams. Ephemeral streams are streams assessed and determined by the Water Resource Management Department through stream delineation done on the development site as reported by a qualified professional.

413.04. Buffer description, width, and permitted uses. Stream buffers shall be required on each side of all perennial and intermittent streams as defined in Section 413.02 and further described in Section 413.03. Stream buffers width shall vary based on the size of the upstream drainage basin. Table 4.31 specifies the buffer required based on the drainage area for a particular stream above the most downstream point on the development being considered. The USGS 7.5 minute 1”:2000’ quadrangle maps, in conjunction with the Soil Survey Maps of Lee County and the City of Auburn Geographic Information System (GIS), will serve as tools to delineate the size of drainage basins and specify the corresponding buffer width.

The stream buffer is comprised of three zones: *Streamside Zone, Managed Use Zone, and Upland Zone*. Buffer zones’ function, vegetation and permitted uses vary by zone as described in the Table 4.32.

TABLE 4.31

Stream Buffer Width Based on Drainage Area

Drainage Area (Watershed) Designation	Streamside Zone	Managed Use Zone	Upland Zone	Total Buffer Width on each side of Stream
< 100 acres	25 feet	None	10 feet	35 feet
≥ 100 acres	25 feet	None	20 feet	45 feet
≥ 300 acres	25 feet	20 feet	10 feet	55 feet
≥ 640 acres	25 feet	50 feet	25 feet	100 feet

If an ephemeral stream remains after construction has been completed, and all or a portion of that stream falls within the stream buffer of an intermittent or perennial stream, then that ephemeral stream shall be revegetated on both sides of the stream in accordance with the targeted vegetation of the corresponding buffer zone. Appropriate stream bank stabilization measures shall be designed if warranted by excessive velocities in the ephemeral stream. If the ephemeral stream remains after construction and falls outside of an intermittent/perennial stream buffer, then that ephemeral stream shall be grassed and/or revegetated in accordance with the surrounding vegetation at a width of 25 feet on each side of the ephemeral stream. Ephemeral stream channels and banks shall be stabilized as appropriate for the predicted stream velocities. These measures are performed in order to preserve and protect water quality.

TABLE 4.32

Stream Buffer Description and Permitted Uses

Characteristics	Streamside	Managed Use Zone	Upland Zone
Function	Protects the physical and ecological integrity of the stream ecosystem	Protects key components of the stream and provides distance between upland development and the streamside zone	Prevents encroachment and filter runoff from residential and commercial development
Vegetative Target	Undisturbed natural vegetation	Mature vegetation and native trees; exotic vegetation and underbrush may be removed and maintained	Lawns, gardens, shrubs, and pervious landscaping features
Uses	<u>Very restricted</u> - Permitted uses limited to: flood control structures, utility easements*, natural footpaths, crossings and approaches for paved roadways, and pedestrian paths and bikeways.	<u>Restricted</u> - Permitted uses limited to: all uses allowed in the Streamside Zone as well as storm water best management practices (BMPs), biking and hiking paths (with natural or pervious surfaces), greenway trails, and limited tree clearing approved by the Water Resource Management Department.	<u>Restricted</u> - Permitted uses limited to: all uses allowed in the Streamside and Managed Use Zones, as well as, grading for lawns, gardens, and gazebos and accessory structures. No septic systems, principal structures or impervious surfaces are allowed.

**As deemed necessary and approved by the Water Resource Management Department*

413.05. Applicability. The buffer requirements shall apply to all perennial and intermittent streams defined in Section 413.02. Buffer widths for streams are measured horizontally on a line perpendicular to the surface water, landward from the top of the bank on each side of the stream. The top of bank is the

landward edge of the stream channel during high water or bank full conditions at the point where the water leaves the stream channel and begins to overflow onto the floodplain.

All properties shall be subject to the buffer width requirements except those properties that are an existing lot of record and/or included on an approved preliminary subdivision plat and the lot or lots cannot meet the requirements described in this Section. *(Effective date 5/02/06 pursuant to Ordinance Number 2389)*

413.06. Minimize Intrusion. Any uses allowed in Table 4.32 shall be designed and constructed to minimize the amount of intrusion into the stream buffer and to minimize clearing, grading, erosion, and water quality degradation.

413.07. Land in the Stream Buffer. Land in stream buffers shall not be used for principal structures. All new platted lots shall be designed to provide sufficient land outside of the stream buffer to accommodate primary structures. Stream buffers should be delineated before streets and lots are laid out to minimize buffer intrusion and to assure adequate buildable area on each platted lot.

Land within the stream buffer can serve to meet the minimum lot size requirements.

413.08. Setback Requirements. For all lots within a development requiring a stream buffer, setbacks can be 100% within the stream buffer.

413.09. Buffer Impact. When the application of the buffer zones would result in the loss of buildable area on a lot (See Section 203 for definition of “lot”) that was recorded prior to the amendment of this ordinance, modifying the width of the buffer zones may be allowed, through an administrative process, as determined by the Water Resource Management Department.

Modification and mitigation of the stream buffer width are also available to landowners or developers of newly platted lots or subdivisions where there are exceptional situations or physical conditions on the parcel that pose practical difficulty to its development and restrict the application of the regulations of this ordinance. There must be proof of such circumstances by the landowner.

The landowner or his designated representative proposing any of the impacts shall prepare and submit for approval a written request and a site plan showing the extent of the proposed impact and must specify a proposed mitigation technique. Mitigation techniques are included in Section 413.10.

The Water Resource Management Department and other appropriate city staff members shall review and render a decision on any buffer encroachment and mitigation technique with regard to the stream buffer requirements. Amendment to the stream buffer width may be allowed in accordance with the following criteria:

- A. The proposed encroachment and mitigation is in accordance with the purpose and intent of this section of the ordinance.
- B. The proposed lot and structure conforms to all other zoning and development regulations.
- C. Encroachments into the buffer areas shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utility.
- D. The landowner or his designated representative submitted an acceptable written statement justifying the need for the buffer impact.
- E. The landowner or his designated representative submitted an acceptable mitigation plan in accordance with cited mitigation techniques.
- F. Attention has been given to maintaining natural vegetation and eliminating run-off.

In no case shall the reduced portion of the buffer area be less than the width of the Streamside Zone (25 feet).

413.10. Stream Buffer Mitigation Techniques. The following techniques are available to landowners for mitigation of buffer impact.

- A.** *Installation of Structural BMPs.* The installation of an on-site structural BMP (i.e. bioretention, extended detention/retention, rain gardens, stormwater wetlands, etc.) will allow for stream buffer impacts on the specific site. The structural BMP shall be designed to achieve pollutant (nutrients, herbicides, pesticides, sediment and other illicit discharges) removal to the maximum extent practicable. The BMP shall remain outside the Streamside Zone. A detailed BMP design plan must be submitted to the Water Resource Management Department for approval along with a long-term maintenance plan.
- B.** *Controlled Impervious Surface.* The landowner may commit to and provide a specific site development plan that limits the overall site impervious surface ratio equal to or less than 25%.
- C.** *Open Space Development.* The landowner may submit a specific site development plan which preserves an undisturbed, vegetative area on-site or near the development site as open space equal to 200% of the buffer encroachment area. The open space preserved must promote water quality protection.
- D.** *Stream Restoration:* The landowner may restore and preserve the buffer area on any stream of equivalent or greater drainage area the condition of which is determined to be qualified for restoration by the Water Resource Management Department on a 1:1 basis in linear feet of stream. This restoration shall include stream bank improvements and Streamside and Managed Use Zone re-vegetation.
- E.** *Stream Preservation:* The landowner may purchase, fee simple, other stream segments within the city limits at equivalent or greater drainage area on a 1:1 linear foot basis and convey fee simple and absolute title of the land to the City.
- F.** *Wetland Restoration:* On a 2:1 acreage basis for disturbed stream and buffer area (2 acres of wetland for each acre of disturbed area), the landowner may provide a combination of the preservation and/or restoration of wetlands with protective easements, and the implementation of structural or non-structural BMPs to achieve pollutant removal to the maximum extent practicable.
- G.** *Greenways:* The landowner may allocate and donate open space within the city limits through fee simple to the City of Auburn for preservation and use as common open space.
- H.** *Wider Buffer Widths:* A developer may add additional widths to buffer areas where encroachment occurs in other areas on a development site and may obtain an acre for acre credit based on the stream buffer zone impacted. A 2:1 credit could be obtained by determination of the Water Resource Management Department in the event additional streamside buffer is set aside for encroachment of the managed use and upland stream buffer zones.
- I.** *Other Mitigation Techniques:* Other creative mitigation techniques and plans may be considered by the Water Resource Management Department.

413.11. Vegetation Preservation. The buffer shall provide for the preservation and enhancement of natural vegetation or planting. No live vegetation may be removed from the Streamside and Managed Use Zones for preparation of land for uses permitted in Table 4.32 unless approved by the Water Resource

Management Department. The Water Resource Management Department may grant approval of the removal of exotic vegetation (i.e. privet, kudzu, etc.) provided that a vegetation restoration plan is submitted and approved prior to the disturbance of the vegetation. The purpose of such plan is to ensure that native vegetation is restored to the Streamside Zone.

Where a developer or lot owner removes live vegetation from the buffer strip, in violation of this section, the Water Resource Management Department shall require native vegetation of reasonable diameter in size to be planted so as to create a buffer area which is in compliance with this section. A vegetation restoration plan must be submitted and approved by the Water Resource Management Department prior to restoration.

413.12. Vegetation Restoration Plan. A vegetation restoration plan shall include the following information:

- A. Scaled map of lot showing buffer delineation (copy of the survey is acceptable).
- B. Square footage of the actual area disturbed or proposed disturbed area.
- C. Proposed vegetation to be removed from the buffer.
- D. Proposed location, number, and species of plants to be planted in the disturbed area (See list of plant species).
- E. Type of ground cover to be placed in the disturbed area (i.e. mulch, pine straw, etc.).
- F. Proposed planting schedule and deadline for completion of restoration activities.

413.13. Buffer Delineation. The following buffer delineations are required:

- A. Stream boundaries including each buffer zone must be clearly delineated on all grading plans, subdivision plats, site plans and any other development plans.
- B. The outside boundaries of the *Managed Use Zone* of the stream buffer must be clearly marked on-site by flagging or fencing prior to land disturbing activities.
- C. The outside boundary of the *Managed Use Zone* must be permanently marked at highway stream crossings.
- D. Stream and buffer boundaries including the delineation of each buffer zone must be specified on all surveys and recorded plats and noted on individual deeds.
- E. Stream buffer requirements must be referenced in homeowners association documents.

413.14. Approved Permits. Where a landowner or his representative obtain permits from Alabama Department of Environmental Management (ADEM) or the U. S. Army Corp of Engineers for proposed impact to the stream or stream buffers then these approved mitigation impacts and plans would supersede the applicable requirements of these sections of the ordinance. The regulations that these permits do not affect shall be applicable to the proposed development site.

Section 414. Reclamation of Undeveloped Land.

In the event that construction of a development has not begun in accordance with the provisions of this Ordinance, or has not been completed within one year of initiation, said development shall be reviewed by the Planning Commission at its next regular meeting following the expiration of the one-year period. At this meeting, the Planning Commission shall determine whether or not reasonable progress toward completion of the development is being made. Evidence of reasonable progress toward completion may include, but shall not be limited to, installation of streets, utility lines and stormwater management

facilities; laying structural foundations; and completion of any stage of a development approved under a staging plan pursuant to Section 802.09(A). However, the clearing and grubbing of land, in the absence of other improvements, shall not by itself constitute evidence of reasonable progress.

Upon a determination that reasonable progress is not being made, the Planning Commission may require the owner of the development site to restore the land to the same condition that existed prior to the initiation of the development. If such restoration is not feasible, the City Engineer and the Planning Director shall determine and prescribe an acceptable condition or degree of reclamation; at the very least, the site shall be sodded or planted in grass, and appropriate measures shall be taken to prevent or eliminate soil erosion. In all cases, restoration activities shall be consistent with appropriate Best Management Practices as recommended by the Alabama Forestry Commission, the Alabama Department of Environmental Management (ADEM) and/or the Natural Resources Conservation Service (NRCS).

Section 415. Floodplains.

Development within or affecting a floodplain shall be designed and constructed in accordance with the regulations, requirements and specifications of Section 7.5, FEMA Requirements, of the Auburn Public Works Design and Construction Manual.

415.01. Permanent open space. All such areas shall be permanent open space. No uses or improvements other than those permitted herein shall be permitted in any area consisting of floodplain as defined by this Ordinance.

415.02. Permitted uses. The following uses are permitted within the floodplain as a matter of right:

- A. All uses that are permitted in designated open spaces.
- B. All uses that are classified as agriculture, nurseries, and outdoor recreation.
- C. Piers, bridges and bridge approaches, and picnic shelters, so long as the building permit application shows that a licensed engineer has certified that such structures are designed to withstand the forces exerted by the 100-year flood event at that location.

415.03. Installation of fill materials. Fill may be placed within the floodplain only when allowed as a conditional use pursuant to Section 803. An application for such conditional use shall be accompanied by detailed fill plans, showing existing and proposed conditions. If a structure is to be placed on the fill, the plans shall show the structure as well. In considering the application, the Planning Commission shall determine whether the proposed fill meets the general standards set forth in Section 803, and the following additional standards set forth in Section 7.5, FEMA Requirements, of the Auburn Public Works Design and Construction Manual.

Section 416. Steep Slopes.

Development on steep slopes shall be designed and constructed in accordance with the regulations, requirements and specifications of Section 4.3.1.1 – Review and Approval of Construction Best Management Practices Plans of the Auburn Water Resource Management Design and Construction Manual.

All steep slope areas, as determined by the Water Resource Management Department, shall be identified on the Construction Best Management Practices Plan and on any subdivision plats.

Section 417. Open Space.

The open space requirements of Table 4-2 and this Section shall apply to residential development only. Land that is required by this Ordinance to remain as open space may be used for the recreation, agriculture, resource protection, amenity and other purposes specified in this Section. Open-space land shall be freely

accessible to all residents of a development, with the exception that agricultural land uses shall be permitted to restrict access to that land to those solely engaged in agricultural pursuits. Open space shall have qualities making it useful to residents of the development for either passive or active recreation, and will be developed to serve that purpose; or shall serve an important visual role in separating the development from existing public ways or from other existing or potential developments; or shall be of value in dividing the development into coherent sub-areas. Non-recreational buildings, except those related to agricultural uses permitted under Section 421.01(C) shall not occupy open-space land.

417.01. All developments required by this Ordinance to provide open space shall meet the following requirements.

- A.** Land designated as open space shall be maintained as open space and may not be separately sold, subdivided, or developed, and no structures shall be built on such land, except as provided below. All such properties shall be owned and maintained by the developer, owner of the development site, homeowners association, or other private entity.
- B.** An open-space plan shall be submitted as a part of the application for a site plan or subdivision approval. This plan shall designate and indicate the boundaries of all open-space areas required by this Ordinance. The plan shall:
 - 1.** Designate areas to be reserved as open space. The specific design of open-space areas shall be sensitive to the physical and design characteristics of the site.
 - 2.** Designate the type of open space, as established in this Section that will be provided.
 - 3.** Specify the manner in which the open space shall be perpetuated, maintained, and administered in accordance with Section 421.02.
- C.** The types of open space that may be provided to satisfy the requirements of this Ordinance, together with the maintenance required for each type, are as follows:
 - 1.** *Natural areas* are areas of undisturbed vegetation or areas replanted with vegetation after construction. Woodlands and wetlands are specific types of natural areas. Natural watercourses are to be maintained as free flowing and devoid of debris. Stream channels shall be maintained so as not to alter floodplain levels.
 - 2.** *Agricultural uses* specified in Section 404.01.
 - 3.** *Garden plots* are the division of open space into plots for cultivation as gardens.
 - 4.** *Recreational areas* are areas designed for specific, active recreational uses having minimal requirements for structures, such as tennis courts, swimming pools, softball fields, and golf courses. An enclosed structure shall be permitted in a recreational area only where it directly supports a specific facility and does not require off-street parking. Recreational areas shall be accessible to all residents of the development.
 - 5.** *Greenways* are linear green belts linking residential areas with other open-space areas. These greenways are encouraged to designate developed bicycle paths, footpaths, bridle paths, fitness trails, or other similar development. Inter-connecting the greenway system between residences and recreational areas is encouraged.

6. *Commonly owned lawns* consisting of grass with or without trees.

D. Open space shall be appropriately located and large enough to address the open space characteristics cited throughout Section 421.

1. No dwelling unit shall be located more than 750 feet from designated open space. The Planning Commission may waive this distance requirement where the developer proposes a major recreational facility which will occupy at least 50 percent of the required open space for the development. No more than ten (10) percent of the dwelling units in the development may be occupied before this facility is completed and available for use.

Where intervening non-recreational properties separate a dwelling unit from an open space area, the Planning Director may require an easement or other means of access for non-motorized traffic to avoid the need for pedestrians to cross or travel on roads carrying vehicular traffic.

2. No parcel of property, or portion thereof, less than 40 feet wide and 7,500 square feet in size shall be counted toward the designated open space requirement. Open space areas containing paved or stabilized paths for pedestrians and/or bicycles shall be exempt from this requirement if such paths are part of a comprehensive circulation system serving a portion of the development.

3. All open space shall be easily visible and freely accessible.

4. The following shall not count toward fulfillment of designated open space requirements:

- a) Platted lots for residential use or designated sites for manufactured homes or recreational vehicles;
- b) Easements for roads, driveways or any other use which is not consistent with the purposes of open space as established in this Section;
- c) Required bufferyards in subdivisions where such bufferyards are located inside residential lots;
- d) Parking areas, including planter islands, planter strips, and peninsulas, containing required landscaping;
- e) Public or private right-of-way;
- f) Private roads and driveways;
- g) Areas of required spacing between structures, manufactured homes or recreational vehicles;
- h) Areas which have been cleared of vegetation, excavated, filled, or otherwise altered from their natural state unless such alteration is consistent with the proposed use of the open space parcel;
- i) Any development site (as established by a site plan) containing a clubhouse or a non-recreational use including, but not limited to, office, restaurants, gift shops, and groundskeeper storage buildings;

- j) Any other areas which the Planning Director finds to be inconsistent with the intent of this Section.

In addition, no lake, pond, or other permanent water body shall constitute more than 25 percent of the total open space required for the development. No golf course shall constitute more than 60 percent of the total open space required for the development.

417.02. Preservation of open space. Open-space areas shall be maintained so that their use and enjoyment as open space is not diminished or destroyed. Where open space is to be provided within a subdivision, such areas shall be designated by creating separate parcels within the perimeter of the plat. These parcels shall be labeled as to their intended use, and the plat shall note the entity or entities having ownership and maintenance responsibility.

Where open space is provided within a development site, which is the subject of a site plan, and is under different ownership than the rest of the site, it shall nevertheless remain part of the development site pursuant to Section 802.11. Unless the site plan is modified or terminated in accordance with Section 802.08, the open space areas shall be used only as provided in Section 421. The site plan shall note the entity or entities having ownership and maintenance responsibility.

Open-space areas may be owned, preserved, and maintained as required by this Section by any of the following mechanisms or combinations thereof:

- A. Common ownership of the open space by a homeowner’s association, which assumes full responsibility for its maintenance.
- B. Deed-restricted private ownership that shall prevent development and/or subsequent subdivision of the open-space land and provide the maintenance responsibility. This arrangement shall be noted on the site plan and/or subdivision plat. Full and proper legal documentation shall be submitted to the Planning Director prior to commencement of development activities.

Section 418. Land Use Intensity Classification and Bufferyards and Structure Height.

All land uses that are permitted by this Ordinance have been assigned a land use intensity class designation. This classification system separates uses on the basis of the type and degree of “nuisance” or negative impact they are likely to impose on land uses adjacent to them.

Bufferyards are required to protect one class of use from adverse impacts caused by a use in another class or to ameliorate the impact two uses in the same class may have on one another. Bufferyards between two uses in the same land use intensity class are not required in this Ordinance for Classes V-XI, because the principal intent is to buffer residential uses (found only in Classes I-IV) from nonresidential uses. However, the Planning Commission may require bufferyards between two uses of the same intensity in Classes V-XI or between two uses of different intensity where bufferyards are not required by the Ordinance if it appears that problems will result from placing unlike land uses side by side without a bufferyard. This regulation benefits both the developer and the adjoining landowner(s), because it allows the developer several options from which to choose in developing the property, while insuring each neighbor adequate protection regardless of the developer’s choice.

Each land use is listed in one or more use intensity classes. A use must meet all the standards specified for that use in Table 4-4. The standards that apply to the highest intensity class for a use shall be the maximum intensity permitted for that use. There are standards that set maximum density, impervious surface ratio, floor area, and height.

Portions of a structure that are less than 65 feet in height and are not used for habitation and storage are exempt from standard height restrictions. These elements include chimneys, ventilators, utility service

structures, solar panels, steeples, bell towers, clock towers, cupolas, flag poles, fire escapes, stairway enclosures and elevator enclosures. Also, parapet walls, balustrades or railings that rise less than six feet from the floor or roof from which they extend are not factored into the height measurement.

Section 419. Land Use Intensity Class Standards.

In keeping with the concept that performance should be the relevant measure of any land use regulations the following Section classifies uses according to their respective impacts (all uses within a use class are considered to have an equal impact on neighboring uses). A developer may develop at an intensity that will minimize nuisances to neighbors or provide a denser bufferyard, if the land is developed at greater intensities. The impacts of greater intensity may include greater impervious surface coverage, with associated increased runoff, heat generation, reduced percolation, and open space, increased bulk and height of buildings, increased traffic with associated noise and congestion, signs and exterior lighting visible from neighboring property, late hours of operation, and other nuisances. Thus, for example, an office use on any lot may meet the standards of Intensity Classes V, VI, VII, VIII, or IX (See Table 4-4). The range of intensity classes open to a use does not affect whether it can locate on its lot, but only how it can develop on that lot. Performance standards are specified for each intensity class; exceeding any single standard in an intensity class moves a use to the next higher intensity class. *In the event that a use does not appear in the next higher intensity class, it may not exceed any single criterion in the highest intensity class in which it is listed.*

Table 4-4: Land Use Intensity Class Standards, Classes I-V

Land Use/Maximum Performance Standards	I	II	Class III	IV	V
<i>Agriculture, Forestry & Nurseries</i>					
Gross Density*	0.33				
I.S.R.	0.05	0.50			
F.A.R.	0.02	0.05			
Height, inhabited	35'	35'			
Height, uninhabited	80'	80'			
<i>Conventional Subdivision</i>					
Gross Density		1.00	3.00	4.00	5.00
I.S.R.		0.15	0.25	0.35	0.35
Height		35'	35'	35'	35'
<i>Performance Residential Development</i>					
Gross Density			2.00		
I.S.R.			0.12		
Height		------(See Section 502)-----			
<i>Outdoor Recreation</i>					
I.S.R.		0.30	0.40	0.50	0.60
F.A.R.		0.005	0.010	0.015	0.020
Height		20'	25'	30'	30'
<i>Neighborhood Shopping Center</i>					
I.S.R.		0.50	0.60		
F.A.R.		0.30	0.40		
Height		25'	35'		
<i>Recreational Rental Dwellings</i>					
Gross Density				10	
I.S.R.				0.25	
F.A.R.				0.15	
Height				35'	

* residential use permitted only in the Rural (R) district

Table 4-4: Land Use Intensity Class Standards, Classes V-IX

Land Use/Maximum Performance Standards	V	VI	Class VII	VIII	IX
<i>Institutional, Indoor Recreation, Special Residential</i>					
I.S.R.	0.30	0.60	0.70	0.80	
F.A.R.	0.25	0.50	0.60	0.70	
Height	35'	40'	45'	50'	
<i>Office</i>					
I.S.R.	0.30	0.60	0.80	0.90	1.00
F.A.R.	0.20	0.50	1.20	2.00	3.00
Height	20'	60'	60'	60'	80'
<i>Performance Residential Development</i>					
Gross Density		6.00	17.50	34.00	
I.S.R.		0.32	0.48	0.75	
Height		------(See Section 502)-----			
<i>Public Service</i>					
I.S.R.	0.20	0.50	0.60	0.70	0.80
F.A.R.	0.15	0.20	0.30	0.35	0.50
Height	20'	30'	40'	50'	50'
<i>Agriculture Support</i>					
I.S.R.			0.65	0.80	0.90
F.A.R.			0.55	0.80	0.90
Height			40'	50'	60'

Table 4-4: Land Use Intensity Class Standards, Classes VI-X

Land Use/Maximum Performance Standards		VI	VII	Class VIII	IX	X
<i>Outdoor Recreation</i>						
I.S.R.		0.70	0.80	0.90		
F.A.R.		0.03	0.04	0.05		
Height		30'	35'	40'		
<i>Commercial / Entertainment and Regional Shopping Center</i>						
I.S.R.		0.60	0.80	0.90	1.00	1.00
F.A.R.		0.47	0.77	1.10	1.20	2.00
Height		25'	30'	50'	60'	60'
<i>Road Service</i>						
I.S.R.			0.50	0.80	0.90	
F.A.R.			0.19	0.31	0.35	
Height			25'	40'	40'	
<i>Commercial Support</i>						
I.S.R.		0.40	0.50	0.75	0.90	1.00
F.A.R.		0.30	0.40	0.60	0.80	0.90
Height		30'	35'	45'	45'	45'

Table 4-4: Land Use Intensity Class Standards, Classes IX-XI

Land Use/Maximum Performance Standards		IX	Class X	XI
<i>Commercial Recreation</i>				
	I.S.R.	0.70	0.90	
	F.A.R.	0.30	0.40	
	Site design standard	E	E	
<i>Industrial Uses</i>				
	I.S.R.			0.90
	F.A.R.			0.94
	Site design standard			E
	Height			60'
<i>Extraction</i>				
	I.S.R.			0.10
	F.A.R.			0.10
	Site design standard			E
	Height			30'

NOTE: Certain structures are exempt from the maximum height regulations of this Section, except as limited by any height restriction regulation of the Federal Aviation Administration (FAA) or any duly appointed authority or agency:

- Bulk storage silos and storage towers, which shall not exceed 100 feet in height.
- Concrete batching and mixing towers, which shall not exceed 100 feet in height.
- Public utility poles, towers, and wires.
- Radio and television antennae and towers.
- Towers for mechanical equipment or smoke, which shall not exceed 16 feet above roof line of principal building.
- Water tanks and standpipes.
- Portions of a structure that are less than 65 feet in height and are not used for habitation and storage including: chimneys, ventilators, utility service structures, solar panels, steeples, bell towers, clock towers, cupolas, flag poles, fire escapes, stairway enclosures and elevator enclosures. This also includes parapet walls, balustrades or railings that rise less than six feet from the floor or roof from which they extend.

Section 420. Bufferyards.

420.01. Purpose of Bufferyards. The bufferyard is the buffer together with the planting required thereon. The bufferyard requirements of this Ordinance are designed to minimize nuisances between adjacent land uses or between a land use and a public road. The purpose of the buffer is to separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires or explosions. In addition to creating a separation, a buffer determines the building setback for all performance developments, except where other setbacks are more restrictive. A structure in a performance development may require a setback greater than the width of the bufferyard, depending on the height of the structure. This determination shall be made in accordance with the requirements set forth in Section 502.03.

The purpose of the planting is to create a visual separation between uses and to enhance the beauty of the City. This is accomplished through preservation, protection, and planting of trees, particularly those trees recognized herein as canopy and understory trees. The intent is to derive all the benefits of having trees, shrubs, and other plant materials. Among the benefits are: minimizing temperature elevation, reducing noise and wind reduction, reducing stormwater runoff and flooding, preventing soil erosion, producing oxygen, fostering air quality through carbon dioxide absorption, providing shelter and food for birds and other wildlife, and softening the visual impact of development from public view and adjacent property. All these benefits contribute to a higher quality of life and enhance the appeal and economic value of both residential and business properties of the City.

420.02. Bufferyard Application. This Ordinance requires that bufferyards be provided between uses in all districts except in the Urban Core (UC) District, the Industrial (I) District, and the Neighborhood Conservation District. Bufferyards between uses in these zones are not required except in cases where single family residences occur on land abutting development in UC or I zoning districts (See Tables 4-5 and 4-7). In addition, property located in an Industrial District that has frontage along a designated corridor (See Section 433) must comply with the thoroughfare frontage bufferyard requirements (Section 433.06) and a 10 foot wide bufferyard with two (2) canopy trees per 100 linear feet is required for all development adjacent to all streets in the Industrial District. Planting materials are specified in Section 430. Conventional subdivisions shall also be exempt from bufferyard requirements.

Where bufferyards are required between uses and zoning districts, they shall adhere to the buffer width requirements shown on Tables 4-5 through 4-7 and the number and types of planting specified in Section 426.

