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 20 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 through 407 identify the category of use and define the specific uses shown in Table 4-1 - Table of Permitted Uses. Section 408 and Table 4-1 indicate which land uses may locate by right, by conditional use, or are not permitted in each zoning district. In addition, Section 408 provides special developments standards for uses that are permitted or conditional permitted in each zoning district.

Section 402. Use Categories Defined. The categories of uses utilized by this Ordinance are defined in Sections 403 through 407. The uses not enumerated in these sections are not necessarily excluded. Article IX empowers the Planning Director to make interpretations of use.

Section 403. Agricultural Uses.

403.01 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.

403.02. 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 404. Residential Uses.

404.01. 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.

404.02. 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 405. Recreational, Institutional, and Special Residential Uses.

405.01. 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.

405.02. 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 406 Commercial Uses.

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

406.02. 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, upholstering); 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.

406.03. 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.

406.04. 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.

406.05. 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.

406.06. 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.

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

406.08. 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.

406.09. 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.

406.10. 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.

406.11. 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).

406.12. Regional shopping center. This category includes commercial land development consisting of 500,000 or more square feet of gross floor area on one (1) lot.

Section 407. Industrial Uses.

407.01. 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.

407.02. 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.

407.03. 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. *(Also see Section 516 Airport Overlay District)*

Section 408. 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 403 through 407.

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.

408.01. 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 408.02.

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.

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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 403 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.

408.02. 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. Any proposed deviation from these standards shall be requested in the form of a waiver and shall be reviewed and approved by the Planning Commission.

A. Agricultural Uses.

1. Forestry:

a) Subject property shall not be located within the area encircled by East University Drive and Shug Jordan Parkway.

b) Minimum lot size shall be 25 acres.

c) No trees shall be harvested within 50 feet of the perimeter of the site.

d) Harvesting activities shall conform to the Best Management Practices of the Alabama Forestry Commission.

2. Rural Event Facility:

a) Minimum lot size shall be five (5) acres.

b) A setback of not less than 100 feet shall be required for all buildings, parking lots, and activity areas from all adjoining property lines provided; however, the setback may be reduced by the Planning Commission based on natural conditions and proximity to adjacent buildings.

c) No rural event facility shall be allowed to exceed an attendance level of 400 people.

d) No rural event activity shall begin prior to 10 a.m., nor extend beyond 10 p.m.

e) All outdoor lighting associated with any rural event activity shall be turned off by 11 p.m.

f) Curb cut access shall only be allowed from an arterial or collector road.

g) Tents used for any event may be set up no more than 72 hours in advance and must be taken down within 72 hours after such event.

B. Conventional Subdivision. See Section 502.01.

C. Performance Residential Development. See Section 502.02.

Cottage Housing Development Standards:

1. A minimum of 500 square feet of common open space shall be provided per dwelling unit.

2. Each dwelling unit shall have a primary entry and covered porch of at least sixty (60) square feet and be a minimum of six (6) feet oriented toward the common open space.

3. A minimum of two (2) parking spaces per dwelling unit shall be provided for the entire development. Parking spaces shall:

a. Be clustered together or provided individually at the rear of each dwelling.
b. Be separated from the common area by landscaping, wall, or architectural screen.

4. The net total floor area of each cottage shall not exceed one and one-half times the area of the main level.

(In addition, see 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 514 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. All buildings with a street façade shall have one (1) functioning entry on the street façade, and for buildings that do not have a street façade, the primary entrance should have a sidewalk connection to the nearest street.

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.

(In addition, see Section 502.02(G))

Private Dormitory:

The above listed development standards for Multiple Family Residential Development shall be met in addition to the following: Lounge Uses are prohibited in a private dormitory development. *(See also Sections 502.02(H), and Section 509).*

Manufactured Home Park. See Section 502.02(J)

D. Institutional, Indoor Recreation & Special Residential Uses.

1. All new institutional uses must front on a road with a functional classification of Arterial or Collector, as designated in Appendix K and Appendix L in the Engineering Design and Construction Manual.

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), Development District Housing (DDH) and Large Lot Residential District (LLRD) districts.

c) For existing churches in the Neighborhood Conservation (NC), Development District Housing (DDH) and Large Lot Residential District (LLRD) 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.

6. Short-Term Non-Primary Rental:

a) A short-term non-primary rental shall be limited in operation to 240 days each calendar year.

b) Each zoning certificate for a short-term non-primary rental will be valid from January 1 (or such other date during a calendar on which such certificate is issued) through December 31 of the calendar year in which the certificate is issued.

c) A zoning certificate for a short-term non-primary rental may be revoked by the Planning Director (i) in the event that two (2) or more substantiated complaints

are received by the city within a calendar year, or (ii) for failure to maintain compliance with any of the regulations set forth within this section. A property owner whose zoning certificate for a rental has been revoked pursuant to this paragraph shall not be eligible to receive any new zoning certificate for a rental for the remaining portion of the calendar year in which the certificate is revoked and for the entire succeeding year.

d) Short-Term Non-Primary Rentals may only be used for lodging (eating and sleeping); private and/or commercial events and activities are prohibited. Only the registered/contracted Short-Term Non-Primary Rental guests may utilize the Short-Term Non-Primary Rental.

E. 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:

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

b) Common exercise yards shall be no closer than 50-feet from an adjacent residential property line.

c) At no time will animals be left unaccompanied by office staff outdoors.

d) For any veterinary office with indoor kennel use that is located within 50-200 feet of an adjacent residential property line, any fenced outdoor exercise areas shall be permitted provided no animal shall be boarded in such areas or be boarded in areas with direct access to such areas or exercised between the hours of 9:00 p.m. and 7:00 a.m. Any such exercise area shall be screened by a solid evergreen hedge or six (6) foot high opaque fence.

e) Emission of any offensive odors is not permitted at any time.

f) 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:

a) Permitted only on property fronting on an arterial or collector street as designated in Appendix K and Appendix L in the Engineering Design and Construction Manual.

b) Access to guest rooms shall be restricted exclusively to interior corridors, which shall be accessed via the main lobby of the building or entryways.

8. Retail Uses in the Urban Core. The following uses are considered to be appropriate within the Urban Core (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.

F. **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 dealership:

a) All service and repair operations shall occur in an enclosed building; any service bay doors, if open, shall not face the primary road frontage. This requirement does not apply to any customer service areas designed for vehicle drop-off and pick-up.

b) Outdoor paging or speaker systems are expressly prohibited.

c) There shall be no outdoor display or sale of parts or tires.

2. 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 as designated in Appendix K and Appendix L in the Engineering Design and Construction Manual.

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.

h) The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.

3. 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.

4. Car Wash/Detailing Shop:

a) Other land uses, including the storage of trailers, trucks, boats, or other equipment for rental, sale, or parking shall not be permitted on-site.

b) All structures shall be at least 20 feet from all interior side and rear property lines, unless a greater setback is required by the zoning district.

c) Vacuum stations and related equipment shall comply with the setback requirements for the principal structure.

5. Flea Market:

a) Flea markets shall be permitted only on property fronting on an arterial street, as designated in Appendix K in the Engineering Design and Construction Manual, with all major points of ingress/egress connecting to that street.

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 422.01 shall be provided along all property lines. Off-street parking landscaping shall be based on Section 422.04.

6. 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 street, as designated in Appendix K and Appendix L in the Engineering Design and Construction Manual.

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 and shall be limited to no more than two (2) on the same property (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) Car Wash Facilities. These are allowed only as an ancillary use and shall be located behind the principal structure.

f) No area of any gasoline/service station shall be used for the storage, display, and sale or leasing of any new or used vehicle.

g) 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. Outdoor display areas shall be limited to only those areas that directly abut the primary structure (excludes all other areas, including areas under gas station canopies).

h) The site should be designed so that pedestrian and vehicular circulation is coordinated and reviewed for safety.

i) Limited Development District (LDD). Service bays and auto repairs of any kind are prohibited. The storage of vehicles and trailers shall not be permitted in LDD.

j) 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 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.

k) Support structures for gas station canopies shall be required to meet cladding requirements as set forth in Section 429.05.

7. Small Engine Repair: Equipment under repair or not operational shall be screened from public view or stored indoors at all times.

8. Automated Teller Machines (ATMs): Where allowed by Table 4-1 (Table of Permitted Uses), drive up automated teller machines (ATMs) shall comply with the following requirements:

a) Setback from a street curb by a minimum of 20 feet;

b) Located a minimum of 125 feet from the property line corner of the nearest street intersection;

c) Shall not eliminate or substantially reduce any required landscape area;

d) Shall not result in undue traffic congestion;

Freestanding Automated Teller Machines shall comply with the following requirements:

a) Shall not eliminate or substantially reduce any required landscape area;

b) Shall not result in undue traffic congestion;

c) Located in a visible area for patron safety.

d) An ATM located away from a building shall be provided a minimum of two off street parking spaces except where the City staff determines that no parking is necessary.

e) Each outdoor ATM shall be provided with adequate lighting. The lighting plan must be shown on the submitted site plan.

9. Parking Lots

a) Location of curb cuts and entrances onto public streets shall be approved by the Engineering Services Department.

b) Insure access to the site is adequate to accommodate the proposed parking use and the traffic that the facility would reasonably be expected to generate.

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) Landscaping must be provided in accordance with the City landscaping and bufferyard requirements.

f) No parking shall be allowed in the setback areas on the lots, as required for the zoning district in which the lot is located. If the setback areas are determined by an angle of light calculation, then the parking shall just be required to be outside any required bufferyard areas.

10. 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.