The requirements of this article shall be met for all development sites and developments as defined in Article II. This includes vacant, redeveloped or developed sites that require a zoning certificate, that involve changes in land use category as defined in Sections 404 through 408, or that are subject to a conditional use permit. Sites that are nonconforming as per Article VII of this ordinance and cannot physically meet the requirements of Article IV will be subject to Minimum Acceptable Bufferyard requirements of Section 707.

420.03. Location of Bufferyards. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right-of-way, but may include easements, at the discretion of the Planning, Water Resource Management, and/or Public Works Departments.

420.04. Use of Bufferyards. A bufferyard may be used for passive recreation; it may contain unpaved walkways or trails, provided that: (a) no required plant material is eliminated; (b) the specified width of the bufferyard is maintained; and (c) all other regulations of the Ordinance are met. In no event, however, shall the following be permitted in bufferyards: playing fields, stables, swimming pools, basketball courts, tennis courts, parking spaces or merchandise display. No accessory structures other than signs authorized under Article VI shall be permitted in the bufferyards. No impervious surfaces shall be permitted in a bufferyard except sidewalks, paved driveways or access roads that may cross a bufferyard in providing

vehicular or pedestrian access to a public street. In approving such access points, the Planning Director shall determine: (a) that no more are proposed than necessary for the safety and convenience of persons entering and leaving the development site; and (b) that the access points have been designed so as to minimize the interference with the purposes of the bufferyard.

420.05. Ownership of Bufferyards. Bufferyards constitute an integral part of a development site, and may not be subdivided, sold, dedicated, or otherwise conveyed separately from the development site of which they are a part. The City shall not approve any development plan in which a required bufferyard or any portion of a required bufferyard lies on land, which is not part of the development site.

420.06. Responsibility for Bufferyard. All bufferyards, in their entirety, are the responsibility of the owner(s) of the development site on which they are located. No required bufferyard shall be divided by a boundary between different development sites.

Bufferyards within performance subdivisions shall be dedicated to and maintained by a homeowners' association or equivalent organization; such dedication shall be indicated on the final plat prior to recording. Where a required bufferyard is located on common property, said common property shall be owned by the homeowners' association. Where a required bufferyard crosses a privately owned lot, a bufferyard easement of the required width shall be created on the lot, said easement being held by the homeowners' association.

Where required bufferyards are absent, destroyed or in need of maintenance, and a homeowners' association does not exist or is inactive, individual property owners shall be responsible for their respective shares of the bufferyard. Fines assessed under Section 909 may be used by the City to provide the required landscaping. Bufferyards on common property are the joint responsibility of all property owners within the development site, who shall be assessed equal shares of any City expenses incurred in restoring such bufferyards.

420.07. Maintenance of Bufferyard Areas. All buffer areas and plant materials shall be maintained by the owner, occupant, tenant, and/or respective agent of each such bufferyard, so that the purpose and effect of the bufferyard is not diminished. The following minimum maintenance activities are required:

- A. Replacement of plant materials destroyed by any cause. In the case any trees or shrubs are destroyed by natural causes, plant size, in terms of caliper, height, and gallon, as the original planting must be used as a replacement. If trees are removed or destroyed by the willful act of the property owner, occupant, tenant, contractor, and/or respective agent of each, replacement trees of a greater caliper than the original planting may be required as determined by the Planning Director.
- B. Repair and/or replacement of fences and walls that deteriorate or are damaged by any cause.
- C. Restoration of bufferyards that are altered by erosion, construction, or other causes.

Failure to comply with the requirements of this Section shall be deemed a violation of the Ordinance. Violators will be given written notice of the violation and permitted 15 days to correct the violation or submit a landscape plan and planting schedule before a citation is issued. Thereafter, each day shall be considered a separate offense and shall be punishable by the maximum fine established by the City Council of Auburn.

The Planning Commission, as part of Conditional Use Approval may select a more restrictive bufferyard than the one required in Table 4-5, 4-6, or 4-7.

420.08. Bufferyard Requirements. Bufferyard requirements are stated in terms of the width of the buffer and type and quantity of planting materials. The type and quantity of plant materials required by each bufferyard and structure type option are specified in Sections 426 through 430. A structure type is a wall,

fence or berm erected to satisfy bufferyard requirements. The structure type requirements of a bufferyard requiring such may be satisfied by any of the options illustrated. The options within any bufferyard are designed to be equivalent in terms of their effectiveness in attenuating the impact of adjoining uses. Figures 4-2 and 4-3 graphically indicate the structure type options for certain types of bufferyards (See Tables 4-5 through 4-7). Sections 430 and 431 specify species and size of plant materials and recommended minimum planting areas. Plant materials identified in Section 430 shall satisfy the requirements of this Ordinance. Any variation from plantings in Appendix A will be reviewed by the Planning Department staff in conjunction with consultation with the City Arborist.

Appropriate landscaping materials for bufferyards include but are not limited to, turf grass, trees, shrubs and seasonal color, as well as stone, rocks and mulch. Where mulch is used, the area must be kept free of weeds.

Section 421. Determination of Buffer Width.

To determine the width of a buffer required between two (2) adjacent parcels or between a parcel and a street, the following procedure shall be followed:

- A. Identify the land use category of the proposed use by referring to Sections 404 through 408.
- B. Identify the use category of the land use(s) adjacent to the proposed use by on-site survey.
- C. Identify the land use intensity class of all adjoining land uses by referring to Table 4-4. The City will supply this information.
- D. Determine the buffer required on each boundary (or segment thereof) of the subject parcel by referring to Tables 4-5 through 4-7.
- E. Determine the street classification of adjacent streets by using Appendix B, for use in Table 4-7.
- F. Calculate the required setback based on the building height in accordance with Section 502.03.

Tables 4-5 through 4-7 specify the widths of the buffer required between adjacent existing land uses and streets. Buffer width averaging shall be permitted along individual property lines as long as the overall width is maintained. The width of the buffer shall not be less than five (5) feet in any location.

The buffer widths cited constitute the total buffer required on the subject property based on the nature of the adjoining land use.

The Planning Commission, as part of Conditional Use Approval may select a more appropriate buffer than the one(s) required in Table 4-5, 4-6 or 4-7.

Table 4-5: Buffer Width Requirements for Adjacent Existing Land Uses by Land Use Intensity Class

Proposed		Land Use Intensity Class (Existing)										
L.U. Intensity	Class	I	II	III	IV	V	VI	VII	VIII	IX	X	XI
	I	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
	II	NR	B	10	15	15	15	15 ²	20 ³	20 ³	20 ³	20 ³
	III	NR	10	B	15	15	15	15 ²	20 ³	20 ³	20 ³	20 ³
	IV	NR	15	15	B	15	15	15 ²	20 ³	20 ³	20 ³	20 ³
	V	NR	15	15	15	NR	NR	10	15	15	15	15 ¹
	VI	NR	15	15	15	NR	NR	NR	10	15	15	15
	VII	NR	15 ²	15 ²	15 ²	10	NR	NR	NR	10	10	15
	VIII	NR	20 ³	20 ³	20 ³	15	10	NR	NR	NR	B	10
	IX	NR	20 ³	20 ³	20 ³	15	15	10	NR	NR	NR	NR
	X	NR	20 ³	20 ³	20 ³	15	15	10	B	NR	NR	NR
	XI	NR	20 ³	20 ³	20 ³	15 ¹	15	15	10	NR	NR	NR

Table 4-6: Buffer Width Requirements for Adjacent Vacant Land by Zoning District

Proposed		District (Vacant Land)										
L.U. Intensity	Class	R	NC	RDD	CDD	LDD	DD-H	CC ⁴	UC ⁴	US	I ⁴	HD
	I	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
	II	NR	A	A	B	B	A	10	10	15	20 ³	A
	III	NR	B	B	B	10	B	10	10	15	20 ³	B
	IV	NR	10	10	B	10	10	A	A	15	15 ²	10
	V	B	10	10	10	15	10	10	10	15	15	10
	VI	B	15	15	10	15	15	15	15	15	15	15
	VII	B	15 ¹	15 ¹	15	15 ¹	15 ¹	15 ¹	15 ¹	15 ¹	10	15 ¹
	VIII	10	15 ²	15 ²	15	15 ²	15 ²	15 ²	15 ²	15 ²	10	15 ²
	IX	10	20 ³	20 ³	15	20 ³	20 ³	15 ²	15 ²	15 ²	B	15 ²
	X	10	20 ³	20 ³	15 ¹	20 ³	20 ³	20 ³	20 ³	20 ³	NR	20 ³
	XI	15	20 ³	20 ³	15 ¹	20 ³	20 ³	20 ³	20 ³	20 ³	NR	20 ³

Table 4-7: Buffer Width Requirements Adjacent to Streets

Proposed		Collector						
L.U. Intensity	Class	Expwy.	Arterial	(Land Use Across Street)			Minor Street	
				Nonres.	Vacant	Res.	Res.	Nonres.
	I	NR	NR	NR	NR	NR	NR	NR
	II	15 ⁵	15	10	10	10	10	10
	III	15 ⁵	15	10	10	10	10	10
	IV	15 ⁵	15	10	10	10	10	10
	V	NR	B	10	B	B	10	10
	VI	NR	10	10	B	15	15	10
	VII	NR	15	10	10	15	15	10
	VIII	B	15	10	10	15	15	10
	IX	10	15	B	15	15	15	B
	X	15	15	10	15	15	15	10
	XI	15	15	10	15 ⁵	15	15	10

- Notes:*
- Residential uses shall provide a 15-foot buffer area against a railroad with 16 tree inches per 100 feet.
 - Residential buffer required along with Structure Type Option 1.
 - Residential buffer required along with Structure Type Option 2.
 - Residential buffer required along with Structure Type Option 3.
 - For projects in the CC, UC, and I district, no bufferyard is required if the vacant land is in the same zoning district.
 - Structure Type Option 1 is required for this bufferyard; however, the structure type may be waived in exchange for a 20% increase in required understory and shrubs.
 - A 10-foot bufferyard with two (2) canopy trees per 100 linear feet is required in the Industrial District for all development adjacent to all streets.

Section 422. General Landscaping Requirements.

422.01. Landscaping Requirements. This Section details the general planting required on a particular development site. A tree inches per acre system shall be used to determine the number and types of trees required on a development site. Table 4-8 specifies the required inches per acre and the required number of shrubs based on the size of the development site.

The procedure for calculating the number and types of trees required on a development site is as follows:

- A. *Determining the Total Tree Inches Required on a Development Site.* To obtain the required number and type of planting materials, find the tree inches that correspond with the acreage of the development site. If the acreage of the development site is not a whole number, round the acreage to the nearest whole number to obtain the total tree inches. Multiply the tree inches by the actual acreage of the development site. Round all numbers to the nearest whole number. This number is the total inches of trees to be planted on the development site. If the property abuts a conventional residential subdivision, see Section 426.03 for additional tree inches to be added to the total inches of trees calculated.

- B. *Determining the Minimum Number of Canopy and Understory Trees.* Before determining the number of canopy and understory trees, a 60:40 ratio (canopy tree inches to understory tree inches) shall be applied to the total tree inches. Once tree inches for each type have been determined, the tree inches will be converted into the number of trees to be required on the site.

Canopy trees: Multiply the total inches of trees by sixty percent (60%) to get the tree inches to be devoted to canopy trees. To convert the tree inches to actual tree count, the inches for canopy trees should be divided by 2, which is the minimum caliper for canopy trees. The quotient is the number of canopy trees to be planted on the development site.

Understory Trees: Take the total tree inches and multiply it by forty percent (40%) to get the tree inches to be devoted to understory trees. To convert the inches to actual tree count, the inches for understory trees should be divided by one (1), which is the minimum caliper for understory trees. This number is the actual number of understory trees to be planted on the development site. Again, this number may be diminished by any applicable tree preservation credits (see Section 427).

EXAMPLE: 1.5 Acres \times 53 inches (tree inches for 2 acres) = 79.5
round to 80 inches of trees

$$80 \times 60\% = 48 \text{ inches}$$

$$48 \div 2.0 \text{ caliper} = 24 \text{ canopy trees}$$

$$80 \times 40\% = 32 \text{ inches}$$

$$32 \div 1.0 \text{ caliper} = 32 \text{ understory trees}$$

The owner would be required to plant 24 canopy trees and 32 understory trees for a total of 56 trees. If the owner decides to plant all canopy trees, he would plant 40 canopy trees and no understory trees on the development site.

- C. *Minimum Standards.* An owner shall be allowed to exceed the minimum number of trees on a development site as long as the total required tree inches have been met. The total tree inches required on a development site may be met by planting all canopy trees, but

not by planting all understory trees. The maximum number of understory trees shall not exceed forty percent (40%) of the total tree inches.

- D. *Shrubs.* The number of shrubs to be planted on the development site is found on Table 4-8. The number of shrubs is determined by the size of the development site. If the acreage of the development site is not a whole number, round the acreage to the nearest whole number to obtain the number of shrubs per acre. Then multiply the number of shrubs per acre by the actual acreage of the development site. The product is the number of shrubs to be planted on the development site.

Example: 1.5 × 84 (shrubs for 2 acres) = 126 shrubs

- E. *Landscaping Near Utilities.* Canopy trees shall not be placed within 10 feet of existing or proposed underground utilities or on designated utility easements.

422.02. Street Frontage Landscaping Requirements.

Required buffer width (See Table 4-7)	Canopy Trees (per 100 feet)	Understory Trees (per 100 feet)	Shrubs (per 100 feet)
10 feet	1.5	3	8
15 feet	2	4	10

Sites with narrow street frontages, in proportion to the total acreage, may be granted a waiver by the Planning Director or his designee. The applicant is required to request the waiver in letter form with the submitted landscape plans.

Street frontage landscaping shall be installed regardless of the total tree credits received. Existing trees located in the street frontage buffer area may receive credits if the trees are protected in accordance with Section 429.

422.03. Residential Buffer Landscaping Requirements. Additional planting materials shall be added to the landscaping requirements for property that abuts a conventional subdivision. Twenty (20) tree inches per 100 linear feet of buffer area shall be added to the inches per acre requirements for any property lines abutting conventional residential development. The 60:40 ratio shall be applied to the tree inches to determine the number of canopy versus understory trees to be planted. Shrubbery shall be provided between plantings at thirty-five (35) shrubs per 100 feet. Planting materials for a residential buffer shall be installed in the buffer area along the property line(s) abutting a conventional residential subdivision. Under no circumstances, can these inches be allocated to other areas on the development site.

422.04. Off-Street Parking Landscaping Requirements. Wherever a bufferyard required under Section 424.08 overlaps or coincides with a parking area as defined in this Section, the bufferyard shall take precedence; planting required under this Section shall be placed in another location.

Existing canopy, understory, and shrub species may be counted as contributing to the total landscaping required, provided they are located within areas addressed by this Section. The type and quantity of plant materials that satisfy the **requirements** of this Section are specified in Section 430, Plant Materials.

Landscape areas shall be provided in the interior parking area to break the expanse of pavement, provide visual relief and minimize temperature elevation from the expanse of asphalt. Landscape areas shall consist of planter islands, planter strips, or peninsula types. In order to count toward the off-street parking landscape requirements, a planter island, planter strip, or peninsula shall have a minimum area of three-hundred four (304) square feet with a minimum width of nine (9) feet (hereafter referred to as contributing landscape areas). Peninsulas may be designed within or adjacent to the interior parking area. The square footage of each planter island, planter strip or peninsula within the parking lot must be shown; all contributing landscape areas should be designated on the landscape plan by shading or otherwise differentiated from any non-contributing landscape area. Foundation landscaping (landscaping immediately

adjacent to building) shall not be considered interior parking area landscaping. Figure 4-3 graphically illustrates the area that constitutes the interior parking area and the landscape area types.

The total area provided for off-street parking landscaping shall comply with one of the following options:

Option 1: One (1) contributing landscape island is required for every sixteen (16) parking spaces in a parking lot.

The requirements of this Section shall apply to all off-street parking areas containing twelve (12) or more paved parking spaces. If an existing parking lot is expanded or improved to add twelve (12) or more spaces, it shall comply with the off-street parking landscaping requirements of this ordinance within the expanded or improved portion.

Option 2: A minimum of 10% of the interior parking lot shall be landscaped. The boundary of the interior parking area must be shown on the landscape plan. The interior parking lot area is that area inside of the parking lot curb or edge of pavement consisting of parking spaces, drive aisles, driveways and immediately adjacent areas including all landscape areas. The maximum distance in any direction between islands and peninsulas shall be one hundred eighty (180) feet and one hundred twenty (120) feet for planter strips measured from the closest landscaped planting area curb edge.

A minimum of one (1) canopy tree shall be required for and must be planted in each contributing landscaped island or peninsula regardless of the tree credits received. Larger contributing landscape areas shall require one (1) additional canopy tree for each additional three hundred four (304) square feet of area (i.e. a six hundred eight (608) square foot contributing landscape area requires two (2) canopy trees. Any additional landscaped areas, beyond the required number, may be planted with understory trees and/or shrubs. One (1) canopy tree per one-hundred (100) linear feet shall be planted in continuous planter strips. The remaining area shall be landscaped with shrubs and/or other ground covering. In some instances, these requirements of Section 426.04 may require planting materials in excess of those required by Sections 426.01 through 426.03. Existing canopy trees located elsewhere on the development site shall not count as contributing to the landscaping requirement for parking areas.

All planting areas shall be protected from vehicular intrusion by the installation of curbing or other wheel stops. Parked vehicles may hang over the interior landscaped area no more than two and a half feet, as long as curbing or other wheel stops are provided to insure no greater overhang or penetration of the landscaped area.

The City of Auburn Planning Department and/or Planning Commission may vary the minimum off-street parking landscaping requirements if specific circumstances and/or site conditions warrant such action. Under no circumstances can the landscaped areas be less than ninety (90) square feet, with a minimum width of five (5) feet.

The type and quantity of plant materials that satisfy the requirements of this Section are specified in Section 430, Plant Materials.

422.05. Placement of Plants and Structures. The exact placement of required plants and structure types shall be the decision of each user; however, no less than 40% of the 'general landscape' material installed on a development site must be located in a buffer area when bufferyards are required. Any remaining landscaping outside of the required bufferyards and parking landscaping should be placed to soften the facades of buildings. The plantings should be placed near the foundations of the buildings, if possible. Additionally, all developments must submit a Landscape Plan showing landscaping required by this Ordinance. **See Figures 4-1 and 4-2 for structure types.**

422.06. Structures. The Planning Director may waive a structure (Type 1 or 2) requirement on a performance residential development in the Redevelopment District (RDD), Comprehensive Development District (CDD) and University Service (US) zoning districts. The waiver will be considered where

structures are required to abut certain outdoor recreational uses, specifically parks, picnic areas, play fields and playground. The waiver request must be accompanied by a letter of justification from the applicant.

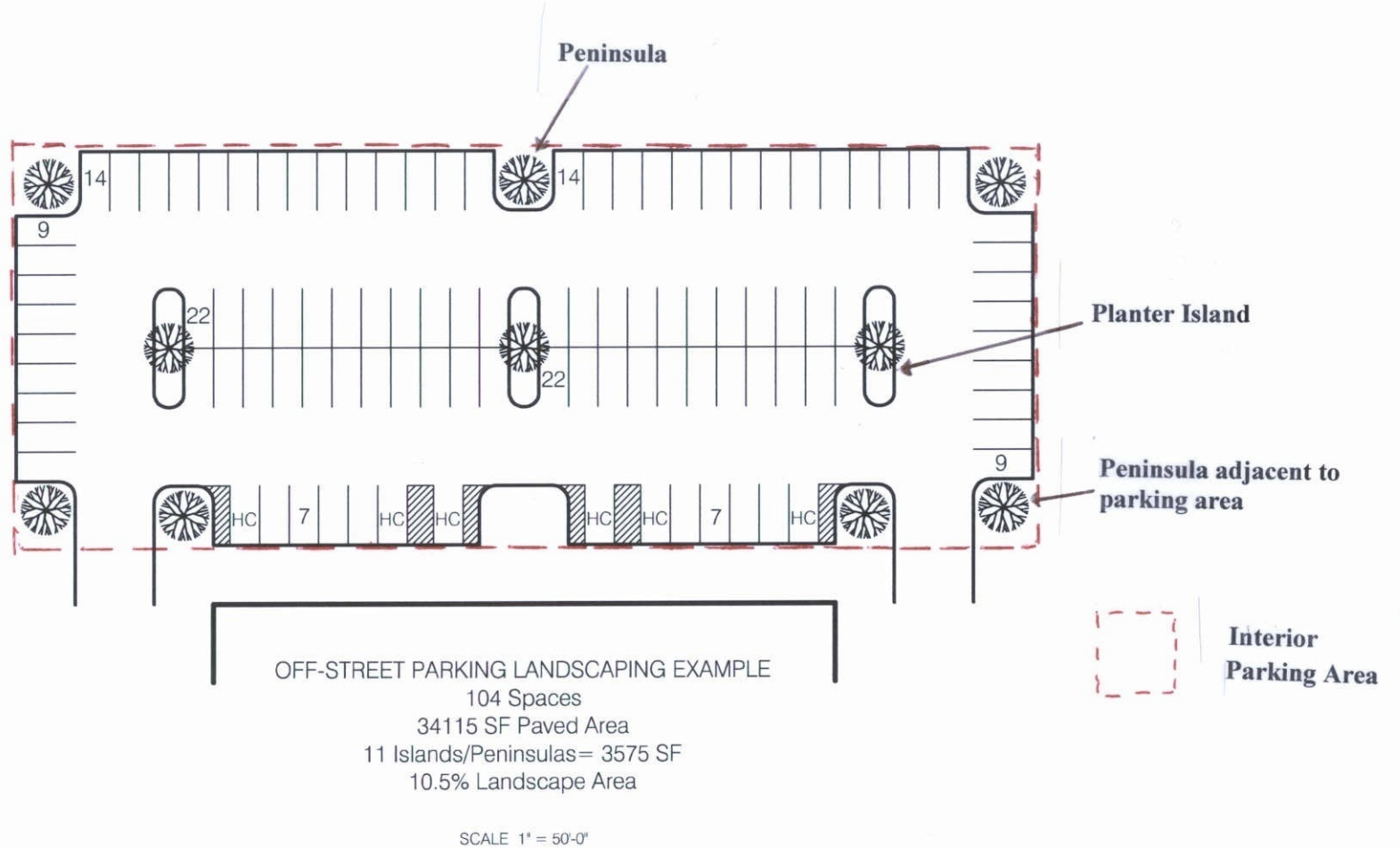
422.07. Reuse of an Existing Site. For landscaping requirements for the reuse of an existing building, refer to Section 707 of this Ordinance. The landscape requirements will be determined by the adjacent land uses and the location of the proposed new use.

**TABLE 4-8
Tree Inches per Acre**

Lot Size (Acres)	Required Inches per Acre (Trees)	Required Shrubs per Acre (Each)
1	56	90
2	53	84
3	50	78
4	47	72
5	43	66
6	40	60
7	38	57
8	36	54
9	34	51
10	32	48
11	31	46
12	30	44
13	29	42
14	28	40
15	27	39
16	26	38
17	25	37
18	24	36
19	23	35
20	22	34
25	21	32
30 or greater	20	30

Buffer Type	Buffer Width	Units per 100 feet	
		Canopy	Understory
S-1	10'	1	0
S-2	10'	2	0
A	5'	0	3
B	10'	1	3

Figure 4-1



Section 423. Tree Preservation Credit.

In order to encourage the conservation of existing trees and the incorporation of these trees into the design of projects, credit will be given for specimen trees and any other trees that are successfully preserved and protected in accordance with tree protection methods specified in Section 429.02.

In order for a tree to qualify for tree credit, it must be identified on the Landscape Plan, protected during land disturbance as required in Section 429 and meet the all minimum standards outlined in this Ordinance.

The credit allowed for a freestanding tree shall be the actual Diameter at Breast Height (DBH) of the tree saved. Only trees with a DBH measurement of four (4) inches or greater and spaced appropriately for future growth shall be eligible for tree credit. Tree credit shall only be given to trees with main trunks located on the development site. No tree credits shall be applied toward meeting the tree inches allocated to the Street Frontage and Residential Buffers, unless the trees are located in these buffer areas.

If during construction, trees that are shown on the Landscape Plan to be preserved are cleared or removed, then replacement trees shall be required equal to the total inches of credit given for the trees in accordance with this Section.

Section 424. Specimen Trees or Stands of Trees.

When making a determination on the identification of specimen trees, the following standards shall be adhered to:

- A.** Any tree in fair or better condition which equals or exceeds the following diameter sizes:
 - (1) *Large Hardwood Trees:* 24-inch DBH or larger, such as oaks, hickories, poplars, etc.
 - (2) *Large Coniferous Trees:* 30-inch DBH or larger, such as pines, cedars, etc.
 - (3) *Understory Trees:* 4-inch DBH or larger, such as dogwoods, redbuds, sourwoods, etc.

- B.** A tree in fair or better condition must meet the following minimum health standards:
 - (1) A life expectancy of greater than 15 years.
 - (2) A structurally sound trunk, not hollow and having no extensive decay, and less than 20% radial trunk dieback.
 - (3) No more than one major and several minor dead limbs (hardwoods only).
 - (4) No major insect or pathological problem.

- C.** A tree of a lesser-size than specified in this Section can be considered a specimen tree if it is:
 - (1) A rare or unusual species, of exceptional or unique quality, or of historical significance.
 - (2) Specifically used by a builder, developer, or design professional as a focal point in a landscape project.
 - (3) A contiguous grouping of trees, which has been determined to be of high value in the opinion of the City. Determination is based upon the following criteria:

- (a) A relatively mature, even-aged stand.
- (b) A stand with purity of species composition or of a rare or unusual nature.
- (c) A stand of historical significance.
- (d) A stand with exceptional aesthetic quality.

In order to encourage the conservation of specimen trees and the incorporation of these trees into the design of projects, additional credit will be given for specimen trees which meet the standards outlined in Section 428. In addition, the specimen tree must be successfully saved by a design feature specifically designated for such purpose. Credit for any specimen tree thus saved shall be twice the normal credit.

Section 425. Tree Protection.

425.01. Purpose. The purpose of this section shall be to establish methods of protecting trees and their root systems during the land development process.

425.02. Methods of Tree Protection. Root space is the most critical factor in tree protection throughout the land development process. The root system of trees easily goes beyond the dripline of the tree canopy. Disturbances within the critical root zone can directly affect a tree’s chances for survival. To protect the root zone, the following methods are suggested:

- A. Tree Protection Area – A tree protection area for all trees within the R.O.W., and any trees proposed to remain within 25 feet of any proposed grading, clearing, tree removal or construction shall be established by physical barriers prior to any land disturbance and maintained until such work is completed. All tree protection areas shall be defined by at least a concentric circle centering on the trunk with a radius equal in feet to the number of inches of the tree’s diameter at breast height. In no cases shall the radius be less than 8 feet. Example: A 12” DBH tree would have a 12’ radius (24’ diameter) tree protection area.
- B. Protective Barriers – Protective tree fencing shall be installed at the edge of the tree protection area prior to any land disturbance. Where feasible, fencing should extend beyond the dripline of the trees being protected. Fencing shall be a minimum of 4 feet in height, consisting of orange polyethylene laminar or chain link fabric secured with metal T-posts, or other means approved by the City Arborist.
- C. Signage – The placement of “Tree Protection” and/or “Keep Out” signage shall be attached to the physical barrier at all times. The location and quantity of signage shall be on all sides and convey the intent of the tree protection area and barriers.
- D. Construction Activity – Construction activities (such as grading, parking, storing equipment or materials, trenching, digging, washing or rinsing, etc.) shall not be allowed within the tree protection area. Utilities, irrigation lines or any underground fixture shall be routed around the tree protection areas. Necessary installation through the tree protection areas shall be accomplished by boring under the root system at a minimum depth of 24 inches.
- E. Other acceptable Best Management Practices (BMPs) for Tree Protection (See BMPs for Trees found in the Appendix).

Section 426. Plant Materials.

Sections 426 and 430.01 specify the plant materials and standards that must be met in order to satisfy the requirements of Sections 424 through 425 (bufferyards), 426 through 426.03 (general landscaping), 426.04 (off-street parking), and 707 (nonconforming bufferyards).

426.01. Plant Material Specifications. A plant materials matrix designating the breakdown of the tree types (Appendix A of this Ordinance) shall be used to determine which plant materials may be used to satisfy the requirements of this Ordinance under specified conditions. Any variation from plantings in Appendix A will be reviewed by the Planning Department staff in conjunction with consultation with the City Arborist. The vertical axis of the matrix classifies plant materials by type: canopy trees, understory trees, evergreen trees, deciduous shrubs and evergreen shrubs. These plant types correspond to the plant types specified by the sections of this Ordinance which require planting.

It shall be the responsibility of the developer and/or property owner to select species from Appendix A that are appropriate to the locations in which they will be planted, and to maintain them so as to meet the intent of this Ordinance.