11. Mobile Vendor Food Court

a) If a commissary is provided on site and the mobile vending unit is approved to use the site's commissary, then the Mobile Vending Unit will not have to be removed from the site each day.

b) The Mobile Vendor Food Court shall not operate between the hours of 2 a.m. to 7 a.m.

c) On-Site Manager: There must be a designated manager of the site that is responsible for the orderly organization of Mobile Food Units, the cleanliness of the site, and the site's compliance with all rules and regulations during working hours.

d) Restrooms: Permanent restrooms must be provided within the boundaries of the Mobile Vendor Food Court. The number of restrooms will be determined by the current building code. At a minimum at least one restroom for each sex shall be provided within five hundred feet from each Mobile Vending Unit.

e) Water and Electrical requirements: Each site is required to provide water hookups and electricity access for each individual Mobile Vending unit that operates at the site. Each individual Mobile Vending Unit is not allowed to operate a generator at the site unless emergency circumstances necessitate the need for use of a generator.

f) The site should be designed so that pedestrian and vehicular circulations are coordinated and reviewed for safety.

g) Landscaping must be provided in accordance with the City landscaping and bufferyard requirements.

h) Signage for the overall mobile vendor food court is limited to 32 square feet with each individual truck being allowed individual signage up to 12 square feet.

G. 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.

H. Recreational Rental Dwellings.

Recreational vehicle parks: 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 street, as shown in Appendix K in the Engineering Design and Construction Manual.

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 422.01 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:	0.25
Maximum I.S.R. for any RV site:	0.60
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 417 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.

I. Public Service Uses.

1. Telecommunications Tower: See Section 501.06.

2. Hospital: Development site shall have ready access to an arterial street, as designated in Appendix K in the Engineering Design and Construction Manual.

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.

J. 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 street with a functional classification of Arterial, as designated in Appendix K in the Engineering Design and Construction Manual.

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.

K. 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 K in the Engineering Design and Construction Manual.

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 420 through 428.

L. Commercial Support Uses in the RDD, CDD, CRD, and SCCD.

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:

a) All equipment and building materials shall be screened from outside view by an opaque fence no less than six (6) feet in height.

b) The storage area shall be kept free of litter and debris at all times.

c) Minimum lot size shall be one (1) acre.

d) All storage areas shall be no less than twenty-five (25) feet from any property line.

e) No major repairs of vehicles and/or equipment, nor any manufacturing or processing, shall occur on site.

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.

c) An off-street loading berth adequate in size to accommodate the expected type and volume of trucks serving such a printing plant shall be provided. A plant that will generate a heavy volume of traffic or will be noisy or otherwise offensive in operation should not be permitted.

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 421 and Table 4-7; otherwise, chain link may be substituted.

g) Setbacks for mini-warehouse structures shall be determined according to Table 4-3.

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 Table 5-3.

M. 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 K and Appendix L in the Engineering Design and Construction Manual. 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.

N. 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.

O. 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 409. Zoning District Performance Standards. Sections 417 and 418 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.

1. Residential Buildings. Residential setbacks are found in Section 502, Residential Use Regulations.

2. Non-Residential Buildings. 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. 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.

B. Maximum Setbacks. Where lots have double frontage, the maximum setback shall apply to the frontage upon any designated corridor (Section 429). For corner properties, the maximum setback shall be measured from the property line of both rights-of-way. This setback shall not be imposed upon frontage with public alleys or easements.

Recessed portions of any proposed structure, designed for outdoor seating, dining or events shall be allowed under the requirements of this section following the review and approval of the Planning Commission. Such recesses shall be clearly illustrated on the site plan.

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

District/Subdivision Type	Maximum Gross Density (du/ac.)	Minimum Open Space Ratio[1]
Urban Core (UC)		
Performance	**See Article V, Sections 502.02 and 507**	
Urban Neighborhood Districts (UN-E), (UN-W), & (UN-S)		
Conventional	4.00	0.00
Performance	**See Article V, Sections 502.02, and 509**	
Neighborhood Conservation (NC) **See Article V, Table 5-2**		
Development District Housing (DD-H)		
Conventional	4.00	0.00
Performance	5.50	0.30
Medium Density Residential District (MDRD)		
Performance	12.00	0.15
Neighborhood Redevelopment District (NRD)		
Conventional	5.50	0.00
Performance	8.00	0.20
Redevelopment District (RDD)		
Conventional	5.00	0.00
Performance	16.00	0.20
Rural (R)		
Conventional	3 acre min. lot size	0.00
Large Lot Residential District (LLRD)		
Conventional	1.0	0.00
Limited Development District (LDD)		
Conventional	2.00	0.00
Performance	5.00	0.30
Comprehensive Development (CDD)		
Conventional	4.00	0.00
Performance	9.50	0.25
Corridor Redevelopment District (CRD-U)		
Performance	16.00	0.15
Corridor Redevelopment District (CRD-E)		
Performance	10.00	0.15
Corridor Redevelopment District (CRD-S)		
Performance	10.00	0.20
Corridor Redevelopment District (CRD-W)		
Performance	10.00	0.20
Planned Development District (PDD) **See Article V, Section 504.01**		

[1]No 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), the Urban Neighborhoods (UN-E) (UN-W) & (UN-S), the Corridor Redevelopment Districts (CRD-U) and (CRD-E), and east of North Donahue Drive in the Corridor Redevelopment District – West (CRD-W) districts.