All plant materials shall meet minimum standards of caliper, fullness of form, height, root ball and vigor as described by the American Association of Nurserymen standards published in the current edition of *American Standards for Nursery Stock*.

In the event of inclement weather or mitigating circumstances, landscape material may be bonded in accordance with procedures established by the City of Auburn Planning Department.

426.02. Minimum Plant Size. Unless otherwise specifically indicated elsewhere in this Ordinance, all plant materials shall meet the following minimum size standards:

MINIMUM PLANT SIZE AND TYPE	
Plant Material Type	All Plantings
<i>Canopy Tree</i>	
Single Stem	2 to 2 ½ inch caliper and 12' height
Multi-Stem Clump	25 gallon AND 8' height
Evergreen Canopy	25 gallon AND 6' height
<i>Understory Tree*</i>	-
Single Stem	15 gallon AND 6' height
Multi-Stem Clump	15 gallon AND 6' height
Shrub	3 Gallon AND 18 inches high
Ground Cover	1 Gallon AND 6 inches high

Notes:

Unless otherwise specifically indicated elsewhere in this Ordinance, all plant materials shall meet the following minimum size standards:

All plants should meet *American Standards for Nursery Stock* (ANSI Z60.1-1996).

All minimum height requirements listed shall be planted height.

Balled and burlap or field grown materials that meet caliper and height requirements and ANSI standards are acceptable.

No more than 50% combined may be crepe myrtle and/or Bradford pear in any landscape.

Section 427. Minimum Planting Areas.

In order to provide sufficient growing areas for planted urban trees, the following minimum planting areas are recommended:

1. Canopy Trees – 325 square feet of pervious root zone
2. Understory Trees – 90 square feet of pervious root zone

Section 428. Landscape Plan Submission Requirements.

In the interest of improving the landscape design, approval, installation and inspection process, landscape plans shall be required as part of the site plan approval process. If tree credits are desired, the Landscape Plan shall consist of a three phase plan: a Tree Survey Plan (Section 432.A), a Tree Protection Plan (Section 432.B) and a Tree Replacement Plan (Section 432.C).

If tree credits are not desired, the landscape plan shall consist solely of the Tree Replacement Plan (Section 432.C).

A preliminary landscape plan showing bufferyard widths and items 2 and 3 from the Tree Replacement Plan is required with the Development Review Team (DRT) submittal.

Unless otherwise stated, the final landscape plan shall be submitted prior to the issuance of a building permit.

Order of Submittal:

Prior to issuance of a clearing and grubbing permit:

1. Tree Survey Plan
2. Tree Protection Plan

With Development Review Team (DRT) submittal, a plan showing:

1. Bufferyard widths
2. An outline of the parking area used for calculating 10% of the parking area, if using *Option 2*.
3. The size of the landscape islands, planter strips and peninsulas (if applicable) and their distances from the nearest planted areas.

Prior to issuance of a building permit:

1. Tree Replacement Plan

A. The Tree Survey Plan. The Tree Survey Plan shall be in the form of a to-scale map or a site plan noting the following information:

- (1) A survey plan showing all trees, including specimen trees and specimen stands of trees, that shall be preserved and shall count toward meeting the tree inches requirements. The plan shall indicate the location, size and species of all trees to be preserved. Only trees with a DBH of four (4) inches or greater are eligible for tree credit and shall be inventoried.
- (2) Sampling methods may be used to determine inventory data for forested areas over two acres.
- (3) All critical root zones must be shown on the Survey. The critical root zone will typically be represented by a concentric circle entering on the tree's trunk with a radius equal in feet to one (1) times the number of inches of the trunk diameter.

B. The Tree Protection Plan. The Tree Protection Plan is a detailed plan designed to protect and preserve trees before, during, and for a period of two years after construction.

The Tree Survey and the Tree Protection Plans shall be submitted prior to the issuance of a clearing and grubbing permit, preferably with the engineering certificate. The Plan shall include the following specifications:

- (1) The location, size, species, and critical root zone of all trees to be preserved on site or within the R.O.W.
- (2) All tree protection areas and methods of protection including, but not limited to, tree fencing, retaining walls, signage, etc. Details of all permanent tree protection methods.
- (3) Locations of all existing and proposed structures, paving, driveways, detention areas, etc.
- (4) Locations of all existing and proposed utility lines and/or easements, including the locations for any boring sites for underground utilities.
- (5) Limits of clearing and grubbing, grading, and any other land disturbance that may affect tree protection areas.
- (6) Calculations showing proposed credit for existing trees to be preserved, including any credit proposed to apply to specific bufferyard requirements, if any.
- (7) Additional information as required on a case-by-case basis or as requested by the Planning Director or City Arborist.

C. The Tree Replacement Plan. The Tree Replacement Plan (otherwise referred to as a Landscape Plan) is intended to fill the gap between the preserved trees and the remaining tree planting requirements of the bufferyards. The Tree Replacement Plan shall include the following:

- (1) The project name, street address, date, scale, North arrow and the name and phone number of the person preparing the plan,
- (2) An outline of the parking area used for calculating 10% of the parking area, if using *Option 2*.
- (3) The size of the landscape islands, planter strips and peninsulas (if applicable) and their distances from the nearest planted areas.
- (4) The location, size, species, and critical root zone of all trees to be preserved and replanted on the development site or within the R.O.W. Location of shrubs is also required. Unless otherwise approved by the City Arborist and/or Planning Director, all trees selected for replanting must be on the City's Permitted Plant List (*see Appendix A*). Plants selected for planting must be free from injury, pests, disease, nutritional disorders, or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability. Standards for transplanting should be in keeping with those established in the International Society of Arboriculture publication *Tree and Shrub Planting Manual* or similar publication; for plant material quality specifications, reference the American Association of Nurserymen publication *American Standard for Nursery Stock* (ANSI Z60, 1973); for information on tree species site requirements, reference the *Manual of Woody Landscape Plants* (Michael Dirr, Stipes Publishing).

- (5) Locations of all existing and proposed structures, paving, driveways, sidewalks, detention areas, etc.
- (6) Locations of all existing and proposed utility lines and/or easements, including the locations for any boring sites for underground utilities.
- (7) Calculations showing proposed credit for existing trees to be preserved, including any credit proposed to apply to specific bufferyard requirements, if any.
- (8) The planting schedules along with proposed plant names (botanical and common), quantity, size, spacing, any special planting notes, and planting details. This shall include a matrix showing the required and provided tree and shrub quantities by type (canopy, understory and shrub) and size.
- (9) Large shrubs may be included in the Tree Replacement Plan, but should not be used for the purpose of meeting the tree inches requirement for the development site.
- (10) The plan shall especially respect sight triangles and sight distances at all intersections.

428.01. Certified Landscape Plan. Landscape plans shall be prepared and certified by a Landscape Architect, Certified Landscape Professional, Licensed Landscape Designer or Urban Forester with specifications for such plan contained therein. Other licensed professionals (e.g. architects, engineers, etc.) may be authorized by the Planning Director to prepare the landscape plans, provided that they demonstrate competence to the satisfaction of the Director.

Where necessary, these plans can be drawn in a conceptual manner to maintain conformance with the Zoning Ordinance, while omitting the specifics of placement until final landscape plan approval.

Section 429. Corridor Overlay Area Regulations.

429.01. Purpose and Scope. Recognizing the special nature of certain thoroughfares and the direct and indirect impacts of the appearance of these roadways and their importance to the local economy, this Section sets forth regulations that will help insure that development in these critical areas is visually pleasing and economically viable. This Section applies to all land in the corridor, regardless of the underlying zoning district designation, and supersedes base district zoning district regulations in the corridor unless the zoning district requirements are more stringent. In those cases, the base district regulations apply. Henceforth, as parcels are developed or redeveloped along designated corridors, the following bufferyard and landscape requirements shall apply.

429.02. Areas of Applicability. These regulations shall apply to all lots, parcels and tracts that have any frontage upon the following rights-of-way:

- A. North and South College Street
- B. East and West Glenn Avenue
- C. Shug Jordan Parkway
- D. East University Drive
- E. North and South Dean Road
- F. Wire Road
- G. Opelika Road

- H. Martin Luther King, Jr. Blvd. (from the western city limits to Donahue Drive)
- I. North Donahue Drive (north of Shug Jordan Parkway)
- J. South Donahue Drive (southeast of South College Street)
- K. Bent Creek Road
- L. West Longleaf Drive

Any property developed as single-family residential shall be excluded from the requirements of this Section.

429.03. Submission Requirements. All design elements required by this Section shall be illustrated or described within the application materials prepared for the review of staff and the Planning Commission. Any submission made without such requirements shall be deemed incomplete. Incomplete submissions shall not be considered for inclusion on Planning Commission agendas.

429.04. Site Considerations. All site plans shall be developed so as to preserve, where possible, any existing significant vegetation.

429.05. Building Materials and Design Review. The Planning staff shall review submissions for their general compatibility with existing conditions and public improvements according to the process for conditional uses outlined in Article VIII.

- A. **Exterior Building Materials.** All building cladding materials shall be described in the application and shown on elevation drawing submitted with the site plan. Building facades and accessory buildings visible to pedestrian and vehicular traffic shall consist of natural materials such as wood, stone, and manufactured products such as brick, stucco, architecturally decorative concrete block, single-lap horizontal cementitious siding with offsetting vertical joints (maximum seven (7) inch exposure), cementitious simulated cedar shake (exposure on shake), or other such materials as may be approved after the review by the Planning Commission. All structural supports (i.e., columns) for vehicular canopies shall be clad in one or more of the same materials as the building facades.
- B. **Sign Design.** The location of freestanding signs shall be illustrated on the site plan. Sign materials shall be coordinated with the exterior cladding of the structures.

429.06. Bufferyards and Setbacks. On all developments, the owner or developer must provide the required setback and the required buffer area (see Section 502.02 and Sections 424 and 425) or minimum buffer areas described below, whichever is greater. In cases where adjoining developments have the same land use intensity classifications, the minimum buffer area shall be provided except where developments share common walls or otherwise result in zero-lot line construction. The planting materials installed in the buffer areas must meet the specifications referenced below. In those cases where a conditional use is requested for an existing structure, only the required frontage bufferyard shall be required. Developments in the Urban Core (UC) District are exempt from the bufferyard requirements.

- A. **Bufferyard Requirements.** A 15-foot buffer shall be installed along the entire frontage of thoroughfares listed in Section 433.02. The minimum side and rear buffers shall be five (5) feet wide. These buffer areas shall contain planting material in accordance with Section 426, General Landscaping Requirements. The development site is also subject to Sections 426 through 432.

For property within an Industrial district, the thoroughfare frontage buffer area shall contain 16 tree inches per 100 feet of corridor frontage. The 60:40 ratio shall be applied

to the tree inches to determine the number of canopy versus understory trees to be planted. Shrubbery shall be provided between plantings at twenty (20) shrubs per 100 feet.

The Planning Director may grant waivers to portions of the side and rear buffer areas, in terms of square footage and planting materials, to be relocated to other areas on the development site. The applicant shall submit a request along with a landscape plan showing how the proposed buffer areas will be relocated.

See Section 426.04 for Off-Street Parking Landscaping requirements.

- B. General Right-of-Way Setback.** All structures shall be at least 20 feet from the right-of-way line of those thoroughfares listed in Section 433.02.
- C. Garages, Car Washes and Service Bays.** All garages, car washes or other service bays shall be located at least 40 feet from the front property line and all garage/car wash/service bay openings shall be oriented at not less than right angles to the primary public street frontage.
- D.** Dumpsters and all other refuse collection devices shall be located behind the front plane of the primary structure and shall be fully screened from public view.

429.07. Fences and Screening.

- A.** Lot areas within which repair of vehicles of any type occurs shall be screened from public view. Storage areas of vehicles that are visibly damaged or under repair shall be similarly screened.
- B.** Utility meters, air conditioners and other mechanical units shall not be located on any plane of the primary structure that faces a designated corridor and shall be screened from public view.
- C.** No type of wire fabric fencing material shall be used forward of the front plane of the primary structure. Fences in the front yards shall not exceed four (4) feet in height.

429.08. Awnings and Canopies. Rigid or fixed awnings and canopies must be maintained and kept free from dirt, mildew and tears. Worn, faded or torn awnings and canopies shall be replaced.

Section 430. Transportation Impact Report.

Transportation impact reports shall be prepared in accordance with the regulations, requirements and specifications of Section 4.1, Traffic Impact Study Requirements, of the Auburn Public Works Design and Construction Manual.

Section 431. Clear View of Intersection Streets.

Development at intersecting streets shall provide a clear view and be designed and constructed in accordance with the regulations, requirements and specifications of Section 5.3, Intersection Design Elements, of the Auburn Public Works Design and Construction Manual.

Section 432. Traffic Management.

432.01. Curb Cuts. Design and construction of curb cuts shall be in accordance with the regulations, requirements and specifications of Section 5.2, Roadway Design Elements, of the Auburn Public Works Design and Construction Manual.

432.02. Access for Lots of Record and Redevelopment. In the interest of public safety, lots of record, as defined by this Ordinance, shall be afforded vehicular access at the direction of the City Engineer. This access may take the form of a curb cut directly onto a public right-of-way or may be limited to cross-access via an adjoining lot (see section 436.04). The City reserves the right to adopt access plans for thoroughfares in rapidly redeveloping areas in order to facilitate traffic management and public safety. The Planning Commission and City Council shall approve such plans.

432.03. Acceleration/Deceleration Lanes. Acceleration/deceleration lanes shall be provided by the developer at the direction of the City Engineer. Such improvements must be designed and constructed to city, county or state standards. Design and construction of deceleration lanes shall be in accordance with the requirements of Section 5.3 Intersection Design Elements, of the Auburn Public Works Design and Construction Manual.

432.04. Cross-Access Requirements. Adjoining lots with frontage upon collector or arterial roads may be required to provide cross-access to adjacent properties in the interest of accommodating the curb-cut requirements, public safety and facilitating vehicular traffic. Such access shall be required at the discretion of the City Engineer.

Shared driveways, cross access driveways, connected parking lots, and service drives shall be recorded as an access easement and shall constitute a covenant running with the land. Operation and maintenance agreements for these facilities should be recorded with the deed.

432.05. Median Cuts. Center medians are designed and constructed both for traffic safety and aesthetic considerations. Such public improvements are constructed at great expense to the public and, therefore, any alteration of the existing or planned roadway medians shall be allowed solely at the discretion of the City Council and only where such alteration is in the interest of public safety. Where such alterations are allowed, the entire cost shall be borne by the applicant. The improvement of other medians or similar traffic control devices in proximity to the proposed development may be required in consideration for any allowed median alteration.

432.06. Additional Right-of-way. Additional right-of-way required by a specific governmental plan for the improvement of a given existing or proposed roadway shall, where possible, be divided equally between adjoining property owners on both sides of the existing roadway, and shall be dedicated to the City.

Fencing Options

Fence Type 1

Option A – Metal "Wrought Iron Style" Height = 4 feet

Option B – Berm – Height = 2 Feet and
Wood Fence (Rail/Picket/Slat) – Height = 3 Feet
Total Height = 5 feet

Fence Type 2

Option A – Metal "Wrought Iron Style" Height = 6 feet

Option B – Stockade Fence with
Decorative Design and/or Columns of Brick or
Stone – Height = 6 feet

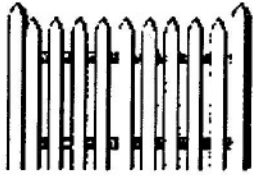
Option C – Berm – Height = 2 Feet and
Stockade Fence with Decorative Design and/
or Columns of Brick or Stone – Height = 4 Feet
Total Height = 6 Feet

Fence Type 3

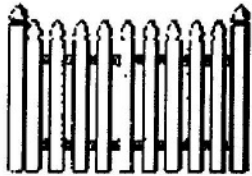
Option A – Masonry Wall with Brick or Stucco Type
Finish – Height = 6 feet

Option B – Berm – Height = 2 Feet
Stockade Fence with
Decorative Design and/or Columns of Brick or
Stone – Height = 6 Feet
Total Height = 8 Feet

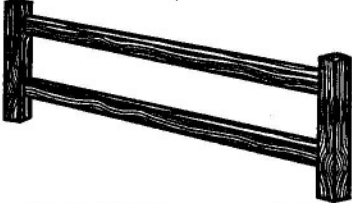
Figure 4-3
Fencing Options
For Illustration Purposes Only



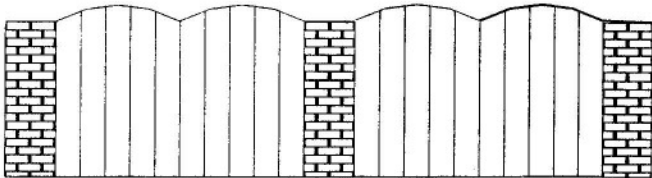
Wood Fence - Picket Style



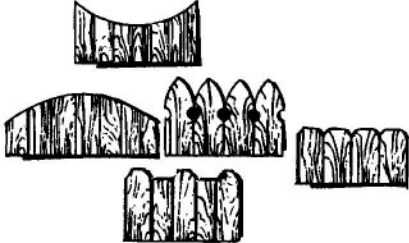
Wood Fence - Rail Style



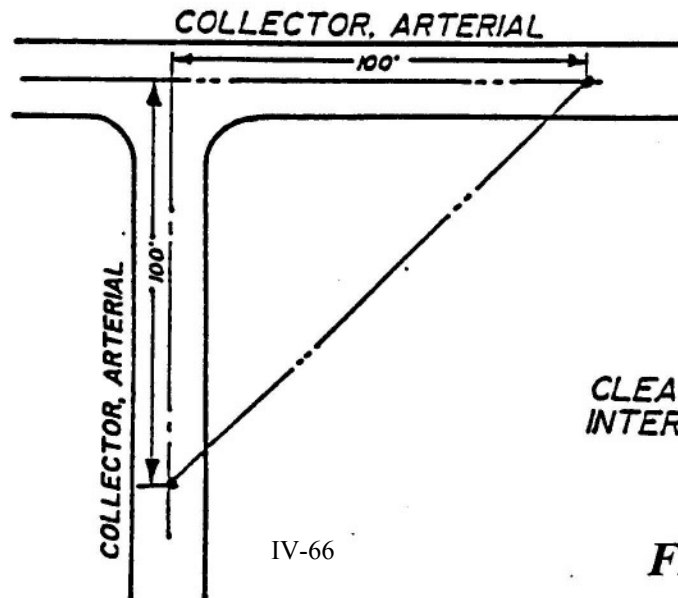
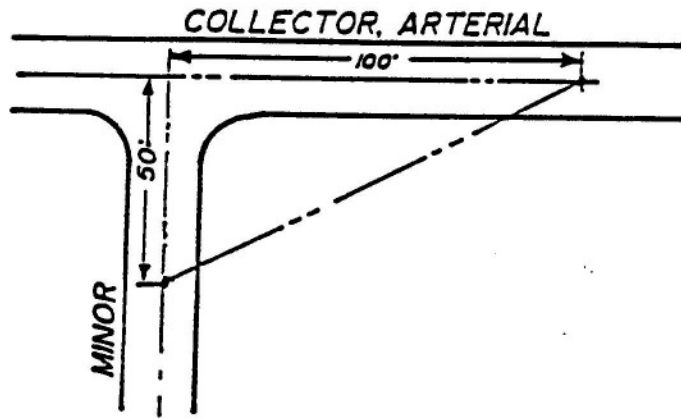
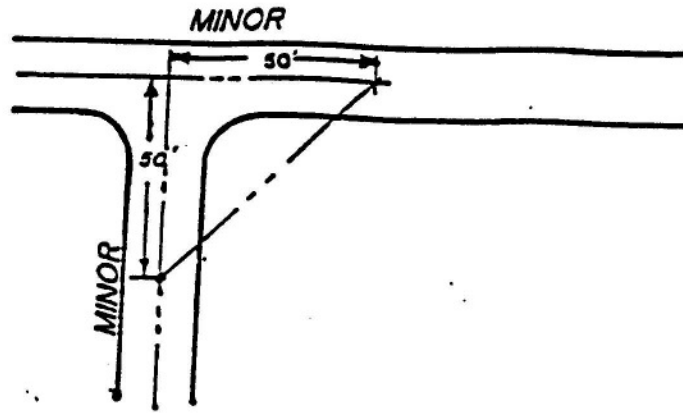
Wood Fence - Crossbuck Style



Stockade Fence - Brick Columns



Stockade Fence - Decorative Styles



CLEAR VIEW OF
INTERSECTING STREETS

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. Exceptions to Minimum Yard Requirements. 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.

501.03. 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.

501.04. 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 regulated under Section 4-2 of the Municipal Code of the City of Auburn. Said regulations shall apply within the stock district as established in Section 4-2(a) of the Code.

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.

501.05. 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.

501.06. 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 424.08.

- 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.

501.07. 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 424.08, 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 424.08.

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) and the Planned Development District (PDD).

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	Minimum Yards (feet)					Off-Street Parking
			Street	One Side	Side Yard On-Street	Total Side	Rear	
40,000	70	0.20	25	15	25	30	40	2
30,000	70	0.24	25	12	25	25	35	2
20,000	70	0.26	25	10	25	20	30	2
10,000	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 512 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 ^{1/}	Min. Lot Area	Min. Lot Width ^{2/}	Setbacks					Side Yard On Street	ISR ^{3/}	Height	Off-Street Parking
			Front	Rear	Total Side	Min. Side					
NC-150	150,000 sf	125 ft	45 ft	50 ft	40 ft	18 ft	25 ft	.10	35'	2	
NC-100	100,000 sf	125 ft	45 ft	50 ft	40 ft	18 ft	25 ft	.10	35'	2	
NC-90	90,000 sf	125 ft	45 ft	50 ft	40 ft	18 ft	25 ft	.10	35'	2	
NC-84	84,000 sf	125 ft	45 ft	50 ft	40 ft	18 ft	25 ft	.10	35'	2	
NC-54	54,000 sf	125 ft	45 ft	50 ft	35 ft	16 ft	25 ft	.10	35'	2	
NC-50	50,000 sf	125 ft	45 ft	50 ft	35 ft	16 ft	25 ft	.12	35'	2	
NC-48	48,000 sf	125 ft	45 ft	50 ft	35 ft	16 ft	25 ft	.12	35'	2	
NC-39	39,000 sf	115 ft	40 ft	50 ft	35 ft	15 ft	25 ft	.15	35'	2	
NC-35	35,000 sf	115 ft	40 ft	50 ft	35 ft	15 ft	25 ft	.15	35'	2	
NC-26	26,000 sf	115 ft	40 ft	45 ft	35 ft	15 ft	25 ft	.20	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	.43	35'	2	
NC-4	4,000 sf	55 ft	20 ft	25 ft	20 ft	8 ft	20 ft	.43	35'	2	

¹This 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 tables 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.

² 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.

³Maximum impervious surface ratio.

See Section 512 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 412-420.

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	Bldg. Envelope on Plat	Site Plan Required	Units per Lot	Units per Structure	Platted Open Space
SF Detached	X			1	1	X
Zero Lot-Line	X	X		1	1	X
Town House	X	X		1	3-10	X**
Twin House	X	X		1	2	X
Duplex Subdivision	X			2	2	X
Multiple Unit Development			X	3+	*	
Manufactured Home Park			X	25+	1	
Manufactured Home Subdivision	X	X		1	1	

* See Section 502.02. (F).

** No open space is required for town houses in the Urban Core (UC) or University Services (US) districts.

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 424 through 432, 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 Section 412-420.

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 424 through 432, 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 (See Section 436).

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 424 through 432, 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 (see Section 435).

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 424 through 432, 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 Section 412-420.

E. Duplex Subdivision. 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 424 through 432, 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 Section 412-420.

F. 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 402.02C.

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 424 through 432, 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 510, Bicycle Parking

- G. 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 ¹	.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

¹For 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 426.03.
- 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.

502.03. 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
RDD	1.0
CDD	1.0
LDD	1.0
DDH	1.0
R	1.0
US*	0.5*
UC	0.0

**Parcels fronting on College Street, between Thach and Samford Avenues, and parcels fronting on Magnolia Avenue, between Wright Street and Donahue Drive, must maintain a front building line of 30 feet and maximum building height of 60 feet. Parking areas shall be prohibited in the 30 foot building setback.*

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.

The Planning Director may waive the Angle of Light setback requirement for particular site plans meeting all of the following conditions:

- 1) subject property is located in the University Services (US) district;
- 2) requested waivers shall apply only to property lines adjoining public streets;
- 3) permitted building setbacks shall not be less than the existing yard width on adjoining property fronting on the same street; and
- 4) the waiver shall not result in the encroachment of any structure into a required bufferyard.

- B. Maximum Setbacks.** Where lots have double frontage, the maximum setback shall apply to the frontage upon any designated corridor (Section 433). 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.

Section 503. 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. The PDD overlay district is an additional zoning requirement that is placed on a geographic area already zoned. The PDD designation can be requested and considered only for properties already zoned as DDH, CDD, LDD, and RDD.

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.

503.01 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.

503.02. 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:

- A.** 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.

- B.** 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 407 of this Ordinance, and 2) one or more dwelling units on the same development as the commercial uses.
- C.** Eighty percent (80%) of the maximum allowable dwelling units may be constructed in a mixed commercial/residential development as would be permitted under the base zoning district.

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

503.03. 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.

503.04. 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)*

503.05. 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:

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

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

Exchange
<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.
<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).
<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 426.03 of this Ordinance.
<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.
<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, 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.
<i>Parking in the Rear for Multi-Family:</i> Parking for multi-family development shall be located in the rear of the buildings.
<i>Parking in the Rear for Commercial/Office Use:</i> Parking for commercial and office developments shall be located in the rear of the buildings.
<i>Limited Access:</i> Access to single-family attached and detached dwellings shall be provided from alleys and/or shared driveways.
<i>Low Density Along the Edge:</i> 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.
<i>Dedicated Open Space:</i> 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 504.03, 504.04, 504.07 and 504.08.

Section 504. 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, and/or more than one of the dwelling unit types described in Section 502.02(A) through 502.02(G).
- 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 University Service (US) and Commercial Conservation (CC) 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 504.01).

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.

504.01. 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 504.02).
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.

504.02. 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.

504.03. 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 or the village concept. Representatives from the Planning Department, Water Resource Management, and Public Works 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 504), the written report (Section 504.01), staging of development schedule (Section 504.02) 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.

504.04. 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.

504.05. 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.

504.06. 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	14.0	15.0
LDD	7.5	20.0
DDH	8.0	15.0
RDD	24.0	10.0

**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.

504.07. 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.

504.08. 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 filing 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 or village development shall automatically reverse the rezoning and the property shall revert to its prior zoning designation. In cases where the Master Development Plan was submitted for a mixed-use development or development occurring in stages, the Plan will no longer be valid.

Section 505. Regulations for the Commercial Conservation and the Industrial Districts.

Zoning District	Setbacks (ft)				
	Front	Rear	Total Side	Minimum Side ¹	Side Yard On Street
CC	40	25	20	10 ¹	30
I	10	25	30	15 ²	10

¹COMMERCIAL CONSERVATION DISTRICT: 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.

²INDUSTRIAL 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.

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.

No more than eighty percent (80%) of the maximum allowable dwelling units may be constructed in a mixed commercial/residential development. A Master Development Plan shall be required in connection with any mixed use development (See Section 504).

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 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 509.02).
- 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. Accessory Uses.

507.01. 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.

507.02. 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.

507.03. 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 floor area of all accessory 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:

507.04. 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. 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. Off-street parking shall be provided on the premises, as required by Section 509.
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.

- 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 507.05. 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.

507.05. 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 childcare activity shall be licensed to and operated by a resident of the dwelling unit in which it is located.
- B. The childcare 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 childcare 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 509, 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 childcare 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.

507.06. Detailed Accessory Use Regulations: Private Swimming Pools and Tennis Courts Accessory to a Residential Use.

- A.** Swimming pools and tennis 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 along side and rear lot lines. For purposes of setback measurement, swimming pools and tennis courts shall include all surrounding decking or paving, and vertical supports for screen enclosures.
- B.** Pools shall be enclosed by a fence a minimum of four (4) feet in height, which must be in place prior to the filling of the pool.
- C.** No swimming pool or tennis court permitted under this Section shall be operated as a business or a private club.
- D.** Lighting for pools and tennis courts shall be located and installed so that no direct light is visible from adjoining properties.

507.07. 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.

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.

507.08. 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 509.02, 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 421.

Section 508. Temporary Uses.

508.01. 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.

508.02. 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.

508.03. 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 420, or any standard contained in Article IV.
- B. No signs in connection with a temporary use shall be permitted except as specified in Section 508.04.

508.04. 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) and Commercial Conservation (CC) 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), Commercial Conservation (CC), Redevelopment (RDD) and Rural (R) 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), Commercial Conservation (CC), Redevelopment (RDD) University Service (US), Urban Core (UC) and Rural (R) 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.

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 or cooking 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 one (1) year.
3. Office shall be removed upon completion of the development of the subdivision.

G. Religious tent meeting.

1. Permitted only in Comprehensive Development (CDD), Commercial Conservation (CC), Redevelopment (RDD) and Rural (R) 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), Commercial Conservation (CC) Urban Core (UC) and University Service (US) districts. Prohibited in Industrial (I), Neighborhood Conservation (NC), Development District Housing (DDH) 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 Commercial Conservation (CC), Redevelopment (RDD), and Comprehensive Development (CDD) 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.

Section 509. Off-street Parking, General Requirements.

- A. The requirements listed in Sections 509.01 and 509.02 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 509.03, 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 426.04 specifies the off-street parking landscaping requirements.
- G. Handicapped parking shall be provided in accordance with standards set forth in the Building Code.

509.01. 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.

509.02. Non-residential Parking. 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. Any off-street parking for uses in the Urban Core (UC) zoning district located within twenty feet (20') of the College Street, Magnolia Avenue, Gay Street, Thach Avenue or Wright Street rights-of-way shall be screened with a Type 1, Option A fence (see Figure 4-2).

In the University Service (US) District, 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.

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 509. 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 509 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 services 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. **Drive-in theater:** one (1) space per automobile station, plus one (1) space per employee.
22. **Dry cleaning facility:** one (1) space per 1,000 square feet of gross floor area, but in no case less than three (3).
23. **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.
24. **Employment agency:** one (1) space per 250 square feet of gross floor area.
25. **Exterminator:** one (1) space per employee, plus one space per company vehicle.
26. **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.

27. **Funeral home:** one (1) space per four (4) patron seats.
28. **Furniture store:** one (1) space for each 750 square feet of gross floor area.
29. **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.
30. **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.
31. **Golf driving range:** one and one-half (1.5) spaces per tee.
32. **Golf, par three:** 25 spaces per nine (9) holes.
33. **Grocery or supermarket (stand-alone):** one (1) space per 300 square feet of gross floor area.
34. **Health club/spa/gymnasium:** one (1) space per 275 square feet of gross floor area.
35. **Horse stable:** one (1) space for each four (4) stalls.
36. **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.
37. **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.
38. **Junkyards:** one (1) space per 8,000 square feet of gross land area.
39. **Kennel:** minimum three (3) spaces or one (1) space per 500 square feet, whichever is greatest.
40. **Laundromat:** one (1) space per two (2) washing and drying machines.
41. **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.
42. **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.
43. **Medical offices:** one (1) space per 200 square feet of gross floor area.
44. **Miniature golf:** one and one half (1.5) space per hole.
45. **Mini-warehouse:** a minimum and maximum of three (3) spaces shall be provided.
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.

509.03. 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.

509.04. 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 510. Bicycle Parking.

Off-street bicycle parking spaces shall be provided for multi-family residential and commercial uses in the University Service 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 511. 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 512. 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-Opelika Robert G. Pitts Airport, referred hereafter as “Airport,” as specified in this Section.

512.01. 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.

512.02. 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.

512.03 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-Opelika Robert G. Pitts 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).

512.04. 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-Opelika Robert G. Pitts Airport Map, including areas within the City of Auburn.

512.05. 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.

512.06. 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.

a. 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.

512.07. 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.

512.08. 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.

512.09. 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 § 512.12.6.
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.

512.10. 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.

512.11. 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.

512.12. 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 513. Flag Lots.

513.01. 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>
Rural (R)	3 acres
Neighborhood Conservation (NC)	40,000 square feet, or greater if required by district subdesignation
Redevelopment (RDD)	20,000 square feet
Comprehensive Development (CDD)	40,000 square feet
Limited Development (LDD)	40,000 square feet
Development District Housing (DDH)	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 514. Conservation Overlay District (COD).

514.01. 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, LDD, NC-11, NC-12, NC-14, NC-15, NC-18, NC-20, NC-26, 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".

514.02. 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.

514.03. 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.

514.04. 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, LDD, NC-11, NC-12, NC-14, NC-15, NC-18, NC-20, NC-26, NC-35, NC-39, NC-48, NC-50, NC-54, NC-84, NC-90, NC-100, and NC-150.

514.05. 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.

514.06. 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.

514.07. 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.

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

514.09. 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 514.10.

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.

514.10. 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.

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

Section 515. College Edge Overlay District (CEOD).

515.01. 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.

515.02 College Edge Overlay District (CEOD) Development and Design Standards. Table 5-3 prescribes development and design standards applicable to the College Overlay District (CEOD).

Table 5-3

Development and design standard requirements within the College Edge Overlay District (CEOD)	
Setback	All structures shall be located on the property line at the College/Magnolia right-of-way.
Height	Building 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 two feet of height for a decorative cornice or parapet wall will be allowed.)
Floor to Area Ratio (FAR)	8.5
Special Use Provisions	Street level (First Floor) uses are required to be retail, office, commercial or institutional. Second level (Second Floor) uses are required to be residential, retail, office, commercial, or institutional. Third level (Third Floor) uses and above are required to be commercial*, office or residential. In addition to the requirements for conditional use approval in Section 803, applications for conditional use approval within the CEOD shall submit building elevations and covenants for the proposed development.
Parking Requirement	Residential uses in the CEOD shall provide one and one-half (1.5) parking spaces per residential unit. Required parking shall be provided either: a. On Site; 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

	<p>Director that will be filed with the Planning Department and verified annually; or</p> <p>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.</p>
Parking Lot Screening	<p>Grade level parking (surface or structured) must be screened with a building. In cases where the parking cannot be screened by a building 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 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 meet the Cladding Materials and Exterior Wall Palette requirements of this section.</p>
Glazing	<p>The percentage of openings for glass fenestration at street level (1st Floor) is required to be a minimum of 30% of the total facade area measured from finish floor line to finish floor line.</p> <p>The percentage of openings for glass fenestration at upper floor levels (2nd floor and above) is required to be 20% to 40% of the total facade area measured from finish floor line to finish floor line. An exception may be made for retail or office located on the second floor. In this instance, the percentage of openings may be 30% to 50% of the façade.</p> <p>Windows shall be provided in an orderly, consistent, and rational pattern, symmetrical in the tradition of Downtown Auburn.</p> <p>Colored or mirrored glass is not permitted.</p>
Cladding Materials, Exterior Wall Palette, Materials and Composition	<p>Building materials shall consist of 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>The palette of the exterior building materials must be in a range outlined by the color palette. (See Urban Core Development Guidelines.)</p> <p>Brick shall be in a range in color from red to dark reddish brown. Brick texture may be wood mold, wire cut, or smooth face. (See Urban Core Development Guidelines.)</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 barbeques, satellite antennae, utility appurtenances, mechanical rooftop equipment or ventilation apparatus.</p>
Signage	<p>Building signs and sandwich board signs as defined in Article VI are the</p>

only signs that are allowed in the CEOD. Signs may be attached to any building façade. In a multitenant building, the building owner is responsible for distributing the sign allowance among the tenants.

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.

Multi-story building - Building facades that face a public street or that have the main entrance may have one (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.

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 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.

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.

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:

- a. A height of no more than four (4) feet;
- b. Maximum area of any side is eight (8) square feet;
- c. No illumination;
- d. Placed in front of the building or leased space during business hours respective to the use in the building or leased space;
- e. Maintains a clearance on the sidewalk of at least five (5) feet; and,
- f. Maintains a distance of at least twenty (20) feet from any other sandwich board sign.

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.
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 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>
Awnings and Canopies	<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>

*Hotel and condotel uses shall be subject to parking requirements as set forth in Section 509.02 (B).

Section 516. Urban Core (UC) District.

516.01. 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.

516.02 Urban Core (UC) District Development and Design Standards. Table 5-4 prescribes development and design standards applicable to the Urban Core (UC) District.

Table 5-4

Development and design standard requirements within the Urban Core (UC) District	
Setback	All structures shall be set back no further than 10 feet from any designated corridor (see Section 513) or primary street frontage.
Height	Building 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 2 feet of height for a decorative cornice or parapet will be allowed.)
Floor to Area Ratio (FAR)	8.5
Special Use Provisions	<p>Street level (First Floor) uses are required to be retail, office, commercial or institutional. Residential uses may be permitted at street level provided they are located behind the façade of a retail, office, commercial, or institutional use and are not visible from the public right-of-way.</p> <p>Second level (Second Floor) uses are required to be residential, retail,</p>

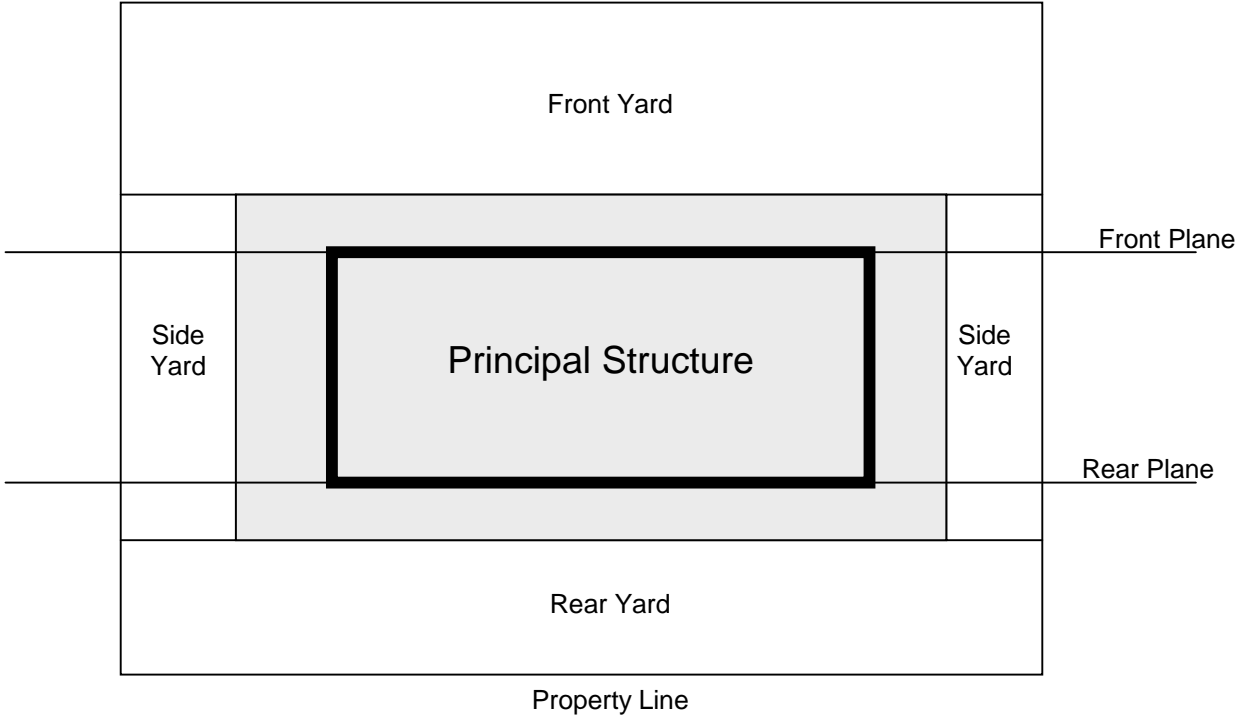
	<p>office, commercial, or institutional.</p> <p>Third level (Third Floor) uses and above are required to be commercial*, office or residential.</p> <p>In addition to the requirements for conditional use approval in Section 803, applications for conditional use approval within the UC shall submit building elevations and covenants for the proposed development.</p>
Parking Requirement	<p>Residential uses in the UC shall provide one (1) parking space per bedroom.</p> <p>Required parking shall be provided either:</p> <ul style="list-style-type: none"> a) On Site; 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 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.
Parking Lot Screening	<p>Grade level parking (surface or structured) must be screened with a building. In cases where the parking cannot be screened by a building 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 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 meet the Cladding Materials and Exterior Wall Palette requirements of this section.</p>
Glazing	<p>The percentage of openings for glass fenestration at street level (1st Floor) is required to be a minimum of 30% of the total facade area measured from finish floor line to finish floor line.</p> <p>The percentage of openings for glass fenestration at upper floor levels (2nd floor and above) is required to be 20% to 40% of the total facade area measured from finish floor line to finish floor line. An exception may be made for retail or office located on the second floor. In this instance, the percentage of openings may be 30% to 50% of the façade.</p> <p>Windows shall be provided in an orderly, consistent, and rational pattern, symmetrical in the tradition of Downtown Auburn.</p> <p>Colored or mirrored glass is not permitted.</p>
Cladding Materials, Exterior Wall Palette, Materials and Composition	<p>Building materials shall consist of 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>The palette of the exterior building materials must be in a range outlined by the color palette. (See Urban Core Development Guidelines.)</p> <p>Brick shall be in a range in color from red to dark reddish brown. Brick texture may be wood mold, wire cut, or smooth face. (See Urban Core Development Guidelines.)</p> <p>Visible sloped roofing shall be slate, asphalt shingles, copper, or pre-finished kynar paint coated metal. (See Urban Core Development Guidelines.)</p>
<p>Concealed Equipment and Prohibited Products</p>	<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 barbeques, satellite antennae, utility appurtenances, mechanical rooftop equipment or ventilation apparatus.</p>
<p>Signage</p>	<p>Building signs and sandwich board signs as defined in Article VI are the only signs that are allowed in the CEOD. Signs may be attached to any building façade. In a multitenant building, the building owner is responsible for distributing the sign allowance among the tenants.</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 one (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 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</p>

	<p>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"> a. A height of no more than four (4) feet; b. Maximum area of any side is eight (8) square feet; c. No illumination; d. Placed in front of the building or leased space during business hours respective to the use in the building or leased space; e. Maintains a clearance on the sidewalk of at least five (5) feet; and, f. Maintains a distance of at least twenty (20) feet from any other sandwich board sign. <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>
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 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>
Awnings and Canopies	<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>

*Hotel and condotel uses shall be subject to parking requirements as set forth in Section 509.02 (B).

**Figure 5-1
Standard Yard
Definition Diagram**




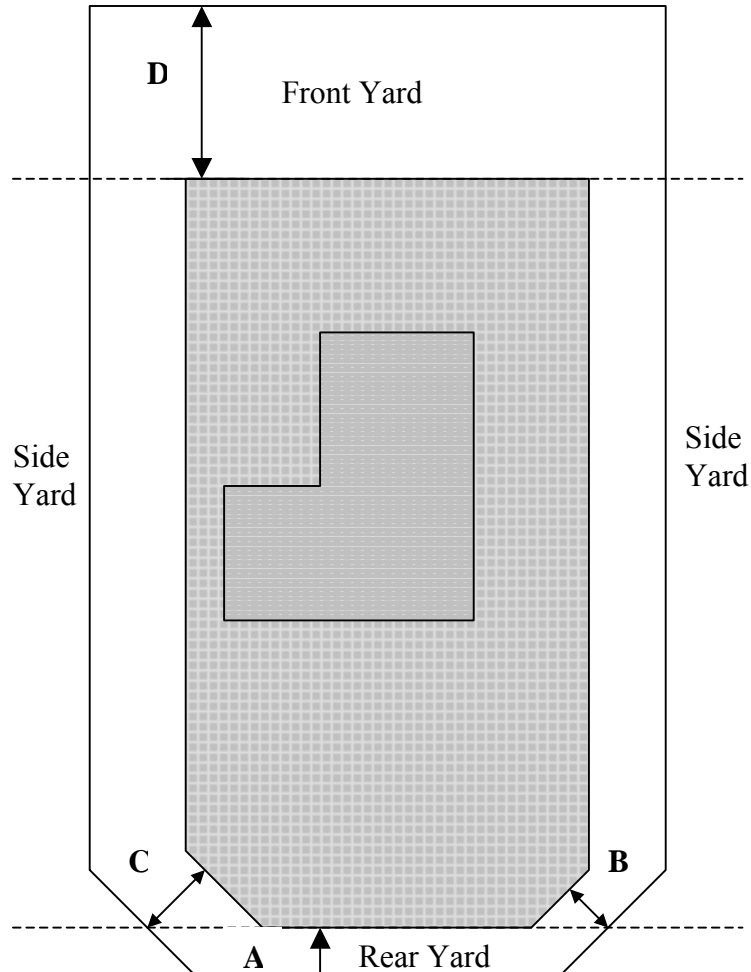

 Maximum Possible Building Area Allowed on Site

Figure 5-2
 Example for Interpretation of Setbacks
 for Irregularly Shaped Lots



Legend	
A	- Rear Setback
B	- Side Setback
C	- Side Setback
D	- Front Setback
	- Maximum Possible Building Area

20' between the angled property lines must be generally parallel to the front lot line.
 Not to scale, illustration purposes only.

ARTICLE VI. SIGNS.

Section 601. Purpose and Scope.

601.01. It is the purpose of this Article to establish regulations for the control of all signs within the City of Auburn. The intent of this Article is to support and promote the use of signs to aid the public in the identification of businesses and other activities, to assist the public in its orientation within the City, to express the history and character of the City, to promote the community's ability to attract sources of economic development and growth, and to serve other informational purposes. Further, it is the intent of this Article to protect the public from the confusion created by the objectionable effects of advertising excesses, from the danger of unsafe signs, and from the degradation of the aesthetic qualities of the City. This Article is not intended to inhibit an individual's right to express non-commercial messages protected by the First Amendment of the United States Constitution.

601.02. These regulations shall apply to all signs erected, constructed, displayed, painted, maintained, altered, and/or installed in every zoning district in the City, which are designed or intended to be seen by or attract the attention of the public. No sign shall be erected or installed unless it is in compliance with the regulations of this Article.

Section 602. Definitions.

Banner: Any sign made of cloth, canvas, plastic sheeting or any other flexible material, which is not rigidly and permanently attached to a building or the ground through a permanent support structure.

Building Frontage: See Front or Main Facade definition.

Building Sign: A sign displayed upon or attached to any part of the exterior of a building, including walls, doors, parapets, and marquees. Canopy signs, awning signs, projecting signs, and signs suspended from buildings are considered types of building signs. The area of signs on ATM's, kiosks, or similar structures located on a development site shall be deducted from the maximum display area allowed for that site.

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Commercial Sign: When describing the content of a sign, a sign advertising, identifying, directing attention to, or otherwise relating to commerce and to property, goods or services for sale, lease, exchange or any other transaction where value is given or received by any party to the transaction.

Community Event: Events such as City of Auburn schools events, City-sponsored events such as CityFest, and similar celebrations or commemorations that have significance to the entire community.

Department: The City of Auburn Planning Department.

Development Sign: Any sign used at the entrance to a subdivision, office park, or similar development that indicates lots being sold, the name of the developer, financial institution or other development parties. Rental or leasing signs are not considered development signs.

Director: The Planning Director of the City of Auburn Planning Department or his/her designee.

Display Area: The area of a sign or advertising device that can be enclosed or measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire sign or advertising device; excluding trim, frame, apron, posts, uprights, braces or other structural members which support it, (See Section 607.04 - Calculation of Display Area).

Entry Façade: See Main or Entry Façade definition.

Erect: To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish a sign. It shall not include any of the foregoing activities when performed as an incident to change a message on a reader board, or maintain the sign.

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in the ground and that are independent from any building or other structure. The posts or other supporting structures shall be considered as part of the sign, except that they shall not be included in computing the sign display area.

General Business Sign: Freestanding sign on any individual development site.

Grade Level: The finished elevation of the lot or development site upon which the sign is located.

Main or Entry Façade: Generally the façade or side of the building that faces the public street, road or highway. In cases where the building is oriented in a manner not parallel to the street, the primary entrance façade is used as the main façade.

Monument Sign: A low-profile freestanding sign not visibly supported by poles or posts which is directly attached to the ground.

Mural: A sign that consists of graphics or a work of art that is painted, drawn or applied to an exterior wall; does not depict or contain advertising, logos, or images of a product, service, or business; and is a representation of a creative idea that is expressed in a form and manner as to primarily provide aesthetic enjoyment for the viewer rather than to specifically convey a commercial message.

Noncommercial Sign: A sign which is not an on-premise or off-premise sign and which carries no message, statement, or expression related to the commercial interests of the sign owner, lessee, author or other person responsible for the sign message. Noncommercial signs include but are not limited to: signs expressing political views, religious views or signs of non-profit organizations related to their tax-exempt purposes.

Off-Premise Sign: A sign containing a message unrelated to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

On-Premise Sign: A sign containing a message related to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Open Letter Sign: A sign consisting of a logo or symbol, individual letters or connected lettering mounted on a building in a raceway or similar mounting or on the surface of an integral architectural element, which is a part of the building. Individual letters may be illuminated. The display area of an open letter sign shall not exceed the maximum permitted area for building signs on the property, (See Section 607.04, "Calculation of Display Area").

Parapet: A low wall or railing to protect the edge of a platform, roof, or bridge.

Painted Graphics: Any mosaic, mural, painting, graphic art technique, or combination thereof placed on a wall and containing no copy, advertising symbols, lettering, trademarks, or other references to the premises or products and/or services offered for sale on the premises.

Political Signs: Any temporary sign promoting the campaign of an individual for public office or an advertisement for an amendment or referendum on a public issue.

Portable Sign: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported. Portable signs include, but are not limited to, signs on wheels, A-frame or T-frame signs, signs attached to vehicles that are not part of the normal day-to-day operation of a business,

and temporary metal/cardboard/plastic/wood signs inserted in the ground containing a commercial message other than those specifically exempt as listed in Section 603.

Reader Board: Permanent sign containing messages in the form of removable letters or copy that is changed electronically. A reader board may be a building sign or an integral part of a freestanding sign.

Sandwich Board Sign: 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.

Vehicle Sign: Any sign affixed to a vehicle and/or trailer.

Wind Sign: Any signs, pennants, flags (other than official flags), ribbons, spinners, streamers or captive balloons, or other objects or materials fastened in such a manner as to move upon being subjected to pressure by wind (natural or otherwise) and drawing attention to a business, product, service or activity whether it contains a message or not.

Window Sign: Any sign, picture, symbol, or combination thereof designed to communicate information about a business, commodity, event, sale, or service for the business on which it is located. A window sign shall be mounted on either the inside or outside of the window. Such sign shall be visible from the exterior of the window. Internal signs suspended in such manner as to be visible through a window shall not be considered window signs.

Section 603. Exempt Signs.

Exempt signs are allowed without a sign permit and are not to be included in determinations of the allowable numbers, type and area of signs that require a sign permit unless otherwise noted in this Article. Nothing in this Section shall exempt an individual, who desires to erect a sign from the necessity of obtaining a building permit, should such be required by the adopted building code. Signs exempted in this Section must conform to the standards enumerated and shall not be placed or constructed so as to create a hazard of any kind.

603.01. Address Numbers. Address numbers used for the purposes of identifying the E-911 address of a residential or non-residential property are exempt providing they are not part of a building or freestanding sign with other commercial or non-commercial messages or images. An address shown as part of a building or wall sign on a non-residential property shall be counted toward the maximum allowable display area. Incidental signs on residential property identifying the house number, street name and resident's name are also exempt.

603.02. Community Event Displays. Temporary decorations, and/or non-commercial signs, such as those associated with City of Auburn school activities, City-sponsored events such as CityFest, celebrations or commemorations that have significance to the entire community. All event notices shall be displayed no earlier than ten (10) days prior to the event and removed within three (3) days of the event's completion.

603.03. Construction Signs. Signs used to identify contractors, financial institutions or developers on a site under construction or undergoing modification. Signs are limited to three (3) signs per site and thirty-two (32) square feet in size each. All construction signs shall be removed within fourteen (14) days after the Certificate of Occupancy has been issued. In the case of minor modifications not requiring a certificate of occupancy, i.e. tree removal, painting, landscaping, signs are limited to a display period of fourteen (14) days and the size shall be no greater than six (6) square feet in area. Routine lawn/landscape maintenance is not considered construction activity.

603.04. Development Signs. Signs used at the entrance to subdivision, office park, or similar development that indicates lots for sale, the name of the developer, financial institution or other development parties. Signs are limited to thirty-two (32) square feet in size and no more than one sign per development entrance. Signs are to be removed within seven (7) days of the time that all the lots in the development or phase have been sold. Development signs do not include signs for properties that are for

rent, lease, or sale within the development except in those cases where apartments are being converted into condominiums.

603.05. Directional Signs. A sign that is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property which the public is directed. No such sign shall display the name of a product, establishment, service or any other advertising other than a logo. Signs identifying public telephones, trash receptacles, first aid facilities, and shopping cart corrals are considered directional signs. No directional sign shall exceed five (5) square feet.

603.06. Directory Signs. A wall-mounted sign, which is not designed or located so as to be legible from any street or adjoining property, listing the businesses, tenants, or activities conducted within a building or group of buildings. Directory signs are limited to one per building and shall not exceed 20 square feet in size.

603.07. Hazard/Prohibition/Warning Signs. Signs warning of construction, excavation, or similar hazards. Signs such as “No Trespassing” and “No Parking” as long as they do not contain logos or text advertising a commercial product or activity

603.08. Help Wanted Signs. Signs advertising job vacancies for employment opportunities with the business or activity on the property on which the sign is located. Signs are limited to six (6) square feet in size and only one (1) sign shall be allowed per business.

603.09. Holiday Decorations. Temporary holiday decorations used to celebrate a single holiday or season.

603.10. Internal Signs. Signs not intended to be viewed from public right-of-way and located not to be visible from public right-of-way or adjacent properties, such as signs interior to a shopping center or mall, commercial buildings and structures. Signs located within ball parks, stadiums and similar uses of a recreational or entertainment nature are considered internal signs.

603.11. Nameplates. A non-electrical sign identifying only the name and occupation or profession of the occupant of a non-residential property on which the sign is located. A nameplate shall not exceed two (2) square feet in size.

603.12. Official Signs. Official federal, state or local government traffic, directional and informational signs and notices issued by any court, person, or officer in performance of a public duty. Also, any sign erected by a federal, state, or local government agency for identification purposes at any office, institutional, recreational, or other publicly owned site.

603.13. Official Flags. Any federal, state, or local government flags, emblems and/or historical markers and, any flags or insignia of a religious, charitable, fraternal, academic, or civic organization shall be allowed as well as one (1) corporate flag per each lot of record. Official flags must be flown in a manner that meets U.S. Congressional protocol. Failure to display flags in this manner will be a violation of this Ordinance. Site plans shall identify the location of any flagpoles, and no flag pole shall exceed a height of thirty (30) feet.

603.14. Political Signs. Political signs are subject to the requirements of Section 8-5 of the Auburn Municipal Code.

603.15. Real Estate Signs.

- A. **For Sale Signs.** Temporary signs indicating the property on which the sign is located is for sale, rent or lease. Only one (1) sign is permitted to face each street adjacent to the property.

Maximum allowable sign display area for real estate signs:

Residential – six (6) square feet for one (1) sign or a maximum of twelve (12) square feet for more than one sign.

Non-Residential - 32 square feet.

- B. Model Homes/Open House.** Temporary signs attracting attention to a model home, and open house viewing shall be limited to one (1) sign per property not to exceed six (6) square feet in area. Model home/open house signs shall not be displayed at any time when the property is not available for public viewing.

All real estate signs, including model home/open house signs shall be located only on the property that is for sale, lease, or rent. In no case shall the total number of allowable real estate and model home/open house signs exceed three (3) on any individual property.

- C. Real Estate and Property Management Offices.** Offices for the sale, lease or management of properties may have reader boards, banners or wall signs as long as they are properly permitted according to this Article. Notices of properties for lease or sale shall only contain a generic description of such properties. The use of identifying names or addresses is prohibited since it is off-premise advertising.

All real estate signs shall be located only on the property that is for sale, lease, or rent.

603.16. Sandwich Board Sign. Sandwich board signs that meet all of the following criteria may be placed and displayed on a public sidewalk in the UC and CEOD zones:

- A.** A height of no more than four (4) feet;
- B.** Maximum area of any side is eight (8) square feet;
- C.** No illumination;
- D.** Placed in front of the building or leased space during business hours respective to the use in the building or leased space;
- E.** Maintains a clearance on the sidewalk of at least five (5) feet; and,
- F.** Maintains a distance of at least twenty (20) feet from any other sandwich board sign.

603.17. Vehicle Sign. Any sign attached to a vehicle or trailer that is used in the normal day-to-day operation of the business advertised on the vehicle. The primary use of any vehicle or trailer, which contains a vehicle sign, must be to serve a useful function in the transportation or conveyance of persons or commodities from one place to another, including transportation to and from work. A vehicle or trailer primarily used for advertising shall not be considered a vehicle or trailer used in the conduct of business and is prohibited. Vehicles or trailers used in the day-to-day operation of the business shall be parked at the loading area, employee entrance, or main entrance to the business advertised on the vehicle. A vehicle parked on the perimeter of a parking lot next to a public street is considered to be advertising and is prohibited.

603.18. Window Sign. Any sign located on the inside or outside of a window and is visible from the street or adjoining properties. Signs must contain a message related to a business, profession, or activity conducted, or to a commodity or service sold or offered, upon the premises where such sign is located.