Table 4-3: Standards for Nonresidential Uses by District

District Uses	Maximum FAR	Maximum ISR	Minimum site area[3]	Minimum lot width[5]	Angle of light factor
Urban Core (UC)/CEOD					
All Uses	8.5	1.00	none	none	*
Urban Neighborhoods (UN-E, UN-W, & UN-S)					
Outdoor Rec. (private parks)	0.05	0.40	7,500 SF	75 ft.	**
Institutional	0.70	0.80	7,500 SF	75 ft.	**
Road Service	0.35	0.90	30,000 SF	100 ft.	**
Public Service[2]	0.50	0.80	7,500 SF	75 ft.	**
All Other Uses	2.00	0.90	7,500 SF	75 ft.	**
Neighborhood Conservation (NC)					
Outdoor Recreational	0.05	0.40	7,500 SF	none	***
Institutional	0.50	0.60	7,500 SF	75 ft.	***
Public Service[2]	0.20	0.50	7,500 SF	75 ft.	***
Development Housing (DDH)					
Agriculture Uses (Forestry)	0.01	0.10	25 acres	none	1.0
Outdoor Recreational	0.05	0.40	7,500 SF	75 ft.	1.0
Institutional	0.50	0.60	7,500 SF	75 ft.	1.0
Indoor Recreational	0.50	0.60	7,500 SF	75 ft.	1.0
Public Service[2]	0.20	0.50	7,500 SF	75 ft.	1.0
All Other Uses[6]	0.40	0.80	7,500 SF	75 ft.	1.0
Medium Density Residential District (MDRD)					
Outdoor Rec. (private parks)	0.05	0.40	7,500 SF	none	0.5
Institutional	0.60	0.70	7,500 SF	60 ft.	0.5
Public Service[2]	0.30	0.60	7,500 SF	60 ft.	0.5
All Others	0.70	0.80	7,500 SF	60 ft.	0.5
Neighborhood Redevelopment District (NRD)					
Outdoor Rec. (private parks)	0.05	0.40	7,500 SF	none	0.75
Institutional	0.50	0.60	7,500 SF	60 ft.	0.75
Public Service[2]	0.20	0.50	7,500 SF	60 ft.	0.75
All Others	0.40	0.80	7,500 SF	60 ft.	0.75
Redevelopment (RDD)					
Outdoor Rec. (Private Parks)	0.05	0.40	7,500 SF	none	1.0
Institutional	0.60	0.70	7,500 SF	75 ft.	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
Nurseries	0.05	0.50	30,000 SF	100 ft.	1.0
Commercial Support	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
Rural (R)					
Agriculture/Nurseries[1]	na	0.05	3 acres	none	1.00
Forestry	na	0.05	25 acres	none	
Outdoor Recreational	0.02	0.40	3 acres	none	1.00
Institutional	0.05	0.40	3 acres	none	1.0

District Uses	Maximum FAR	Maximum ISR	Minimum site area[3]	Minimum lot width[5]	Angle of light factor
Rural (R) (continued)					
Commercial & Entertainment (Vet office)	0.12	0.30	40,000 SF	none	1.0
Commercial Recreational	0.10	0.20	3 acres	none	1.0
Recreational Rental Dwellings †	0.01	0.10	200,000 SF	none	1.0
Public Service[2]	0.20	0.50	3 acres	none	1.0
Agriculture Support	0.25	0.50	40,000 SF	none	1.0
Large Lot Residential District (LLRD)					
Outdoor Recreation (private park)	0.05	0.40	1 acre	70 ft.	1.0
Institutional	0.30	0.60	1 acre	70 ft.	1.0
Public Service[2]	0.20	0.50	1 acre	70 ft.	1.0
All Others	0.30	0.60	1 acre	70 ft.	1.0
Limited Development District (LDD)					
Forestry	0.01	0.10	25 acres	none	1.0
Outdoor Recreational	0.05	0.25	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
Neighborhood Shopping Ctr.	0.40	0.60	3 acres	none	1.0
All Other Uses[6]	0.40	0.80	7,500 SF	none	1.0
Comprehensive Development District (CDD)					
Outdoor Recreational	0.05	0.40	7,500 SF	75 ft.	1.0
Institutional	0.50	0.60	7,500 SF	75 ft.	1.0
Road Service	0.35	0.90	30,000 SF	100 ft.	1.0
Commercial Recreational	0.15	0.30	40,000 SF	none	1.0
Recreational Rental Dwellings†	0.15	0.25	100,000 SF	none	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
Nurseries	0.05	0.50	80,000 SF	None	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
Corridor Redevelopment District-Urban (CRD-U)					
Road Service	0.50	0.90	20,000 SF	75 ft.	*****
Public Service[2]	0.50	0.80	7,500 SF	60 ft.	*****
Commercial Support	0.40	0.75	7,500 SF	75 ft.	*****
All Other Uses	0.70	0.80	7,500 SF	60 ft.	*****
Corridor Redevelopment District-Suburban (CRD-S)					
Road Service	0.35	0.90	30,000 SF	100 ft.	*****
Public Service[2]	0.35	0.75	7,500 SF	75 ft.	*****
Commercial Support	0.40	0.75	7,500 SF	75 ft.	*****
All Other Uses	0.70	0.80	7,500 SF	75 ft.	*****
Corridor Redevelopment District-West (CRD-W)					
Road Service	0.35	0.90	30,000 SF	100 ft.	*****
Public Service[2]	0.35	0.75	7,500 SF	75 ft.	*****
All Other Uses	0.70	0.80	7,500 SF	75 ft.	*****

District Uses	Maximum FAR	Maximum ISR	Minimum site area[3]	Minimum lot width[5]	Angle of light factor
Corridor Redevelopment District-East (CRD-E)					
Road Service	0.50	0.90	20,000 SF	75 ft.	*****
Public Service[2]	0.50	0.80	7,500 SF	60 ft.	*****
Commercial Support	0.40	0.75	7,500 SF	75 ft.	*****
All Other Uses	0.70	0.80	7,500 SF	60 ft.	*****
South College Corridor District (SCCD)					
Institutional	0.50	0.60	7,500 SF	75 ft.	1.0
Road Service	0.35	0.90	30,000 SF	100 ft.	1.0
Commercial Recreational	0.15	0.30	40,000 SF	none	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
Nurseries	0.05	0.50	80,000 SF	none	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
Industrial (I)					
Institutional Day	0.50	0.60	10,000 SF	100 ft.	****
Office	1.50	1.00	40,000 SF	100 ft.	****
Commercial & Entertainment	0.70	0.80	10,000 ST	100 ft.	****
Road Service	0.35	0.90	30,000 SF	100 ft.	****
Commercial Recreational	0.40	0.90	40,000 SF	none	****
Recreational Rental Dwellings †	0.15	0.25	200,000 SF	none	****
Public Service[2]	0.50	0.80	10,000 SF	100 ft.	****
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.	****
All Other Uses	0.40	0.90	80,000 SF	100 ft.	****
Industrial Uses	0.94	0.90	40,000 SF	100 ft.	****
Extraction Uses	0.10	0.10	100 Acres	100 ft.	****
Interstate Commercial District (ICD)					
Road Service	0.35	0.90	30,000 SF	100 ft	1.0
Commercial Recreation	0.15	0.30	40,000 SF	none	1.0
Public Service2	0.35	0.75	7,500 SF	75 ft	1.0
All Other Uses	0.70	0.80	7,500 SF	75 ft	1.0
Planned Development District (PDD)[4]					

* See Article V, Section 507 and Section 508 for setback regulations and maximum height

** See Article V, Section 509 for setback regulations and maximum height

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

**** See Article V, Section 503(D) for setback regulations and Article IV, Table 4-4 for maximum height

***** See Article V, Section 510.02 for setback regulations and maximum height.

† Gross Density for Recreational Rental Dwellings is 10 units per acre (see Table 4-4)

[1]Maximum permitted gross density: 1.0 units per three (3) acres.

[2]No 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 501.06).

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

[4]ISR, 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).

[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.

[6]Uses that apply in a PDD only (refer to Table 4-1, Table of Permitted Uses and Section 504.01, Planned Developments)

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 416 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 417.

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: S*treamside 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	Very restricted- Permitted uses limited to: flood control structures, utility easements*, natural footpaths, crossings and approaches for paved roadways, and pedestrian paths and bikeways.	Restricted- 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.	Restricted- 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 Engineering 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.

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 417.01(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 designated 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 417.

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 403.01.

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 in 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 417.

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 417. 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.

Steeples, bell towers, clock towers, cupolas, and similar ornamental/architectural features may exceed structure height by a maximum of 25% of the height limit of the respective zoning district. Chimneys, ventilators, utility service structures, solar panels, flag poles, fire escapes, stairway enclosures or elevator enclosures may exceed height limit by 12 feet. Exclusions from structure height are parapet walls, (limited to a height of four feet) and balustrades or railings that rise less than six feet from the floor or roof from which they extend. Exclusions shall not exceed in cross sectional area 25 percent of the ground floor area of the building. Exclusions from structure height shall not include accessory rooftop structures such as greenhouses, pigeon houses, enclosed recreational or commercial amenities and similar structures. Un-enclosed accessory rooftop recreational amenities such as swimming pools and jogging tracks shall be permitted where the amenity (exclusive of safety railings) does not exceed the height limit of the respective zoning district.