Section 604. Prohibited Signs.

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, these regulations. The signs listed below are expressly prohibited in all zoning districts in the City, unless and except for those signs that have been approved in a Master Signage Plan.

- A.** Any freestanding sign, other than a shopping center sign, with a face greater than the square footage specified in Section 605.01.A.
- B.** Signs that are in violation of the building code or electrical code adopted by the City of Auburn.
- C.** Portable signs except those specifically permitted in Section 603.
- D.** Beacons and searchlights.
- E.** Off-Premise signs.
- F.** Flags on commercial property other than official flags.
- G.** Wind signs consisting of one (1) or more flags, pennants, ribbons, spinners, streamers or captive balloons or other objects or material fastened in such a manner as to move freely upon being subjected to pressure by wind (natural or otherwise) whether the sign contains a commercial message or not. Wind signs exclude holiday or community decorations.
- H.** Inflatable signs and tethered balloons and objects animated by forced air.
- I.** A sign that, in the opinion of the Planning Director or Chief Codes Inspector, does or may constitute a safety hazard.
- J.** Any sign which simulates or imitates in size, color, lettering or design any traffic sign or signal, or which makes use of words, symbols or characters in such a manner to interfere with, mislead or confuse pedestrian or vehicular traffic.
- K.** Any signs, other than official traffic control devices, highway identification markers, warning signs, and other official signs, which are erected within the right-of-way of any street or alley. Any sign that is erected or maintained outside the right-of-way and obstructs the vision of pedestrians, cyclists, or motorists traveling on or entering a street, road, or highway. The national standards for sight-distance triangles utilized by the City of Auburn Engineering Department shall be utilized to determine if a sign is creating an obstruction.
- L.** Freestanding signs which project into the public right-of-way.
- M.** Signs consisting of any moving, rotating, flashing, or otherwise animated light or component, except for time and temperature displays, traditional barber poles, and electronic reader boards whose message changes no more often than once every thirty (30) seconds and is static during the display. Changing messages on the electronic reader board shall not scroll, flash or move. A reader board message shall not contain a commercial message other than one relating to the business on which it is located.
- N.** Any sign structure, which supported or supports an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the

sign face area for sign replacement yielded by the frame), then the sign structure and frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

- O.** Strips or strings of lights outlining property lines, sales area, rooflines, doors, windows, wall edges or other architectural features of a building. This prohibition does not include holiday decorations and community decorations. This prohibition does not include neon lighting on buildings. If neon is used to depict wording or logos, it will be calculated as part of the overall allowable signage.
- P.** Signs on public land, other than those erected at the direction or with the permission of a public authority.
- Q.** Signs that emit audible sound, odor, visible matter such as smoke or steam, or involve the use of live animals.
- R.** Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipes, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of these regulations or any other regulation of the City of Auburn.
- S.** Signs that are of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians.
- T.** Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, or other communication signals.
- U.** Signs placed upon light poles, benches, bus shelters, waste receptacles or shopping cart corrals except those which identify the use of the object on which they are placed, i.e. "Cart Return," or "Bus Stop." Identification of an on-premise activity displayed on cart corrals is allowed but counts toward the maximum allowable square footage of signage allowed on the premises.
- V.** Signs erected on public utility poles, even if they are located on private property other than signs erected by a public authority for public purposes.
- W.** Signs, other than historical markers or those identifying a natural feature, painted on or attached to trees, rocks, or other natural features.
- X.** Signs visible from a public right-of-way that use the word "stop" or "danger" or otherwise present or imply the need or requirement of stopping, caution, the existence of danger, or which for any reason are likely to be confused with any sign displayed or authorized by a public authority.
- Y.** Any sign mounted to the structural roof or applied to the roof including painted signs.
- Z.** Signs projecting above the building roof or parapet line.
- AA.** Signs that have become deteriorated or damaged to an extent that the cost of the reconstruction or restoration of such signs is in excess of 50 percent of its replacement value exclusive of foundations.
- BB.** Signs lettered in a crude or amateurish fashion.
- CC.** Signs on any broadcasting or telecommunications tower or any antenna other than appropriate hazard/warning signs.

- DD.** Signs identifying a home-based business (home occupation).
- EE.** Vehicles or trailers (operable or inoperable) which contain advertising and are not used in the daily conduct of business. Vehicles or trailers used in the day to day operation of the business shall be parked in the loading area, employee entrance, or main entrance to the business advertised on the vehicle or trailer. A vehicle or trailer parked on the perimeter of a parking lot next to a public street shall be considered advertising and is prohibited.
- FF.** Murals

Section 605. Permitted Signs.

605.01. Freestanding Signs. All freestanding signs shall consist of or be covered entirely in masonry, stone, wood, stucco, fiberglass, or decorative metal such that metallic structural elements are not visible. For the purposes of this Section, paint of any kind including textured or rubberized paint shall not qualify as a cladding material. No freestanding sign shall be erected in a public drainage and/or utility easement, without written permission in the form of a hold harmless agreement from the City Engineer and/or the Water Resource Management Director. All freestanding signs require a footing inspection by the City of Auburn's Building and Codes Inspection Division for compliance with the International Building Code as adopted by the City.

- A. General Business Signs.** Freestanding signs on any individual development site shall not exceed 100 square feet in area for one sign or 130 square feet in area for two (2) signs, unless specifically allowed or further limited by this Section. The combined height of the base and sign shall not exceed 16 feet in height. Freestanding signs are limited to one (1) per parcel, unless otherwise allowed by this Section. Such signs shall have a minimum setback of ten (10) feet from any side lot line and ten (10) feet from the front or any street property line. On existing development sites where the minimum side lot line and/or minimum front property line setback cannot be met, the Planning Director or his/her designee may reduce the minimum setbacks so that the development site may accommodate a freestanding sign. No portion of a freestanding sign shall project into the public right-of-way. Those electing to erect signs no more than 12 feet in height may increase their allowable sign area to 120 square feet or 150 square feet for two (2) signs on corner or double frontage lots.

Reader boards shall be integrated into the structure of the freestanding sign and count toward the maximum allowable display area. Electronic reader boards are allowed so long as the message stays stationary and does not change more often than every 30 seconds. During message changes the words may not scroll, flash, or rotate.

The height measurement of signs on property lying below the grade of the street shall be taken from the adjacent curb elevation or in the absence of a curb, the street centerline elevation.

Any berming or filling solely for the purpose of locating the sign shall be computed as a part of the sign height.

- B. Shopping Center Signs.** For the purposes of this Section, the term "Shopping Center" shall be inclusive of "Shopping Centers" and "Neighborhood Shopping Centers" as defined in Articles II and IV respectively. Additionally, for the purposes of this Section, a development site must consist of at least three (3) individual businesses and a minimum of 15,000 square feet of gross building area may be considered a shopping center.

Strip Mall Shopping Center

A shopping center with 15,000 to 29,999 square feet of gross building area shall be allowed one (1) sign. The total area of said sign shall not exceed 120 square feet. Said shopping centers located on corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed 150 square feet. The combined height of the base and sign shall not exceed 20 feet in height.

Neighborhood Shopping Center (small)

A shopping center with 30,000 to 64,999 square feet of gross building area shall be allowed one (1) sign. The total area of said sign shall not exceed 200 square feet. Said shopping centers located on corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed 250 square feet. The combined height of the base and sign shall not exceed 20 feet in height.

Neighborhood Shopping Center

A shopping center with 65,000 to 99,999 square feet of gross building area shall be allowed one (1) sign. The total area of said sign shall not exceed 350 square feet. Said shopping centers located on corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed 450 square feet. The combined height of the base and sign shall not exceed 30 feet in height.

Community Shopping Center

A shopping center with 100,000 to 499,999 square feet of gross building area shall be allowed one (1) sign. The total area of said sign shall not exceed 500 square feet. Said shopping centers located on corner or double frontage lots shall be allowed two (2) freestanding signs. The combined area of these signs shall not exceed 625 square feet. The combined height of the base and sign shall not exceed 35 feet in height.

Regional Shopping Center

A shopping center with 500,000 to 999,999 square feet shall be allowed freestanding signs not to exceed 750 square feet. Said shopping centers located on corner or double frontage lots shall be allowed freestanding signs not to exceed 950 square feet. The shopping center may have a total of three (3) signs, with no sign larger than 400 square feet in area. The combined height of the base and sign shall not exceed 35 feet in height.

Super Regional Shopping Center or Mall

A shopping center or mall with 1 million or more square feet of gross building area shall be allowed freestanding signs not to exceed 1,000 square feet. Said shopping centers located on corner or double frontage lots shall be allowed freestanding signs not to exceed 1250 square feet. The shopping center may have a total of four (4) signs, with no sign larger than 500 square feet in area. The combined height of the base and sign shall not exceed 45 feet in height.

All Shopping Center signs shall be set back a minimum of ten (10) feet from any side lot line and a minimum of ten (10) feet from the front or any street property line. No portion of a freestanding shopping center sign shall project into the public right-of-way.

The height measurement of signs on property located below the grade of the street shall be taken from the adjacent curb elevation or in the absence of a curb, the street centerline elevation.

Any berming or filling solely for the purpose of locating the sign shall be computed as a part of the sign height.

A summary of the sign requirements for Shopping Centers is shown below:

Type of Shopping Center	Gross Building Area	Permitted Sign Area (One Sign)	Permitted Sign Area on corner lots (Two Signs)	Permitted Sign Height	Side lot line and ROW setback
Strip Mall Shopping Center	15,000 – 29,999	120 sq. ft.	150 sq. ft.	20'	10'
Neighborhood Shopping Center (small)	30,000 – 64,999	200 sq. ft.	250 sq. ft.	20'	10'
Neighborhood Shopping Center	65,000 – 99,999	350 sq. ft.	450 sq. ft.	30'	10'
Community Shopping Center	100,000 – 499,999	500 sq. ft.	625 sq. ft.	35'	10'
Regional Shopping Center	500,000 – 999,999	750 sq. ft.	950 sq. ft.*	35'	10'
Super Regional Shopping Center	1 million or more	1000 sq. ft.	1250 sq. ft.**	45'	10'

*shopping center is allowed three (3) signs with no sign larger than 400 square feet in area

**shopping center is allowed four (4) signs with no sign larger than 500 square feet in area

C. Interstate Signs. In addition to the allowable freestanding general business signage for any nonresidential development site, an interstate sign may also be erected provided that;

1. Any portion of the development site lies within an area of 1,000 feet from the center point of the centerline of the interstate overpass. One (1) interstate sign with a maximum area of 250 square feet and a maximum height of 60 feet may be erected; or
2. Any portion of the development site lies within an area of one (1) mile, (5,280 feet) from the center point of the centerline of the interstate overpass **and** whose development site abuts the right-of-way of the interstate. One (1) sign with a maximum area of 130 square feet and a maximum height of 30 feet may be erected. Such signs must be located only along the property edge abutting the interstate right-of-way and must be positioned as to be read from the interstate. The maximum setback from the interstate right-of-way shall not exceed 20 feet.

The height measurement of interstate signs shall be measured from the elevation of the interstate highway grade at the center point of the overpass. The elevation of the interstate highway grade at the center point of the overpass located at South College Street, Exit 51, is 518 feet. The elevation of the interstate highway grade at the center point of the overpass located at Bent Creek Road, Exit 57, is 664 feet.

- D. Freestanding Signs in the Urban Core.** Existing freestanding signs, at the time of adoption of this ordinance (April 15, 2008), are allowed to remain in the Urban Core (UC) district. However, should any changes be made or are requested to be made to the existing sign, the sign must meet the following requirements. Freestanding signs in the Urban Core (UC) district are limited to an area of 32 square feet and shall not exceed eight (8) feet in height. All structural elements of the sign must be covered entirely with materials that correspond to the building materials and to the materials listed in the Urban Core District Development and Design Standards (See Section 516.02), such as but not limited to brick, limestone, or stucco. Such signs shall have a minimum setback of ten (10) feet from any side lot line and ten (10) feet from the front or any street property line. No portion of a freestanding sign shall project into the public right-of-way.

605.02. Menu Boards. A permanent sign, which is not designed or located so as to be legible from any public right-of-way, depicting products that can be purchased on the property for which it is located (i.e. fast food restaurants) and is part of a drive-through service. Menu boards must be noted on the sign permit, but the size does not count against the allowable square footage of a freestanding sign.

605.03. Subdivision Identification Marker. A sign marking an entrance from a perimeter road to a residential subdivision, office park, or industrial park. Subdivision markers may be a single sign or a pair of signs. A subdivision marker shall contain no advertising other than the name of the residential subdivision, office park, or industrial park. No subdivision marker shall be located within the public right of way and must be within the perimeter of the subdivision. If such sign is to be placed within a dedicated drainage or utility easement, a hold harmless agreement must be sought from the City Engineer and/or the Water Resource Management Director, prior to the issuance of a sign permit. Size shall be limited to 100 square feet in total display area at each entrance from a perimeter road and shall be ground-mounted or monument style.

605.04. Building Signs. Building signs on any single development site shall not exceed a total of two (2) square feet per linear foot of the main or entry façade. Multi-story structures with outside entrances to businesses on each floor may multiply the allowable building signage area by the number of floors. Multi-story buildings with interior entrances and hotel/motel businesses are not allowed to apply the multiplier. Building signs on development sites located in the College Edge Overlay (CEOD) and the Urban Core (UC) districts shall be governed under the regulations as set forth in Section 515 and Section 516, respectively. Prorating of allowable building signage amongst building tenants shall be the responsibility of the owner or property manager, not the Auburn Planning Department.

605.05. Multi-Family Residential Signs. Permits are required for all signs located on multi-family residential properties whether on a single lot or on multiple lots under the same ownership and/or management and/or development name. The following requirements apply to multi-family residential sites:

- A. Wall Sign - 32 square feet; or,
- B. Freestanding Sign - 32 square feet.
- C. One sign of either type is allowed at each entrance from a public street or perimeter road.

605.06. Banners. Banners, as defined in this Article, require a permit prior to display, (See Section 608.02).

Section 606. Master Signage Plan.

606.01. Purpose and Intent. The purpose of this section is to offer incentives to sign users particularly on larger sites or groups of sites to plan and design signs that are compatible with the buildings on the site thus enhancing the appearance of the site and of the streetscape that includes it. This section sets out specific criteria for review and incentives for compliance. Consideration of design

issues necessarily requires some exercise of judgment within the specific criteria set out in this section, but decisions rendered by utilizing these review criteria shall be objective.

606.02. Applicability. A Master Signage Plan may be submitted for any shopping center, multi-tenant commercial/retail development, business park, industrial park, or mixed-use development located in any of the following zoning districts: Commercial Conservation (CC), Comprehensive Development District (CDD), Limited Development District (LDD)*, and the Planned Development District (PDD).

** Neighborhood Shopping Centers Only*

606.03. Procedure. All Master Signage Plans shall be processed in accordance with the following procedure:

- A.** A written application meeting all requirements, as set forth in this Section, shall be submitted to the Planning Department for their review. The application shall be subject to approval or disapproval by the Planning Commission.
- B.** If the application is complete, it shall be placed on the agenda of the next meeting of the Planning Commission occurring at least 14 days after the submission of the complete application. If it is incomplete, it shall be returned to the applicant with a specific list of the items that are incomplete.
- C.** If a Master Signage Plan application is denied, the applicant may submit a new application after having followed the re-hearing provisions set forth by the Planning Commission.

606.04. Submission Requirements. The application for approval of a Master Signage Plan shall contain at least the following information. Where the application is submitted simultaneously with an application for site plan approval, or where there is an approved site plan for the area for which the application for a Master Signage Plan is filed the Master Signage Plan may refer to portions of the site plan application or approved site plan for related requirements.

- A.** An accurate site plan of the development site at such scale as the Planning Director may reasonably require;
- B.** A proposed design plan showing signage design at a scale of 1/2" = 1 ft;
- C.** Location of buildings, parking lots, driveways, and landscaped areas on such development site;
- D.** Computation of the maximum area of all signs, the height of signs, and the number of detached signs allowed on the development site including incentives authorized below;
- E.** Listing of the materials proposed for all sign structures and sign surfaces;
- F.** Listing of the proposed style and color pallet for all signs (e.g., letter colors, background colors, and text font);
- G.** An accurate indication on the site plan of the proposed location of each present and future sign of any type requiring a permit;
- H.** The Master Signage Plan shall be signed by all owners or their authorized agents.

606.05. Amendments. A Master Signage Plan may be amended by filing a new Master Signage Plan that conforms to all requirements of this section in effect at the time of submittal. Any such amendment shall be subject to the approval of the Planning Commission.

606.06. Provisions for Nonconforming Signs. A Master Signage Plan for a property already containing signs on the date of submission of the application shall include a schedule for bringing all signs on the development site into conformance with the Master Signage Plan by a specified date. The conformance schedule included in such Master Signage Plan shall be considered a condition of approval of the Master Signage Plan.

606.07. Incentives. To encourage the use of Master Signage Plans, and thus to improve the appearance of signage within individual projects, the following incentives which involve deviations from the regulations that would otherwise apply in Article VI of the Zoning Ordinance shall apply:

- A. The area shown on the Master Signage Plan shall all be considered on-premises for purposes of determining whether a sign is off-premises;
- B. The sign size and area for any freestanding sign (other than monument signs) may be increased to 120% of the sign size and area that would otherwise be allowed in accordance with Article VI;
- C. The sign size and area for any monument sign may be increased to 130% of the sign size and area that would otherwise be allowed in accordance with Article VI.

Section 607. Design, Construction, and Maintenance of Signs.

607.01. Compliance with Building and Electrical Code Requirements. All permanent signs and the illumination thereof, shall be designed, constructed and maintained in conformity with the applicable provisions of the International Building Code adopted by the City of Auburn. All freestanding signs must have a clearance from the Building and Codes Inspection Division prior to the issuance of a sign permit by the Planning Department. Wherever there is inconsistency between this Ordinance and the building or electrical code, the more restrictive requirement shall apply.

607.02 . Illumination Standards.

- A. Sign lighting shall not be designed or located to cause confusion with traffic signal or similar warning signs.
- B. Devices that illuminate a sign or signs shall be placed and shielded so that direct light shall not be cast into the eyes of pedestrians, cyclists or motorists entering or using a street, road or highway.
- C. The illumination of signs shall comply with the lighting standards as set forth in the International Building Code adopted by the City.

607.03. Placement and Clearance Standards.

- A. No freestanding sign shall project into a public right-of-way. All freestanding signs shall be setback at least ten (10) feet from all side lot lines and any lot line adjacent to a public right-of-way.
- B. No freestanding sign shall be located in a public drainage or utility easement without written permission, in the form of a hold harmless agreement, from the City Engineer and/or the Water Resource Management Director prior to the issuance of a sign permit.

Where a sign is double facing and only one face can be viewed from a single location on a roadway, the display area shall be the area of one sign face. Where a sign has two (2) or more faces that can be viewed

from a single location or has an angle greater than 45 degrees, the display area of all such faces shall be included in determining the total display area of the sign.

607.04. Calculation of Display Area. The display area of a sign or advertising device is measured by the smallest square, rectangle, triangle, circle or combination thereof, which will encompass the entire sign or advertising device; excluding trim, frame, apron, posts, uprights, braces or other structural members which support it.

Where a sign is double facing and only one face can be viewed from a single location on a roadway, the display area shall be the area of one sign face. Where a sign has two (2) or more faces that can be viewed from a single location, the display area of all such faces shall be included in determining the total display area of the sign.

Open-lettered sign display area shall be measured by the number of square feet in the smallest rectangle, within which all letters, logos, symbols or other elements of the sign can be enclosed, multiplied by a factor of 0.8.

When a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, triangle, circle or combination thereof, which will encompass the projected image of the sign and multiplying that area by two (2). The “projected image” is that image created by tracing the largest possible two-dimensional outline of the sign.

607.05. Relationship to Building Features.

- A. Signs mounted to the structural roof or applied to the roof including painted signs are prohibited.
- B. Window signs are exempt.
- C. Interior signs displayed in a manner that they are visible from a public right-of-way or adjoining properties are prohibited. (See also Window Signs).

607.06. Maintenance. All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the International Building Code adopted by the City of Auburn. All signs and their components shall be maintained in good repair, free of rust, peeling, fading, broken or cracked panels, and broken or missing letters. Vegetation must be properly maintained and no condition shall be allowed that would constitute a fire, safety, or health hazard.

607.07. Abandoned Signs.

- A. Except as otherwise provided in this article, any sign or sign structure identifying a previous use or activity that has not occupied the site for a period greater than sixty (60) days, does not maintain a current business license or pertains to a time, event or purpose which no longer applies, shall be deemed abandoned. Any abandoned sign shall be prohibited and shall be removed by the owner of the sign or the owner of the property within 60 days. The removal of a frame of an abandoned sign shall not be required, if it conforms to all applicable terms contained in these regulations (including the sign face area for sign replacement yielded by such frame).
- B. Any sign structure, which supported or supports an abandoned sign and which structure conforms to all applicable terms contained in these regulations shall be allowed to remain in place. However, in the event a sign structure which supported or supports an abandoned sign is inconsistent with any term contained in these regulations (including the sign face area for sign replacement yielded by the frame), then the sign structure and

frame shall be either altered to comply with the terms contained herein or removed by the owner of such structure or property.

Section 608. Permitting and Enforcement/Administration.

608.01. Permits for Permanent Signs.

- A. Applicability.** No person shall erect, alter, relocate, repair, replace the face of, or change a sign without first obtaining a permit, except for the following actions which shall not require a permit:
1. Changing the copy, announcement or message on a reader board sign;
 2. Cleaning, painting, or comparable maintenance of a sign that does not alter the size, image or message of the sign;
 3. Erecting a sign for which a permit is not required in accordance with Section 603, "Exempt Signs" of this Ordinance.
- B. Procedure.** All sign permits shall be procured in accordance with the following procedure:
1. A written application shall be submitted to the Planning Department for review and processing. The Planning Department, only upon determination that all requisite documentation and fees accompany the application form, will accept the application. The application shall include supplementary information as may be specifically requested by the Planning Department to determine compliance with these regulations.
 2. The Planning Department shall review the application, plans, and specifications to determine whether the proposed sign conforms to all applicable requirements of these regulations.
 3. Following review and determination as to conformance with these regulations, the Planning Department shall either approve or deny the application for the sign permit. In case of denial, the Planning Department shall specify the section or sections of these regulations with which the proposed sign is not in conformance.
 4. An application may be amended within thirty (30) days of the application date to include additional signs. Additional fees shall be charged if the additional signs exceed the size limitations for fee category. After thirty (30) days, a new sign permit shall be required for any sign constructed and all fees shall be required.
 5. Freestanding signs will require a footing inspection by the Building and Codes Inspection Division unless such inspection is specifically waived by an Inspector.
 6. Failure to obtain a permit prior to installing, changing, or erecting a sign shall result in the doubling of the permit fee.
- C. Submission Requirements.** No request for a sign permit shall be considered complete until all the following has been submitted to the Planning Department.

1. The application form shall be submitted with all required information completed by the applicant. The application form is available from the Planning Department.
2. Plans and specifications for the proposed sign shall be submitted, drawn to scale, and include the following:
 - a) Site plan of development site showing location of any freestanding sign(s) including any easements, public rights-of-way, property lines, buildings, sight distance triangles and other signs on the property;
 - b) Main or entrance façade including linear dimension;
 - c) Dimensions and elevations (including message) of all signs;
 - d) Dimensions of any supporting structures;
 - e) Maximum and minimum height of sign, as measured from finished grade;
 - f) For illuminated signs, indicate type and placement of illumination;
 - g) Inventory of number, type, location, and display area of all existing signs on the same property and/or building on which the sign is to be located.
 - h) Clearance by the Building and Codes Inspection Division for any freestanding sign.
3. The applicant shall be required to pay an application fee according to the current schedule of fees established by the Auburn City Council for the particular category of application. This fee is nonrefundable irrespective of the final disposition of the application.
4. A sign permit shall be valid for a period of 180 days after issuance. Failure to install the sign within the allotted time period shall void the permit and necessitate reapplication.

608.02. Permits for Banners. Permits for banners, as defined in this Article, are required. A banner without a permit shall be in violation of this Section and subject to immediate removal.

Banners are subject to the following requirements:

- A. Each banner must have its own permit.
- B. Banners for a single address are limited to three (3) banners per calendar year. After three (3) permits have been issued, no additional permits shall be issued for the remainder of the calendar year.
- C. Display period for a banner permit shall not exceed 30 calendar days from the date of issuance of the permit or date of initial display. Periods of display without a valid banner permit will count against future banner permits and treated as a violation of this Ordinance.

- D.** Banners must contain a message related to a business, profession, or activity conducted or to a commodity or service sold or offered, upon the premises where such sign is located.
- E.** Banners shall be limited to a maximum size of 50 square feet.
- F.** Community Decorations, as described in this Article, are exempt as long as they do not contain a commercial message.
- G.** Banners must be attached to buildings or other structures on the property and cannot be attached to freestanding signs, utility poles, fences, or attached to or suspended between stakes or poles driven into the ground.

ARTICLE VII. NONCONFORMITIES.

Section 700. Purpose.

The purpose of this chapter is to regulate and limit the development and continued existence of legal uses, structures, lots, and signs established either prior to the effective date of this Ordinance or the effective date of future amendments to this Ordinance that no longer conform to the requirements of this Ordinance. All such situations are collectively referred to as "nonconformities."

The zoning regulations established by this Ordinance are designed to guide the future use of land in the City of Auburn by encouraging appropriate groupings of compatible and related uses, and thus, to promote and protect the public health, safety, and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established, and thus, the gradual elimination of such nonconformities is generally desirable. With limited exceptions, the regulations of this article permit such nonconformities to continue without specific limitation of time, but are intended to restrict further investments which would make them more permanent.

While nonconformities may continue, the provisions of this chapter are designed to curtail substantial investment in nonconformities to bring about their eventual improvement or elimination in order to preserve the integrity of this Ordinance and the character of the City. Any nonconforming use, structure, lot, or sign that lawfully existed as of the effective date of this Ordinance and that remains nonconforming, and any use, structure, lot, or sign that becomes nonconforming as a result of any subsequent rezoning or amendment to the text of this Ordinance, may be continued or maintained only in accordance with the terms of this chapter. This chapter also is intended to reduce vacancies, promote appropriate redevelopment and reuse of existing structures and lots, and set forth requirements.

This Article distinguishes nonconforming uses, nonconforming structures, nonconforming development sites, nonconforming lots of record, nonconforming manufactured home parks, and nonconforming signs. Different regulations are made applicable to each of these categories. The degree of restriction made applicable to each separate category is a function of the degree to which that category of nonconformity is a nuisance or incompatible with the purposes and regulations of this Ordinance.

Section 701. Definitions.

701.01. A legal nonconformity is any land use or physical design of development, structure, sign, or lot of record legally established prior to the effective date of this Ordinance or subsequent amendment to it, which would not be permitted by or is not in full compliance with the regulations of this Ordinance.

701.02. A nonconforming use is an activity using land, buildings, and/or structures for purposes which were legally established prior to the effective date of this Ordinance or subsequent amendment to it, and which would not be permitted to be established as a new use in a zone in which it is located by the regulations of this Ordinance. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

701.03. A nonconforming structure is any building or structure, other than a sign, legally established prior to the effective date of this Ordinance or subsequent amendment to it, which does not fully comply with the standards of this Ordinance.

701.04. A nonconforming development site is any development site, legally established prior to the effective date of this Ordinance or subsequent amendment to it and part of an approved site plan or subdivision plat at the time of its establishment, which does not fully comply with the standards of this Ordinance, including the minimum acceptable bufferyard requirements of Section 714. Noncompliance with the bufferyard requirements of Section 420 through Section 432 requires compliance with Section 714, but does not render a development site nonconforming.

701.05. A nonconforming lot of record is any validly recorded lot meeting the requirements of § 711.03 of the Zoning Ordinance, which at the time it was recorded fully, complied with all applicable laws and ordinances, but which does not fully comply with the lot requirements of this Ordinance concerning minimum area, minimum lot width, or minimum street frontage.

701.06. A nonconforming sign is any sign legally established prior to the effective date of this ordinance or subsequent amendment to it which does not fully comply with all requirements of Article VI of this Ordinance.

Section 702. Determination of Nonconforming Status.

702.01. The burden of establishing the nonconforming status of any structure or land use under the terms of this Article, in all cases, shall be upon the owner of such nonconformity and not upon the City of Auburn.

702.02. Changes of ownership, tenancy, or management of an existing nonconformity are permitted but such nonconformities shall continue to be subject to the provisions of this chapter.

702.03. This chapter shall not apply, however, to any development standard or feature that is the subject of a variance or waiver granted by the Board of Zoning Adjustment, Historic Preservation Commission, Planning Commission, or City Council. Where a variance or waiver has been granted for a development standard that does not otherwise conform to the requirements of this Ordinance, that development standard shall be deemed conforming.