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.*

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

Land Use/Maximum Performance Standards	Class I	II	III	IV	V
Agriculture, Forestry & Nurseries					
Gross Density*	0.33				
F.A.R.	0.02	0.05			
I. S.R.	0.05	0.50			
Height, inhabited	35'	35'			
Height, uninhabited	80'	80'			
Conventional Subdivision					
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'
Performance Residential Development					
Gross Density			2.00		
I.S.R.			0.12		
Height			----------(See Section 502)----------		
Outdoor Recreation					
F.A.R.		0.01	0.01	0.02	0.02
I.S.R.		0.30	0.40	0.50	0.60
Height		20'	25'	30'	30'
Neighborhood Shopping Center					
F.A.R.		0.30	0.40		
I.S.R		0.50	0.60		
Height		25'	35'		
Recreational Rental Dwellings					
Gross Density				10	
F.A.R.				0.15	
I.S.R.				0.25	
Height				35'	

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

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

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

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

Land Use/Maximum Performance Standards		Class VI	VII	VIII	IX	X
Outdoor Recreation						
	F.A.R.	0.03	0.04	0.05		
	I.S.R.	0.70	0.80	0.90		
	Height	30'	35'	40'		
Commercial / Entertainment and Regional Shopping Center						
	F.A.R.	0.47	0.77	1.10	1.20	2.00
	I.S.R.	0.60	0.80	0.90	1.00	1.00
	Height	25'	30'	50'	60'	60'
Road Service						
	F.A.R.		0.18	0.31	0.35	
	I.S.R.		0.50	0.80	0.90	
	Height		25'	40'	40'	
Commercial Support						
	F.A.R.	0.30	0.40	0.60	0.80	0.90
	I.S.R.	0.40	0.50	0.75	0.90	1.00
	Height	30'	35'	45'	45'	45'

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

Land Use/Maximum Performance Standards		Class IX	Class X	Class XI
Commercial Recreation				
	F.A.R.	0.30	0.40	
	I.S.R.	0.70	0.90	
Industrial Uses				
	F.A.R.			0.94
	I.S.R.			0.90
	Height			75'
Extraction of Minerals and Mining				
	F.A.R.			0.10
	I.S.R.			0.10
	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:

a. Bulk storage silos and storage towers, which shall not exceed 100 feet in height.

b. Concrete batching and mixing towers, which shall not exceed 100 feet in height.

c. Public utility poles, towers, and wires.

d. Radio and television antennae and towers.

e. Towers for mechanical equipment or smoke, which shall not exceed 16 feet above roof line of principal building.

f. Water tanks and standpipes.

g. Steeples, bell towers, clock towers, cupolas, and similar ornamental/architectural features may exceed structure height by a maximum of 25% of the height limit of the respective zoning district. Chimneys, ventilators, utility service structures, solar panels, flag poles, fire escapes, stairway enclosures or elevator enclosures may exceed height limit by 12 feet. Exclusions from structure height are parapet walls~~,~~ (limited to a height of four feet) and balustrades or railings that rise less than six feet from the floor or roof from which they extend. Exclusions shall not exceed in cross sectional area 25 percent of the ground floor area of the building. Exclusions from structure height shall not include accessory rooftop structures such as greenhouses, pigeon houses, enclosed recreational or commercial amenities and similar structures. Un-enclosed accessory rooftop recreational amenities such as swimming pools and jogging tracks shall be permitted where the amenity (exclusive of safety railings) does not exceed the height limit of the respective zoning district.

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 of 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, Urban Neighborhood (UN-E, UN-W, and UN-S) District, Neighborhood Redevelopment District (NRD), 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, UN-E, UN-W, UN-S, NRD, 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 429) must comply with the thoroughfare frontage bufferyard requirements (Section 429.06) 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 426. 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 Engineering Services 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 428. 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 426 and 427 specify species and size of plant materials and recommended minimum planting areas. Plant materials identified in Section 426 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 K and Appendix L in the Engineering Design and Construction Manual, 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	Land Use Intensity Class (Existing)										
	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 Land Use Intensity Class	District (Vacant Land)															
	UC[4]	UN[4]	NC	DD-H	NRD[4]	MDRD	RDD	R	LLRD	LDD	CDD	CRD[4]	SCCD[4]	ICD[4]	I[4]	HD
I	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR	NR
II	10	10	A	A	A	5	A	NR	A	B	B	5	5	5	20[3]	A
III	10	10	B	B	B	5	B	NR	B	10	B	5	5	5	20[3]	B
IV	A	A	10	10	10	5	10	NR	10	10	B	5	5	5	15[2]	10
V	10	10	10	10	10	5	10	B	10	15	10	5	5	5	15	10
VI	15	15	15	15	15	5	15	B	15	15	10	5	5	5	15	15
VII	15[1]	15[1]	15[1]	15[1]	15[1]	15[1]	15[1]	B	15[1]	15[1]	15	5	5	5	10	15[1]
VIII	15[2]	15[2]	15[2]	15[2]	15[2]	15[2]	15[2]	10	15[2]	15[2]	15	5	5	5	10	15[2]
IX	15[2]	15[2]	20[3]	20[3]	20[3]	20[3]	20[3]	10	20[3]	20[3]	15	10	10	10	B	15[2]
X	20[3]	20[3]	20[3]	20[3]	20[3]	20[3]	20[3]	10	20[3]	20[3]	15[1]	10	10	10	NR	20[3]
XI	20[3]	20[3]	20[3]	20[3]	20[3]	20[3]	20[3]	15	20[3]	20[3]	15[1]	15	15	15	NR	20[3]

Table 4-7: Buffer Width Requirements Adjacent to Streets

Proposed Land Use Intensity	Collector (Land Use Across Street)				Minor Street		
Class	Expwy.	Arterial	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.

1. Residential buffer required along with Structure Type Option 1.
2. Residential buffer required along with Structure Type Option 2.
3. Residential buffer required along with Structure Type Option 3.
4. For projects in the UC, all three (3) UN districts, CRD, SCCD, and I districts, no bufferyard is required if the vacant land is in the same zoning district.
5. 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.
6. 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 in order 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 × 53 inches (tree inches for 2 acres) = 79.5
round to 80 inches of trees

80 × 60% = 48 inches

48 ÷ 2.0 caliper = 24 canopy trees

80 × 40% = 32 inches

32 ÷ 1.0 caliper = 32 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 in order 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 inches (per 100 feet)	Understory Trees inches (per 100 feet)	Shrubs (number of) (per 100 feet)
10 feet	3 inches	3 inches	8
15 feet	4 inches	4 inches	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.

Existing trees located in the street frontage buffer area may receive credits if the trees are protected in accordance with Section 429. The required number of canopy tree inches must be installed, unless the Planning Director, or his or her designee, deems that the canopy tree will conflict with utilities. In such cases, the total number of tree inches may be installed using understory trees.

Example: A street has a linear frontage of 250 feet and requires a 15 foot buffer. Using the table above, they would be required to have at least five (5) 2-inch canopy trees, ten (10) 1-inch understory trees and 25 shrubs. This would

equate to 20 tree inches in the bufferyard including 10 canopy and 10 understory tree inches. Using the tree inch method the applicant could use larger trees to reduce number of total trees required. If the applicant used 4-inch canopy trees and 2-inch understory trees he or she could install three (3) canopy trees and five (5) understory trees. Furthermore, the applicant could install five (5) 4-inch canopy trees and not be required to install any understory trees.

Should a street master tree plan be implemented for a particular street which the development site fronts; the plantings from the street tree master plan will supersede the street frontage requirements for that particular frontage.

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.

Development sites which are separated from conventional subdivisions by the railroad right-of-way are exempt from this requirement.

422.04. Off-Street Parking Landscaping Requirements. Wherever a bufferyard required under Section 420.08 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 426, 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 4-1 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 420.07 may require planting materials in excess of those required by Section 422.05. 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 426, 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. Per the International Fire Code, Section 507.05, 'a 3-foot clear space shall be maintained around the circumference of fire hydrants.' There should be no obstruction preventing easy coupling of fire hoses or turning on the hydrant. The hydrant should be visible from all approaches. Items such as shrubs, brush, posts and fences should not be placed or kept near fire hydrants. 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 4-2 and 4-3 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 Urban Neighborhood (UN-E, UN-W, and UN-S) 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.

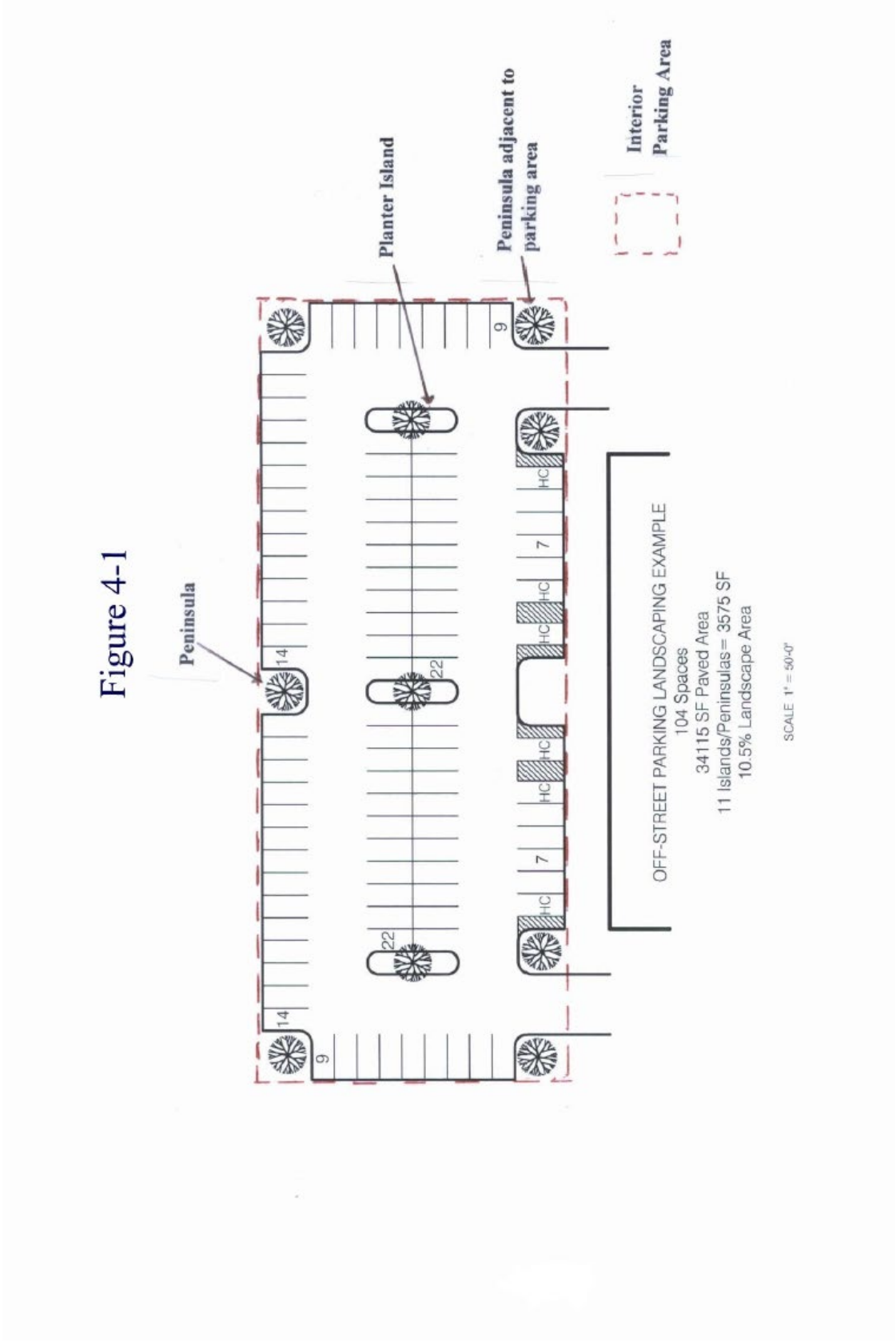
422.07. Reuse of an Existing Site. For landscaping requirements for the reuse of an existing building, refer to Section 707 of this Ordinance. The landscape requirements will be determined by the adjacent land uses and the location of the proposed new use.