Section 703. Termination of Nonconforming Status.

703.01. In the event that any structure containing a nonconforming use, nonconforming structure, nonconforming development site, or nonconforming sign is damaged or destroyed by any means to the extent of more than 50 percent of its fair market value at the time of loss, as determined by the Lee County Tax Assessor or licensed appraiser, such structure shall not be rebuilt, restored, or reoccupied for any purpose unless the structure and its development site shall thereafter conform to all regulations of this Ordinance. When such a nonconforming structure or development site is damaged or destroyed to the extent of 50 percent or less of its fair market value at the time of loss, no repairs or rebuilding shall be permitted except in conformity with this Article and other applicable regulations of this Ordinance. Such restoration shall be undertaken only under a valid building permit for which a complete application is submitted within 18 months following said damage, which permit must be actively pursued to completion.

703.02. In the event that any nonconforming use, structure containing a nonconforming use, or nonconforming structure, is proposed to be physically expanded or modified through a change in character, operation, or scale to the extent of more than 50 percent of its fair market value, as determined by the Lee County Tax Assessor or licensed appraiser, such structure shall not be physically expanded or modified through a change in character, operation, or scale for any purpose unless the structure and its development site shall thereafter conform to all regulations of this Ordinance.

703.03. Any other provision of this Article to the contrary notwithstanding, no use or structure which is accessory to a principal nonconforming use or structure shall continue after such principal use or structure shall have ceased or terminated, unless it shall thereafter conform to all regulations of this Ordinance. For purposes of this paragraph, “ceased” or “terminated” shall mean that regular use or occupation of a structure has not occurred for more than twelve (12) consecutive months.

Section 704. Review Process.

704.01 Continuation of a nonconforming use and maintenance or minor repair of a structure containing a nonconforming use are permitted as defined in Section 705.

704.02. The reuse or redevelopment of a nonconforming structure or nonconforming site that houses a conforming use, and that meets the eligibility requirements of Section 706.03, shall use the permitted use in nonconforming structures process in Section 706.

704.03. Enlargement, expansion, alteration or major repair of a nonconforming structure or a conforming structure on a nonconforming site when such structure houses a nonconforming use, or when such structure houses a conforming use shall require administrative site plan review and approval in accordance with the procedures and standards set forth in Section 707 and Section 714 of this Ordinance and also the requirements of this section. Enlargements, expansions, alterations and major repairs are all of those actions that do not meet the provisions of Section 705 or Section 706.

704.04. Enlargement or expansion of a nonconforming use that is a conditional use shall require conditional use approval in accordance with the procedures and standards set forth in Section 708 of this Ordinance and also the requirements of this section.

704.05. Site Plans

Site plans may be required for activities falling under the provisions of Section 704.2. Site plans shall be required for activities falling under the provisions of Section 704.03 and Section 704.04

Section 705. Continuation, Maintenance, and Minor Repair.

705.01. The continuation of a nonconforming use and maintenance or minor repair of a structure containing a nonconforming use are permitted, provided that the continuation, maintenance, or minor repair does not extend or expand the nonconforming use or structure, except in accordance with Section 705. For the purposes of this section, "maintenance or minor repair" shall mean:

- A. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or interior appearance of a building or structure without expanding or altering the building or structure;
- B. Maintenance of land areas to protect against health hazards and promote the safety of surrounding land uses; and
- C. Repairs that are required to remedy unsafe conditions that cause a threat to public safety as determined by the Codes Enforcement division (does not apply to damage or destruction governed by Section 703.01).
- C. Incidental alterations (see Section 203), including:
 - a. Internal reconfigurations of an existing building that do not meet the definition of an alteration (alterations must be approved through Section 707);
 - b. Limited modifications to an existing building façade, such as recladding or repainting
 - c. Addition or substitution of an awning or awnings;
 - d. Modifications or additions to approved landscaping;

705.02. In the event that a structure or premise occupied by a nonconforming use becomes and remains vacant for a period of twelve (12) months or more, or is used for a use that is permitted in the zoning district in which such structure or premises is located, the use of same shall thereafter conform to the use regulations of the district in which such structure or premise is located.

Section 706. Permitted Uses in Nonconforming Structures.

706.01. The reuse or redevelopment of a nonconforming structure or conforming structure on a nonconforming site shall not be required to acquire conditional use approval or undergo the typical DRT review procedure if the eligibility requirements of Section 706.03 below are met. Owners of such properties may be issued a zoning certificate after staff review of the proposed reuse or redevelopment. Reuse and redevelopment that does not qualify for consideration under this section may instead utilize the process in Section 707 for review and approval.

706.02. Intent.

The intent of this process is to encourage the utilization of existing nonconforming buildings and sites as opposed to their remaining vacant while at the same time reducing such nonconformities to the extent practical. The process allows owners to make improvements to an existing structure or site without having to go through a lengthy review process, produce a detailed site plan, reach compliance with all provisions of this Ordinance, or make roadway improvements.

706.03 Eligibility Requirements

To qualify for issuance of a zoning certificate under Section 706, the following conditions must exist:

1. The proposed use is permitted within the zoning district.
2. The redeveloped use will occupy an existing building(s) on the site, with no expansions or additions proposed.
3. The site will add no more than 1,000 square feet of additional impervious surface.
4. The proposed new use does not expand existing encroachments into required buffers.
5. The site will be in compliance with the provisions of Article VI, Signs.

706.04 Limitations

Proposals which do not meet the eligibility requirements of Section 706.03 are required to undergo the normal DRT review process and/or the conditional use process in cases of expansion or major alteration.

Proposals for nonconforming sites or structures that have been vacant for less than twelve (12) months and do not involve, either proposed or required, any changes to the site or exterior of the structure (changes listed under Section 705 are exempted) shall be reviewed during the zoning certificate issuance process for compliance with the approved site plan or ordinance requirements in effect at the time it was established. If one (1) or more aspects of the site and/or structure fail to comply with the applicable plan approval or ordinance requirements, the deficiencies shall be corrected and the Planning Director must verify compliance prior to the issuance of a certificate of occupancy.

Proposals involving a change in use that, although may be permitted within the underlying zoning district, will increase the intensity of the use(s) originally approved, will be required to demonstrate compliance with the current Ordinance requirements applicable to the proposed change prior to the issuance of a zoning certificate and/or certificate of occupancy. Demonstrating compliance can be accomplished either through the site plan review or Section 706 process, whichever is applicable.

706.05. Plan Submittal Requirements

Issuance of a zoning certificate under this section may require submission of the following information, upon request of staff:

1. Landscaping and/or fencing compliant with Section 714, Minimum Acceptable Bufferyards; and
2. Off-street parking/parking lot design (dimensional standards and standard specifications); and
3. Screening of dumpsters, storage, heating and air conditioning, and similar equipment; and
4. Building improvements (painting or other changes); and
5. Access roads and entrances or exit drives to ensure automotive and pedestrian safety and traffic flow; and

706.06. Conditions

The Planning Director or his designee may impose any conditions on approval of the request, including appropriate time limits for meeting those conditions, as it deems necessary to mitigate any potential hazards or problems, or to bring the nonconformity into compliance to the extent necessary to protect the rights and interests of nearby property owners and the general public.

706.07. Exceptions for Required Improvements

The Director of Planning and/or the Public Works Director may waive, in part or in full, certain required improvements if meeting them is deemed impractical or unreasonable given the constraints on the existing site. Consideration may also be given to the extent of the required improvements in relation to the specific nature and scope of the reuse/redevelopment proposal.

Section 707. Administrative Review and Approval.

Enlargement, expansion, alteration, or major repair of a nonconforming structure, use or site shall require administrative site plan review and approval in accordance with the procedures and standards set forth in this section.

707.01. Site plans as required in Section 704.05 shall be submitted for review by the Planning Director or his designee. Site plans must meet the requirements of Section 802.12 of this Ordinance. The Planning Director or his designee shall determine whether to approve the proposed enlargement, expansion, alteration, or major repair. The Planning Director or his designee shall not approve the proposed activity unless and until it is found, based on the submitted site plan, that the proposed enlargement, expansion, alteration, or major repair meets the standards of review set forth in Section 802.05, Review Procedures, of this Ordinance, as well as the following:

1. The nonconforming use allowed to continue remains compatible with adjacent land uses and the Future Land Use Plan;
2. That all access roads and entrance or exit drives to the nonconformity will be adequate with respect to automotive and pedestrian safety and convenience, traffic flow, and control and access in the case of fire or other emergency;
3. That all off-street parking, loading, refuse collection, and other service areas will be adequate with respect to automotive and pedestrian safety and convenience, traffic flow, and economic, noise, glare, odor, and other impacts on adjoining properties;
4. That all water, wastewater treatment, schools, fire and police protection, and other necessary public and private utilities and services will be adequate with respect to their location, availability, and compatibility with adjoining properties;
5. That all landscaping, screening, and fencing will be adequate, with respect to the effectiveness of their type, dimensions, and character, will be adequate with respect to minimizing the economic, noise, glare, odor, and other impacts of the nonconformity on adjoining properties and other properties in the neighborhood;
6. That the type, size, and intensity of the proposed use, including such considerations as storage of items and arrangement, the size of the site and the location of the use upon it, and the hours of operation and numbers of people who are likely to utilize or be attached to the use, will be adequate with respect to minimizing the impact of the nonconformity upon adjoining properties, other properties in the neighborhood, and the purposes of the zoning district in which the property is located; and
7. Surface drainage will be adequate with respect to on-site and off-site erosion, siltation, pollution, flooding, or other detrimental effects of the nonconformity.

707.02. Other Considerations

In determining whether the proposed extension, alteration, or major repair will substantially injure the use and enjoyment of other properties, the Planning Director or his designee shall also consider and balance:

1. The possible detriment or benefit to the owner of the nonconformity resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request;
2. The possible detriment or benefit to the owners of nearby properties resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request; and
3. The possible detriment or benefit to the general public resulting from denying the approval, from approving the request but requiring that the nonconformity be brought wholly or partially into compliance, or from approving the request.

707.03. Conditions

The Planning Director or his designee may impose any conditions on approval of the request, including appropriate time limits for meeting those conditions, as it deems necessary to mitigate any potential hazards or problems, or to bring the nonconformity into compliance to the extent necessary to protect the rights and interests of nearby property owners and the general public.

707.04. Limits on Expansion

If the Planning Director or his designee permits a nonconforming structure or use to expand, then the following shall apply:

1. The area of such expansion shall not exceed 25 percent of the area of the existing nonconforming use or structure, unless otherwise allowable in this Section;
2. Telecommunications towers may be expanded by more than 25 percent to permit the co-location of a second or subsequent user or communications sending or receiving device so that the need for an additional tower is eliminated. Only the City Council may permit the expansion of a non-conforming telecommunications tower in districts in which it is not a permitted use.

707.05 Limits on Requirements

In acting upon applications submitted under Section 707, the Planning Director or his designee shall not order the discontinuation or termination of nonconformity. If an application is denied, then the continuation, maintenance, and minor repair of the nonconformity shall still be allowed in accordance with the terms of this Article.

Section 708. Enlargement or Expansion of Conditional Uses.

Enlargement or expansion of a nonconforming use that is a conditional use shall require conditional use approval in accordance with the procedures and standards set forth in this section.

708.01. Process for Approval

The process for conditional use approval shall be in two parts:

1. Approval of the conditional use shall be in accordance with the requirements of Section 803 of this Ordinance, requiring Planning Commission review and City Council approval.
2. Approval of the enlargement, expansion, alteration, or major repair of a nonconforming structure, use or site shall require administrative site plan review and approval in accordance with the procedures and standards set forth Section 707

Section 709. Exceptions for Residential Setbacks

Certain additions to existing, nonconforming single-, two-, three-, or multi-family or townhouse dwellings may extend into a required front, side, or rear yard setback when the existing dwelling is already legally nonconforming with respect to that setback. The nonconforming portion shall be at least 60 percent of the total width of the respective wall of the structure prior to the addition. Additions may extend up to the height limit of the zoning district and extend into the required front, side and/or rear yard setback as follows:

1. Front and rear yard setbacks: The addition may extend five feet into the required front or rear yard setback or to the extent of the setback line formed by the nonconforming portion, whichever is less.
2. Side yard setbacks: The addition may extend into the required side yard setback up to the setback line formed by the nonconforming wall, except in no case shall the addition be closer than 5 feet from the side property line. Furthermore, the size of the addition shall be limited to an additional wall surface area within the required side setback area of no more than 200 square feet.

Section 710. Exceptions for Historic Resources

In an effort to promote and encourage the preservation and adaptive reuse of locally designated resources, the Planning Director or his designee may grant certain waivers to the zoning code provided that it will result in the preservation of a locally designated property, after review and approval by the Historic Preservation Commission. The Planning Director, or his designee, may authorize certain waivers to the requirements of the underlying zoning district, to the extent indicated herein.

1. Any building that is individually locally designated or is classified as a contributing building within a local historic district, as identified in the contributing resources report, shall be permitted to be repaired, restored, structurally altered, or reconstructed, notwithstanding any conflicts with provisions of the underlying zoning district requirements pertaining to minimum lot size, setbacks, minimum lot width, FAR, open space, off-street parking or loading requirements. In cases where the configuration of a locally designated property, or a contributing property within a locally designated historic district precludes reasonable and appropriate use of the property within the underlying zoning district a waiver of up to twenty percent (20%) from the underlying requirements for setbacks, FAR, and open space may be authorized by the Planning Director or his designee.
2. Any contributing historic resource or building will not be limited to the valuation clause for nonconformities.
3. In cases where the size or configuration of a locally designated property, or a contributing property within a locally designated historic district is such that compliance with off-street parking requirements would destroy the historic character of the property, the Planning Director or his designee may authorize a reduction of up to one hundred percent (100%) of the number of parking spaces that would ordinarily be required for a new structure of equivalent use and floor area. Such a reduction will be granted only when it can be demonstrated that:
 - a. Granting the modification will further the preservation of the historic and architectural character of the historic resource, or of the historic district in which the proposal is located.
 - b. Granting the modification would promote the preservation of the historic resource or historic district while reducing nonconformities.
 - c. Granting the modification would help minimize or mitigate any potential adverse effect of a specific proposal whose implementation promotes the preservation of the historic resource or historic district.
 - d. Special circumstances exist such as adjacencies or shared parking that will practically alleviate concerns for off-street parking.

The Planning Director, or his designee, shall make specific findings that establish how the criteria have been met. Additionally, staff may impose any conditions, restrictions, or limitations deemed appropriate in order to ensure compliance with the criteria set forth above.

Section 711. Nonconforming Lots of Record.

711.01. Subject to the provisions of this Section, a nonconforming lot of record may be used for any principal use permitted or conditional, provided approval from City Council, in the zone in which the lot is located, provided that for any use which is to be served by an individual well and/or septic system, the nonconforming lot shall be of a size and design to meet the minimum requirements of the Lee County Health Department regulations for such wells and septic systems.

711.02. Performance residential developments shall be prohibited on development sites smaller than the minimum sizes established in Section 502.02. If permitted in the applicable zoning district, single family dwelling units may be constructed on nonconforming lots of record at least 4,000 square feet in size and 50 feet in width. Adjoining lots, which are combined to form one (1) parcel shall be considered to meet this standard.

711.03. Minimum lot sizes for nonresidential uses are established in Table 4-3. To qualify as a nonconforming lot of record under this section, lots must have been platted prior to or in the year 1984 or be smaller than the following sizes:

Rural District (R)	40,000 s.f.
Industrial District (I)	10,000 s.f.
Other Districts ¹	7,500 s.f.

In addition to the requirements of the previous sentence, a nonconforming lot must be have fully complied with all applicable laws and ordinances at the time it was recorded, but currently does not fully comply with the lot requirements of this Ordinance concerning minimum area, minimum lot width, or minimum street frontage. Where a lot meets the required minimum size for the district but not for a particular use category as specified in Table 4-3 (i.e., road service use

¹However, no minimum lot size is required in the Urban Core (UC) District.

requires 30,000 s.f.) it shall not be considered a nonconforming lot of record. The lot shall instead be used for another development type for which it is eligible, based on its size.

Property which qualifies as a nonconforming lot of record under this Section shall be eligible for any land use category having a minimum size requirement of 40,000 s.f. in the Rural (R) district, 10,000 square feet in the Industrial (I) district, and 7,500 s.f. in all others, as established in Table 4-3.

711.04. No nonresidential use(s) shall be permitted on nonconforming lots of record less than 6,000 square feet in size and 60 feet in width unless the Board of Zoning Adjustment grants a variance. Variances granted under this section shall not be use specific but rather granted for the required lot size and width for a particular use.

Section 712. Nonconforming Uses

In the event that a structure or premise occupied by a nonconforming use becomes and remains vacant for a one (1) year period or more, or is used for a use that is permitted in the zoning district in which such structure or premises is located, the use of same shall thereafter conform to the use regulations of the district in which such structure or premise is located.

712.01. Change of Use

Any nonconforming use may be changed to a conforming use by securing all approvals and permits that this Ordinance requires for the intended or resulting use. No nonconforming use may be changed to another nonconforming use.

Section 713. Manufactured Home Parks

713.01. Existing manufactured home parks, which are nonconforming by use, shall not be redesigned, expanded in area, or modified to accommodate additional manufactured homes.

713.02. Manufactured home parks which are properly zoned and which are nonconforming by design only may be expanded in area and/or modified so as to reduce or eliminate those aspects of design, which render it nonconforming. The Planning Commission may authorize additional manufactured home sites in such parks upon submission of a site plan, consistent with the standards of Section 802, showing a redesign of the park, which substantiates the following:

- A.** The overall density of the park will not exceed seven (7) units per acre.
- B.** A 20-foot wide residential buffer shall be provided along all development site boundaries (See Section 426.03, Residential Buffer Landscaping Requirements).
- C.** No new manufactured home will be placed within 20 feet of any property line.
- D.** Where possible, all development standards of Section 502.02(G) have been met, or the degree of nonconformity reduced. In no case shall the degree of nonconformity of any design aspect be increased.

A redesign proposal that does not include the addition of new manufactured home spaces shall not be subject to conditions A and B above. Any redesign proposal shall be subject to review and approval by the City Engineer.

713.03. The replacement of an existing manufactured home shall be allowed, provided that such replacement does not increase any degree of existing nonconformity (e.g. setbacks).

Section 714. Minimum Acceptable Bufferyard.

Subsequent to the discontinuance of a nonconforming use, a development site, which is nonconforming by physical design, may be utilized for any activity or use which is otherwise permitted by this Ordinance. However, as a condition of approval of any enlargement, reconfiguration or any type of new development on the site, certain improvements must be made pursuant to this Section. When nonconformity is a result of noncompliance with the bufferyard required by Article IV of this Ordinance and the subject property is physically unable, because of its limited land area, to meet normal bufferyard requirements, the following requirements shall be met:

- A. In no case shall bufferyard requirements less than those provided in Figure 7-1 be applied to the site.
- B. Where an anchor tenant (40,000 square feet of gross floor area or larger) of a shopping center has been replaced, full compliance with the bufferyard requirements of Article IV shall result. When such alterations shall result in a nonconformity with the provisions of this Ordinance (i.e., required parking), or an increase in an already nonconforming aspect of the Ordinance, the site shall conform to subsection A, above.
- C. If in the judgment of the Planning Director and City Engineer, subsection B cannot be met, then upon evaluation of the size and other relevant characteristics of a site, bufferyard width and planting requirements may be prorated as appropriate, in consultation with the Planning Commission.

Section 715. Nonconforming Signs.

A nonconforming sign is any sign within the jurisdiction of the Zoning Ordinance of the City of Auburn on the effective date of this Article or any sign existing within any area annexed into such jurisdiction after the effective date of this Article which is prohibited by, or does not conform to the requirements of Article VI of this Ordinance.

Nonconforming signs shall be maintained in good condition. However, such signs shall:

- A. not be structurally altered to accommodate another nonconforming sign or sign face;
- B. not be structurally altered in order to prolong the life of the sign, except to meet safety requirements as specified by the Chief Building Official or City Engineer;
- C. not be altered so as to increase the degree of nonconformity of the sign (including additional or replacement sign faces);
- D. not be enlarged in any manner;
- E. not be allowed to remain if a change of use occurs as defined by this ordinance, or if the premises promoted by the sign comes under new ownership or tenancy and such sign is proposed to be remodeled, repainted, have the face replaced or otherwise changed for the purpose of displaying the new name or other new identification of the premises; or
- F. not be re-established after damage or destruction if the estimated cost of reconstruction or repair exceeds 50 percent of the appraised replacement cost. This cost shall be exclusive of any expected or estimated revenue generated by the sign.
- G. be removed if the sign or sign structure identifying a previous use or activity that has not occupied the site for a period greater than sixty (60) days, does not maintain a current business license or pertains to a time, event or purpose which no longer applies. The owner of the sign or owner of the property shall have 60 days to remove the sign.

ARTICLE VIII. DEVELOPMENT APPROVAL PROCESS

Section 800. Purpose.

This Article sets forth the procedures required for obtaining development approval within the City of Auburn. Site plans, subdivisions, conditional uses, zoning certificates, and certificates of occupancy are addressed herein. However, the approval of a development under the provisions of this Article does not imply any variation or waiver of any provisions of the building code, housing code, fire code, or any other applicable code, standard, or regulation adopted by the City of Auburn, the State of Alabama, or the United States Government.

Section 801. Subdivisions.

Any subdivision or resubdivision of land, or combining of lots within the City of Auburn, and within unincorporated areas lying within five (5) miles of the Auburn city limits, shall be carried out in accordance with the Auburn Subdivision Regulations, the Auburn Public Works Design and Construction Manual, and the Water Resource Management Department Design and Construction Manual, which are hereby incorporated by reference into this Ordinance. All development within subdivisions shall be consistent with applicable sections of this Ordinance.

Section 802. Site Plans.

802.01. Intent and Purpose. This Section shall apply to all site plans as defined in Article II. The site plan procedures shall be required in order to ensure that site-specific development projects meet the requirements of this Ordinance prior to the issuance of a zoning certificate authorizing a building permit. It is the intent of this Section that the site plan review process be a part of the building permit application process, and that the site plan shall be the instrument by which improvements to the site will be constructed and inspected prior to occupancy of the development.

802.02. Development Requiring Site Plan Approval. Prior to issuance of a zoning certificate, site plan approval shall be required for all proposed non-residential construction, as well as residential development types described in Sections 502.02 (F) and (G). This shall include clubhouses or other ancillary facilities within a residential subdivision. Site plan approval shall also be required for the subdivision of an existing development site of a type subject to site plan requirements, and/or an expansion, reduction or reconfiguration of any such development type. For any proposal in which these requirements are unclear, the Planning Director shall determine whether site plan approval is necessary.

802.03. Review of Site Plans. Site plans submitted for review shall be approved, disapproved, or referred to the Planning Commission. Site plan review shall be in accordance with Section 1.0 – General Information of the Auburn Public Works Design and Construction Manual. In approving a site plan, any request for waivers from the requirements of this Ordinance shall be taken to the Planning Commission for consideration as provided in Section 802.04.

The following criteria shall be used in determining whether to approve a site plan:

- A.** Completeness of application information as required under Section 802.12;
- B.** Consistency with adopted policies and standards of the Major Streets and Utilities Master Plans;
- C.** Uses permitted on the development site under the provisions of this Ordinance;
- D.** Whether the site plan meets applicable design standards established by this Ordinance;

- E. Availability and adequate capacity of public facilities to serve the development, such as roads, sewer, water, schools, solid waste disposal, and fire protection (including access to the site for emergency vehicles); and
- F. Compatibility with surrounding land uses (this criterion shall apply only where a site plan proposes a conditional use pursuant to Section 803).

The Planning Director and/or City Engineer may refer any site plan proposal to the Planning Commission.

802.04. Waiver of Selected Development Standards – Approval by Planning Commission. Specific development standards that may be modified with Planning Commission Approval are limited to the following: bufferyards, including width, planting and required structures; and general and off-street parking landscaping requirements. This may be done only upon a specific finding by the Planning Commission that such requirements are inappropriate as applied to a particular development site due to its size, proposed use, and/or location, and that a waiver would not conflict with the intent of this Ordinance or confer upon any property owner a right or privilege denied to neighboring property owners within the same district.

802.05. Review Procedures. Site plan applicants are strongly encouraged to consult the Planning Director and staff prior to formal submission of a site plan for review. At the applicant’s request, a pre-application conference shall be held, at which time planning staff members will provide the applicant with advice and guidance regarding the requirements of this Ordinance, and any other regulations which apply. Preliminary sketches shall be reviewed and overall development concepts finalized at this time. It shall be the applicant’s responsibility to request the pre-application conference and any other available guidance in sufficient time to prepare a complete application package. Site plan submittals shall be in accordance with Section 1.0 – General Information of the Auburn Public Works Design and Construction Manual.

- A. **Site Plan Preparation Requirements.** Where the proposed development site is three (3) acres in size or larger, the site plan shall be prepared and sealed by an architect, professional engineer or surveyor. At the Planning Directors discretion, the same requirement may be applied to sites of less than three (3) acres where the plan proposes high-intensity uses or activities that may have a substantial impact on surrounding properties.

Sketch plans and drawings submitted with variance or other zoning-related applications shall not be accepted for review as a site plan unless they are prepared in accordance with the guidelines of this Section and contain all required information. In all cases, engineering plans addressing drainage, road construction and other technical aspects of development design shall be sealed by a civil engineer registered in the State of Alabama.

- B. **Development Site Requirements.** For development sites of one (1) acre or more, full engineering drawings or a Project Engineer’s Statement must be submitted by an engineer registered in the State of Alabama. The City Engineer may choose to require additional information as necessary.
- C. **Completeness of Plans.** Site plans submitted without complete information in accordance with Section 802.12 shall not be reviewed by the Planning Staff or placed on the Planning Commission Agenda.
- D. **Staff Review.** The Planning Director and other appropriate city staff members shall review the site plan with specific regard to this Ordinance and other regulations of the City of Auburn. The staff review shall identify matters of development policy concern to which the applicant shall address particular attention.

- E. **Revised Plans.** Following submission of a complete application package for site plan review the Planning staff shall have 15 working days in which to complete the review and approve the site plan.

For site plans that must go before the Planning Commission, at such time as the Planning Commission determines that all staff comments have been adequately addressed, and that the requirements of all applicable City, State and Federal regulations have been met, it shall approve the site plan.

802.06. Approval of Site Plans. Except as stipulated in Section 802.04, no site plan shall be approved which is inconsistent with any term contained in this Ordinance unless a variance has been authorized in accordance with Section 907 of this Ordinance.

802.07. Effect of Site Plan Approval. Approved site plans shall remain valid for 18 months after final approval, and a zoning certificate and building permit for the development may be obtained during that time period. The Planning Director may make an extension of site plan approval for a single period up to six (6) months from the date when a site plan would otherwise expire. An extension may be granted only if the Planning Director concludes that the applicant or developer has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing not less than 30 days before the expiration of the approved site plan stating the reason for the time extension request.

Requests for extensions in excess of six (6) months shall not be granted. Instead, the applicant shall submit a new application for review according to the requirements of this Section.

Upon approval of the site plan, the applicant may proceed to submit detailed construction drawings to the Engineering and Codes Enforcement Divisions for permitting. These shall include, but are not limited to, detailed building plans, grading plans, drainage and stormwater management facilities, erosion control plans, road and driveway construction specifications, and tree removal plans.

Nothing contained herein shall preclude the Codes Enforcement Division from accepting for review and processing building construction plans related to the structural, mechanical, electrical, and plumbing systems prior to final approval of a site plan, subject to such conditions as may be established by that department relative to processing of site plans prior to final approval.

In such instances, no building permit will be issued until the Planning Department has issued a zoning certificate and the site plan has been stamped approved and is on file in the office of the Codes Enforcement Division. All building and construction permits issued for any project requiring site plan review shall be consistent with the stamped approved site plan. The approval of a site plan shall not under any circumstances be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials. Whenever a conflict between the site plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

802.08. Modification or Termination of Site Plans.

- A. **Site Plan Amendments.** After final approval, any modification, variation or adjustment of a stamped approved site plan shall require approval of a site plan amendment.

Upon approval of any amendment, the Planning Director, or his/her designee, shall stamp and date the most recent version of the site plan, showing the approved amendment, and mark all previous copies as “void”. If appropriate, the Engineering and Codes Enforcement Divisions shall be notified of the amendment.

- B. **Site Plan Expiration and Cancellation.** In the event of a change to these regulations the site plan shall be valid under the regulations for which it was approved for 18 months from the date of such approval. Upon expiration of the site plan and any extension that

may have been granted, the Planning Director shall make appropriate records in the Planning Department files stamp all available copies of the site plan as “void”, and notify the Engineering and Codes Enforcement Divisions of the expiration.

The applicant may cancel the site plan at any time between the date of final approval and the date of expiration by submitting a written request to the Planning Director. Upon receipt of this request by the Planning Director, the site plan shall be treated as expired.

802.09. Integration of Other Review Procedures. Any site plan to be built in stages or requiring variance or conditional use approval shall be coordinated as set forth below:

- A. Development Built in Stages.** As part of the application for site plan approval, the developer shall submit a proposed staging of development plan, including a schedule for completion of all improvements pursuant to Section 504.02. If the site plan proposes any of the performance residential housing types described in Section 502.02 (A) through (G), a Master Development Plan pursuant to Section 504 shall also be required. Once a site plan for a stage has been approved, no land may be used and no building may be occupied except in accordance with such plan. A new site plan is required for each successive stage of the development.

Stage configurations shall be logical and consistent with the purposes of this Ordinance. If appropriate, the Planning Director may stipulate that any or all portions of the required landscaping and/or bufferyards be provided during the first stage of development, even though some bufferyards or portions thereof lie outside the stage. Each stage, at a minimum, must include adequate parking, drainage facilities, landscaping, and all other features needed to serve that portion of the total development (See Sections 504.02 and 504.06).

Prior to approval for construction of any one stage, an engineering stage plan shall be submitted to and approved by the City Engineer. This plan shall address site grading, erosion control, stormwater management, internal traffic circulation, and any other design elements required by the City Engineer.

In approving a stage plan, the Planning Commission or Planning staff may specify certain site improvements to be provided at a percentage rate exceeding that of construction of the overall development. These items may be elements of engineering design, or requirements of this Ordinance. Such improvements include, but are not limited to parking, drainage facilities, erosion control measures, landscaping and bufferyards. Where the applicant has agreed to provide off-site improvements, such as traffic signals, turn lanes, and sewer lines, the City Engineer may require such improvements to be in place upon completion of any stage of the development.

- B. Variance.** Those developments requiring a variance from any regulation of this Ordinance in conjunction with site plan review shall have the appropriate request acted upon by the Board of Zoning Adjustment. This shall include existing development sites, proposed for expansion or reconfiguration, which are nonconforming to any requirement of this Ordinance. The site plan may be reviewed concurrently with review and action on the variance request, but the site plan shall not be approved until the variance has been approved.
- C. Conditional Uses.** For developments requiring approval of a conditional use, a request for such approval shall be submitted to the Planning Commission and City Council, and the conditional use shall be approved prior to final approval of the site plan. A site plan and a conditional use request may be processed concurrently.

802.10. Non-Compliance. Failure to comply with a stamped approved site plan or any of the conditions upon which such approval was contingent, including time limits for performance, shall be cause to deny issuance of a zoning certificate or, where a zoning certificate has been issued pursuant to a stamped approved site plan, to render such zoning certificate invalid. Any action, construction, development or use of property undertaken in violation of the provisions of this Section for a site plan shall constitute a violation of this Ordinance and may be subject to a stop-work order.

802.11. Development Site to Be Unified.

- A. Internal Division of Ownership.** Except as provided in this section, the development site shall remain unified by title under one (1) owner, or by multiple owners holding a percentage interest in the site as a whole. Where a development site consists of two (2) or more existing lots under the same ownership, all such lots shall be combined in accordance with the Subdivision Regulations prior to final approval of the site plan.

Where spatial division of ownership within a development site is proposed, the owners of all component properties shall accept the following conditions in receiving site plan approval:

1. No individual property will be used or developed in any way that is not consistent with the approved site plan.
2. Development rights on each parcel are combined with those of the balance of the development site, and the City will consider no separate development proposals unless the development site can be divided in accordance with the provisions of this Ordinance.
3. No parcel of land within a development site shall be subdivided, sold or otherwise conveyed for the purpose of new development that is not authorized under the approved site plan.

All owners of property within the development site shall authorize one (1) person, designated as the applicant, to represent them collectively before the Planning Commission and other City officials in all matters related to the site plan and development site.

- B. External Ownership.** When the development site is part of a larger parcel of property, of which a portion is not intended to be included within the site plan, this unused area shall become a separate lot, meeting any relevant size and dimensional requirements of this Ordinance, to be approved in accordance with the Subdivision Regulations. This subdivision process shall be completed prior to final approval of the site plan.
- C. Development Site to Be Complete.** The development site shall be designed to provide all required amenities and facilities, including bufferyards, open space, landscaping; no such required features shall be located off-site or on adjacent properties which are leased, rented, or otherwise proposed for use on an informal basis, except as provided for in Section 509.02. The entire site shall have the zoning designation required to accommodate the principal use.
- D. Division After Approval.** No development site, once granted site plan approval, shall be divided except through the site plan amendment process established in Section 802.08.

802.12. Site Plan Preparation Requirements. A site plan must accurately show all relevant information about a proposed development to permit it to be reviewed against the requirements of this Ordinance, and to provide a permanent record as to the type and characteristics of development approved on the site. Site plans shall be drawn, on an overall sheet size not to exceed 24 by 36 inches, to one of the following scales:

- 1":10'
- 1":20'
- 1":30'
- 1":40'
- 1":50'
- 1":60'
- 1":100'

When more than one (1) sheet is needed, a series of drawings showing different elements of the site design, such as landscaping, utilities, or topography may be submitted. Where such a series is submitted, the top sheet shall include an index of all other sheets in the series. These shall be bound in a single package, with each sheet labeled as to what it shows and its number in the series (e.g., Landscaping Plan, Sheet 2 of 3)

Unless specifically waived by the Planning Director, the following information shall be shown on all site plans:

A. Written Information:

1. Site plan name.
2. General statement indicating the character of the use(s) proposed for the site. This shall include information describing the size and/or intensity of the use, such as the number of employees at largest shift, seating capacity, number of students, number of hospital beds or motel rooms, etc. All other relevant information not otherwise specified in this checklist shall be provided in the General Statement, such as variances on the property, nonconforming status, etc.
3. Property owner's name, address and telephone number; and the designated project applicant or representative if other than the property owner.
4. Name, address, and telephone number of engineer, surveyor, architect, landscape architect and/or any other professional involved in design of the project.
5. Total size of the tract expressed in square feet and acres (to nearest tenth).
6. Zoning district assigned to the subject property.
7. Zoning and current land use of adjacent properties.
8. Number of units proposed (residential only).
9. Impervious surface area in square feet, impervious surface ratio (ISR), maximum and proposed.
10. Floor area in square feet, floor area ratio (FAR), maximum and proposed.
11. Widths of buffer area required, if any, along each property boundary.
12. Landscape Plan pursuant to Section 432.
13. Number of parking spaces required and proposed (must show calculations based on Section 502 or 509 requirements).
14. Building height.

15. Corridor Overlay Information where applicable (i.e. building materials, sign, lighting, etc.)
16. Number of bicycle parking spaces required and proposed based on standards in Section 510 (for multiple unit developments and commercial uses in US district).

B. Graphic Information:

1. Vicinity map showing the site in relation to adjoining properties, streets and other landmarks such that its location within the City can easily be determined.
2. North arrow, scale and date prepared.
3. Certified boundary survey of the tract prepared by a surveyor registered with the State of Alabama, indicating an existing lot of record.
4. Location, number of floors or stories, height and dimensions of all structures.
5. Location of all impervious surfaces.
6. All flood-prone areas as delineated by the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA), including a notation of the 100-year flood elevation.
7. All wetlands and watercourses, including lakes, streams, etc.
8. Steep slopes pursuant to Section 416.
9. Location and dimensions of all required bufferyards (consult with Planning Dept.)
10. Areas of general landscaping pursuant to Section 426 (consult with Planning Dept.)
11. Areas of landscaping for off-street parking areas pursuant to Section 426.04 and Section 433.
12. Location and dimensions of all parking spaces, loading berths, and driveway aisles. One-way aisles must be labeled as such.
13. Location of all curb cuts and their distances from nearest adjacent curb cuts or street intersections.
14. Phase lines, if the development is to be constructed in phases.
15. Existing and proposed utility easements.
16. All existing and proposed street right-of-way reservations and easements.
17. Finished floor elevations of all structures.
18. All existing and proposed utility lines, including sewer, water, gas, and electricity.
19. Location and screening of solid waste receptacles. Materials used to screen must be noted on site plan.

- 20. Access to greenways and greenspace(s).
- 21. Stream buffers, delineated by zones pursuant to Section 413.
- 22. Location and dimension of all bicycle parking areas pursuant to Section 510.
- 23. Location of pedestrian ways, bicycle paths or trails.
- 24. Location of sign(s) and mailbox kiosk.

C. Items to be Submitted to Engineering Department:

- 1. Items to be submitted shall be in accordance with Section 1.0 – General Information of the Auburn Public Works Design and Construction Manual.

Section 803. Conditional Uses.

Conditional uses are those uses that have some special impact which differs from the potential impacts of permitted uses or exceeds them in intensity, or have a uniqueness such that their effect on the surrounding environment cannot be determined in advance of the use being proposed in a particular location.

Upon submission of a request for conditional use approval, a review of the location, design, configuration, and impact shall be conducted to determine whether the proposed use would have a detrimental impact on neighboring properties.

The review considers the proposal in terms of existing zoning and land use in the vicinity of the use; planned and proposed public and private developments that may be adversely affected by the proposed use; whether and to what extent the use at the particular location for which it is proposed is consistent with the intent of the Zoning Ordinance, and any other development policies and/or regulations of the City of Auburn; and whether and to what extent all steps possible have been taken by the developer to minimize any adverse effects of the proposed use on the immediate vicinity and on the public health, safety, and welfare in general.

803.01. Applicability. Any use designated as a conditional use by Table 4-1 of this Ordinance shall comply with this Section.

In addition, the following shall be approved only as conditional uses:

- A. Any use that involves filling of a floodplain.
- B. Any performance residential use (except Manufactured home parks) in the Development District Housing (DDH), Redevelopment District (RDD) and Planned Development District (PDD).

803.02. Procedures. Applications for a conditional use permit shall be submitted and approved prior to application for a zoning certificate. A subdivision plat or a site plan meeting the requirements of Section 802 shall support applications for conditional uses in all districts. Site plan or subdivision approval shall not be granted prior to or contingent upon conditional use approval.

The Planning Director shall process applications for a conditional use permit as follows:

- A. Applications for a conditional use permit must be submitted to the Planning Director 23 days prior to the public hearing, as required in Section 803.02 (B). Copies of the application shall be distributed to the appropriate department heads.

- B.** A public hearing shall be held by the Planning Commission after adjoining property owners have been notified of the public hearing by certified mail and signs announcing the public hearing have been erected on the property in question. Not later than five (5) days prior to the date set for the hearing on the application, the Planning Director shall file a written report thereon with the Planning Commission.
- C.** The application shall be denied if the Planning Commission finds that the application and record fail to establish compliance with the standards of this Ordinance. Further, the application shall be denied if the adverse impacts of the development, despite any mitigating conditions that might be imposed by the Planning Commission, outweigh any public or private benefits of the proposal and require denial in the interest of the overall public health, safety, and welfare.
- D.** In order to prevent or minimize adverse effects on other properties in the neighborhood and on the general health, safety, and welfare of the City of Auburn, the Planning Commission may impose such restrictions and conditions on approval of the proposed use as it determines are required by the general purposes, goals, and objectives of this Ordinance. All conditions imposed upon any conditional use permit approval, except those which are otherwise stated in this Ordinance, shall be expressly set forth in the resolution granting such conditional use permits.
- E.** Within 35 days of the public hearing on the application, unless an extension of this time is agreed to by the applicant, the Planning Commission shall render to the City Council its recommendation either to grant the application for a conditional use permit, grant it subject to conditions, or deny it. The failure of the Planning Commission to act within this time period shall constitute a recommendation by it that the application be approved.

Within 60 days of the Planning Commission rendering its recommendation to the City Council, the City Council shall take action on the application, otherwise the application shall fail. The City Council may elect to grant an extension for good cause. Following a public hearing, the City Council shall either approve, or disapprove, the application and shall establish the specific conditions under which the application is approved.

- F.** In the event a permit for a conditional use is approved or approved subject to conditions, the applicant shall submit a site plan meeting all conditions of approval. The Planning Director shall then take action to process the application on the zoning certificate for the development to which the conditional use permit applies. In the event such permit is not approved or is approved subject to conditions that are not acceptable to the applicant, the applicant may, within the aforesaid time period, either appeal such decision or abandon the application.

803.03. Conditions on Conditional Use Approvals. Every conditional use permit shall be contingent upon the proposed development fully complying with all requirements of this Ordinance and, where applicable, with the Subdivision Regulations. The violation of any condition contained in a conditional use permit shall be a violation of this Ordinance.

803.04. General Use Standards. No application for a conditional use permit shall be approved unless the City Council shall specifically find the proposed conditional use appropriate in the location for which it is proposed. This finding shall be based on the following criteria:

- A.** The proposed use shall be in harmony with the general purpose, goals, objectives, and standards of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City.
- B.** The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions,

parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, and general welfare; either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of this Ordinance, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice, by the City or other governmental agency having jurisdiction to guide growth and development.

- C. The proposed use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this subsection. Where any such improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the applicant shall, as part of the application and as a condition to approval of the proposed conditional use permit, be responsible for establishing ability, willingness, and bind commitment to provide such improvements, facilities, utilities, and services in sufficient time and in a manner consistent with this Ordinance, and other plans, programs, maps, and ordinances adopted by the City to guide its growth and development. The approval of the conditional use permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant.
- D. The Planning Commission may attach recommendations for conditional use approval, additional criteria dealing with bufferyards, parking, lighting, building materials, or any other aspect of site plan approval necessary to mitigate the impact of the proposed conditional use on the surrounding property.

803.05. Effect of Conditional Use Approval. Upon final approval of a conditional use permit, no structures, uses or development of any kind shall be permitted on a development site except in accordance with the site plan approval process as set forth in Section 802.

Conditional use permits shall remain valid for 18 months after final approval. The City Council, upon recommendation by the Planning Commission, may make an extension of conditional use permit approval for a single period of up to six (6) months from the date when a conditional use permit would otherwise expire. An extension may be granted only if the City Council concludes that the applicant or developer has proceeded with due diligence and in good faith, and that conditions have not changed substantially so as to warrant a new application. All such requests for extensions must be submitted in writing not less than 30 days before the expiration of the conditional use permit stating the reason for the time extension request.

Requests for extensions in excess of six (6) months shall not be granted. Instead, the applicant shall submit a new application for review according to the requirements of this section.

Section 804. Zoning Certificates.

No development permitted by this Ordinance, including accessory and temporary uses, may be established and no existing building may be altered with respect to its use after the effective date of this Ordinance until a zoning certificate has been secured from the Planning Director.

Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulations in compliance with all of the terms of this Ordinance. Conditions for permits to raze or remove buildings are set by other ordinances.

The violation of any condition contained in a conditional use permit shall be a violation of this Ordinance.

804.01. Application Requirements for Zoning Certificates. All applications for zoning certificates shall be made in writing by the owner or developer of the property for which it is sought. The application shall be filed with the Planning Director and include two (2) copies of the following:

- A. Legal description of the parcel(s) for which the certificate is sought.

- B. Conditional Use Permit, if required (Section 803).
- C. Request for site plan review if required (Section 802).

When a zoning certificate is sought for a development that is a part of a plat or subdivision, which has received final plat approval or which has been issued a conditional use permit, the plat or conditional use permit, together with any covenants, conditions, or other restrictions related thereto, shall be submitted as a part of the application for the zoning certificate.

Application for a conditional use permit, where required, shall be made and approval granted by the City Council prior to application for a zoning certificate.

In the case of any development located within a subdivision, the subdivision shall have final plat approval and have been recorded before the Planning Director will accept an application for a zoning certificate. If the development for which a zoning certificate is sought is required by this Ordinance to undergo site plan review, the approved site plan shall be made a part of the application for a zoning certificate and shall suffice as the statement of proposed use required by this Section.

A temporary use and an accessory use shall require a zoning certificate as a precondition to their lawful establishment. The Planning Director may establish regulations governing the application requirements for a zoning certificate in the case of either a temporary or accessory use that is established at any time other than simultaneously with a principal use, in which case all information specified in this Section shall be submitted. The purpose of the required information is to provide the Planning Director with a sufficient factual basis to determine whether all requirements of this Ordinance applicable to temporary and accessory uses have been met.

804.02. Procedures. All developments for which a zoning certificate is required shall be reviewed for compliance with this Ordinance; within 30 calendar days after the application for a zoning certificate has been accepted, the Planning Director shall inform the applicant whether the application has been granted.

- A. In any case where the application is granted, the Planning Director shall issue a zoning certificate which shall state: "This certificate does not signify building codes review or approval nor subdivision review or approval and is not authorization to undertake any work without such review and approval where either is required. Before any structure to which this certificate is applicable may be occupied or used for any purpose, a certificate of occupancy must be obtained."
- B. In any case where an application is denied, the Planning Director shall state the specific reasons and shall cite the specific chapters, articles, and sections of this Ordinance upon which denial is based. If relief of such denial would be available by special permit or variance, the Planning Director shall so state and shall refer the applicant to the appropriate sections of this Ordinance.

Following site plan and/or conditional use approval, an applicant shall have 18 months from the date of approval to begin construction. In addition, an applicant shall have 90 days from the date of issuance of a zoning certificate to begin construction. For the purposes of this Section, beginning of construction is defined as the date on which a building permit is issued by the City of Auburn for the construction, renovation, modification, or other work required.

Section 805. Certificate of Occupancy.

No land or building for which a zoning certificate has been issued shall be occupied or used in whole or in part for any use whatsoever after the effective date of this Ordinance until the owner, tenants, contract purchaser, or authorized agent thereof has been issued a certificate of occupancy by the Senior Building

Inspector, indicating that the building or use complies with all zoning requirements of this Ordinance, the building code, and other applicable codes and regulations.

No certificate of occupancy shall be issued until the premises in question have been inspected and found by the Senior Building Inspector to comply with the requirements of this Ordinance.

No permit for any new use or construction that will involve the on-site disposal of sewage or waste, and no permit for a change in use or an alteration that will result in an increased volume of sewage or waste to be disposed of on the site, or which requires the County Health Department's approval shall be issued until said approval has been issued by said Health Department.

The issuance of a certificate of occupancy in no way relieves any recipient thereof from compliance with all of the terms of this Ordinance and all other applicable regulations.

No certificate of occupancy shall be issued unless required bufferyards have been installed or appropriately bonded.

Section 806. Access.

As a precondition to approval of any site plan, subdivision plat, zoning certificate, building permit, or any other type of development permit, any development site shall have legal access to a publicly owned and maintained road. Physical access alone shall not qualify any development site for such permits. Legal access shall consist of the required length of road frontage, a flag lot approval pursuant to Section 512, or access easements under this Section.

806.01. Access Easements. Access by easement shall be approved only by specific action of the Planning Commission, and where normal requirements cannot be met. In all such cases, the following conditions shall apply:

- A.** The property owner seeking a permit shall possess a valid legal instrument, recorded in the Office of the Judge of Probate, indicating ownership of an access strip or easement at least 15 feet in width connecting the subject property with a public road;
- B.** No access shall serve more than one (1) building site;
- C.** No development shall be authorized on any such building site other than one (1) single family dwelling and permitted accessory structures;
- D.** Prior to issuance of a certificate of occupancy, the access shall be graded and/or covered with a suitable surface so as to be passable to emergency vehicles; and
- E.** The permit applicant shall sign a statement indicating that the City of Auburn has no obligation to repair and/or maintain the access in a usable condition, and that the City shall not be liable for injuries to persons or damage to property resulting from the site's lack of direct access to a public road.

Section 807. Fees.

A schedule of application fees for site plan and subdivision approval, zoning certificates, and other permits and public hearings required under this Ordinance shall be established by separate resolution or ordinance. This fee schedule shall be computed so as to recover all costs incurred by the City in reviewing and processing zoning-related requests, and shall be revised as necessary by the City Council.

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT

Section 900. Purpose.

The powers and duties of the following officers and boards are specified herein insofar as administration of this Ordinance is concerned: the Planning Commission; the Planning Department and the Code Enforcement Division; the Board of Zoning Adjustment; the Planning Director; and the Senior Building Inspector. This Article also specifies the requirements for amendments, variances, administrative appeals, and interpretations of this Ordinance.

Section 901. Planning Director: Duties and Powers.

The Planning Director shall supervise and administer all staff activities regarding planning, zoning, and development review. He/she shall perform duties prescribed by this Ordinance, as well as any other assigned by the Planning Commission or the City Council. The Planning Director shall be duly qualified for these responsibilities through appropriate education and work experience. The Planning Director shall have a thorough knowledge of the provisions of this Ordinance, and shall have the authority to interpret the intent and meaning of this Ordinance in situations where its applicability is not clear. Appeals of administrative decisions of the Planning Director may be made to the Board of Zoning Adjustment.

The Planning Director shall be appointed by the City Manager and shall have the following additional powers and responsibilities:

- A.** Advise and cooperate with the Planning Commission in the implementation, amendment and enforcement of this Ordinance.
- B.** Attend all public hearings at which zoning matters are discussed, including meetings of the Planning Commission, Board of Zoning Adjustment and City Council.
- C.** Collect and account for all application fees required for zoning actions and subdivision approvals.
- D.** Evaluate each proposed site plan and subdivision plat for consistency with this Ordinance.
- E.** Ensure that all time limits prescribed by this Ordinance are met.
- F.** Monitor the progress of all development applications through the review process and be available to respond to inquiries from interested persons.
- G.** Receive and review all applications for zoning certificates required herein.
- H.** Process zoning certificate and conditional use permit applications.
- I.** Record and file all applications for zoning certificates with accompanying plans and documents. All applications, plans, and documents shall be a public record.
- J.** Receive applications for variances and forward them to the Board of Zoning Adjustment for action.
- K.** Following refusal of a permit, receive applications for interpretation and appeals and forward them to the Board of Zoning Adjustment for action.
- L.** Revoke any zoning certificate issued under a mistake of fact or contrary to the law or provision of this Ordinance.

- M. Receive and review all site plans whose submission are required by Section 802 and review all proposed zoning amendments and prepare a report on said zoning amendments for the Planning Commission and the City Council.
- N. Promptly indicate any zone boundary or other change to the Official Zoning Map, and make available for public inspection an up-to-day copy of the Official Zoning Map, as amended, in the office of the Planning Department during its regular business hours.
- O. Issue a monthly report on all site plan approvals to the Planning Commission.
- P. Other duties assigned by the City Manager.

Section 902. Senior Building Inspector: Duties and Powers.

The Senior Building Inspector shall have the following powers and responsibilities:

- A. Receive and examine all applications for building permits and certificates of occupancy.
- B. Process all building permit applications and applications for certificates of occupancy.
- C. Issue permits only where there is compliance with the provisions of this Ordinance. Permits for construction of uses requiring a variance shall be issued only upon order of the Board of Zoning Adjustment. Permits shall be issued only after receipt of a zoning certificate.
- D. Conduct inspections and surveys to determine compliance or non-compliance with the terms of this Ordinance.
- E. Revoke, by writing, a permit or approval issued contrary to this Ordinance or based on a false statement or misrepresentation in the application.
- F. Stop, by written order, work being done contrary to the building permit or to this Ordinance. Such written order, posted on the premises involved, shall not be removed except by order of the Senior Building Inspector. Removal without such order shall constitute a violation of this Ordinance.
- G. Institute any appropriate action or proceedings to prevent unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; restrain, correct, or abate such violation, so as to prevent the occupancy or use of any building, structure, or land; or prevent any illegal act, conduct, business, or use in or about such premises.
- H. Record and file all applications for permits with accompanying plans and documents.

Section 903. Duties of the Planning Commission.

1. The Planning Commission, in cooperation with the Planning Director and staff, shall study land use and development trends, collect data and analyze such information with regard to future development of the City of Auburn.
2. The Planning Commission shall study and report on all proposed amendments to the text of this Ordinance referred to it by the City Council. When reviewing any such proposed amendments, the Planning Commission shall, within 45 days of receipt of same from the Planning Director, submit its recommendations and findings to the City Council.
3. The Planning Commission shall study and report on all proposed amendments to the Official Zoning Map, the procedure for which is contained in Section 906 of this Article.

4. The Planning Commission shall review and approve, or approve with conditions, all site plans submitted to it by the Planning Director in accordance with Section 802.
5. The Planning Commission shall hear all applications for conditional use permits and shall make a report and recommendation to the City Council in accordance with Section 803.
6. The Planning Commission shall cause the posting of notice in the form of a sign on property that is subject to a public hearing for conditional use permit or rezoning.
7. The Planning Commission shall review the character, location, and extent of any street, square, park or other public way, ground or open space or public building or structure or major utility project whether publicly or privately owned, in accordance with Section 11-52-11 of the Code of Alabama of 1975, as amended.
8. The Planning Commission shall analyze the extent to which development has occurred in Auburn as compared to the projected growth and make recommendations for change to the future land use plan and the zoning map of the City of Auburn, as needed, to accommodate the expected 20 year growth of Auburn for residential, industrial, commercial, and other land uses.
9. The Planning Commission shall analyze the continued validity of any other regulations imposed by this Ordinance in terms of changing conditions.

Section 904. Board of Zoning Adjustment: Duties and Powers.

The Board of Zoning Adjustment heretofore established is continued, and shall be appointed as provided by State law. No member of the Board shall vote upon any matter in which he or she, a spouse or a dependent has a direct interest. No member of the Board shall vote upon any matter involving a business with which he or she, a spouse or dependent has any interest or ownership. The Board shall have the following powers and duties:

- A. The Board of Zoning Adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman, or any three (3) members, at such times and places as the Board may determine. The chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- B. The Board of Zoning Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.
- C. The Board of Zoning Adjustment shall hear and decide appeals from a decision of the Planning Director made in the performance of his duties.
- D. The Board of Zoning Adjustment shall hear and decide all petitions for variances, as provided for in Section 907.
- E. The Board of Zoning Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Planning Director or the Senior Building Inspector in the enforcement of this Ordinance.
- F. The Board of Zoning Adjustment may cause, at its discretion, the posting of notice in the form of a sign on the property that is subject to a public hearing on matters coming before it.

Section 905. Interpretations.

905.01. Purpose. The provisions of this section are intended to provide a simple and expeditious method for clarifying ambiguities in the text of this Ordinance, the zoning map which it incorporates, and the rules and regulations adopted pursuant to it. It is also intended to provide a simple procedure for overcoming rigidities and limitations of finite use lists.

905.02. Authority. The Planning Director may, subject to the procedures, standards, and limitations set forth in this Section, render interpretations of any provision of this Ordinance or any rule or regulation issued pursuant to it, including interpretations of the various uses in any district not expressly mentioned in this Ordinance.

905.03. Procedure.

- A. Written Request for Non-Use Interpretation.** Except as provided below, a request for interpretation of any provision of this Ordinance, the zoning map, or any rule or regulation adopted pursuant to this Ordinance shall be submitted in writing to the Planning Director. No fee shall be required in connection with any such request. Each such request shall set forth the specific provision or provisions to be interpreted, the facts of the specific situation giving rise to the request for an interpretation, and the precise interpretation claimed by the applicant to be correct. Before rendering any interpretation, the Planning Director shall receive such further facts and information as are in his judgment necessary to a meaningful interpretation of the provision in question.
- B. Application for Use Interpretation.** Applications for a use interpretation shall be submitted to the Planning Director and shall, in all instances, contain at least the following information and documentation:

 - 1. The applicant's names, address, and interest in the subject property.
 - 2. The owner's name and address, if different from the applicant's, and the owner's signed consent to the filing of the application.
 - 3. The names and addresses of all professional consultants advising the applicant with respect to the interpretation.
 - 4. The street address and legal description of the subject property.
 - 5. The zoning classification and present use of the subject property.
 - 6. A complete description of the proposed use.
 - 7. The uses permitted by the present zoning classification, which are most similar to the proposed use.
 - 8. Documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.
 - 9. Such other and further information or documentation as the Planning Director may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
- C. Planning Director.** Within 30 days following the receipt by the Planning Director of a completed request or application for interpretation, the Planning Director shall mail a written copy of the interpretation to the applicant. The Planning Director shall state the

specific precedent, reasons, and analysis on which such interpretation is based. The failure of the Planning Director to render an interpretation within such time, or such longer period of time as may be agreed to by the applicant, shall be deemed to be a rejection of the applicant's proposed interpretation. The Planning Director shall keep a copy of each such interpretation on file and shall make a copy of each such file interpretation available for public inspection during normal business hours.

- D. Appeal.** Appeals on interpretations rendered by the Planning Director pursuant to this Section may be taken to the Board of Zoning Adjustment as provided in this Article.