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
A	5’	0	3
B	10’	1	3

Figure 4-1


Peninsula
Planter Island
Peninsula adjacent to parking area
Interior Parking Area
14
22
9
7
HC
OFF-STREET PARKING LANDSCAPING EXAMPLE
104 Spaces
34115 SF Paved Area
11 Islands/Peninsulas = 3575 SF
10.5% Landscape Area
SCALE 1" = 50'-0"

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

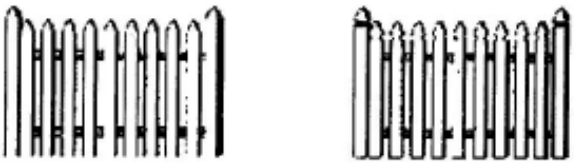
Option B – Berm – Height = 2 Feet
Stockade Fence with
Decorative Design and/or Columns of Brick or
Stone – Height = 6 Feet
Total Height = 8 Feet

Figure 4-2

Figure 4-3

Fencing Options

For Illustration Purposes Only



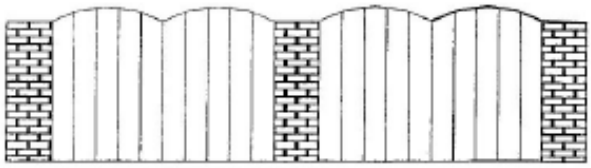
Wood Fence - Picket Style



Wood Fence - Rail Style



Wood Fence - Crossbuck Style



Stockade Fence - Brick Columns



Stockade Fence - Decorative Styles

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 425.

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 425 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 drip line 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 426.01 specify the plant materials and standards that must be met in order to satisfy the requirements of Sections 420 through 421 (bufferyards), 422 through 422.03 (general landscaping), 422.04 (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**
Canopy Tree	
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
*Understory Tree**	-
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 – 304 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 428.A), a Tree Protection Plan (Section 428.B) and a Tree Replacement Plan (Section 428.C).

If tree credits are not desired, the landscape plan shall consist solely of the Tree Replacement Plan (Section 428.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. 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 rights-of-way of any street with a classification of arterial or collector, as designated in Appendix K and Appendix L in the Engineering Design and Construction Manual.

Property located in the Rural (R) District and Industrial (I) District are exempt from these regulations, except for the bufferyard requirements for Industrial (I) zoned property, as specified in Section 429.06. In addition, 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 cemetitious siding with offsetting vertical joints (maximum seven (7) inch exposure), cemetitious 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. Exposed metal with architectural metal finishes (i.e., Alucobond or similar type of materials) may only be used as architectural trim and accents.

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 Section 422) 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 and the Urban Neighborhood West (UN-W) District east of North Donahue Drive are exempt from the bufferyard requirements.

A. **Bufferyard Requirements.** When there is no conflict with the required front setback, a 15-foot buffer shall be installed along the entire thoroughfare frontage. The minimum side and rear buffers shall be five (5) feet wide. These buffer areas shall contain planting material in accordance with Section 422, General Landscaping Requirements. The development site is also subject to Sections 422 through 428.

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 422.04 for Off-Street Parking Landscaping requirements.

B. **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.

C. 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. Screening shall be architecturally designed or of a material similar in quality and appearance to other areas of the building façade. For example, a parapet wall may be used to screen rooftop equipment. Effective screening should not call attention to itself, but quietly complement the building.

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 Engineering 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 Engineering 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 Engineering 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. 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 Engineering 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.