905.04. Conditions on Use Interpretations. The following conditions shall govern the Planning Director, and the Board of Zoning Adjustment on appeals from the Planning Director, in issuing use interpretations:

- A.** No use interpretation shall allow the establishment of any use that was previously considered and rejected by the Board of Zoning Adjustment on an application for amendment.
- B.** No use interpretation shall permit a use in any district in which such use is not listed either as permitted or conditional in Table 4-1.
- C.** No use interpretation shall permit any use in any district unless evidence shall be presented which demonstrates that it will comply with each use limitation established for the particular district.
- D.** No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or conditionally permitted in a less restrictive district.
- E.** If the proposed use is more similar to a conditional use than a permitted use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a conditional use permit.
- F.** Any use permitted pursuant to this Section shall fully comply with all requirements and standards imposed by this Ordinance.

905.05. Effect of Favorable Use Interpretation. No use interpretation finding a particular use to be permitted or conditionally permitted in a specific district shall authorize the establishment of such use or the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals which may be required by the codes and ordinances of the City of Auburn, or other governmental agencies having jurisdiction. These permits and approvals include, but are not limited to, zoning certificates, conditional use permits, building permits, and certificates of occupancy.

905.06. Limitations on Favorable Use Interpretations. No use interpretation finding a particular use to be permitted or conditionally permitted in a specified district shall supersede subsequent amendment to this Ordinance.

Section 906. Amendments.

This Ordinance may be amended from time to time as conditions warrant in the following manner. As used herein, the term "application" includes City Council resolution.

- A. Initiation Procedures.** A proposed change to the zoning district boundaries or of the regulations may be initiated by the City Council, the Auburn Planning Commission, or by

petition of one or more owners or authorized agents of such owners of property within the area proposed to be changed.

B. Text Amendments. The application for an amendment to the text of this Ordinance shall state in particular the article, section, subsection, and paragraph sought to be amended. The application shall contain the language of the proposed amendment and shall recite the reasons for such proposed change in the text.

C. Map Amendments.

1. Applications to rezone any property, or any application which seeks to change or modify the standards and requirements imposed on a particular piece of property by the text and maps of this Ordinance, including applications for variances and conditional use permits, may be instituted by the City of Auburn or all the owners of the property sought to be affected, or their assigns.

2. In the case where the applicant is not the owner of the subject property, said applicant shall secure a notarized authorization to act as applicant from the property owner, along with the regularly required copy of the deed for the property.

3. When a development proposal involves approval of a site plan or subdivision plat in addition to a zoning map amendment, no site plan or subdivision plat approval shall be granted prior to approval of the map amendment. If a development plan and the corresponding request for zoning change are to be addressed at the same public hearing, the Planning Commission shall render a decision on the zoning application before considering any related site plan or subdivision plat. Such decision shall be based on the requirements of this Ordinance and the full range of uses permitted in the requested district, and not on the specific development concept proposed by the applicant.

4. All properties annexed into the City of Auburn shall receive the Rural (R) District designation. If another zoning designation is desired, the owner or authorized representative shall make application for rezoning in accordance with these regulations.

D. Public Hearing. Upon application, the Planning Commission shall, after giving 15 days notice, conduct a public hearing on the proposed amendment. The Planning Commission shall consider and make recommendations on all proposed amendments, taking into account: (1) the testimony at the hearing; (2) a site inspection of the property in question; (3) the recommendations from interested official bodies; and (4) the standards provided below.

906.01. Standards for Map Amendments.

A. No rezoning of land from the Rural (R) District to the Comprehensive Development District (CDD) or Development District Housing (DDH), or from CDD or DDH to R shall be permitted except upon a specific and documented finding that:

1. A change in demand which significantly (by a factor of at least 25 percent) alters the development potential of the land has occurred such as: (a) a significant change in migration patterns, family size, or birth rate since the last amendment of the CDD or DDH or (b) a major change, such as the construction of a major road, the installation of a sewer line, or the provision of a formerly unavailable water supply, which significantly alters the suitability of an area for development.

2. An area designated as a CDD or DDH has been precluded from development by unanticipated, long term events such as the non-provision of a sewer plant or interceptor or a sewer ban, and that said area constitutes a significant part of the total amount of the planned CDD or DDH.
- B.** No rezoning of land to the Urban Core (UC) District shall be permitted except upon a specific and documented finding that:
1. Marketing studies demonstrate a demand for the facilities of an Urban Core District that cannot be provided by the district planned and mapped as urban core on the official zoning map and,
 2. Impact studies of the existing Urban Core District and development in other districts, within a one (1) mile radius of the site proposed for rezoning, demonstrate that the proposed rezoning will not have adverse impacts on their economic viability and,
 3. Traffic studies demonstrate that the proposed urban core development will not have adverse impacts on the level of service of arterial roads, whether in incorporated or unincorporated areas, within a two (2) mile radius of the site proposed for rezoning.
- C.** No rezoning of land to the University Service (US) District shall be permitted except on a specific and documented finding that:
1. Marketing studies demonstrate a demand for the facilities and uses of the University Service (US) District that cannot be provided by the districts planned and mapped as University Service on the official zoning map, and;
 2. Improvements to streets and pedestrian ways, either existing or planned, can be undertaken in a manner that does not adversely impact the existing planned system of access and separation of vehicular and foot traffic, and;
 3. Traffic studies demonstrate that the proposed University Service development will not adversely impact the level of service of arterial roads, whether in incorporated or unincorporated areas, within a two (2) mile radius of the site of the proposed rezoning.
- D.** No rezoning of land to the Industrial (I) District shall be permitted except on a specific and documented finding that:
1. There is an inadequate supply of land zoned for these uses or the proposed use cannot be accommodated by those sites due to lack of transportation, water, or sewer, or that the market area to be served by the proposed use cannot be efficiently served by the geographical location of the existing Industrial District.
 2. Roads, floodplains, or other existing or planned features will insure sufficient buffering to protect surrounding land and uses from the negative impacts of the proposed industrial use.
- E.** No rezoning of vacant land from the Commercial Conservation (CC) classification shall be permitted. Further no expansion of the Commercial Conservation District will be allowed (See Article III).

- F. If all owners in an existing subdivision or proposed subdivision located in any R, CDD, DDH or RDD district petition the City Council for a Neighborhood Conservation District designation, it may be granted.
- G. There shall be no rezoning of land from Rural to any other district until such time as adequate public utilities are available.

906.02. Recommendation of the Planning Commission.

- A. The Planning Commission shall make a recommendation to the City Council. Within 60 days of the Planning Commission rendering its recommendation to the City Council, the City Council shall take action on the application, otherwise the application shall fail. The City Council may elect to grant an extension for good cause. No amendment shall be passed except by a majority vote of the members of the City Council present.
- B. The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and not solely for the interest of the applicant.
- C. For each disapproved map amendment, the Planning Commission shall make findings on each of the following matters based on the evidence presented to it:
 - 1. The suitability of the property in question for the uses permitted under the proposed zoning.
 - 2. The adequacy of public facilities, such as sewer and water, and other required public services.

Section 907. Variances.

907.01. Purpose. The purpose of this Section is to empower the Board of Zoning Adjustment to vary or adapt the strict application of any of the requirements of this Ordinance. It is expected that the granting of variances will be rare; however, a variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions or other extraordinary and exceptional situations or conditions on a piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar, exceptional, and undue hardship on the owner of such property.

Those developments requiring a variance from any regulation of this Ordinance in conjunction with site plan review shall have the appropriate request acted upon by the Board of Zoning Adjustment. This shall include existing development sites, proposed for expansion or reconfiguration, which are nonconforming to any requirement of this Ordinance. The site plan may be reviewed concurrently with review and action on the variance request, but the site plan shall not be approved until the variance has been approved.

907.02. Application. Any property owner may apply to the Board of Zoning Adjustment for a variance using forms to be obtained from the Planning Department at least 15 days prior to the next regularly scheduled meeting of the Board.

907.03. Standards for Variances. The Board of Zoning Adjustment shall grant no variance in the strict application of the provision of this Ordinance unless it finds that the following requirements and standards are satisfied. In general, the power to authorize a variance from the terms of this Ordinance shall be sparingly exercised. It is the intent of this Ordinance that the variance be used only to overcome some exceptional physical condition of a parcel of land which poses practical difficulty to its development and prevents its owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.

The applicant must prove that the variance will not be contrary to the public interest and that practical difficulty and unnecessary hardship will result if it is not granted. In particular, the applicant shall establish and substantiate that the appeal for the variance conforms to all of the requirements and standards listed below:

- A. The granting of the variance shall be in harmony with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.
- B. The granting of the variance will not permit the establishment of any use, which is not permitted in the district.
- C. There must be proof of unique circumstances: there must exist special circumstances or conditions fully described in the findings, applicable to the land or buildings for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the district, and which circumstances or conditions are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building.
- D. There must be proof of unnecessary hardship. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of other variances granted under similar circumstances shall not be considered.
- E. That the granting of the variance is necessary for the reasonable use of the land or building and that the variance as granted by the Board of Zoning Adjustment is the minimum variance that will accomplish this purpose.
- F. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.
- G. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.

The Board may prescribe any safeguard that it deems necessary to secure substantially the objectives of the regulations or provisions to which the variance applies.

907.04. Standards for Variances Applicable to the Airport. Any person desiring to erect or increase the height of any structure, permit the growth of any tree or use property not in accordance with the regulations of this Section may apply to the Auburn Board of Zoning Adjustment for a variance from such regulations. Applications for variances shall follow the same procedure for other variances. The application for a variance shall be accompanied by a determination from the Federal Aviation Administration (FAA) and the Airport as to the effect of the requested variance on the operation of air navigation facilities and the safe, efficient use of navigable airspace.

A. Criteria for granting an airport obstruction variance. Where the FAA has reviewed the proposed development and determined its construction would exceed an obstruction standard of 14 CFR Part 77, the board of adjustment may grant an airport obstruction variance for a proposed development. Such a variance may be granted if the board determines that:

1. The literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and where the relief granted would not be contrary to the public interest (i.e. the development can be accommodated in navigable airspace without adverse impact to surrounding environs)
2. Granting the variance will not create a hazard to air navigation.
3. Granting the variance will do substantial justice.
4. The variance will be in accordance with the spirit of these regulations.

All variances shall be subject to conditions and terms as recommended by the FAA.

B. The following requirements must also be met for an airport obstruction variance to be approved:

1. A condition must be attached to the variance approval to require that the approved structure(s) is marked and lighted to indicate to aircraft pilots the presence of an obstruction in accordance with the standards of FAA Advisory Circular Number 70/7460-1K, as it may be amended. Where such marking or lighting is required, such requirement shall be satisfied prior to the issuance of a Certificate of Occupancy (C.O.) for the affected structure.
2. The FAA must determine the aeronautical evaluations submitted are valid.
3. Consideration shall be given to:
 - a. The nature of the terrain and height (height per § 512.02) of existing structures.
 - b. Public and private interests and investments.
 - c. The character of flying operations and planned development of airports.
 - d. FAA designated federal airways.
 - e. Whether construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at the affected airport.
 - f. Technological advances.
 - g. The safety of persons on the ground and in the air.
 - h. Land use density.
 - i. The safe and efficient use of navigable airspace.
 - j. The cumulative effects on navigable airspace of all existing structures or proposed structures identified in the City of Auburn.
 - k. FAA determinations and results of aeronautical studies conducted by or for the FAA.
 - l. Comments and recommendations from the Airport.
 - m. Other testimony and findings of aviation operations and safety experts.

Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of these regulations and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit at the owners expense, to install, operate and maintain hereon such markers and lights as may be necessary to indicate to pilots the presence of an airport hazard.

907.05 Public Hearing. Upon application, the Board of Zoning Adjustment shall schedule a public hearing on the proposed variance to be held ten (10) days after a public notice has been published in the local newspaper, after signs announcing the public hearing have been erected on the property in question, and after the adjacent property owners most affected by the variance request have been notified by certified mail. The Board of Zoning Adjustment shall consider and decide all proposed variances taking into account the standards enumerated above. After the close of a public hearing and within ten (10) days the Board of Zoning Adjustment shall render a written decision, setting forth the reasons for such decision, which shall be accompanied by finding of fact(s) specifying the reason(s) for such decision. All such decisions are final and binding on all parties.

Section 908. Appeals.

Appeals to the Board of Zoning Adjustment may be taken by any person aggrieved or affected by any provision of this Ordinance or by any decision, or any order to stop, cease, and desist, issued by the Planning Director in enforcing the provisions of this Ordinance.

908.01. General Rules and Procedures for Appeals.

- A.** Any appeals from the ruling of the Planning Director concerning the enforcement and interpretation of any provision of this Ordinance shall be filed with the Planning Director within 15 days after the date of the Planning Director's decision thereon.
- B.** All appeals and applications made to the Board shall be in writing on forms prescribed by the Board and accompanied by fees prescribed by resolution of the City Council.
- C.** All appeals and applications shall refer to the specific provisions of this Ordinance involved.
- D.** The Board shall select a reasonable time and place for hearing the appeal and give due notice thereof to the parties and shall render a written decision on the appeal without unreasonable delay. The Board may affirm, reserve, wholly or in part, or modify the order, requirement, decision, or determination, as in its opinion it determines ought to be done, and to that end shall have all the powers of the officer from whom the appeal is taken. The Planning Department shall maintain complete records of all appeal actions of the Board.
- E.** Within ten (10) days after the close of a public hearing the Board shall render a written decision giving the reason(s) for its decision.
- F.** In rendering a decision with respect to an appeal from any order, decision, or determination the Board shall strictly interpret the language of the Ordinance and shall find that the Planning Director was correct in his decision or in error. However, the Board shall not render any decision which shall modify an order, decision, or determination which confers rights or privileges on the appellant that are not otherwise permissible under the strict interpretation of this language of this Ordinance.
- G.** Such decision shall be submitted to the appellant and the Planning Director.

908.02. All decisions rendered by the Board shall be final and binding on all parties. No request for a variance or appeal of an administrative decision shall be reheard, and no further application shall be accepted, once a decision has been given, except under one or more of the following conditions:

- A.** New evidence or information pertinent to the request has been discovered which was not available to the applicant at the time of the original hearing.
- B.** The decision resulted from an error in procedures required by the Ordinance or State law made by the Board, the Planning Director, or any other City official.
- C.** The decision resulted from an error in substantive law under the provisions of this Ordinance or the Code of Alabama.

Where no error is alleged and no new evidence is available a new or more effective presentation by the applicant shall not constitute grounds for rehearing a decision of the Board of Zoning Adjustment. Any applicant wishing a rehearing shall appear before the Board to present one or more of the qualifying conditions listed in this Section.

If the Board finds that one or more of these conditions exists, the applicant shall be permitted to submit a new application, together with the required fees. The new application shall be heard at a subsequent meeting, and shall be subject to all regular advertising and procedural requirements. Allowing a new application does not obligate the Board to grant the request.

Any person aggrieved by any decision of the Board may within 15 days after such decision appeal to the Circuit Court having jurisdiction.

Section 909. Penalties.

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.

909.01. Any person who fails to obtain a Zoning Certificate or other permit prior to beginning construction or erecting any structure or sign shall be subject to doubling of all applicable fees.

Appendix



City of Auburn

APPENDIX A: Permitted Plant Species

PLANT CATEGORY

SOIL CONDITIONS

Hydric Mesic Xeric

DECIDUOUS CANOPY TREES

Acer rubrum (Red Maple)	*	*	
Acer x freemanii cultivars (Freeman maple)	*	*	
Acer leucoderme (Chalkbark maple)		*	*
Acer saccharum (Sugar Maple)		*	*
Betula nigra (River Birch)	*	*	
Celtis laevigata (Hackberry, Sugarberry)	*	*	*
Diospyros virginiana (Persimmon) male	*	*	
Fagus grandifolia (American Beech)	*	*	
Fraxinus americana (White Ash)		*	
Fraxinus pennsylvanica (Green Ash)		*	
Ginkgo biloba (Ginkgo) male		*	*
Koelreuteria paniculata (Golden Raintree)		*	*
Liriodendron tulipifera (Tuliptree)	*	*	
Metasequoia glyptostroboides (Dawn Redwood)	*	*	
Nyssa sylvatica (Black Tupelo)	*	*	
Ostrya virginiana (Eastern Hophornbeam)		*	
Pistacia chinensis (Chinese Pistache)		*	*
Pyrus calleryana 'Bradford' (Bradford Pear)			*
Quercus acutissima (Sawtooth Oak)		*	
Quercus alba (White Oak)		*	
Quercus coccinea (Scarlet Oak)		*	
Quercus laurifolia (Laurel Oak)		*	
Quercus lyrata (Overcup Oak)		*	
Quercus macrocarpa (Bur Oak)		*	

PLANT CATEGORY

SOIL CONDITIONS
Hydric Mesic Xeric

DECIDUOUS CANOPY TREES

Quercus nigra (Water Oak)	*	*	
Quercus palustris (Pin Oak)	*	*	
Quercus phellos (Willow Oak)	*	*	
Quercus shumardii (Shumard Oak)		*	*
Quercus stellata (Post Oak)	*	*	
Taxodium distichum (Baldcypress)	*	*	
Ulmus parvifolia (Chinese Elm)	*	*	
Zelkova serrata (Japanese Zelkova)	*	*	

EVERGREEN CANOPY TREES

Cedrus deodara (Deodar Cedar)	*		
x Cupressocyparis leylandii (Leyland Cypress)		*	
Magnolia grandiflora (Southern Magnolia)	*	*	
Pinus palustris (Longleaf Pine)	*	*	
Pinus taeda (Loblolly Pine)		*	*
Pinus virginiana (Virginia Pine)	*	*	

UNDERSTORY TREES

Acer barbatum (Florida Maple)		*	*
Acer buergeranum (Trident Maple)		*	*
Acer palmatum (Japanese Maple)		*	
Cercis canadensis (Eastern Redbud)		*	

PLANT CATEGORY**SOIL CONDITIONS***Hydric Mesic Xeric**UNDERSTORY TREES*

Chionanthus virginicus (White Fringetree)	*		
Chionanthus retusus (Chinese Fringetree)	*		
Cornus florida (Dogwood)	*		
Cornus kousa (Kousa Dogwood)	*		
Cotinus obovatus (American Smoke Tree)	*		
Halesia carolina (Carolina Silverbell)	*	*	
Ilex latifolia (Lusterleaf Holly)	*		
Ilex opaca (American Holly)	*		
Ilex x attenuata - cultivars (Savannah, Foster, East Palatka hollies)	*		
Juniperus virginiana (Eastern Red Cedar)	*		*
Koelreuteria paniculata (Panicled Golden Raintree)	*		*
Lagerstroemia indica/fauriei (Common Crapemyrtle)	*		*
Magnolia x soulangiana (Japanese Magnolia)	*		
Magnolia virginiana (Sweetbay Magnolia)	*	*	
Myrica cerifera (Southern Waxmyrtle)	*	*	*
Oxydendrum arboreum (Sourwood)	*	*	
Pinus thunbergiana (Japanese Black Pine)	*		
Prunus caroliniana (Carolina Cherry-laurel)	*		*
Prunus serrulata 'Kwanzan' (Japanese Flowering Cherry)	*		*
Prunus x yedoensis (Yoshino Cherry)	*	*	
Sassafras albidum (Common Sassafras)	*	*	*

PLANT CATEGORY**SOIL CONDITIONS***Hydric Mesic Xeric*

DECIDUOUS SHRUBS

Abelia x grandiflora (Glossy Abelia)		*	*
Aesculus parviflora (Bottlebrush Buckeye)		*	
Berberis thunbergii atropurpurea 'Crimson Pygmy' (Crimson Pygmy Barberry)		*	*
Buddleia davidii (Butterfly-Bush)	*		
Chaenomeles speciosa (Common flowering quince)		*	
Cotinus coggygria (Common Smokebush)		*	*
Euonymus alatus (Burning Bush)	*	*	
Exochorda racemosa (Pearlbush)		*	
Forsythia x intermedia (Border Forsythia)		*	
Hibiscus syriacus (Shrub althea)		*	*
Hydrangea macrophylla (Big Leaf Hydrangea)		*	
Hydrangea quercifolia (Oakleaf Hydrangea)		*	*
Jasminum floridum (Florida Jasmine)		*	
Jasminum nudiflorum (Winter Jasmine)		*	
Kerria japonica (Japanese kerria)		*	
Kolkwitzia amabilis (Beautybush)		*	
Lagerstroemia indica/fairiei (Crapemyrtle)		*	*
Magnolia stellata (Star Magnolia)		*	
Spiraea x bumalda 'Anthony Waterer' (Anthony Waterer Bumalda Spirea)		*	
Spiraea cantoniensis (Reeves Spirea)		*	
Spiraea prunifolia (Double Bridalwreath Spirea)	*	*	
Spiraea thunbergii (Thunberg Spirea)		*	
Spiraea x vanhouttei (Vanhoutte Spirea)		*	
Viburnum x burkwoodi (Burkwood Viburnum)		*	

PLANT CATEGORY**SOIL CONDITIONS***Hydric Mesic Xeric*

DECIDUOUS SHRUBS

Viburnum carlesii (Korean Spicebush)		*	
Viburnum dentatum (Arrowwood)	*	*	
Viburnum prunifolium (Blackhaw Viburnum)		*	
Viburnum plicatum (Japanese Snowball)		*	
Viburnum plicatum var. tomentosum (Doublefile viburnum)		*	
Vitex agnus-castus (Lilac Chastetree)		*	*
Weigela florida (Old Fashioned Weigela)		*	

EVERGREEN SHRUBS

Berberis sargentiana (Sargent Barberry)		*	
Berberis julianae (Wintergreen Barberry)		*	*
Buxus microphylla japonica (Japanese Boxwood)		*	
Buxus microphylla koreana (Korean Boxwood)		*	
Buxus microphylla cultivars (Wintergreen boxwood)		*	
Elaeagnus ebbengai (Ebbengei elaeagnus)		*	*
Elaeagnus pungens reflexa (Bronze Elaeagnus)		*	*
Ilex x 'Nellie R. Stevens' (Nellie R. Stevens Holly)	*		
Ilex x aquipernyi (Brilliant Holly)		*	
Ilex x attenuata 'Savannah' (Savannah Holly)		*	
Ilex attenuata 'Fosteri' (Foster Holly)		*	
Ilex cassine (Dahoon)		*	*
Ilex cornuta 'Burfordii' (Burford Chinese Holly)		*	
Ilex cornuta 'Carissa' (Carissa Holly)		*	
Ilex cornuta 'Needlepoint' (Needlepoint Holly)		*	
Ilex cornuta 'Rotunda' (Rotunda Chinese Holly)		*	

PLANT CATEGORY**SOIL CONDITIONS***Hydric Mesic Xeric*

EVERGREEN SHRUBS

Ilex cornuta 'Burfordii Nana' (Dwarf Burford Holly)	*		
Ilex crenata 'Hetzii' (Hetz Japanese Holly)	*		
Ilex crenata 'Rotundifolia' (Roundleaf Japanese Holly)	*		
Ilex crenata 'Helleri' (Heller Japanese Holly)	*		
Ilex crenata 'Compacta' (Compacta Japanese Holly)	*		
Ilex crenata 'Convexa' (Convexleaf Japanese Holly)	*		
Ilex glabra (Inkberry)	*		
Ilex latifolia (Lusterleaf Holly)	*		
Ilex vomitoria (Yaupon Holly)	*	*	*
Ilex vomitoria 'Pendula' (Weeping Yaupon)	*	*	*
Ilex vomitoria 'Nana' (Dwarf Yaupon Holly)	*	*	*
Illicium parviflorum (Small Anise-tree)	*	*	*
Juniperus chinensis spp. (Juniper)	*	*	
Juniperus conferta 'Blue Pacific' (Shore Juniper)	*	*	
Juniperus horizontalis 'Bar Harbor' (Bar Harbor Juniper)		*	*
Juniperus horizontalis 'Plumosa' (Andorra jumper)	*	*	
Juniperus horizontalis 'Wiltoni' (Blue Rug Juniper)		*	*
Juniperus parsoni (Parsons Juniper)		*	*
Leucothoe populifolia (Rainbow Leucothoe)	*	*	
Ligustrum japonicum (Japanese Privet)		*	*
Ligustrum japonicum 'Rotundifolium' (Curlyleaf Ligustrum)		*	
Lonicera fragrantissima (Winter Honeysuckle)		*	
Mahonia bealei (Leatherleaf Mahonia)		*	
Michelia figo (Banana Shrub)		*	

PLANT CATEGORY

SOIL CONDITIONS

Hydric Mesic Xeric

EVERGREEN SHRUBS

Myrica cerifera (Southern Waxmyrtle)	*	*
Nandina domestica (Nandina)	*	
Osmanthus heterophyllus (Holly Osmanthus)		*
Osmanthus x fortunei (Fortunes Osmanthus/Tea Olive)	*	

Appendix B: Street Classification System, City of Auburn

Road Name	From	To	Classification
Academy Dr	--	--	Collector
Airport Rd	--	--	Collector
Annalue Dr	--	--	Collector
Asheton Ln	--	--	Collector
Auburn Lakes Rd	--	--	Collector
Bedell Av	--	--	Collector
Beehive Rd	S College St	Wire Rd	Arterial
Beehive Rd	Wire Rd	M L King Blvd	Collector
Bent Creek Rd	I-85	Glenn Av	Arterial
Bent Creek Rd	Hamilton Rd	I-85	Collector
Binford Dr	--	--	Collector
Bragg Av	--	--	Collector
Byrd St	Magnolia Ave	M L King Dr	Collector
Chadwick Ln	--	--	Arterial
Chewacla Dr	--	--	Collector
Chinook St	--	--	Collector
Club Creek Dr	Yarborough Farms Blvd	Falls Crest Dr	Collector
College St	--	--	Arterial
Commerce Dr	--	--	Collector
Conservation Dr	--	--	Collector
Cotswold Way	--	--	Collector
Country Club Dr	--	--	Collector
Cox Rd	--	--	Arterial
Crescent Blvd	Piedmont Dr	N Donahue Dr	Collector
Dean Rd	Moore's Mill Rd	Opelika Rd	Arterial
Dean Rd	E University Dr	Moore's Mill Rd	Collector
Dean Rd	Opelika Rd	Sandstone Ln	Collector
DeKalb St	--	--	Collector
Downs Way	--	--	Collector
Drake Av	--	--	Collector
E University Dr	--	--	Arterial
Farmville Rd	--	--	Arterial
Foster St	--	--	Collector
Gatewood Dr	--	--	Collector
Gay St	Opelika Rd	Samford Ave	Arterial
Gay St	Samford Ave	East University Dr	Collector
Gay St	Opelika Rd	Shelton Mill Rd	Collector
Glenn Av	N Donahue Dr	Opelika city limits	Arterial
Glenn Av	N Donahue Dr	Byrd St	Collector
Grove Hill Rd	--	--	Collector
Hamilton Rd	Moore's Mill Rd	Opelika city limits	Arterial
Heath Rd	--	--	Arterial
Keystone Dr	--	--	Collector
Longleaf Dr	--	--	Collector
Longwood Dr	--	--	Collector
Lundy Chase Dr	--	--	Collector
Mrs. James Rd	--	--	Collector

Appendix B: Street Classification System, City of Auburn

Magnolia Av	--	--	Collector
Mall Blvd	--	--	Collector
Mall Pkwy	--	--	Collector
McMillan St	--	--	Collector
Mill Creek Rd	--	--	Collector
Miracle Rd	--	--	Collector
Mitchum Av	--	--	Collector
Moore's Mill Dr	--	--	Collector
Moore's Mill Rd	--	--	Arterial
N Donahue Dr	--	--	Arterial
Ogletree Rd	--	--	Collector
Old Mill Rd	--	--	Collector
Opelika Rd	--	--	Arterial
Pear Tree Rd	--	--	Collector
Piedmont Dr	--	--	Collector
Preserve Dr	Conservation Dr	northern terminus	Collector
Pumphrey Av	--	--	Arterial
Richland Rd	--	--	Collector
Rock Fence Rd	--	--	Collector
Ross St	--	--	Collector
S Donahue Dr	College St	East University Dr	Arterial
S Donahue Dr	E University Dr	E Longleaf Dr	Collector
Samford Av	--	--	Arterial
Sand Hill Rd	--	--	Arterial
Sanders St	--	--	Collector
Saugahatchee Rd	Annaloe Dr	Airport Rd	Collector
Shell Toomer Pkwy	--	--	Collector
Shelton Rd	--	--	Arterial
Stanton Dr	VFW Rd	Grove Hill Rd	Collector
Stonewall Rd	--	--	Collector
Grand National Pkwy	--	--	Collector
Shug Jordan Pkwy	--	--	Arterial
Society Hill Rd	--	--	Arterial
Thach Av	--	--	Collector
Tuscany Hills Dr	--	--	Collector
US 280	--	--	Arterial
VFW Rd	--	--	Collector
Veterans Blvd	--	--	Collector
Watercrest Dr.	--	--	Collector
Webster Rd	--	--	Collector
Willis Turk Rd	--	--	Collector
Wire Rd	--	--	Arterial
Woodfield Dr	S College St	Gay St	Collector
Wrights Mill Rd	Samford Ave	Shell Toomer Pkwy	Collector
Yarborough Farms Blvd	--	--	Collector

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